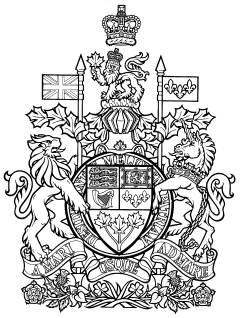

CANADA

Debates of the Senate

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OFFICIAL REPORT
(HANSARD)

Tuesday, October 28, 2003

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, October 28, 2003

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

Prayers.

SENATOR'S STATEMENT

THE HONOURABLE MICHAEL A. MEIGHEN MS. KELLY MEIGHEN

UNIVERSITY OF NEW BRUNSWICK— CONGRATULATIONS ON RECEIVING DOCTORAL DEGREES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on Thursday last, the University of New Brunswick came together for its fall convocation, and our colleague the Honourable Senator Michael Meighen and Ms. Kelly Meighen were each conferred the doctoral degree *honoris causa*.

The neo-doctorates thereupon spoke to the graduands, pointing out that for the students to be successful and fulfilled in their lives, each will have to set new goals for themselves, rise to new challenges and open their minds.

The Doctors Michael and Kelly Meighen then counselled the following:

> You must strive to understand yourselves, not only because self-knowledge holds the key to success but also because, without knowledge, there can be no wisdom and no true happiness.

No doubt this sentiment was built on that great Shakespearean line from Hamlet:

> To thine own self be true... Thou canst not then be false to any man.

All honourable senators know of the tremendous support that our colleague the Honourable Senator Meighen gives to the Shakespearean movement in our country, in particular, support of the Shakespearean theatres in Stratford. For that reason, honourable senators, and for many other important causes in which Senator Meighen and his wife participate as philanthropists and community builders, I think you will agree with me that kudos are well-deserved, and we extend our congratulations to them.

[*Translation*]

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

THIRD REPORT OF JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to present the third report of the Standing Joint Committee for the Scrutiny of Regulations, on broadcasting licence fees.

[*English*]

STUDY ON NEED FOR NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I rise on behalf of the Standing Senate Committee on National Security and Defence. The National Security and Defence Committee is ready to file its report today, but Senator Kenny is not here. I have copies of the report, but we do not have copies for all of the members yet. I will ask your consent, honourable senators, to revert to Item No. 3, Presentation of Reports from Standing or Special Committees, following the vote at 3:30 p.m.

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I did not quite get what was said.

Senator Graham: The honourable senator wants to revert later, since he does not now have enough copies.

The Hon. the Speaker: Honourable Senator Kinsella is not clear on what leave is being requested.

• (1410)

Senator Day: Honourable senators, I am asking that the Standing Senate Committee on National Security and Defence have the permission of the Senate to revert to item number 3 on the Daily Routine of Business, to table a report of the National Security and Defence Committee later today. I expect that that will be following the vote this afternoon at 3:30 p.m.

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

Hon. J. Michael Forrestall: For clarification, I wonder if the honourable senator could indicate whether this is a report stemming from work done by the Subcommittee on Veterans Affairs?

Senator Day: No, honourable senators, this is the report that we have been dealing with in committee entitled "Canada's Coastlines: The Longest Undefended Borders in the World."

Senator Forrestall: Leave is not granted.

Senator Day: Honourable senators, on behalf of the Standing Senate Committee on National Security and Defence, I would then like to table these reports on behalf of the committee.

Senator Kinsella: He is the deputy chair.

Senator Lynch-Staunton: How dare he supersede the chairman?

Senator Forrestall: Get your act together!

The Hon. the Speaker: Honourable senators, just as a reminder, we are on the item of Presentation of Reports from Standing or Special Committees, and the Honourable Senator Day is tabling the report. Is that right?

Senator Day: That is correct.

The Hon. the Speaker: No leave is required to table a report.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, perhaps I could have the indulgence of the house for just a moment. One of our colleagues has collapsed. Senator Ferretti Barth is now being attended by Dr. Keon and by an ambulance, and that is why so many senators were out of the chamber for just a few minutes. Senator Ferretti Barth is receiving care at this very moment, and we will report back to you when we have any news.

[*Translation*]

CLERK OF THE SENATE

2003 ANNUAL ACCOUNTS—NOTICE OF MOTION TO REFER TO INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE

Hon. Lise Bacon: Honourable senators, I give notice that tomorrow, Wednesday, October 29, 2003, I will move:

> That the Clerk's Accounts, tabled on October 27, 2003, be referred to the Standing Committee on Internal Economy, Budgets and Administration.

[*English*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Donald H. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

> That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to present petitions bearing 2,000 more signatures, thereby bringing the total to date to 12,000 petitioners who request that Ottawa, the capital of the country, be declared a bilingual city, reflecting the linguistic duality of Canada.

The petitioners call upon the Parliament of Canada to consider the following:

> That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;
>
> That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government in Canada;

[*English*]

> That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely English or French;
>
> That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.
>
> Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 to the *Constitution Act*, from 1867 to 1982.

• (1420)

QUESTION PERIOD

THE ENVIRONMENT

NEW BRUNSWICK— INFRACTIONS OF IRVING COMPANIES

Hon. W. David Angus: Honourable senators, my question today relates to my new-found portfolio of protector of the environment. It also deals with New Brunswick's first family, the Irvings. I should add that it does not deal directly with the issue of federal cabinet ministers receiving free salmon fishing trips and free flights, but it might affect the quality of fishing in New Brunswick waters.

My new favourite governmental environmental deficit topic leads me to point to recent revelations that effluent from the Irving pulp mill in Saint John, New Brunswick, was so toxic that it killed trout in 239 tests over a five-year period, and yet the Irving company was charged only once. These revelations emanate from Environment Canada in a submission to the Commission for Environmental Cooperation Secretariat, which is considered to be the environmental watchdog for the North American Free Trade Agreement.

Furthermore, apart from the fish-kill tests, Irving companies were guilty of hundreds of violations of other federal laws over the period 1996 to 2000.

My question is for the Leader of the Government in the Senate: Does she have any detailed information explaining why the Irving companies were charged only once for these many infractions of environmental laws over the past five-year period?

Hon. Sharon Carstairs (Leader of the Government): First, let me welcome the honourable senator to his new critic responsibilities. I suggest that he take good lessons from the Honourable Mira Spivak, who is an outstanding environmentalist and is highly respected for her views on both sides of this chamber.

In terms of the Irving pulp mill spills, I must tell the honourable senator that this is the first time I have heard of them. Therefore, I have absolutely no details for him and will have to take the question as notice.

ENFORCEMENT OF STANDARDS AGAINST PULP MILLS

Hon. W. David Angus: Honourable senators, in light of these revelations, it is somewhat ironic that Arthur Irving, the current head of the Irving family, was named an Officer of the Order of Canada last week "...for positioning his company at the vanguard of environmental innovations." That quote is taken from *The Ottawa Sun* of October 3, 2003, and from the Governor General's citation.

My supplementary question deals with the recommendation by the Commission for Environmental Cooperation that a full investigation be launched into complaints that Canada is failing to enforce environmental laws with respect to 12 pulp mills. Apparently such an investigation requires political approval of two of the three NAFTA countries.

Would the Leader of the Government in the Senate please tell us where her government stands on this request? At the same time, does she have any insight into what her future leader, Paul Martin, thinks in this regard? He is also a beneficiary of the Irvings' largesse recently, to the extent of $100,000. Would she please provide this information for me?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin by saying how much I regret that the honourable senator has called into some disrepute the Order of Canada. As he knows, it is the Chief Justice of the Supreme Court of Canada who chairs the panel that determines those awards. These awards are non-political in nature. I would hope that he would retract his comments with respect to the Order of Canada.

As to the honourable senator's comments with respect to the future leader of the Liberal Party of Canada, the future leader will be well able to speak for him or herself following the election on November 14.

Finally, as to the position of the Government of Canada with respect to the NAFTA rules that may have been violated, I do not have that answer, and I will take the honourable senator's question as notice.

THE CABINET

ACCEPTANCE OF INVITATIONS FROM IRVING COMPANY

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. It would appear that we are in the midst of serial confessions by Ministers of the Crown. I am starting to wonder whether the Prime Minister has held, or has ever considered holding, cabinet meetings at the Irving fishing lodge?

Rather than drag the process out until the middle of December, when we are scheduled to break for the holidays, can the Leader of the Government in the Senate provide us with a list of all of the ministers who have taken a trip to the Irving fishing lodge in the last 10 years, or, in the alternative — which appears to be a shorter list — those who have not taken such a trip?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me begin by saying that I have never taken such a trip. As to how many others may have, one must recognize that the Irvings have friendships with many Canadians on both sides of this chamber. The Irvings have run a long-established company within the Province of New Brunswick. As a result, they know many people who sit on both sides of this chamber.

One must carefully separate when one does something with a friend, from when one does something for so-called other reasons, to which I believe the honourable senator is alluding.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, while I am on my feet, Senator Ferretti Barth is now sitting up and has regained consciousness. She has been transported to hospital.

THE ENVIRONMENT

ACCEPTANCE BY MINISTER OF INVITATION TO VISIT IRVING CAMP

Hon. Marjory LeBreton: Honourable senators, the Minister of the Environment has announced that he reimbursed the Irving family $1,500 to cover the cost of the trip and accommodation at the company's fishing lodge. The Ethics Counsellor — surprise, surprise — has cleared the Minister of the Environment of any wrongdoing because "He was not a guest of the Irvings; rather, he was a guest of former Governor General Romeo LeBlanc," who is also a former Speaker in this chamber. Will the Leader of the Government in the Senate tell us why Minister Anderson would repay the Irvings if he was a guest of Romeo LeBlanc?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I assume that the Minister of the Environment repaid the Irvings because the Irvings own the lodge.

TRANSPORT

AVIATION REGULATIONS—PAYMENTS BY VISITORS TO IRVING COMPANY FOR FLIGHTS ACCEPTED

Hon. Marjory LeBreton: Honourable senators, Ministers Bradshaw and Anderson have written cheques to pay for their "Air Irving" flights, but Richard Gage of the Canadian Business Aviation Association says that Irving jets operate under section 604 of Canadian air regulations, which prohibit owners from charging a fare to passengers not affiliated with company business. Mr. Gage has said that there is no legal way for ministers to compensate the Irvings for the flights.

Will the Leader of the Government in the Senate tell us whether, in addition to placing themselves in a position of apparent conflict of interest, ministers have now broken Canadian aviation regulations by paying the Irvings for their flights?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, all I can tell the honourable senator is that in the case of Ministers Anderson and Bradshaw, they were following the advice of the Ethics Counsellor.

Senator Lynch-Staunton: That is the problem.

THE CABINET

ACCEPTANCE OF INVITATIONS FROM IRVING COMPANY

Hon. Marjory LeBreton: The Ethics Counsellor has said that there was no conflict. This is like *Alice in Wonderland*: It gets "curiouser and curiouser."

It appears that the Irving fishing lodge was fully booked from August 15 to 17, 2001. We now know that the Minister of the Environment, the Minister of Fisheries, the former Governor General, the Member of Parliament for Beauséjour—Petitcodiac, Sasha Trudeau and Ottawa lobbyist Paul Zed were all in attendance discussing forestry and fisheries issues and the future of the Halifax shipyards.

Will the Leader of the Government first confirm that no other cabinet minister or Liberal member of Parliament was in attendance at the Irving camp from August 15-17, 2001?

• (1430)

Second, can the minister confirm that none of these ministers subsequently made representations to other cabinet ministers about issues that were discussed that weekend?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not know who else was at what appeared to be a private party among friends, a private party such as takes place on a fairly regular basis throughout this country on summer and winter weekends.

As to representations by these ministers, to the best of my knowledge, there were none.

NATIONAL DEFENCE

REDUCTION OF SOVEREIGNTY PATROLS BY AURORA AIRCRAFT—POSSIBLE USAGE OF IRVING COMPANY AIRCRAFT

Hon. Terry Stratton: Honourable senators, the Canadian navy has seen a 54 per cent reduction in the number of Aurora flying hours over the last decade. The navy has stated that to resolve the Aurora problem, it is considering hiring private companies to conduct air sovereignty patrols along Canada's East and West Coasts.

As honourable senators are well aware, it seems that the Irving Oil company has been generously providing free flights to any government minister that asks for them. Will the government consider asking the Irving Oil company to include sovereignty patrols along Canada's East and West Coasts, or is it too far out of the flight path to the fishing lodge?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, would the honourable senator like me to take his suggestion forward to members of the cabinet?

Senator Stratton: Of course.

THE ENVIRONMENT

REPORT OF COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT— EVALUATION OF PESTICIDES

Hon. Mira Spivak: Honourable senators, like Clark Kent and Superman, my dear colleague Senator Angus has always been a raging environmentalist masquerading under the persona of a financial titan.

The Commissioner of the Environment and Sustainable Development is a very down-to-earth, practical and strong-minded woman. When she produces a shocking report on toxics, we can conclude that it is based on sound evidence.

She said, among other things, that of 405 active ingredients used in thousands of commercial pesticide products that are supposed to be evaluated by 2006, only 1.5 per cent have been evaluated against current health and environmental standards.

Could the Leader of the Government give us an indication of what response the government has decided to make to deal urgently with this matter that affects the health and environment of the whole country?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Environment Canada is investing $7 million of new funds over the next five years dedicated to a nationally coordinated departmental science program to improve our understanding of the environmental presence and effects of priority pesticides in Canada. This program has just been undertaken.

The honourable senator is quite correct, as she always is, in indicating that we have only a certain amount of time to do these tests. They have been lagging. It is hoped that with the new regulations, legislation and money we can now step this up to a much higher level.

Senator Spivak: Honourable senators, the commissioner has said that the processes we observe seem to defy timely, decisive and precautionary action. She said that new pesticides are not fully evaluated; that 58 per cent of new pesticides are temporarily registered, even though some of the information needed is missing; that new and possibly safer products are not getting to users as fast as they should; that information on compliance is lacking and that information on the use and impacts of pesticides is still missing.

This is a tall order. Although I know it is impossible at the moment, could the Leader of the Government in the Senate commit to providing us not only with a detailed response but also with a full accounting of staff and budgetary resources dedicated to reducing our toxic substances problem?

Senator Carstairs: Honourable senators, as the honourable senator knows, a newly created, centrally administered pesticide science fund is now operational. Accepting the comments of the environment commissioner that we need to get on with it, the government hopes that this new fund can be used to bolster our knowledge and expertise in these fields.

FOREIGN AFFAIRS

AFRICA—GOVERNMENT CONTRIBUTION TO COMBAT HIV/AIDS

Hon. Donald H. Oliver: Honourable senators, my question today is about AIDS in Africa, a problem in pressing need of resolution.

Media reports have claimed that the federal government's initiative to provide inexpensive AIDS drugs to poor African countries has hit some roadblocks due to difficulty in drafting the legislation and due to time constraints created by the government's supposed intention to shut down Parliament within two weeks.

Mr. Stephen Lewis, the United Nations Special Envoy for AIDS in Africa, has urged the federal government in Canada not to give up on crafting this legislation, saying:

> People everywhere are counting on Canada moving on this.

When will this bill be introduced? Could the Leader of the Government in the Senate assure us that this particular initiative will not be shelved or lost due to its complexity or due to circumstances surrounding the Liberal leadership change?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator knows, the Government of Canada fully supports the agreement reached by the World Trade Organization. We are moving as quickly as possible to allow poor countries better access to the medicines needed to respond to what he and I know is a grave public crisis.

It appears that Canada would be the first country willing to take action to implement this decision. Therefore, it must take time to develop the best possible way to implement the agreement.

Having said that, we are moving quickly, but we are also moving carefully.

Senator Oliver: Honourable senators, can the minister tell us whether legislation is being drafted that will help provide the inexpensive drugs that have been promised to the African countries suffering from AIDS, and can we expect that legislation this week or next week?

Senator Carstairs: Honourable senators, I know that the legislation is being drafted. I do not know when we can expect it. However, I am hoping, as the honourable senator is hoping, that it comes quickly.

INTERNATIONAL TRADE

UNITED STATES— RENEWAL OF SOFTWOOD LUMBER AGREEMENT

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last week, top officials from the Bush administration and B.C. Premier Gordon Campbell expressed hope that a deal to end the softwood lumber dispute with the United States could be reached within weeks. This coincided with a meeting on October 22 between Doug Waddell, Canada's top lumber negotiator, and U.S. Commerce Undersecretary Grant Aldonas.

Could the Leader of the Government in the Senate comment on whether her government shares the optimistic sentiments of the B.C. premier with respect to the likelihood of a deal being reached on softwood lumber?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada is committed to developing a long-term policy-based solution to the softwood lumber dispute with the United States. In July, there was an interim agreement. That interim agreement was, unfortunately, unable to be concluded at that time.

Our negotiators continue their efforts toward finding that long-term solution. However, based on the demands of the United States' lumber industry, and not the American government, it is not clear whether this will be possible in the immediate future.

• (1440)

Senator St. Germain: This latest dispute with the United States has cost thousands of jobs in British Columbia and right across the country and in excess of $1.5 billion to the lumber producers. This has been a huge burden for over 80,000 Canadians who are normally employed in sawmills and roughly 300 communities that are dependant on the forestry sector. The two-year-old forestry dispute is hampered by both this government's lack of effectiveness on international trade matters and a paralysing wait-and-see approach that it has taken.

Could the Leader of the Government in the Senate please comment on how high a priority she believes the future leader of the Liberal Party, Paul Martin, will give this matter and whether it will be a priority of that administration? Under the present administration, virtual silence has fallen on the issue.

Senator Carstairs: Honourable senators, there has not been silence on the part of this government. I cannot speak for the future administration, as I suspect I will not be a part of that administration. The honourable senator will have to find an individual who will be part of that administration.

Senator Prud'homme: Who would that be?

HEALTH

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT— REPORT ON DOCTOR-PATIENT RATIOS OF COUNTRIES

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. A new report from the Organization of Economic Co-operation and Development has ranked Canada as having one of the lowest ratios of doctors to population in the Western World. OECD figures show that in 2001 Canada had 2.1 physicians per every 1,000 residents. The only countries that had a lower ratio were Mexico, Korea and Turkey. The report also found that from 1980 to 1992, Canada's doctor-to-patient ratio rose from 1.8 to 2.2, but since 1993 it has remained stagnant. These numbers tell Canadians what they have already known for a long time: It is becoming more and more difficult to find a doctor.

Our Senate committee, in its recent report, recommended a solution to this problem. Can the federal government do anything to accelerate the recommendations of our committee to overcome this situation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, medical colleges are within the purview of the provinces. I think we made a serious mistake, and I think the honourable senator's committee recognized that serious mistake, in actually cutting back on the entry of medical school students. Many of the medical schools have now increased the number of students at the undergraduate level, but, as the honourable senator knows better than most, it takes a number of years before those physicians actually practise medicine, not just the four years of medical school, but then the internship, residency and additional training that they need.

The federal government has put dollars on the table for health care transition funds, part of which are directed toward skilled workers in the field of health care. In addition, we know that the problem of accreditation for foreign-trained doctors is moving slowly, but it seems to be moving for the first time.

I hope that Canadian colleges, as well as the College of Physicians and Surgeons and the academic communities, can work together to ensure that when we have doctors who could be easily qualified in a relatively short period of time, we open internship positions so that they can practise medicine.

PHYSICIAN GRADUATION—SUFFICIENT POSITIONS FOR INTERN-RESIDENT TRAINING

Hon. Wilbert J. Keon: Honourable senators, the minister has raised the question of accreditation of foreign doctors. I was hoping that we could also see some real progress in that area. It is moving very slowly.

Another area concerns me, although I do not yet have all my facts, which I will draw to the minister's attention within the next few days when I receive them. I believe there will be an announcement within the next week or so indicating that medical school graduates this year will not have available to them enough positions for intern and resident training. This surely would be a terrible predicament because they will go south to train and they will stay there.

Given what will happen in our country at the federal level in the next few months, it would be a worthwhile undertaking if some intervention could be made by the federal government to pull the provinces together to address this issue now. Does the Leader of the Government think that is possible?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. He raises a situation that is actually beyond the current medical school students because if we do not have enough intern and residence positions for graduates, then we certainly do not have them for trained immigrant doctors in our community.

I will take the honourable senator's concern forward to the Minister of Health. I will ask her to look at the transition funding, particularly with respect to physician education and other health care educator positions, to see if we cannot prod and probe a little harder to get the provinces to respond.

TRANSPORT

REROUTING OF EL AL FLIGHTS RESULTING FROM TERRORIST THREATS

Hon. J. Michael Forrestall: Honourable senators, can the Leader of the Government in the Senate tell this chamber what she knows or what she may have learned in the last day or two of the recent threat to attack an El Al airplane as it approached Canada's Pearson International Airport in Toronto?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have much more detail than you, other than to say that apparently the threat originated in Canada. B'nai Brith, for one, has now called for greater surveillance. In response to that call, and on its own initiative, the Government of Canada is examining the situation.

Senator Forrestall: The government has repeatedly indicated that there is no al-Qaeda presence in Canada. As the leader might well know, there have been references and news reports to the fact that the threat was, as she has indicated, made by al-Qaeda. Could the minister clarify for us whether this threat was made from a telephone link in Canada, and does the minister have any knowledge as to whether a cell phone or a pay phone might have been used?

Senator Carstairs: As the honourable senator undoubtedly understands, this is a matter of some security. I will obtain for him everything I can, but I think the honourable senator would respect the fact that some of this information simply may not be available in a public venue.

SOLICITOR GENERAL

PRESENCE OF AL-QAEDA IN COUNTRY

Hon. J. Michael Forrestall: As a final supplementary question, there are also reports of the seizure of a German-made rocket launcher entering Canada, along with 14 other weapons caches, between April 2001 and March 2003. Could the minister shed any light on this report, and could she tell the chamber whether the government has any reason to believe that al-Qaeda is present in Canada and armed to attack civilian airliners as they approach our busiest runways?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not have information on either one of the files that the honourable senator has asked me to comment on.

This weekend I read an article from the United States, interestingly enough, about the thought that they may now ban golf bags from airlines because, apparently, a golf bag is a place that could carry a rocket launcher. Officials are very concerned about the transportation of such a weapon.

• (1450)

However, I will take the particular issues that the honourable senator raises as notice.

FOREIGN AFFAIRS

UNITED NATIONS GENERAL ASSEMBLY RESOLUTION ON NUCLEAR NON-PROLIFERATION

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate. An extremely important resolution is approaching a vote this week at the First Committee of the United Nations General Assembly. Introduced by the New Agenda Coalition, this omnibus resolution, "Towards A Nuclear-Weapon-Free World: A New Agenda" is based on the final document of the 2000 Nuclear Non-Proliferation Treaty Review Conference, where all parties unanimously agreed to advance the nuclear disarmament agenda by means of 13 practical steps. The drafters of the resolution have taken into account Canada's concerns. Important groups such as the Middle Powers Initiative, Project Ploughshares, Canadian Pugwash and Physicians for Global Survival endorse the resolution.

Will the minister undertake to contact Foreign Affairs Minister Graham immediately to urge him to have Canada vote "yes" for this resolution, bearing in mind that the vote may happen as soon as Thursday of this week?

Hon. Sharon Carstairs (Leader of the Government): I can assure the honourable senator that I will take his message forward before Thursday. I will do so later this afternoon so that the minister is aware of the wishes of the honourable senator.

Senator Roche: Honourable senators, Canada voted "yes" on a similar resolution introduced by the New Agenda Coalition at the UN General Assembly last year and was the only NATO state to do so. The example that Canada set last year must be maintained to give credence to Minister Graham's statements that the nuclear disarmament agenda is a high priority for Canada. I am pleased that the honourable leader has said that she would take this representation forward this afternoon because this vote may happen as soon as Thursday. I would ask the honourable leader if she could confirm with me, at her earliest opportunity, that Canada would vote "yes"?

Senator Carstairs: Honourable senators, if the vote will be on Thursday, you will probably learn at the same time as I how the Government of Canada has cast its vote.

I can only assure the honourable senator that I will take his representations forward.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in this house, a delayed response to an oral question raised by Senator Kinsella on October 8, 2003, concerning the viability of the navy's equipment, and a delayed response to an oral question raised by Senator Comeau on September 30, 2003, concerning the inquiry form used by parliamentarians.

NATIONAL DEFENCE

DEPLOYMENT OF HMCS *TORONTO*— TRANSFER OF EQUIPMENT FROM OTHER FRIGATES

(Response to question raised by Hon. Noël A. Kinsella on October 8, 2003)

The Government and the Canadian Forces recognize the burden that has been placed on the members of the Forces in the Campaign Against Terrorism, including the Navy.

With ongoing improvements in the security environment, we are able to progressively draw down our commitment to the Campaign Against Terrorism and we are now able to stagger our naval deployments.

Certain pieces of equipment are only used for ships on specific missions, such as the Campaign Against Terrorism. These pieces of equipment can be moved from ship to ship as required.

If a piece of standard equipment on a ship is inoperable and replacement equipment is not available from the supply chain it may be transferred from a ship with a lower operational requirement.

FISHERIES AND OCEANS

REQUIREMENT OF PUBLIC SERVANTS TO REPORT ON MEETINGS WITH SENATORS AND MEMBERS OF PARLIAMENT

(Response to question raised by Hon. Gerald J. Comeau on September 30, 2003)

The inquiry form is a tool to ensure that parliamentarians receive complete and timely answers to their questions and to keep parliamentarians, the Minister and departmental officials apprised of issues of concern to parliamentarians.

In our system of government, the Minister is responsible for the activities of his or her department and is accountable to Parliament for these activities. Accordingly, it is appropriate and important that Ministers are aware of communications taking place between their officials and parliamentarians.

Parliamentarians routinely request information from departmental officials across government, and Department of Fisheries and Oceans (DFO) officials strive to provide complete and accurate answers to factual questions in their areas of expertise. The inquiry form serves to ensure that answers to parliamentarians by these officials are being provided in a full, accurate and timely manner. The form also ensures that when parliamentarians raise such answers with the Minister he is able to respond quickly and effectively to their concerns. That said, given the concerns expressed by Senator Comeau and others, DFO officials are reviewing the text of the inquiry form to ensure that its application is clear and that it meets its intended purposes.

[*English*]

BUSINESS OF THE SENATE

POINT OF ORDER—DEBATE SUSPENDED

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before the calling of Orders of the Day, I have a point of order to raise in respect of procedure. During Routine Proceedings, His Honour called Presentation of Reports from Standing or Special Committees. Senator Day, as a member of the Standing Senate Committee on National Security and Defence, rose and asked for leave to revert to the item to table some reports. Leave was denied yet he proceeded, as can be done under this rubric, to table one or two reports from the committee.

Tradition, both in committee and in this chamber — a convention, because it is an unwritten rule — states that when the chair is absent from either the committee or the chamber, then the deputy chair takes over his or her responsibilities. If the deputy chair is absent from either the committee or the chamber, then a member from the committee is designated to act on behalf of the chair.

In this instance, Senator Day rose, as Senator Forrestall, Deputy Chair of the Standing Senate Committee on National Security and Defence, was in the chamber at that time. Thus, the point of order is that it was highly irregular and it broke convention, which is to say an unwritten rule, for a member of a committee to do anything on behalf of the committee when the deputy chair was also present.

I would suggest that the tabling of the report was irregular, and should be withdrawn and then tabled by an authorized member of the committee in the absence of the chair and deputy chair. In this case, the deputy chair, who was in the room at the time that Senator Day tabled the report, should have tabled it instead.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I believe we have already dealt with this issue of determining who has the authority to present a committee report to this chamber.

Although I cannot cite the page number, I know that the *Rules of the Senate* state clearly that the chair of a committee may delegate this task to a senator and that senator may present the report in the Senate. This issue was raised some time ago. I will agree that it might be a good idea that, when the chair or deputy chair of the committee is absent, this would be the practice, but if the deputy chair is present, he or she could do it. The rules, however, permit the chair to delegate the task of presenting the report to another senator.

Senator Lynch-Staunton: Honourable senators, in the instance just mentioned by Senator Robichaud, both the chair and the deputy chair were absent. In the case at hand, the deputy chair was present. The rules state that in the absence of both, the authority is delegated to a member designated by the chair or deputy chair. In the matter at hand, the rules do not apply because the deputy chair was present.

[*English*]

Hon. Joseph A. Day: Honourable senators, I made the request to return to Daily Routine of Business. I know that Senator Kenny and committee members approved the report but did not have the copies ready immediately and that they would be ready later.

Honourable senators, rule 97(1) of the *Rules of the Senate* states:

> A report from a select committee shall be presented by the chairman of the committee or by a Senator designated by the chairman.

That is the rule, and the chair of the committee designated me. The Leader of the Opposition in the Senate is urging upon you an unwritten rule to vary a written rule.

Hon. Terry Stratton: Honourable senators, I should like to ask a question of the honourable senator. This place is known for its tradition and customs and not for its ignoring of plain old courtesy. We generally comply with the fact that if the chair is not available to represent a report, then the deputy chair is automatically asked to do so, out of politeness. It goes to the collegiality of committees in that we put aside political differences in many instances to work together. Ignoring the opposition and simply going to someone on the government side to present a report is counter to what we try to accomplish in this chamber. I wonder why the honourable senator did this? I have to ask that fundamental question.

The Hon. the Speaker: Honourable senators, it being 3 p.m., pursuant to the order adopted by the Senate on October 27, 2003, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of the Honourable Senator Lynch-Staunton.

Pursuant to agreement, the bell to call in the senators will be sounded for 30 minutes.

Debate suspended.

• (1530)

The sitting of the Senate resumed.

PUBLIC SERVICE MODERNIZATION BILL

THIRD READING—
MOTION IN AMENDMENT NEGATIVED

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.
>
> On the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kelleher, P.C., that the Bill be not now read a third time but that it be amended in clause 230, on page 249, in the French version,
>
> (*a*) by replacing line 32 with the following:
>
> "saire, commissaire délégué et employés de"; and
>
> (*b*) by replacing line 34 with the following:
>
> "les commissaire et commissaire délégué sont".

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Buchanan	Nolin
Cochrane	Oliver
Comeau	Prud'homme
Doody	Rivest
Eyton	Robertson
Forrestall	Roche
Gustafson	Spivak
Johnson	St. Germain
Kelleher	Stratton
Keon	Tkachuk—27
Kinsella	

NAYS
THE HONOURABLE SENATORS

Adams	Kenny
Bacon	Kroft
Banks	LaPierre
Biron	Lapointe
Bryden	Lavigne
Callbeck	Léger
Carstairs	Losier-Cool
Chaput	Maheu
Cook	Mahovlich
Cools	Massicotte
Corbin	Merchant
Cordy	Milne
Day	Morin
De Bané	Pearson
Downe	Pépin
Fairbairn	Phalen
Finnerty	Poulin
Fraser	Poy
Furey	Ringuette
Gauthier	Robichaud
Gill	Rompkey
Grafstein	Smith
Graham	Sparrow
Harb	Stollery
Hervieux-Payette	Trenholme Counsell
Hubley	Watt
Jaffer	Wiebe—55
Joyal	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

BUSINESS OF THE SENATE

POINT OF ORDER WITHDRAWN

The Hon. the Speaker: Honourable senators, we now return to the point of order.

Hon. Terry Stratton: Honourable senators, is the Honourable Senator Day aware of the custom and practice that if the committee chair is not available, the deputy chair tables the report? If so, why would he ignore the convention?

The Hon. the Speaker: Honourable senators, interventions are made on points of order. There is not an opportunity to put questions. I will see senators as they rise.

Hon. J. Michael Forrestall: Honourable senators, I had a conversation subsequent to the incident, which disturbed me somewhat. I have had a conversation with the chair of the committee and find that the error was inadvertent. Under other circumstances, it would not have happened.

I appreciate the point of order being raised, but I have accepted Senator Kenny's explanation. I think that should be the end of it.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to place on the record rule 97(1), which clearly states:

> A report from a select committee shall be presented by the chairman of the committee or by a Senator designated by the chairman.

The chair is well within his or her right to do that. Having said that, I think it is a good idea, whenever possible, that if the chair is not able to present the report, the deputy chair present the report.

I have put that suggestion on the record previously. I would hope that honourable senators on both sides of the chamber, because we have chairs on both sides of the chamber, would try to do that whenever possible.

Hon. Colin Kenny: Honourable senators, I think that it is appropriate for me to first apologize and to express my respect for the honourable deputy chair of the committee. I assure him that no disrespect was intended in this circumstance.

I do apologize, Senator Forrestall. I appreciate your comments.

The Hon. the Speaker: The point of order has been made.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am pleased to withdraw my point of order. I think the point was made.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would like to begin with Item No. 2 under Government Business, namely Bill C-25, and then return to the order proposed in the Order Paper.

• (1540)

[*English*]

PUBLIC SERVICE MODERNIZATION BILL

THIRD READING—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.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to participate in the debate on Bill C-25. In my speech, I will present a motion in amendment dealing with the matter of whistle-blowing. I will ask that my amendment, which has been prepared in both official languages, be circulated to honourable senators.

Honourable senators, this chamber has been doing serious work —

The Hon. the Speaker: Honourable senators, I am sorry to interrupt but the chamber is rather noisy. I would ask honourable senators to come to order. If you must have a conversation, please carry it on outside the chamber.

Senator Kinsella: Honourable senators, as I tell my students, you better not only listen, but take notes, because there will be a test afterwards.

Honourable senators, I want to compliment all members of the house for the hard work at third reading stage and at committee stage that has gone into the examination of Bill C-25. The in-depth work that was done in committee has been referred to already. A number of motions and amendments were brought forward in committee, and a number of amendments have been brought forward here at third reading.

Honourable senators will recognize that all of the amendments that have been brought forward have spoken to discrete and different issues related to the bill. It was necessary to deal with different amendments on these different issues because the bill does cover a wide range of matters relating to the government's proposal to modernize the public service.

We have just rejected an amendment proposed by my colleague Senator Lynch-Staunton. We will try to understand why it was rejected given the fact that it is the very same content that is contained in Bill C-41, which is on our Order Paper. I am having a hard time understanding how the government quarters have rejected that, when it was an amendment to Bill C-25 precisely.

At any rate, I wish to focus on the matter of whistle-blowing. In doing so, once again, I wish to bring to the attention of honourable senators a copy of a letter dated June 16, 1993, from Prime Minister Chrétien. It was a letter addressed to Mr. Daryl Bean, and I will quote it for you. This is what the Prime Minister promised when he was the Leader of the Opposition: "A Liberal government would introduce whistle-blowing legislation in the next Parliament." The letter was dated and signed June 11, 1993. There have been many Parliaments since then, and this written letter — this written guarantee — has not been honoured.

Yesterday, we heard from our colleague Senator Gauthier that he had correspondence with the same Prime Minister. The correspondence that has been tabled between the Prime Minister and Senator Gauthier says that we do not have to worry about official languages and we do not have to worry about the tribunal that is proposed by Bill C-25 — there is no guarantee that the proceedings before that tribunal will be in both official languages in the statute. However, Senator Gauthier says — and we concede, if you read the letter from the Prime Minister — that the Prime Minister is saying in his letter, "Well, yes, we should do that. Do not worry about it."

Well, I have a letter and Senator Gauthier has a letter. My letter guaranteed from Mr. Chrétien that there would be whistle-blowing legislation introduced in the Parliament way back in 1993. That has not happened. Surely they cannot argue that they did not have enough time to do it — it has been 10 years.

Honourable senators, I am not comfortable with this letter in terms of relying on any guarantee for the protection of official languages. There are textual errors in the bill itself in terms of language. We raised those matters in committee, but the other side has ignored those issues as well. One wonders whether or not we are taking our work seriously in terms of reviewing legislation to improve it and correcting errors when we find them.

The government itself found an error in the bill; thus, Bill C-41 was introduced. We attempted to correct that, which the government side has just rejected.

The government side also promised action in 1993 in one of their policy documents. In the section entitled "The Liberal Approach to the Public Service," this is what they said to the Canadian public: "Whistle-blowing legislation. Public servants who blow the whistle on illegal or unethical behaviour should be protected. A Liberal government will introduce whistle-blowing legislation in the first session of a new Parliament."

They did not do that either, honourable senators. However, I suppose many of us would say that promise pales in comparison with the promise to remove the GST.

Honourable senators, whether this government likes it or not, the fact of the matter is that Canadians want a public service that is ethical, value-based, effective and efficient in the complex world of the 21st of the century — a world in which questions of conscience face men and women in the public and private sectors far more frequently than they did in the days when most of us first entered the workforce.

We have just learned of far too many cases of public servants having to place their careers and the support of their families on the line because they learn of some wrongdoing — either immoral, unethical or outright illegal — and if they blow the whistle, their career progress is placed in jeopardy tremendously.

As recently as last spring, a committee of the other place was able to apprehend very serious problems in the Office of the Privacy Commissioner. The testimony is that had there been protection against retaliation — because this is what it is really all about — the scandal brought forward in that agency would have been obviated.

Honourable senators, I think there is no question. This chamber has already pronounced itself on the principle of having whistle-blowing legislation. The reason a whistle-blowing amendment is appropriate to this bill is that although the other place did amend the bill to add a section dealing with whistle-blowing, it was a Mickey Mouse type of revision that did nothing. If the bill which now speaks of mechanisms dealing with whistle-blowing is to be serious, this is the opportunity for us to give it the level of seriousness and a method — a piece of machinery — that would be effective in both protecting the public servant, in being able to bring forward in the public interest instances of immoral, unethical or illegal activity, and to do so with the protection that he or she would not be victimized by retaliation.

• (1550)

Before concluding, honourable senators, I point out by way of summary that the motion I am about to move is to give legislative expression to what Canadians are asking for. As late as this morning, a public opinion poll done by Ipsos Reid was released. It concerned whether or not Canadians want protection for whistle-blowers in government. An overwhelming majority of Canadians agree that the government should bring in new laws so that whistle-blowers on government wrongdoings are protected from any reprisals. Clearly, Canadians have spoken loudly and forcibly on this issue. They are demanding that Parliament see to it that there be a fulfilment of what the present government promised a long time ago, and pass a law that will protect workers when they denounce government wrongdoings.

Honourable senators, the survey indicates that 89 per cent of Canadians expect the government to bring in legislation so that public sector workers who expose government wrongdoing will be protected from any reprisals.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move, seconded by the Honourable Senator Stratton:

That Bill C-25 be not now read a third time but that it be amended

(*a*) in clause 2

(i) on page 8, by replacing lines 27 to 32 with the following:

"include, among other things, harassment in the workplace.", and

(ii) on page 99, by adding after line 8, the following:

"PART 2.1

PROTECTION OF WHISTLEBLOWERS

Definitions

238.1 The following definitions apply in this Part.

"Commissioner" means the commissioner of the Public Service Commission who has been designated as Public Interest Commissioner under section 238.3.

"employee" has the same meaning as in Part 2.

"law in force in Canada" means a provision of an Act of Parliament or of the legislature of a province or an instrument issued under the authority of such an Act that is in force at the relevant time.

"minister" means a member of the Queens Privy Council for Canada who holds office as a minister of the Crown.

"wrongful act or omission" means an act or omission that is:

(*a*) an offence against a law in force in Canada;

(*b*) likely to cause a significant waste of public money;

(*c*) likely to endanger public health or safety or the environment;

(*d*) a significant breach of an established public policy or of a directive in the written record of the public service; or

(*e*) one of gross mismanagement or an abuse of authority.

Purpose

Purpose

238.2 The purpose of this Part is

(*a*) to provide for the education of persons working in the public service on ethical practices in the workplace and the promotion of the observance of these practices;

(*b*) to protect the public interest by providing a means for employees of the public service to make allegations, in confidence, of wrongful acts or omissions in the workplace, to an independent Commissioner who will investigate them and seek to have the situation dealt with, and who will report to Parliament in respect of problems that are confirmed but have not been dealt with; and

(*c*) to protect employees of the public service from retaliation for having made or for proposing to make, in good faith and on the basis of reasonable belief, allegations of wrongdoing in the workplace.

Public Interest Commissioner

Designation

238.3.(1) The Governor in Council shall designate one of the commissioners of the Public Service Commission to serve as Public Interest Commissioner.

Part of role of Commission

(2) The role of Public Interest Commissioner is a part of the function of the Public Service Commission.

Powers

(3) The Commissioner may exercise the powers of office of a commissioner of the Public Service Commission for the purposes of this Part.

Information made public

238.4 (1) Subject to section 238.9, the Commissioner may make public any information that comes to the attention of the Commissioner as a result of the performance or exercise of the Commissioner's duties or powers under this Part if, in the Commissioner's opinion, it is in the public interest to do so.

Disclosure of necessary information

(2) The Commissioner may disclose, or may authorize any person acting on behalf or under the direction of the Commissioner to disclose, information that, in the Commissioner's opinion, is necessary to

(*a*) conduct an investigation under this Part; or

(*b*) establish the grounds for findings or recommendations contained in any report made under this Part.

Disclosure in the course of proceedings

(3) The Commissioner may disclose, or may authorize any person acting on behalf or under the direction of the Commissioner to disclose, information necessary to assist

(*a*) a prosecution for an offence under section 238.20; or

(*b*) a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Part.

Disclosure of offence

(4) The Commissioner may disclose to the Attorney General of Canada or of a province, as the case may be, information relating to the commission of an offence against any law in force in Canada that comes to the attention of the Commissioner as a result of the performance or exercise of the Commissioner's duties or powers under this Part if, in the Commissioner's opinion, there is evidence of an offence.

Not competent witness

238.5 The Commissioner or person acting on behalf or under the direction of the Commissioner is not a competent witness in respect of any matter that comes to their knowledge as a result of the performance or exercise of the Commissioner's duties or powers under this Part in any proceeding other than

(*a*) a prosecution for an offence under section 238.20; or

(*b*) a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Part.

Protection of Commissioner

238.6 (1) No criminal or civil proceedings lie against the Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith as a result of the performance or exercise or purported performance or exercise of the Commissioner's duties or powers under this Part.

Libel or slander

(2) For the purposes of any law relating to libel or slander,

(*a*) anything said, any information supplied or any record or thing produced in good faith and on the basis of reasonable belief in the course of an investigation carried out by or on behalf of the Commissioner under this Part is privileged; and

(*b*) any report made in good faith by the Commissioner under this Part and any fair and accurate account of the report made in good faith for the purpose of news reporting is privileged.

Education

Dissemination

238.7 The Commissioner shall promote ethical practices in the public service and a positive environment for giving notice of wrongdoing, by disseminating knowledge of this Part and information about its purposes and processes and by such other means as seem fit to the Commissioner.

Notice of Wrongful Act or Omission

Notice by employee

238.8 (1) An employee who has reasonable grounds to believe that another person working for the public service or in the public service workplace has committed or intends to commit a wrongful act or omission

(*a*) may file with the Commissioner a written notice of allegation; and

(*b*) may request that their identity be kept confidential with respect to the notice.

Form and content

(2) A notice under subsection (1) shall identify

(*a*) the employee making the allegation, and be signed by that person;

(*b*) the person against whom the allegation is being made; and

(*c*) the grounds on which the employee believes that the act or omission is wrongful and has been or will be committed, giving the particulars that are known to the employee and the reasons and the grounds on which the employee believes the particulars to be true.

No breach of oath

(3) A notice by an employee to the Commissioner under subsection (1), given in good faith and on the basis of reasonable belief, is not a breach of any oath of office or loyalty or secrecy taken by the employee and, subject to subsection (4), is not a breach of duty.

Solicitor-client privilege

(4) No employee, in giving notice under subsection (1), may violate any law in force in Canada or rule of law protecting privileged communications as between solicitor and client, unless the employee has reasonable grounds to believe there is a significant threat to public health or safety.

Waiver

(5) An employee who has made a request under paragraph (1)(b) may waive the request or any resulting right to confidentiality, in writing, at any time.

Rejected notice

(6) Where the Commissioner is not able or willing to give an assurance of confidentiality in response to a request made under paragraph (1)(b), the Commissioner may reject the notice and take no further action on it, but shall keep it confidential.

Confidentiality

238.9 Subject to subsection 238.11(5) and any other obligation of the Commissioner under this Part or any law in force in Canada, the Commissioner shall keep confidential the identity of an employee who has filed a notice with the Commissioner under subsection 238.8(1) and to whom the Commissioner has given an assurance that, subject to this Part, their identity will be kept confidential.

Initial review

238.10 On receiving a notice under subsection 238.8(1), the Commissioner shall review it, may ask the employee for further information and may make such further inquiries as, in the opinion of the Commissioner, may be necessary.

Rejected notices

238.11 (1) The Commissioner shall reject and take no further action on a notice given under subsection 238.8(1), if the Commissioner makes a preliminary determination that the notice

(*a*) is trivial, frivolous or vexatious;

(*b*) fails to allege or give adequate particulars of a wrongful act or omission;

(*c*) breaches subsection 238.8(4); or

(*d*) was not given in good faith or on the basis of reasonable belief.

False statements

(2) The Commissioner may determine that a notice that contains a statement that the employee knew to be false or misleading at the time it was made was not given in good faith.

Mistaken facts

(3) The Commissioner shall not determine that a notice was not given in good faith for the sole reason that it contains mistaken facts unless the Commissioner has grounds to believe that there was adequate opportunity for the employee to discover the mistake.

Report

(4) Where the Commissioner has made a determination under subsection (1), the Commissioner shall, in writing and on a timely basis, advise the employee who gave notice under subsection 238.8(1) of that determination.

Report to official and minister

(5) Where the Commissioner determines under subsection (1) that a notice was given in breach of subsection 238.8(4) or was not given in good faith and on the basis of reasonable belief, the Commissioner may advise

(*a*) the person against whom the allegation was made, and

(*b*) the minister responsible for the employee who gave the notice of the matters alleged and the identity of the employee.

Valid notice

238.12 (1) The Commissioner shall accept a notice given under subsection 238.8(1) where the Commissioner determines that the notice

(*a*) is not trivial, frivolous or vexatious;

(*b*) alleges and gives adequate particulars of a wrongful act or omission;

(*c*) does not breach subsection 238.8(4); and

(*d*) was given in good faith and on the basis of reasonable belief.

Report to employee

(2) Where the Commissioner has made a determination under subsection (1), the Commissioner shall, in writing and on a timely basis, advise the employee who gave notice under subsection 238.8(1) of that determination.

Investigation and Report

Investigation

238.13 (1) The Commissioner shall investigate a notice accepted under section 238.12, and, subject to subsection (2), shall prepare a written report of the Commissioner's findings and recommendations.

Report not required

(2) The Commissioner is not required to prepare a report if satisfied that

(*a*) the employee ought to first exhaust other procedures available to the employee;

(*b*) the matter could more appropriately be dealt with, initially or completely, by means of a procedure provided for under a law in force in Canada other than this Part; or

(*c*) the length of time that has elapsed between the time the wrongful act or omission that is the subject-matter of the notice occurred and the date when the notice was filed is such that a report would not serve a useful purpose.

Report to employee

(3) Where the Commissioner has made a determination under subsection (2), the Commissioner shall, in writing and on a timely basis, advise the employee who gave notice under subsection 238.8(1) of that determination.

Confidential information

(4) Information related to an investigation is confidential and shall not be disclosed, except in accordance with this Part.

Report to minister

(5) The Commissioner shall provide the minister responsible for the employee against whom an allegation has been made, on a timely basis and in no case later than one year after the Commissioner receives the notice, with a copy of the report made under subsection (1).

Minister's response

238.14 (1) A minister who receives a report under subsection 238.13(5) shall consider the matter and respond to the Commissioner.

Content of response

(2) The response of a minister under subsection (1) shall specify the action the minister has taken or proposes to take to deal with the Commissioner's report, or that the minister proposes to take no action.

Further responses

(3) A minister who, for the purposes of this section, specifies action proposed to be taken shall give such further responses as are requested by the Commissioner until such time as the minister advises that the matter has been dealt with.

Emergency public report

238.15 (1) The Commissioner may require the President of the Treasury Board to cause an emergency report prepared by the Commissioner to be laid before both Houses of Parliament on the next day that the House sits if, in the Commissioner's opinion, it is in the public interest to do so.

Content of report

(2) A report prepared by the Commissioner for the purposes of subsection (1) shall describe the substance of a report made to a minister under subsection 238.13(5) and the minister's response or lack thereof under section 238.14.

Annual report

238.16 (1) The Public Service Commission shall include in the annual report to Parliament made pursuant to section 23 of the *Public Service Employment Act* a statement of activity under this Act prepared by the Commissioner that includes

(*a*) a description of the Commissioner's activities under section 238.7;

(*b*) the number of notices received pursuant to section 238.8;

(*c*) the number of notices rejected pursuant to sections 238.8 and 238.11

(*d*) the number of notices accepted pursuant to section 238.12;

(*e*) the number of accepted notices that are still under investigation pursuant to subsection 238.13(1);

(*f*) the number of accepted notices that were reported to ministers pursuant to subsection 238.13(5);

(*g*) the number of reports to ministers pursuant to subsection 238.13(5) in respect of which action satisfactory to the Commissioner has been taken;

(*h*) the number of reports to ministers pursuant to subsection 238.13(5) in respect of which action satisfactory to the Commissioner has not been taken;

(*i*) an abstract of the substance of all reports to ministers pursuant to subsection 238.13(5) and the responses of ministers pursuant to section 238.14; and

(*j*) where the Commissioner is of the opinion that the public interest would be best served, the substance of an individual report made to a minister pursuant to subsection 238.13(5) and the response or lack thereof of a minister pursuant to section 238.14.

Annual report

(2) The Public Service Commission may include in the annual report to Parliament made pursuant to section 23 of the Public Service Employment Act an analysis of the administration and operation of this Part and any recommendations with respect to it.

Prohibitions

False information

238.17 (1) No person shall give false information to the Commissioner or to any person acting on behalf or under the direction of the Commissioner while the Commissioner or person is engaged in the performance or exercise of the Commissioner's duties or powers under this Part.

Bad faith

(2) No employee shall give a notice under subsection 238.8(1) in bad faith.

No disciplinary action

238.18 (1) No person shall take disciplinary action against an employee because

(*a*) the employee, acting in good faith and on the basis of reasonable belief, has disclosed or stated an intention to disclose to the Commissioner that a person working for the public service or in the public service workplace has committed or intends to commit a wrongful act or omission;

(*b*) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention to refuse to commit an act or omission the employee believes would be a wrongful act or omission under this Part;

(*c*) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to comply with this Part; or

(*d*) the person believes that the employee will do anything referred to in paragraph (*a*), (*b*) or (*c*).

Definition

(2) In this section, "disciplinary action" means any action that adversely affects the employee or any term or condition of the employee's employment or adversely affects the employee's opportunity for future employment within or outside the public service, and includes:

(*a*) harassment;

(*b*) financial penalty;

(*c*) affecting seniority;

(*d*) suspension or dismissal;

(*e*) denial of meaningful work or demotion;

(*f*) denial of a benefit of employment;

(*g*) refusing to give a reference; or

(*h*) any other action that is disadvantageous to the employee.

Rebuttable presumption

(3) A person who takes disciplinary action against an employee within two years after the employee gives a notice to the Commissioner under subsection 238.8(1) shall be presumed, in the absence of a preponderance of evidence to the contrary, to have taken the disciplinary action against the employee contrary to subsection (1).

Disclosure prohibited

238.19 (1) Except as authorized by this Part or any other law in force in Canada, no person shall disclose to any other person the name of the employee who has given a notice under subsection 238.8(1) and has requested confidentiality under that subsection, or any other information the disclosure of which reveals the employee's identity, which may include the existence or nature of a notice, without the employee's consent.

Exception

(2) Subsection (1) does not apply where the notice was given in breach of subsection 238.8(4) or was not given in good faith and on the basis of reasonable belief.

Enforcement

Offences and punishment

238.20 A person who contravenes subsection 238.8(4), section 238.17, or subsection 238.18(1) or 238.19(1) is guilty of an offence and liable on summary conviction to a fine not exceeding $10,000.

Employee Recourse

Recourse available

238.21 (1) An employee against whom disciplinary action is taken contrary to section 238.18 is entitled to use every recourse available to the employee under the law, including grievance proceedings provided for under an Act of Parliament or otherwise.

Recourse not lost

(2) An employee may seek recourse as described in subsection (1) whether or not proceedings based upon the same allegations of fact are or may be brought under section 238.20.

Benefit of presumption

(3) In any proceedings of a recourse referred to in subsection (1), the employee is entitled to the benefit of the presumption established in subsection 238.18(3).

Transitional

(4) Where grievance proceedings are current or pending on the coming into force of this Part, the proceedings shall be dealt with and disposed of as if this Part had not been enacted."; and

(*b*) in clause 8 on page 108,

(i) by striking out lines 13 to 20, and

(ii) by relettering paragraphs 11.1(1)(*i*) and 11.1(1)(j) as paragraphs 11.1(1)(*h*) and 11.1(1)(*i*) and any cross references thereto accordingly; and

(*c*) in clause 88 on page 193, by adding after line 17, the following:

"88.1 Schedule II to the Act is amended by adding the following in alphabetical order:

Public Service Labour Relations Act
section 238.9, subsection 238.13(4), section 238.19

Loi sur les relations de travail dans la function publique
article 238.9, paragraphe 238.13(4), article 238.19."

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

Hon. John G. Bryden: Honourable senators, would the Honourable Senator Kinsella undertake to answer a question?

Senator Kinsella: Yes.

Senator Bryden: At the beginning of his speech, the Honourable Senator Kinsella said, "As I tell my students, do not only listen, take notes..." Did the honourable senator mean to say "As I used to tell my students..."? The question is: Is the honourable senator still teaching?

Senator Kinsella: I try to do it every day in this place.

Senator Bryden: It is a legitimate question. Does the honourable senator have students currently?

Senator Kinsella: As I replied, I believe it was to Senator Prud'homme yesterday, in referring to Senator Robichaud, I said something like —

[*Translation*]

Once a minister, always a minister; once a professor, always a professor. When I speak to the Senate, I do so rather as if I were in front of a class at the seminary.

[*English*]

Senator Bryden: Is the honourable senator's answer that he is not currently teaching at any institution?

Senator LeBreton: What difference does that make?

Senator Bryden: He raised it. Is the honourable senator not teaching at any institution?

Senator Andreychuk: Invoke the provisions of the Privacy Act.

Senator Kinsella: As I replied in French, once a professor, always a professor. I consider that any time I rise in this place, I do so without divorcing myself from my orientation as a professor.

Senator Bryden: Is the honourable senator saying that he does not currently teach students at any university, this semester?

Senator Kinsella: Honourable senators, I participate in lectures at many universities across Canada, in the United States and in Europe. I had a wonderful opportunity not too long ago to give a lecture at the Pontifical Lateran University in the Vatican on the topic of human rights and international terrorism. There are many other opportunities that I have to teach, both in my own province at St. Thomas University and at the University of New Brunswick, where we were last week.

It is a little like saying to people in other professions, such as law or medicine, "Do you cease to be a lawyer or a doctor when you come to this place or any other place?" My answer is no.

Senator Bryden: What the honourable senator is saying is that he is not on the paid staff or on contract at St. Thomas University.

Senator Kinsella: I have been 40 years a professor at St. Thomas University. I continue to participate in the work of that university and several other universities across Canada.

• (1600)

Senator Bryden: The point of this line of questioning is that if you are on the paid staff or on paid contract at the university, and since, in particular, many of the universities in the Maritimes are largely funded by public funds, would that not be double-dipping?

Senator Kinsella: The answer is: absolutely not.

Hon. Gerald J. Comeau: Honourable senators, I am not sure if the honourable senator would ask me the same question. Last week I gave a course to public servants in Halifax. I do not know if that qualifies me as a teacher or a professor. However, I will leave that as a question for another time.

In the meantime, I ask for the adjournment.

The Hon. the Speaker: That is fine. If other senators wish to speak, our custom is to give them the opportunity to do so before I go to Senator Comeau to adjourn.

Hon. Tommy Banks: Honourable senators, am I able to ask a question of Senator Kinsella?

The Hon. the Speaker: There is no time left in Senator Kinsella's speaking time.

It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Cochrane, that further debate on this motion in amendment be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Senator Robichaud: No.

The Hon. the Speaker: I hear some saying "no."

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.

On motion of Senator Comeau, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—
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, 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.

Hon. Charlie Watt: Honourable senators, please bear with me. I might choose to go slowly on this one. I think it is important to have the thorough attention of senators here.

We have all heard the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs outline his agreement with the other place, the House of Commons, to send this message back to the Senate and to not insist on any further amendment, but simply concur with the wishes of the House of Commons.

I think what needs to be said was said by the Chair of the committee. I participated in that committee. I have also heard from the Deputy Chair, Senator Beaudoin, outlining, again, in a similar fashion as the chairman, that he does not agree with what was brought over from the House of Commons.

What needs to be said was said. There is little I can do to add to it other than to speak to an area that I feel he did not adequately cover, or on which he did not have time to elaborate.

Honourable senators, allow me to address two events that are central to our debate on Bill C-10B. The message from the House of Commons dated September 29, 2003 marks the first event, but I also want to draw your attention to the hearing held by the Standing Senate Committee on Legal and Constitutional Affairs on June 12 last, when amendment 3 was adopted.

Last October 7, the committee chairman, Senator Furey, addressed the issue of harvesting rights with conviction and eloquence in this very chamber. In reference to the Aboriginal provision, or amendment 3, Senator Furey said this:

> The addition of the clause recognizing the legitimacy of the traditional practice signals to judges that this category of activity has special significance...

He went on to say:

> The second reason that the Aboriginal provision is necessary was a direct response to the expanded killing provision in proposed section 182.2(1) of the bill.

Indeed, Bill C-10B fails to distinguish between the killing of domestic animals and wildlife.

I thank Senator Furey for his essential contributions to our debate. For my part, I was both puzzled and disturbed by the message from the House of Commons. I was very puzzled, honourable senators, by what I read at line 27 on page two of the message, which states: "as causing unnecessary pain is not a crime." If causing unnecessary pain is not a crime, what is a crime for the House of Commons? Why are we even considering Bill C-10B? Ask yourselves that question.

I was puzzled and also very disturbed by different arguments in the message, such as: "There is no clarity as to what traditional practices are in the criminal law context." In other words, we do not know enough about traditional harvesting practices.

This is not true. We do know how to manage and conserve our wildlife. For example, the Nunavut Wildlife Board, where some members are appointed by the federal government, is recognized as "the principal instrument of wildlife management in the Nunavut Settlement Area."

In Nunavik, under chapter 24 of the James Bay and Northern Quebec Agreement, we have the Hunting, Fishing and Trapping Coordinating Committee. It is "an expert body made up of Native and government members, established to review, manage, and in certain cases, supervise and regulate the hunting, fishing and trapping regime."

The government, we should agree, does not know what it is doing. On the one hand, in Nunavik and Nunavut it recognizes the special importance of harvesting by Aboriginal peoples. On the other hand, there is no such recognition in the Criminal Code. That is the key area: the Criminal Code. We are not recognized in the Criminal Code. This is where we are asking for the amendment — namely, in the Criminal Code.

As I said in the introduction, honourable senators, to better understand the House of Commons message, we need to travel back to June 12, 2003, when Senator Furey chaired a hearing in the presence of the parliamentary secretary to the Minister of Justice. It was the view of the government that "a different standard" should not be applied for Aboriginal persons engaged in traditional harvesting practices. It was also the view of the government that "evolving social standards" took precedence over constitutional provisions.

Have you ever heard of that? I repeat: no different standard. I repeat: priority to evolving social standards. Honourable senators, I invite you to pause and ponder those words. They clearly reflect indifference on the part of the federal government towards Aboriginal peoples. There is no Aboriginal policy in government; rather, the policy is one of total damage control, obstruction, delay and evasion. My dear colleagues, we are dealing with a colonial system that is no longer acceptable in the year 2003.

Fortunately, on June 12 last, our colleague Senator Joyal forcefully reminded us of the 1990 decision of the Supreme Court of Canada in *Sparrow*. In that case, it was determined that, first, the general guiding principle for section 35 is that the government has the responsibility to act in a fiduciary capacity with respect to Aboriginal peoples.

• (1610)

Second, the honour of the Crown is at stake in dealing with the Aboriginal peoples. For example, can infringing legislation be justified?

Third, those standards might place a heavy burden on the Crown to limit infringement and provide for fair compensation.

Honourable senators, I invite you to ponder those standards. The honour of the Crown is at stake; our honour is at stake. This legislation will have everlasting effects and consequences. I trust we will do the right thing.

During our debate, my colleagues and I have received many messages of support from Aboriginal leaders across the country. With the consent of honourable senators, I would like to table the messages of support for your consideration.

I ask honourable senators for consent to table those documents.

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

Hon. Senators: Agreed.

MOTION IN AMENDMENT

Hon. Charlie Watt: Therefore, honourable senators, pursuant to rule 59(2) of the *Rules of the Senate*, I move, seconded by the Honourable Senator Adams:

> That the motion, together with the Message from the House of Commons dated September 29, 2003, regarding Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

Hon. Gerald J. Comeau: Honourable senators, would the Honourable Senator Watt accept a question?

Senator Watt: Yes, I will.

Senator Comeau: I listened carefully to the speech of the Honourable Senator Watt. He referred in his comments to the land claims agreements of both the Nunavut and the Nunavik areas and how governments had negotiated agreements with these two areas. My question is: In those agreements, was there not some kind of arrangement that traditional harvest practices would continue to be honoured by the federal government, which signed the agreement with these two regions; that traditional harvest practices would continue, along with other practices such as having access to fishery resources off your coast, to try to increase access to those resources? Was the question of traditional harvesting practices not a part of the agreements that were signed?

Senator Watt: Honourable senators, it is true that during the deliberations between the Nunavik and Nunavut dealing with the Government of Canada, those items were honoured and implanted in the final agreement. More important, however, they also had constitutional protection.

I should distance myself from modern treaties such as that of Nunavut and Nunavik. They have a modern treaty agreement. The other Aboriginal groups in this country also have constitutional protection, even if they do not have a specific modern treaty in place at the moment. Therefore, the answer is: Yes, those agreements are recognized and affirmed, even under the Constitution.

Senator Comeau: In order that I understand, the James Bay Agreement, that referred to Nunavik, and the Nunavut Land Claims Agreement gave a double protection for the traditional wildlife harvest of these regions. Not only do you have protection under section 35, you have an added protection.

In this agreement, the honourable senator has spoken about fiduciary responsibility as well. That is another protection. I understand that the bill that you wish to refer back to committee would be further studied in committee to respond to the spirit of these agreements as well as the Constitution, is that correct?

Senator Watt: The Standing Senate Committee on Legal and Constitutional Affairs is knowledgeable in this area because they have dealt with these matters a number of times already with regard to what does and does not exist. The Standing Senate Committee on Legal and Constitutional Affairs is saying, on behalf of the Aboriginal peoples, that we will be protected if we are prosecuted for some reason down the road, perhaps by animal rights groups that make public reports down south. At times, they seem to have more ability to put pressure on various groups, especially the small ones. This is what we are worried about here. Absent the amendment that is needed in the Criminal Code, we would automatically become criminals if we are charged and we would not be able to defend ourselves because what is needed in the Criminal Code is not there for the Aboriginal people to rely upon. I hope that answers the honourable senator's question.

Senator Comeau: Many of us have forgotten what happened some years ago to the people of the North when well-meaning people at the time wanted to stop the seal harvest. I do not think these people realize the devastation that it cost the communities and the people involved when they broke an extremely important link in the chain that held these communities together. To this day, these communities have not yet recovered to the point where they were before.

The honourable senator seems to be warning us not to let this happen again. Let us be absolutely sure that what we are proposing to do with this bill will not cause the kind of harm that happened when well-intentioned people destroyed part of the livelihood of people in the North. Even today, people have yet to recover from that devastation.

Senator Watt: Honourable senators, we are still living through that devastation today. What makes us what we are, who we are and how we survive economically was basically wrenched from us, almost like pulling a rug out from under our feet. That happened in the past. We do not want to see that happen again.

There are not many economic opportunities available to the people in these communities, especially in the Arctic. I am sure that the same thing applies in the south for Aboriginal people.

We do not want the same thing to happen again. Many of us remember what happened when movie stars such as Bridgette Bardot affected the seal hunt. She was very effective and managed to put a stop to the purchase of seal pelts and things like that. A heavy genocide took place across the Arctic, encompassing Canada, the United States and Siberia. If honourable senators ever have the opportunity to travel in those areas that were heavily affected, you will see the massive graveyards.

• (1620)

Let us not do that again because the lives of the First Nations people are as important and the lives of others, and we need your respect. Do not do again what was done with Bill C-6. Bill C-6 was bad enough.

I am not sure how I will be able to deal with some of my colleagues in the future, because I am planning to be here for some time. Some senators may think that I will be gone, but, I am sorry, I will stay.

The Hon. the Speaker: Honourable senators, I regret to advise that the speaking time of Senator Watt has expired.

Hon. Anne C. Cools: Honourable senators, I wish to ask the honourable senator a question.

Senator Watt: May I have leave to continue?

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

Hon. Senators: Agreed.

Senator Cools: I was listening with care to my seatmate, Senator Watt. He spoke about the consequences of the cessation of the seal hunt and the peace that was declared on seals at the behest of many popular private individuals such as the French actress, Brigitte Bardot.

In his response, he mentioned mass graveyards. Could the honourable senator amplify that statement and explain a bit more? I do not think that senators are well acquainted with some of the consequences of the cessation of the seal hunt. Perhaps it would serve the house to know more about the consequences of that decision for the Aboriginal peoples.

Senator Watt: Honourable senators, reliving the past is not easy, and it is not a good memory at all.

If senators are interested in seeing the many graveyards, I have videotapes of them. We are still living with the consequences.

When your pride, identity and integrity are taken away, what do you have left, honourable senators? You have nothing. What do people do when they have no economy but they have children and wives to provide for? They have a right to live like everyone else.

Even today, people are committing suicide because they cannot provide for the needs of their families. This is what we are going through. It will probably continue for quite some time, even though many years have passed. Passing laws such as this that are not sensitive to different ways of life will continue to affect the people we represent.

[*Translation*]

Hon. Aurélien Gill: Honourable senators, as Senator Watt said, reliving the past is not easy, particularly if the memories are unpleasant, but it is necessary in order to do better in the future.

Could Senator Watt tell us what happened with respect to the Inuit? I can say what happened to the First Nations before the agreements were signed. Senator Watt probably saw the same thing with the Inuit. For several years, it was illegal for First Nations to hunt, trap, harvest furbearers, or fish. Several people were put in jail and their catches seized. I am sorry to say that this still occurs today. There may be more tolerance, but this still goes on for those who do not have agreements. First Nations people are taken for criminals for exercising traditional activities that allow them to earn a living, and to practice subsistence hunting and fishing. Often you see articles in the papers after court rulings. Luckily, we have courts and judges that from time to time allow us to continue to function. First Nations and those who do not have agreements continue to have many problems concerning hunting, fishing, and subsistence activities.

Are we going to continue to add to these difficulties by passing bills such as Bill C-10B? Are we going to add problems or at some point are we going to try to improve matters? What does Bill C-10B have to offer, when First Nations people continue to be viewed as outlaws, frankly? This is never-ending. It has been talked about often and will continue to be talked about. Legislation must protect the rights of the First Nations and of the Inuit. We are Canadian citizens.

[*English*]

Senator Watt: I would like to respond to the first part of Senator Gills' comments. The people of Nunavik and Nunavut now have a legal text to rely on. As I mentioned to Senator Comeau, they even have constitutional protection. People who have no so-called modern treaty are still living through this on a daily basis. We Inuit at least have a so-called modern treaty. We have a reasonable chance to argue. I will take it no further than that. That is what we have in our agreement, even though we have constitutional protection, because, for some reason, the Department of Justice does not want to recognize section 35. This is an area that we would one day like to straighten out and give meaning to, and this would be a good place to do so.

I do agree that it is much harder for the people who have no modern treaty agreement to practise their traditional pursuits on a daily basis. They are under a much greater strain than we are. At least we have a reasonable chance to argue. That is what we have as an agreement. That is what we have, absent the political will of the government to implement section 35, which hampers the lives of the Inuit, Metis and First Nations.

Senator Gill's last point was whether there is anything promising in this bill on which to hang our hats.

• (1630)

I am sorry to say, honourable senators, that this bill seems to be influenced or flavoured by the views of various groups, since it is upgrading or improving a law that was passed in 1956 to include wild animals. Some people think it is about time we moved in that direction. That may be so, but in doing so, there must be a clear definition of the animals.

Honourable senators must understand that some of us live in remote communities, isolated communities, and we still use traditional hunting equipment and methods. We will continue to do that either because we find it more economically feasible or we are more sensitive to the fact that we do not want to kill any animals needlessly. There is more than one way of killing animals. Aboriginal peoples have been hunting animals for many years, and we have been successful in maintaining a certain level of harvest and managing wildlife. Perhaps those people who live in the south should question their methods of killing animals rather than questioning ours.

Senator Cools: I had deferred to Senator Gill, but the previous response of Senator Watt about these mass graves and, I suppose, mass deaths is niggling at me. Could Senator Watt give us still more information, such as what countries were involved and the number of people who perished? Does he believe that the information would be important for our consideration.

Senator Watt: Honourable senators, mass graveyards were discovered in Canada, Greenland, the United States and Siberia. The string of islands off the coast of Alaska that goes toward Siberia, is the home of the Aleuts, the native people. Mass graveyards were discovered there. Those people died because of the cessation of the seal hunt. The livelihood of the people was taken away.

As I said earlier, if honourable senators want access to the tapes for further information, I would be pleased to provide those. I have been collecting them for some time. This is not the first time I have been involved in trying to protect the lives and the livelihood of the people in the Arctic, as well as those down south, who are members of First Nations.

Senator Cools: Does the honourable senator have numbers of people who perished?

Senator Watt: I do have numbers, but I cannot recall them now. However, those numbers can be found in the information kit.

Hon. Gerry St. Germain: Honourable senators, the referral back of Bill C-10 from the other place is obviously of concern to Senator Watt. We have gone through the process of studying the bill intently, and I believe great responsibility was displayed on the part of members of the committee with respect to the plight of Aboriginal peoples. The honourable senator has put his case forward. If we refer the bill back to committee at this particular point in time, are we saying that we are prepared to resubmit, to the House of Commons, the bill with the recommendations that were made by the Senate committee?

Senator Watt: I am not sure I understood the honourable senator's question. If the bill is referred back to committee, the committee has undertaken to examine it thoroughly. Indeed, they do understand what they are dealing with, and they do have a genuine disagreement with the House of Commons on this Bill C-10B, not only in respect of Aboriginal issues but also other issues related to scientific concerns. This bill affects not only Aboriginal peoples, it will also affect other groups that I did not mention because Senator Furey highlighted those areas so well.

What will happen? I do not know. When the chairman, Senator Furey, spoke on this bill, I thought he drove the last nail into the coffin. With my speech, I am trying to put a strap around that coffin so it never opens again. If that does not happen, honourable senators, perhaps the legal minds can get together, so that maybe the only thing that the House of Commons can do is agree to the conference.

On motion of Senator Bryden, debate adjourned.

PUBLIC SAFETY BILL, 2002

SECOND READING—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., for the second reading of Bill C-17, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Hon. John Lynch-Staunton (Leader of the Opposition): I said I would speak to this before November 7 and I shall. Meantime, I should like to adjourn the debate.

Order stands.

BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER OF 2003

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Léger, for the second reading of Bill C-49, respecting the effective date of the representation order of 2003.

Hon. John Lynch-Staunton (Leader of the Opposition): I will speak to Bill C-49 tomorrow, so I would adjourn the debate.

Order stands.

• (1640)

[*Translation*]

AMENDMENT AND CORRECTIONS BILL, 2003

SECOND READING—SPEAKER'S RULING

On the Order:

> Second reading of Bill C-41, to amend certain Acts.—(*Speaker's Ruling*).

The Hon. the Speaker: Honourable senators, last Thursday, October 23, 2003, Senator Atkins raised a point of order on the acceptability of Bill C-41, to amend certain Acts. This bill has already been the subject of two rulings.

[*English*]

The basic objection raised by Senator Atkins has to do with the complexity of the bill. This complexity arises in connection with the bill's coordinating amendments. Some of the clauses in Bill C-41 have a direct relationship to Bill C-25, the Public Service Modernization Act, that has been adopted by the House of Commons and is currently at third reading stage here in the Senate.

[*Translation*]

It is Senator Atkins' view that Bill C-41 violates the rule of anticipation because these coordinating amendments assume that the Senate will dispose of Bill C-25 in a certain way. Consideration of Bill C-41, the senator argues, should not be allowed to proceed until the Senate has completed its examination of Bill C-25. "The government has assumed," Senator Atkins said, "that the Senate will pass Bill C-25. It is assumed that the Senate will not make changes to Bill C-25 in terms of terminology used in the bill."

[*English*]

For her part, Senator Carstairs agreed that there are coordinating amendments in Bill C-41. Their purpose, as the Leader of the Government explained, "is to resolve possible conflicts between successive amendments to the same provision and to avoid having one bill undo the work of another."

I have taken the opportunity to review the relevant amendments and I am now prepared to give my ruling. As Senator Atkins pointed out when he referred to Beauchesne, a standard Canadian parliamentary authority, the purpose of the rule of anticipation is to avoid having the House debate an item that might anticipate debate on the same subject in a more effective form. Debate on an amendment, for example, could violate the rule of anticipation if it blocked debate on a motion or, more importantly, on a bill or any other Order of the Day. This rule is not always easily understood, but its purpose is related to the rule and practice of avoiding debate on the same question twice.

In this particular case, the rule of anticipation does not come into play. This is because the rule cannot be invoked where the item or subject being anticipated is in an equally effective form. The alleged anticipation involves coordinated clauses contained in two separate bills, Bill C-25 and Bill C-41. Being clauses to bills, they are in equally effective form. Furthermore, the same question rule, which is related to the rule of anticipation, is not always applicable to cases involving legislation. This is particularly the case with a bill such as Bill C-41, the very purpose of which is to make technical corrections to various bills or statutes including Bill C-25.

Accordingly, it is my ruling that there is no point of order and debate on Bill C-41 can now proceed.

Senator Bryden.

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. I do so regrettably because I was anticipating listening with great care and taking notes as the honourable senator from New Brunswick was to provide an explication for Bill C-41. Unfortunately, the bill is now completely out of order for the following reason.

Bill C-41 contains coordinating amendments to Bill C-25, the Public Service Modernization Act. In particular, in clause 30 on page 17, lines 27 and 29 are identical to the language used in Senator Lynch-Staunton's amendment to Bill C-25, which the Senate has just voted down. We are clear on that. Therefore, this house has already pronounced itself on this particular question.

Senator Oliver: That is pretty clear.

Senator Kinsella: Honourable senators, on page 67 of the *Rules of the Senate*, rule 63(1) states:

> A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

Honourable senators, our rules are very clear: "A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved in the affirmative or the negative..."

We have thus resolved the question of clause 30, page 17, lines 27 and 29.

• (1650)

Unfortunately, it was resolved in the negative.

Erskine May *Parliamentary Practice*, 22nd edition, at page 333, states as follows:

> A motion or an amendment which is the same, in substance, as a question which has been decided during a session may not be brought forward again during that same session.

It is very clear.

We go to the precedents. Speaker Francis of the other place ruled on February 3, 1984, that a motion to debate further a matter which has already been decided by the House is inadmissible.

In *House of Commons Debates* at page 1051, Speaker Francis said:

> Precedent dictates that the House cannot accept another motion to reverse a decision of the House nor a motion to reflect upon a judgment of the House.

Honourable senators, Beauchesne's *Parliamentary Rules & Forms,* on page 192, citation 624 (3) states:

> There is no rule or custom which restrains the presentation of two or more bills relating to the same subject and containing similar provisions. But if a decision of the House has already been taken on one such bill —

— as it has in this instance —

> — for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions and such a bill could not have been introduced on a motion for leave. But if a bill is withdrawn, after having made progress, another bill with the same objects may be proceeded with.

Bill C-41 in clause 30 is now proposing the same provision that has just been decided upon by the Senate of Canada. Therefore, Bill C-41, at least those provisions of it, cannot go forward in this session in its current form.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the members of the opposition never cease to astonish me.

Hon. Marcel Prud'homme: This is just the beginning.

Senator Robichaud: Huge amounts of time have been taken up in discussions of points of order that are not really points of order, such as the one from Senator Kinsella.

Honourable senators, it would be too easy for the opposition, or anyone else, to make a motion in amendment to another bill. The amendment we have just voted on was to Bill C-25. It had nothing at all to do with Bill C-41, on which we are finally going to initiate debate. When reference is made to a vote on a question, what was involved was an amendment to Bill C-25, not Bill C-41.

It would be so easy to propose amendments, have the government vote against it, and claim that because a certain clause had already been voted on, the same item could not be voted on again. As a result, the business of this chamber would be completely paralyzed. I believe that the opposition does not want to move forward, even though I do not understand the motive, unless it is only to slow down the debate.

Honourable senators, when points of order are raised regarding the unacceptability of a bill, a motion or a question, this should not be done piece by piece, as was being done at first.

On the second point of order we had the same ruling as on the first. The third point of order was similar to the first and second. The same ruling was given, that there was no point of order. And here before us we have a fourth point of order.

Honourable senators, I believe that there is an attempt to stretch the rules somewhat and use up the time the honourable senators present could spend discussing serious issues. I do not think there is a point of order. I hear from the other side that this argument is not strong and I shall reply that their argument is no more convincing.

Senator Prud'homme: On the same point of order, the words we have just heard from Senator Robichaud surprise me somewhat. The honourable senator is a calm and elegant man. His claim that we are deliberately, and by all available means, trying to slow down consideration of this legislation, seems somewhat odious to me.

Honourable senators, the Leader of the Opposition, Senator Lynch-Staunton, reminds us constantly that we have an agenda lasting until December. That may be the case; I do not know. Still, we may assume that we are being forced into adopting a program that might get through if we left Parliament to do its usual work, work we do very well in the Senate, I might add. However, if, despite leaving it unspoken, they are floating the idea that we shall all disappear on November 7...

You know, we learn a lot by rubbing shoulders with the staff — and I am not speaking of the hierarchy or the Privy Council — when the waiters and waitresses tell you that their jobs are ending on November 7, and they wish you a Merry Christmas.

The minister can presume to know our intentions. We can also presume certain things, as the minister continues to claim that we will be sitting until Christmas. Whom are we to believe?

[*English*]

The Hon. the Speaker: I remind honourable senators that we are on a point of order raised by Senator Kinsella as to whether Bill C-41 is in an acceptable form given certain circumstances. Please confine your comments on the point of order to the question.

Hon. John G. Bryden: Honourable senators, I rise because I believe what is happening here is an abuse of my privileges and those of every senator in this place.

We come here to try to go to the substance of issues not to spend an entire week on nothing other than form. The point of order could have and should have been made in the first instance, instead of the piecemeal approach of point of order after point of order while pretending that there is something of substance to be discussed.

What is occurring, with all due respect, is simply obstruction. Honourable senators, I cannot help but wonder why. I am wondering if what is happening is an audition by the existing leadership on the other side for the incoming party that will be choosing new leaders — I see Senator St. Germain sitting over there —

• (1700)

An Hon. Senator: Gerry for leader. The best choice you have made since I met you!

Senator Bryden: — and to prove that what was, and I guess still is, the Progressive Conservative Party really does fit into the political culture of the Reform Alliance, whose obstructionist, technical tactics are well known to all of us.

I never thought that I would be saying this.

Senator St. Germain: What about the GST debate?

Senator Bryden: However, if that is the case, one would look forward to having a former member of the Reform Alliance Party — and, who knows, perhaps Senator St. Germain may win.

Senator St. Germain: Running scared!

Senator Bryden: I believe we should be proceeding. What is occurring here is a very significant abuse of the privileges of every senator who is here trying to do the public business of the Parliament of Canada.

Some Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, if I could get back to the point of order, I would like to point out to Senator Robichaud that, while the two points of order which we have raised have not been upheld, the facts which we have stated have not been dismissed. The fact is that the titles are misleading, not complete. We are being told that it is not within our authority to bring the corrections that should be brought to them. We get a bill from the House under their traditions, and if they feel that this is satisfactory, then we have to go along with it.

It is not obstruction in which we are engaged; it is in pointing out to this chamber that we are receiving legislation from the other side that is not as clear in the titling, both long and short, as it should be.

As for this point of order, it is quite clear that our rules do not allow us to consider the same item twice in the same session. It is as clear as that — to us, anyway. We have never spoken against a bill. Personally, I find nothing in the bill that I would object to — nothing. Maybe you can tell me. They bring corrections and all that; we just do not like the form in which it is being done, that is all.

We feel now that the Senate has disposed of an amendment to Bill C-25 which is also turning up in this bill, we cannot vote that amendment a second time. It is not an amendment to Bill C-41, as Senator Robichaud pointed out; it is an amendment to Bill C-25, which is contained in Bill C-41. We have already disposed of the amendment to Bill C-25, which is contained in Bill C-41 as also an amendment to Bill C-25. The argument we are presenting is that we are not, according to our rules and the practices of Parliament, allowed to consider the same item a second time in the same session.

Hon. Bill Rompkey: Honourable senators, my question would be following on Senator Bryden's point about raising points of order at the earliest opportunity.

The Hon. the Speaker: Senator Rompkey, we are not in debate. We are discussing the irregularity of a bill. You can intervene, by all means, but not to put questions.

Senator Rompkey: Let me make the point then, Your Honour, that when points of order are to be made, they should be made at the earliest possible opportunity — that is, at the beginning of debate and at first reading. Surely the opposition had these bills before them; surely they studied them and their researchers advised on them, and yet they have never raised the points of order until now. All of which leads us to believe that this is probably a duck. If it walks like a duck and talks like a duck, it is probably a duck.

Senator Lynch-Staunton: I was intending to buy one of your books, but you probably will not give me the discount.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I would like to enlighten the Deputy Leader of the Government. I would like you to take your copy of the *Rules of the Senate* and read subsection 63(1):

> A motion shall not be made which is the same in substance as any question which, during the same session, has been resolved...

"Not" means that no motion is to be made; "not" is "not." That is what happened in an amendment to Bill C-25, and the decision was made. The question has already been resolved.

I will continue to read:

> ...in the affirmative or negative, unless the order, resolution, or other decision on such question has been rescinded as hereinafter provided.

The expression "hereinafter provided" refers to subsection (2), which states:

> An order, resolution, or other decision of the Senate may be rescinded ... if at least two-thirds of the Senators present vote in favour of its rescission.

Honourable senators, it seems that the point of order is entirely appropriate. This chamber made a decision, and the only way to undo it is to rescind the decision that was previously taken. That has not been done. At this time, the point of order is entirely appropriate.

[*English*]

The Hon. the Speaker: Are there any other senators who wish comment? If not, I call on Senator Kinsella.

Senator Kinsella: Honourable senators, I am only speaking to the point of order, but I think that it is interesting and instructive that the ruling that Speaker Hays has just rendered, if you look at the penultimate paragraph, the Speaker has confirmed in that ruling that the rule of anticipation is not applying. Why? Because he has ascertained that where the item or subject-matter being anticipated is in an equally effective form — the alleged anticipation involves coordinated clauses contained in two separate bills, Bill C-25 and Bill C-41 — being clauses to bills, they are in equally effective form. The Speaker is confirming that, in Bill C-25, there was an amendment, and it was a motion.

In the point that Senator Nolin just made, the rule says, "any motion." We had a motion. It was a motion in amendment by Senator Lynch-Staunton. The government had the opportunity to embrace that motion; but in their stubbornness, they rejected that opportunity. Therefore, in terms of parliamentary procedure, the government was not denied an opportunity to express itself on the question. They knew exactly what the question was — they had a day to think about it — and His Honour has reconfirmed that, yes, it is the same motion in the two bills, word for word.

The government has made an error. They should have adopted the motion in amendment. Why they did not adopt it probably speaks to this mess that they get into when they try to force things — some arbitrary time limit that they will not own up to — and they would bend parliamentary procedure even when they make mistakes.

This rule has such a long history. We do not want, at a whim, to be modifying this rule. There is a long tradition and a lot of precedence in parliamentary procedure that speaks to this rule. This is not a new rule. Therefore, our rule book is clear on the face of it. I have cited several parliamentary authorities that confirm it. I have cited precedents ruled upon by other Speakers that support the rule. What we have had here is a question brought before us and determined by the Senate, and it is now being attempted to be brought before us once again.

• (1710)

The rule is clear: That same question cannot be raised here again. This is a serious issue. We have heard political arguments from the other side. The procedural argument, which is what the point of order should be focusing on, is a serious issue. A long history of parliamentary tradition and parliamentary precedent speaks to it. It is not a frivolous matter at all

The Hon. the Speaker: I would thank senators for their comments on the point of order raised by Senator Kinsella, as well as Senators Robichaud, Bryden, and others for their remarks on the ancillary point raised about whether there is anything not in order about proceeding.

I will take the matter under consideration and return with my ruling as soon as I possible.

THE ESTIMATES, 2003-04

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A)— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Biron, for the adoption of the ninth report of the Standing Senate Committee on National Finance (Supplementary Estimates (A) 2003-2004), presented in the Senate on October 22, 2003.

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise to participate in the debate started yesterday by the Honourable Senator Day.

The report of the Standing Senate Committee on National Finance on Supplementary Estimates (A) for the 2003-04 fiscal year notes that the Canadian Firearms Centre was again a topic of discussion.

Indeed, this marks the twelfth time that Parliament has been asked to approve additional spending for the firearms registry through the use of Supplementary Estimates, a practice that drew heavy criticism from the Auditor General in her report last fall, wherein she noted under the heading ''Obstacles to accountability'':

> Between 1995-96 and 2001-02, the Department obtained only about 30 percent of $750 million in funds for the Program through the main appropriations method; in comparison, it obtained 90 percent of funding for all of its other programs through the main appropriations. Little additional information was given to explain the need for major supplementary estimates for the Program other than the required brief one-line statement that identified that the funds were for the Program.
>
> To enable Parliament to maintain control over the public purse, departments ask for approval of supplementary estimates only for unanticipated expenditures not approved by the Treasury Board in the normal business cycle or for those which cannot be estimated in advance.

Honourable senators, among her many observations about this program, the Auditor General said that, even though the firearms program was designated as a major Crown project from the beginning, the government has provided insufficient information to Parliament. We know that the running total to set up and operate the registry will be about $1 billion by the end of next year. It has been suggested that the true figure may be much higher, if spending by all other departments is included.

The burning question is: Where did all the money go? How can you spend $1 billion on a program that was supposed to cost only a fraction of that amount?

Honourable senators, now that the Canadian Firearms Centre is a full department, we are finally, some eight years into the program, starting to get a trickle of information about where the money goes.

As a result of Supplementary Estimates (A), we now know, for example, that the gun registry has a payroll of $22.6 million. That is just the payroll for the people on the staff. As a result of questions posed in committee by Senator Comeau, we also know that this covers the salaries of 279 people, of whom 153 are clerical.

Honourable senators, divide $22.6 million by 279 and you get an average salary, including benefits, of $81,000. Mr. Mike Joyce of the Treasury Board confirmed this figure in response to a question at committee, stating:

> That would be the average salary; but it would, I believe, also include what we call the benefit portion, for instance, the contributions that have to be made to the pension plan.

Honourable senators, even if we assume that benefits and payroll taxes amount to 15 per cent of salary, this seems a bit out of line for a department where the vast majority of people hold clerical positions. Perhaps there is a proper explanation regarding this average salary, but the committee was certainly not able to find it.

Perhaps if the committee had more time, it could also have delved into why this department needs a 13-person public affairs office, the number of individuals the government phone book identifies as employed in that capacity.

As a minor aside, I note that, as of mid-October, the online government phone book lists this department not by its legal name as the "Canadian Firearms Centre," but as the "Canada Firearms Centre." Given the billion dollar cost of this boondoggle, could some effort not be made to at least get the name right?

Where else is the registry spending money? There is a transportation and communications bill of some $9 million, and $16 million goes to the provinces for their costs. However, the number that really stands out is its professional and special services budget of just under $59 million. In other words, its bill for consultants is two and a half times its bill for salaries, eating up more than half its total resources.

Most of this is for computer services. Indeed, last year, the Auditor General fingered computer costs as one of the major reasons that expenses have climbed so high.

In an article in *The Globe and Mail* of January 4, 2003, it is noted:

> The federal government spent nearly $160 million to create a computer system to run the national firearms registry — and now it's spending another $36 million to figure out how to replace it. That makes the total cost of the system nearly $200 million to date.

The Globe and Mail went on to summarize a memo sent in April of last year to the then Public Works Minister, Mr. Don Boudria, stating that the federal government spent $159 million to set up the Canadian firearms registration system, the computer database that keeps track of the firearms and licensed gun owners in the year 1997. The companies that received the contract for the work were EDS Canada and SHL Systemhouse.

Then, last year, the government awarded another $36 million contract to an alternative service provider to re-evaluate the computer system and to look at a new program to replace it. That contract went to the CGI Group and to BDP Business Data Services.

The explanation from the Canadian Firearms Centre is that the 1997 computer system is already outdated and needs to be replaced. Should we assume, honourable senators, that five years from now we will be faced with these same costly redundancies?

Honourable senators, $200 million is twice what Vector Capital spent last summer to buy the Corel corporation. This is a program that was supposed to have had a net cost of $2 million. From the beginning, Parliament has not been given accurate information about future costs, a tradition that lives on.

This March, through its Part III Report on Plans and Priorities, the Department of Justice said that the firearms program would cost $113 million this current 2003-04 fiscal year. However, a year previous, in March of 2002, the same document projected that, for this current fiscal year, 2003-04, the cost would be $95 million. In other words, the estimated cost climbed by $18 million, the difference between $95 and $118 million.

In March 2002, the Justice Part III also projected a cost of $80 million for fiscal 2004-05. In March 2003, the Part III now projects the cost for fiscal 2004-05 will be $95 million, or $15 million more than previously thought. The government is telling us that they are working on this program to make it more cost efficient.

Some $18 million this year, plus $15 million next year, equals an additional $33 million over two years beyond what was expected just last year.

• (1720)

What would the extra tab be with these measures to contain costs? Again, this is an ongoing problem. The costs are always more than we have just been previously told. Are we to accept as credible the government's projection that program costs will fall to $95 million next year, and to $76 million the year after next, or should we treat those numbers with a grain of salt? Unless the next government pulls the plug, do not bet the farm on significant cost reductions any time soon.

Page 15 of this year's Report on Plans and Priorities for the Department of Justice also includes a warning that:

> The Alternative Service Delivery contractor has indicated that the scope of the work to achieve certification exceeds the estimated efforts, due to unanticipated requirements.

The key words here are "unanticipated requirements." The additional work may cost as much as $15 million and is not included in the planned spending. Should we take that to mean that there will be a Supplementary Estimates (B) for the firearms centre, or does it mean that we should toss next year's projected cost figure out the window? The bills just keep coming and coming.

Honourable senators, a great deal of attention has been focused in both the Senate and the other place over the $10 million to be voted for the Canadian Firearms Centre. Government departments are indeed allowed to carry funds forward if they are not used, with their use confirmed in a supply vote. However, there are a few things that are unusual about this carry-forward. First, there is the amount of exactly $10 million. Normally, the amounts carried over through a vote in a supply bill are a little less rounded than the exact multiple of a million. For example, the carry-forward votes last year included $19,389,000 for Agriculture vote 1a, and $13,811,000 for Agriculture vote 30a. Last year's Justice vote 1 covered much more than the firearms registry. It was the operating budget for the entire department.

You have to wonder if the government, in its efforts to make it look like there was no new money for the firearms registry, simply took leftover funds from other programs funded through the justice vote, such as youth justice and crime prevention, and slapped on a label that read "firearms."

The second curious thing is that last year the government withdrew its original request in Supplementary Estimates (A) to provide $72 million to the gun registry and replaced it with a $59 million vote in Sups (B), a $13 million reduction. Add $13 million to the $10 million left over and we are asked to believe that the registry got by with $23 million less than it originally sought.

As to how the government managed to have $10 million left over, Mr. Mike Joyce of the Treasury Board told the National Finance Committee the following at its October 7 meeting:

> They did not spend $10 million, as they had planned in the previous yearbecause the new licensing and registration system did not proceed as quickly as anticipated, primarily because of the delays in the passage of Bill C-10A —

— which this Senate knows something about —

> — and the delays in making planned changes to the regulations.

The explanation boils down to Parliament not passing Bill C-10A.

Honourable senators, last fall, as part of its response to the Auditor General's scathing report on the costs of the firearms registry, the Department of Justice said:

> The government has tabled amendments to the Firearms Act (C-10) that would further improve program efficiency and allow for alternative means of program delivery.

It sounds like the Justice Department was arguing that Bill C-10 would reduce costs through improved efficiency. Now we are told that that money was left over from last year because Bill C-10 did not pass. Could the Justice Department and the Treasury Board please get their stories straight?

For that matter, if Bill C-10 was not yet law, why did the government ask Parliament for the money in the first place? Is that not putting the cart before the horse?

These Estimates allow some $105 million to be transferred from the Justice Department to the Canadian Firearms Centre, which has become a full department, and to the RCMP, which will take over some of the gun registry work. There is nothing unusual about using the Estimates to move money from one purpose to another. It is done all the time, and it is part of the process of ensuring that spending has the sanction of Parliament. What is unusual in this set of Supplementary Estimates is the presentation.

Transfers by themselves do not involve any increase in spending. Funds intended for department A are moved to department B, or money voted for Agriculture vote 1 "operating" is moved to Agriculture vote 5 "capital," to move it from an operating account to a capital account.

Since 1990, a summary table in each set of Supplementary Estimates has shown the transfers and the amounts of additional funds requested by departments. Until now, the transfers have always netted out to zero. If you move $7 million from Industry vote 85 to Industry vote 75, as is also done in these Supplementary Estimates, no new spending authority is requested. You add, you subtract, and you end up with zero additional spending.

On page 14 of the Supplementary Estimates, you will find totals for the funds already voted through previous Estimates in one column, for transfers in another, for new appropriations in the next, and total current in the final column. In its quest to make sure that we know that this is a transfer, the government shows the total transfers as $105 million, equal to the gun registry transfer. It arrives at this result by not subtracting out the money taken from Justice votes 1 and 5.

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

Senator Oliver: Honourable senators, may I have another five minutes?

The Hon. the Speaker *pro tempore***:** Honourable senators, is it agreed?

Hon. Senators: Agreed.

Senator Oliver: Thus, we arrive at a curious situation where money that is in fact a transfer is added to the total Estimates to date.

When the Governor General recommended these Estimates to Parliament, was she recommending the amount to be voted in this supply bill or was she recommending an amount that was $105 million more than that, as shown in the Estimates documents tabled by her ministers?

Are the total funds voted through supply to date $64.7 billion or are they $64.6 billion? The Treasury Board officials admitted to the Standing Senate Committee on National Finance that this was not the right thing to do, and promised not to do it again.

It ought not to have been done in the first place, as it calls into question the accuracy of the information the government tables in Parliament, information that we rely upon to assess the proposals that are placed before us.

Honourable senators, I will conclude by noting that, regardless of whether you support the Canadian Firearms Registry or whether you believe that the money would be better spent elsewhere, we all ought to support full and proper disclosure of program costs and due regard for economy. We are still not seeing this in relation to the gun registry.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

LIBRARY AND ARCHIVES OF CANADA BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-36, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence.

Bill read first time.

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

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

• (1730)

[*English*]

HOLOCAUST MEMORIAL DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-459, to establish Holocaust Memorial Day.—(*Honourable Senator Cools*).

Hon. Tommy Banks: Honourable senators, I wish to say two things about this bill. First, yesterday, Senator Corbin spoke about a matter of principle to him and a procedural matter, and was not making his remarks in respect of this bill alone. I hope that honourable senators will remember that with other bills dealing specifically with the establishment of memorial days, Senator Corbin has spoken in exactly the same terms about those bills as well. His point is that they ought to receive the usual treatment in this place.

My second point is that, with respect to Bill C-459, I wish to support Senator Corbin by saying that this bill clearly has to go to committee. It is my opinion that this bill requires amending. In the sixth paragraph of the preamble to the bill, it says:

> WHEREAS the House of Commons is committed to using legislation, education and example to protect Canadians from violence, racism and hatred and to stopping those who foster or commit crimes of violence, racism and hatred...

The House of Commons is part of Parliament, but it is clear to me that this paragraph in the preamble ought to say: "WHEREAS the Parliament of Canada is committed..."

I might have been prepared to say that in the interest of getting this bill passed we should ignore that, but I will not do that, honourable senators, because the exact same thing happened with another bill on another memorial day in June. I see Senator Atkins nodding. He will remember that at the tail end of a meeting on that particular, for which I was regrettably late, I found the same omission had been made. At the time, we were on a telephone conference call with a Member of the House of Commons who was the author of that bill, whose final result was exactly as admirable as this one was. No one here questions the end purpose of this bill. At the time, we exacted, as I understood it, an undertaking, which was to be conveyed to the Speaker of the House of Commons, that this kind of oversight, as opposed to intentional omission, ought not to be made, and that care ought to be taken to ensure that when pronouncements are being made about the objects of the Parliament of Canada in bills which seek to commemorate or designate a particular day, it be remembered that there are two Houses of Parliament.

Senator Corbin's point that this bill be referred to committee for study, and I hope that committee will take into account the necessity to amend this bill at least in that respect, ought to be called to the attention of all senators, and I hope that they will support that contention.

Hon. Marcel Prud'homme: Will the Honourable Senator Banks take a question?

The Hon. the Speaker *pro tempore*: Will you take a question, Senator Banks?

Senator Banks: Certainly.

Senator Prud'homme: Honourable senators, one of the misunderstandings that exists in English started 20 or 22 years ago. In English, the press and even honourable senators often refer to members of Parliament and Senators. In French, there is no ambiguity whatsoever; we say "les deputes" and les "sénateurs."

We discussed this the other day. This oversight has not been addressed. I hope people will correct it. It starts the minute you arrive on Parliament Hill at the security platform when you see, "members of Parliament and Senators only," whereas in French it says "deputés et sénateurs."

This confusion is so prevalent that members of the other place think that we are excluded from the term "members of Parliament." Our staff and committee reports should start saying that a meeting was attended, for example, by 20 senators and 20 members of the House of Commons. This reluctance to use "members of the House of Commons" started 22 years ago and now it is growing to the point where now people think we are not parliamentarians; we are just senators.

I hope eventually we will talk about that. Every time I see that term, it reminds me of the confusion that exists.

Senator Banks: Honourable senators, I guess that was a question. I always make a point, when the opportunity arises, to indicate that I am a member of Parliament.

Senator Prud'homme: Good.

Senator Banks: We are all members of Parliament. I was careful in my previous remarks not to use the appellation "MP," which I try not to, and referred to the person with whom we were speaking on the telephone as a member of the House of Commons. I am always careful to do that, as is Senator Prud'homme.

Hon. Anne C. Cools: Honourable senators, I would like to join this debate.

I support Bill C-459. My interest in these matters is ancient. Many senators would not know this, but the oldest Jewish settlements in the New World were in the West Indies, particularly in Curaçao. In Barbados, where I was born, there were Jewish settlements dating from the 1600s. If you were to look around the British Caribbean, you will see names like Da Lima and Da Sousa and Da Costa. Those are Jewish-Portuguese names. The Jewish settlements were thriving communities in the British Caribbean in the 1600s. In Barbados, the old synagogue is still there. It was refurbished in the last 15 years or so. Its old graveyard still has tombstones from the 1650s. There are places like Synagogue Lane and there was a street called Jew Street.

In addition, many people in that part of the world have a Jewish grandfather or great grandfather, even persons such as myself, for example. Therefore, my understanding of these issues is quite ancient.

• (1740)

I hasten to add that on the other side of the community there are people who are quite prevalent in the British Caribbean who are called Syrians. There were Lebanese and Christian Arabs. Many of those people came around 1916 and quite often arrived with only the clothes on their back. Senator Prud'homme knows that history.

To make a biblical reference, one should always remember the sons and children of David, but we should always be cognizant of the children of Ishmael as well. I am sure that honourable senators are aware of who Ishmael was. Ishmael was the bond child of Abraham and Hagar, the slave woman — the bond woman. The Jewish people are descended of Abraham's legitimate son Isaac, with Sarah. The Arabian people claim their descent from the children of Ishmael, Ishmael and Isaac are both sons of Abraham, the great patriarch.

For those here who are no longer Bible readers, it would be nice to make references once in a while to what I would call the shared historical and cultural facts.

Today, we are not talking about the children of Ishmael; today we are talking about the children of Israel, the children of Jacob, the son of Isaac.

Recently, because of another bill, I have been doing some work on genocide, and I was able to learn that the word "genocide" was created by a Polish-Jewish lawyer, Raphael Lemkin. He was a great scholar who was able to escape to the United States of America around 1941. He published a book in August 1944 called *Axis Rule in Occupied Europe*. He is the person credited with having created the word "genocide."

I always thought that "genocide" was from the Latin "gens" and "cide," but he uses it from the Greek "genos", which means "race" or "tribe," and "cide," which means killing.

I will read from chapter 9 of Raphael Lemkin's book, which chapter is titled "Genocide."

> New conceptions require new terms. By "genocide" we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing), thus corresponding in its formation to such words as tyrannicide, homocide, infanticide, et cetera. Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.

Honourable senators, at some point in time Raphael Lemkin served in the trials at Nuremberg, and I believe he served in the office of the U.S. chief prosecutor, who, I believe, was Robert Jackson, a judge on the Supreme Court. There was a great controversy at the time about whether judges should be allowed to take part in that tribunal.

What is often forgotten about that tribunal, because it really has no link to the modern day criminal courts or the International Criminal Court, is that it was an international military tribunal. It essentially had to do with justice as administered by the victors against the vanquished, and we must remember that. The evidence on which they tried the lead members of the Nazi community was actually obtained from the Nazis themselves, from their files and so on.

Honourable senators, I wanted to speak on Bill C-459 because of my feeling that the Holocaust was of such enormity that it still remains slightly incredible to many of us, and I do think that it should stand as a memorial to human cruelty and man's inhumanity to man.

As Lord Shawcross, the U.K.'s prosecutor at Nuremberg, said, it was certainly a set of black-hearted deeds. I want to lend my support to that view.

I think it would be the wish of us all to see peace in the Middle East and a resolution to that set of problems. I am very supportive of the initiatives of Mr. Bush in trying to accomplish a state for the Palestinian people.

Having expressed my support, honourable senators, I would like to turn to the question that Senator Banks just raised. He spoke of the absence of mention of the Senate in the preamble of this bill. The bill itself is extremely short. It has one substantive clause. It essentially creates a Holocaust memorial day.

I wish to support Senator Banks in his initiative. I hope that in committee this question of the recognition of the Senate in the preamble of the bill will be dealt with.

Honourable senators, I find it tedious that we must keep reasserting and reaffirming that senators are members of Parliament and that we are equal partners in the Constitution. It behoves us all to keep making the point again and again, and I would like to see that matter sorted out.

• (1750)

In closing, honourable senators, it is no secret that I am a Christian person, and it is no secret that I am very comfortable with the lexicon of Christianity and the notions of life as a journey and a pilgrimage, and the grand scheme of life as a mystery where, somehow or the other, we are each and every one trying to work out our own salvation, which has to be done individually and which, at the end of the day, can only be done with God's grace, as we attempt to discover it.

Honourable senators, with this grand mystery of life, as we sit on God's creation, God's beautiful earth, with bountiful nature, at the end of the day, human behaviour remains a great enigma to all of us. Human motivation continues to elude us. Human greed and jealousy and envy and spitefulness and cruelty continue to puzzle us and to burden our minds. In fact, it remains a grand mystery as to why human beings hurt each other, and why human beings kill each other, and why they do terrible things to each other. This Holocaust, this thing that happened in Germany, remains one of the biggest enigmas of all, because Germany was such a modern country and was reputed to be so liberal-minded to its citizens.

Honourable senators, I see bad bills passed again and again. I see terrible things go on all the time because human beings quite often, either by fragility, by weakness, by fear, by ignorance or whatever, allow bad things to happen. This is how evil prospers. How does something like the Holocaust happen? I hate to tell you, honourable senators, that maybe I am growing a little bit older, but I now understand. There is something in the nature of the exercise of power that pushes to excess. The natural disposition of human beings is to violate the boundaries of power.

Saint Augustine called it the *libido dominandi*, the lust for dominion, the lust of power, the libido, whether it is a little issue or a large issue, it is when those in power exceed limits and their followers yield to them, bad things happen. That is how the Hitlers of the world came to power and got away with it.

The Hon. the Speaker *pro tempore***:** Honourable senator, I regret to inform you that your time for speaking has expired.

Senator Cools: I would ask leave to finish off the thought.

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

Hon. Senators: Agreed.

Senator Cools: I was talking about the natural disposition of human beings to excess in power. I wanted to make the point that that is why we need constitutional checks and limits.

Honourable senators, when I was quite young, I watched a film with scenes from the Holocaust. I describe this because it was just so upsetting. They were pushing people, loading them into ovens, and they were using pitch forks to move the people along. It affected me deeply to watch this. I asked why. The nature of "why" is always in "because." Leaders can be bad because followers allow them to be.

Senator Prud'homme: Honourable senators, I am an avid reader of the Bible, the Old Testament and the New Testament, so I checked quickly, for the record, that Abraham, indeed, had a wife named Sarah. He had another lady, a maid, by the name of Hagar, and Hagar had a son called Ishmael, the ancestor of all Arabs. Sarah, the wife of Abraham, had a son named Isaac, and Isaac had two sons, as you know. Strangely, and I would like to put on the record, since we do not talk about it often, that, Sarah, the wife of Abraham, had Hagar and her son expelled from the side of Abraham. I now see all the scholars giving me their attention.

Isaac had two sons, and one, Jacob, was the father of 12 children who formed the tribes, and they say that one is the lost tribe.

I must say that the events of last night provoked lots of soul searching. As a result I wish to make a few personal comments.

Having said that, I would like to speak on this issue, and I would ask to adjourn the debate under my name.

Senator Cools: Honourable senators, the historical description given by Senator Prud'homme is quite accurate. If honourable senators wish to look it up, they can find it in the Old Testament in the book of Genesis. Hagar is the mother of Ishmael. She was a bond servant. Sarah, Abraham's wife, was an old woman, and she said, "I can have no children. Here, have the servant." Then she, Sarah, cast Hagar and Ishmael out. The honourable senator gave a good account of the story.

On motion of Senator Prud'homme, debate adjourned.

[*Translation*]

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

REPORT OF OFFICIAL LANGUAGES COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Losier-Cool, seconded by the Honourable Senator Wiebe, for the adoption 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 Gauthier*).

Hon. Jean-Robert Gauthier: Honourable senators, I would like to say a few words on this important report.

This report has preoccupied honourable senators for a number of sittings. The Standing Senate Committee on Official Languages has held 11 meetings and 30 witnesses have appeared before it. The report contains 21 recommendations. I am not sure everyone is aware of how important this report is. I would like to devote a moment to it.

Recommendation 18 of the report affects Bill C-25, which we are discussing at this time. It merely states that, in connection with language training to develop our public service, we ought to look to the private sector for its expertise and see whether it could not be used to provide language upgrading courses to those public servants who wish to become bilingual in order to do justice to the positions they hold.

There are all manner of reasons to think that the government always does things better than the private sector. In education, I can tell you that we have a good reputation as far as language training goes. The Public Service Commission used to do a good job with it, and huge challenges were met.

• (1800)

We have proven that was not true. Today, we do things in a professional and competent manner.

Honourable senators, the committee's fourth report addresses a number of topics.

[*English*]

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

Hon. Senators: Agreed.

[*Translation*]

Senator Gauthier: One of the recommendations touches on a question of great concern to me: Ottawa, the capital of Canada, ought to be a bilingual city. One of our recommendations mentions that the Senate dealt with this issue four years ago, in 1999. A motion, which I made, was unanimously adopted and, as we all know, a Parliament never goes back on its word. We are already committed.

I would like to conclude by saying that the committee's report is important. It is important that the Senate follow up on these reports. We are tabling a number of them and I give notice that, after the report is adopted, I will ask that the government give a comprehensive, full and complete response to the report, so that we know where we are going after the presentation of our reports.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

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

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

On the Order:

> Resuming debate on the consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (*document entitled: Santé en français — Pour un meilleur accès à des services de santé en français (French-Language Healthcare — Improving Access to French-Language Health Services)*) tabled in the Senate on December 12, 2002.—(*Honourable Senator Chaput*).

Hon. Maria Chaput: Honourable senators, I will be speaking about the consideration of the document entitled "*Pour un meilleur accès à des services de santé en français,*" tabled in the Senate on December 12, 2002, by the Standing Senate Committee on Social Affairs, Science and Technology.

[*English*]

I should like to commend the members of the Social Affairs Committee on their excellent analysis of that document. I will discuss the committee's recommendations at the end of my address.

[*Translation*]

At the risk of repeating the statements of my honourable colleagues who took part in the debate, I would like to point out that this June 2001 report funded by the federal Department of Health generated much interest and concern in Canada's francophone population. Health care access for francophones is deplorable. French-speaking Canadians are, on average, older, less active in the labour market and less educated. Half the francophone population has little or no access to French-language health services, and there are wide variations between provinces and between regions within provinces.

Honourable senators, section 7 of Canadian Charter of Rights and Freedoms raises an interesting point. It would seem that to meet section 7 requirements, health care must be accessible, within the meaning of the Canada Health Act, in the language of the minority. The preamble of the Canada Health Act states that:

> ...continued access to quality health care without financial or other barriers will be critical to maintaining and improving the health and well-being of Canadians.

Section 3 of the Canada Health Act declares that:

> The primary objective of Canadian health care policy is to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers.

Section 41 of the Official Languages Act states that:

> The federal government is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development, and to fostering the full recognition and use of both English and French in Canadian society.

The Canadian Charter of Rights and Freedoms gave Canadians the right to educate their children in the minority official language of their province of residence, and it is time that those same children and their families had the right to obtain health care in their own language.

There have been many changes in the area of minority-language health services over the past five years. Both the federal government and the community have taken concrete measures.

First, since 1999, the federal government has been funding the Centre national de formation en santé.

Second, in 2002, through Health Canada, the federal government established two committees to advise the Minister of Health in accordance with the provisions of section 41 of the Official Languages Act. They are: the Consultative Committee for French-Speaking Minority Communities, and the Consultative Committee for English-Speaking Minority Communities.

In keeping with their mandates, the two committees have sponsored important studies. The Fédération des communautés francophones et acadienne du Canada coordinated a study of the needs of and possible solutions for francophones and reported to the Minister of Health in September 2001.

At the same time, francophones in Manitoba were feeling a pressing need to coordinate the activities of the health and social services sector in order to provide the community with access to French-language services.

In 1999, the *Société franco-manitobaine* was assigned the responsibility for coordinating the sector. A provincial *Communauté en santé* board was established in 2001. The first provincial forum on French-language health and social services in Manitoba was held in 2002. Caucuses were held for central Manitoba, south-eastern Manitoba and the Winnipeg area to help identify regional and provincial priorities.

It is important to note that French-speaking Manitoba had already made some progress. In October 1990, following a report by Mr. Maurice Gauthier, selected health institutions — hospitals and residences— were designated bilingual.

In 1998, Mr. Justice Chartier evaluated the effectiveness of the provincial government's French-language services, and his recommendations relating to health services gave new hope to francophone Manitobans.

• (1810)

The key point that came out of all these activities in Manitoba was the principle of active offer. The strategies developed by Manitoba's francophones dealt with networking, primary/front-line care, improved use of existing francophone resources, and cooperation with existing structures and reception centres.

Honourable senators, I have taken the time to share Manitoba's experience with you in order to show you that there is a common thread between the priorities put forward by francophone Manitobans, the entire francophone population of Canada, the Kirby report, and the recommendations of the Standing Senate Committee on Social Affairs, Science and Technology with respect to the document entitled "Pour un meilleur accès à des services de santé en français."

The Senate Committee's report contains nine recommendations. In view of what francophones have been asking for, it is clear that those recommendations must be acted upon at once. In particular, I would like to emphasize and focus on the following recommendations:

Recommendation 1:

> ...that the federal government receive the report entitled *Improving access to French-language health services* ... and that it endorse the principles underlying the report...

In other words, regional differences, involvement of the communities, concerted effort, and demand for services.

It is important to define the conditions for effective cooperation. The three partners the federal government, provincial governments and communities have to be on the same page, and joint initiatives must have the same basis, principles and objectives.

Recommendation 3:

> ...that the federal government fully support the networking strategy...

The Romanow commission recommended cooperation among stakeholders. The Kirby committee recommended that the federal government fully support that strategy, and that is one of the intervention levers recommended by the Consultative Committee for French-Speaking Minority Communities. Everyone knows that the two key characteristics of francophones outside Quebec are their dispersion and their small numbers. Networking helps to break the isolation, fostering greater cooperation and more effective use of resources. There are now networks in every province and territory. The federal government must continue to provide financial support for that initiative.

Finally, recommendation 6:

> ...that the federal government support the development strategy for front-line care groups and reception centres...

Facilities must be put in place to deliver health care in French. Mr. Hubert Gauthier, Co-chair of the Consultative Committee for French-Speaking Minority Communities, put particular emphasis on the idea of "active offer." Clients must be invited openly and clearly to use the language of their choice. Without that active offer, too many francophones will hesitate to express their needs in their own language.

We need to establish facilities, be they physical or virtual, that francophones will perceive as French as soon as they cross the threshold, places where they will not be looked down upon if they speak French.

We all know that the federal government is not directly responsible for providing health care services in the provinces and territories. That is a provincial and territorial responsibility. The federal government's role is to transfer resources to those governments to help them fulfil their responsibilities in that area.

Nevertheless, the federal government has a duty to exercise its power and play a leadership role in the equality of Canada's two official languages in order to persuade the provincial governments to improve minority French-language health care services in cooperation with the communities.

In a news release on October 6, 2003, the Commissioner of Official Languages stated:

> It is essential for all levels of government to collaborate if the objectives are to be accomplished. The Commissioner is therefore asking the federal government to establish a framework to facilitate intergovernmental cooperation on official languages.

The Consultative Committee for French-Speaking Minority Communities recommended that the Minister of Health adopt a comprehensive five-year action plan, including the intervention levers recommended by all stakeholders: community networking, training, and establishing reception centres and developing primary health care.

As recommended by the Kirby Committee, rigourous use must be made of specific levers, and I quote:

> It is now up to the federal government to play a leadership role in official languages in order to encourage other key partners, including provincial governments, to work together to ensure that all French-speaking living in official-language communities have access to satisfactory health care in their own language, as the majority of Canadians do.

Today we are at a particularly auspicious moment. The challenge is to lay a solid foundation so that the initiatives we take, especially in the area of service to the public, will persist long into the future.

On motion by Senator Stratton, debate adjourned.

[*English*]

STUDY ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

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

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, quite frankly, I would like to have the clock rewound on this item. There are comments to be made to this report, and I hope that they will be made as early as before November 7.

On motion of Senator Lynch-Staunton, debate adjourned.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTERS ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on National Security and Defence (budget—Subcommittee on Veterans Affairs—study on veterans benefits) presented in the Senate on October 23, 2003. —(*Honourable Senator Day*).

Hon. Joseph A. Day moved the adoption of the report.

Motion agreed to and report adopted.

UNIVERSITY RESEARCH FUNDING FROM FEDERAL SOURCES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Moore calling the attention of the Senate to the matter of research funding in Canadian universities from federal sources.—(*Honourable Senator Losier-Cool*).

Hon. Norman K. Atkins: Honourable senators, Senator Losier-Cool has agreed that I can speak to this inquiry today.

The Hon. the Speaker *pro tempore***:** It is agreed, honourable senators?

Hon. Senators: Agreed.

Senator Atkins: Honourable senators, I rise today to speak on the inquiry of Senator Moore. It is a subject worthy of careful examination, and I thank him for bringing it to the attention of the Senate.

This inquiry stems from the pledge made just over a year ago in the Speech from the Throne. The federal government stated that it would invest in excellence in university research by, among other initiatives, increasing its funding to the federal research councils, which in turn would fund post-secondary institutions as well as individual researchers and scientists. The advancement of university-based research initiatives is of considerable importance to the future of this country and its citizens. After all, the Conference Board of Canada reported in 2001 that among the OECD countries, 50 to 60 per cent of the basic research vital to a country's long-term industrial competitiveness is carried out at universities.

• (1820)

The federal government's announcement was therefore widely applauded. However, Senator Moore's research has found that for many universities, especially those in the Atlantic region, there has been little cause for celebration for many years. These universities have been on the losing end of an inequitable distribution of funds, and it is harming their ability to compete with larger, more centrally located universities. This situation cannot be allowed to continue.

I share Senator Kinsella's belief that the model upon which our institutions and researchers receive funds is flawed and discriminatory. The funding formula used to determine where research dollars go has been to the detriment of Atlantic Canada's universities, which are not receiving the same amount of research dollars as those in other parts of the country.

It should be noted that the word "smaller," in the context of funding procedures, does not always refer to student body size, but in the case of the Canada Research Chairs Program refers to the amount of grants received in the history of an institution. This program, in particular, has not worked to the benefit of Atlantic Canada's universities. A new allocation process is needed — one that maximizes the opportunity for the growth of university-based research across Canada, and is not based on past research performance.

The Canadian Foundation for Innovation has also contributed to inequitable funding problems through its project requirements. The CFI has always mandated that 60 per cent of a project's funding be provided by the university or the private sector before it would contribute the other 40 per cent. No CFI grant can be accessed outside of this formula.

This program may have been designed to increase private sector support for research, but the overall contribution from the private sector to all CFI-approved projects in its first five years of operation averaged less than 12 per cent — and mostly took the form of price reductions on equipment. This has meant that the majority of the matching funds have had to come from provincial governments and the institutions themselves, many of which simply cannot afford it. In a province or region where industrial partners are hard to find, as in Atlantic Canada, obtaining a 60 per cent match in funding for a research project is extremely difficult to do.

In 2000, the Prime Minister's Advisory Council on Science and Technology released a report entitled "Creating a Sustainable University Research Environment in Canada," which looked at the impact of the indirect costs of federally sponsored research. It acknowledged that funding structures were needed which would support institutions that have won less from the granting councils, while safeguarding the research environment at institutions that have earned relatively more from these bodies. The advisory council recommended a sliding scale to be used that would channel additional funds to institutions facing a higher cost structure.

One possible scenario is presented, involving percentage payments ranging in progression from 90 per cent for those institutions receiving the least granting council support, to 36 per cent for those receiving the most. Therefore, honourable senators, the federal government was made aware of the predicament Atlantic Canada's universities face with respect to attaining research funding in the year 2000.

We must ask: What will the government do about the situation, and when? In the long run, the present situation is of benefit to no one. Canada's technological competitiveness depends on research success across the country, not just in a few select regions.

The funding formulas are not the only hurdles that Atlantic Canadian universities must overcome. The Canada Research Chairs Program does not work equitably, either. A *National Post* article of September 6, 2003, raised another consequence of this program: the focus on attracting "star" or "trophy" professors at the expense of the university's primary duty — undergraduate and graduate student education. The article describes this particular outcome of the Canada Research Chairs Program in the following way:

> At every opportunity, federal Liberals champion the program as a brain-gain tool, a magnet to attract international stars to Canadian universities. But so far, the program, which favours programs in the natural and health sciences at the large, research-intensive universities, appears to be more of a perfect poaching device and bargaining chip in the bid for star power within Canada.

The consequence of this manoeuvring, of course, has not been to the advantage of smaller universities. The article goes on to quote Donald Mitchell, a psychiatry professor at Dalhousie University as saying:

> A lot of people are relieved of teaching, but a lot of the chairs are only available to younger academics, so mid-level academics are suffering.... There's been no money, no salary increases for so long, so it's been hard to get cherries or plums. Now with the chairs, people are going to a lesser university, get an offer, then go back to their university to match the offer. It's nothing other than blackmail.
>
> Small universities are losing professors to the larger universities in central and western Canada because of the salary differentials and research opportunities.

Another inequity with the Canada Research Chairs Program concerns the remarkably low number of women who have been awarded research chairs since its inception. Last May, an independent audit of the program found that the number currently stands at only 15.1 per cent. This is an embarrassingly low number, especially compared with the fact that 61 per cent of the humanities and social science research grants awarded to doctoral fellows last year by the Social Sciences and Humanities Research Council of Canada went to women. This is one more inequity that must be carefully looked at.

Another problem has emerged that may have repercussions on the availability of research funding. This fall, the Canadian Institute of Health Research decided to end a program that provides salary support for mid-level and senior researchers. As a consequence of this decision, it may even be more difficult for researchers to obtain funding under the Canada Research Chairs Program, as there may be an increase in the competition among researchers for the positions.

The Canadian Foundation for Innovation is another research grant council that has equity problems beyond those found in its funding formula. In announcing the creation of the CFI in 1997, former Finance minister Paul Martin said:

> Investment decisions will be made solely by a board of directors, the majority of whom will be drawn from the private sector and the research and academic communities.

While this is true, no stipulation was made as to how regional representation would be dealt with on the board. That oversight has been to the detriment of Atlantic Canada's universities, as the region has been sorely under-represented among the members of the board with only two members from Atlantic Canada.

There are other serious problems concerning post-secondary education in our country, of which I am sure all honourable senators are aware. During his time as finance minister, Paul Martin cut funding for post-secondary education dramatically, as he directed it to become part of the annual CHST payments to the provinces. Between 1994-95 and 1998-99, the federal government cut CHST entitlements by $6.2 billion, or about 33 per cent.

• (1830)

This money is awarded on a per capita basis, not per student, which hurts institutions such as Memorial University of Newfoundland and Labrador. For example, it is located in a province of only about half a million people. However, it boasts an enrolment of over 16,000, making it the largest university in the region.

Cuts in CHST payments due to a shrinking overall population has hurt the university, as it does not take into account how high its enrolment may be or how high it may grow in the future.

As a member of Parliament, Mr. Martin's record is not any better. In May 2002, despite speaking favourably about it in the press, Mr. Martin voted against a motion put forward in the House of Commons by John Herron, an MP from the riding of Fundy—Royal, to alleviate student debt by introducing a tax credit based on 10 per cent of the principal of a student loan for 10 years, provided the person remain in Canada. That was a relatively small initiative that would have had a big impact on the lives of students, but it did not receive the support of Mr. Martin.

By the way, honourable senators, the government still taxes both bursaries and scholarships at a level over $3,000. I consider that to be unconscionable.

The lack of research funding for small universities poses a serious threat. We urge the government to address these problems so that universities have more opportunities.

Dr. Kelvin Ogilvie, former President and Vice-Chairman of Acadia University, perhaps described education best when he said that "education, ultimately, is the key to a successful society."

On motion of Senator Moore, for Senator Losier-Cool, debate adjourned.

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the important role of culture in Canada and the image that we project abroad.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I rise at the first opportunity, having gotten this far in the Order Paper in the last several weeks, to speak to this important inquiry of Senator Gauthier in which he talks about arts, culture and aesthetic creativity, performing arts, literature and architecture. These are the things by which we are judged, by which all societies in the end are judged. They are the things on which we will be judged by history. They are the things by which we are known in the world and by which we are largely judged in the world today.

We do not know much about the captains of industry in the great civilizations which have preceded us, but we know about the sculptors of Easter Island. We know about Mozart, Rembrandt and Cole Porter.

It is not that the captains of industry of those times were not important — they were important and they are important today. Without them, not much of anything would happen. However, it is by our culture that we are known. It is by our culture that we will be remembered in history. The images in our minds of the very earliest people, paintings on the walls of caves and our memories of ancient empires — and of current ones — are our cultural images. Cultural images matter in a way that is different from how everything else matters in our country and in the world's view of our country.

We all know about the quality of life arguments having to do with arts and culture. We know that because on the front page of every glossy brochure that is published by every city, town, village and country that wants to attract investment to it are pictures of ballet dancers and symphony orchestras, alongside the pictures of skyscrapers, factories, smokestacks and rail yards. Without those things, investment cannot be attracted and maintained. They are the important things about culture in the broadest sense of culture.

However, there is another way in which they are important, another role which they play. I refer to the economic importance of the arts and cultural industries. It is not the most important aspect of the arts and cultural industries, but it is an important one. The arts and cultural industries are a very substantial net contributor to our GDP.

Governments are beginning to figure this out, even our government. They were led by the American government which, after many years, was awakened by the irrefutable statistics of the economic importance of their arts and cultural industries. They do not call them that; they call them show business. They could no longer ignore the fact that, for the past 20 years, their largest export commodity was airplanes. Their second largest export commodity was not cars, computers or information technology; it was show business. Some Canadian governments, including ours, are just beginning to wake up to the economic as well as intrinsic importance of the arts.

When we think about the arts, there are some things that we need to remember about the arts in addition to their intrinsic value because the blunt fact is that the arts and cultural industries are among Canada's largest industrial sectors. Taken as a manufacturing industry, which is how we must consider it because that is how Statistics Canada treats it in light of its taxation regime, the arts and cultural industries are among the largest employers of any manufacturing industrial sector in Canada. I apologize for the statistics and for the age of them, but it is important that I compare apples to apples. It now earns nearly $30 billion per year. That is more than petroleum refining, coal, rubber, plastics and textiles combined.

In 1991, the most recent year for which I have directly comparable figures for all industrial sectors from Statistics Canada, the arts and cultural sectors contributed 2.99 per cent of the GDP of Canada. That does not sound like a lot, until one realizes that the agricultural sector contributed 2.3 per cent and the telecommunications sector contributed 2.7 per cent. The mining industry contributed 1.2 per cent, while logging and forestry contributed 0.6 per cent.

That 2.99 per cent amounts to about 4.8 per cent of our gross national product, or nearly $30 billion.

There are nearly 900,000 workers in these industries. I am not talking about part-time folks. I am talking about full-time, employed, tax-paying workers in the cultural sector. That is about seven times the entire workforce of the forest products industry. It is 6.9 per cent of the total employment in Canada.

Between 1989-90 and 1993-94, the Canadian GDP increased by 8.6 per cent. In that same period, the cultural sector's contribution increased by 9.9 per cent. Total employment in Canada decreased slightly in that period. However, in the cultural sector it increased by 5.5 per cent.

The cost of creating a new job in light industry is about $100,000. In heavy industry, it is about $200,000. In the arts and cultural industries, it is about $20,000.

• (1840)

People in the arts are mostly driven to do what they do, and the industry rewards them very efficiently. Why would people do something at which they earn far less money than they could otherwise? It is because the world is changing profoundly. One of the ways in which it is changing is that people want jobs of which they can be proud every day, in which they demonstrate every day their individual abilities, in which they have a direct sense of personal worth. Those are exactly the kinds of jobs that the arts and cultural industries offer.

These people and the places and the businesses in which they work — that is what they are, businesses — are not whimsical distractions. They make significant contributions, not only to our quality of life but also to the economic health of our towns, cities, provinces and country. It is not just a place where indulgent artistes pursue their personal fantasies. It is a labour-intensive, efficient, lean industry with a proven and increasing market.

The most important aspects of the arts and cultural industries are the intrinsic ones because, however we treat the arts, they will always be a major force in any civilized society. When man first discovered how to use fire, there was already painting and dance. The ancient Greeks wrote plays that we still perform today. We listen and rejoice these days to music that was first performed only for the ancient kings and queens. When oil was finally put to a productive use, the opera houses of Europe were already centuries old, and are still in use today.

The arts change but essentially they are always the same. They are the means by which we communicate our highest and most noble ideas. They have survived every scourge known to man and in many cases they have been instrumental in effecting positive world changes. They will continue to survive because humanity's need for self-expression, creativity and beauty will remain, however much the externals of our world may change.

[Senator Banks]

We must think of the arts in those ways, including both the intrinsic and the economic. We must ensure that the arts thrive and prosper in our country. If we show our confidence and our belief that the arts are significant to and vital in our society, our investment of interest, time, money and effort will come back to us many times over. As a result, no matter what economic or social transitions we face, the spirit, soul and vitality of our country will thrive.

On motion of Senator LaPierre, debate adjourned.

UNITED STATES BALLISTIC MISSILE DEFENCE SYSTEM

MOTION RECOMMENDING THE GOVERNMENT NOT TO PARTICIPATE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Plamondon:
>
> That the Senate of Canada recommend that the Government of Canada refuse to participate in the U.S.-sponsored Ballistic Missile Defence (BMD) system, because:
>
> 1. It will undermine Canada's longstanding policy on the non-weaponization of space by giving implicit, if not explicit, support to U.S. policies to develop and deploy weapons in space;
>
> 2. It will further integrate Canadian and American military forces and policy without meaningful Canadian input into the substance of those policies;
>
> 3. It will make the world, including Canada, not more secure but less secure.—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, I am sorry that it is late. I want to speak because, if I do not speak tonight, I will not be able to do so before the incarnation, reincarnation, expulsion or whatever it is that will happen on November 7.

Senator Roche moved on September 17, 2003, that the Senate of Canada recommend that the Government of Canada refuse to participate in the U.S.-sponsored Ballistic Missile Defence — known as BMD — system. He gave three fundamental reasons that he developed very well, and which you can read in Hansard. I agree with those reasons that Canada should not go into the American tent on this issue. We do know for a fact that the United States government has told the world that this missile system would evolve over time. It is, therefore, inevitable that there will be weapons in space.

May I remind honourable senators that the *Ottawa Citizen* began a series of articles on Sunday, October 9, by David Pugliese, in which he related the entire development of the missile system since 1975. In case there are any doubts in your minds, honourable senators, let me remind you that in April 2003 the United States Air Force Secretary, James Roche, declared that war in space has begun. Further, in December 2002, President Bush said that these capabilities will add to American security and serve as a starting point for improved and expanded capabilities.

All of this to say, honourable senators, that it is naive to think and to propagate the notion that the United States is not determined to militarize space. I am often told by my friends: "Laurier, do not get carried away again. It will take years to militarize space, if that is the goal of the United States government." My interlocutors, of course, reject this idea.

They do so, honourable senators, at the peril of our country, a country that will be incapable of extricating itself should it enter into the tent that is being described to us as nothing other than a place of discussion about defence from unfriendly missiles.

Let us not kid ourselves on these matters. Honourable senators, it seems to me that we need to ask ourselves the question: Do we want to transform space into a military zone from which we, with our ally and partner, can attack anyone at will? Is this goal and aim part of the values of the Canadian people? I do not think so. However, I do believe that the democratic fervour of our people and that of the American people will not permit this to happen, but it is better to be wary of tempting fate.

Furthermore, we must not enter the tent of militarization of space because we cannot enter it with our own agenda, one that would say, "Listen, we will go with you so far down this road and not an inch further." This would not be acceptable to the United States to enter their tent, and rightly so.

Honourable senators, there is nothing to negotiate. The policy is already in place. It only awaits its full realization, so why enter the tent? Common sense and the world will realize that the very fact of entering, sitting down and talking is a statement of agreement; an agreement not on Canada's agenda but on the U.S. agenda. Therefore, we will be there to stay. Let us not deceive ourselves about that. It would be wise for Canada to stay out.

As a Canadian, I do not want my country and my people to be drawn even more closely into the vortex of American militarism and unilateralism. I have absolutely no doubt that Canadians do not want that. They know that the same position that the government took over the Iraq affair will no longer be possible after entering the tent. We shall not be free to do as we wish. About that, there is no doubt. It is designed to make America more secure in the presence of the reality of terrorism, and the proliferation of arms of mass destruction and possible attacks on American people. Senator Roche went to great lengths to explain that, instead of making us all more secure, this missile defence system will make us less secure.

It is my view, for what it is worth, that Canada has a special mission in the world, and it is not to put missiles in space. Our mission is to lower, through peaceful means, the violence that is synonymous with the war on terror.

• (1850)

What we need is a coalition of the committed, a coalition made up of countries that realise. Arthur Koestler wrote in *Darkness at Noon* that homicide committed for selfish motives is a statistical rarity in all cultures. Homicide for unselfish motives is the dominant phenomenon of man's history. The tragedy is not an excess of aggression, but an excess of devotion. It is loyalty and devotion that makes the fanatic.

In other words, honourable senators, fanaticism is the reason for terrorism. What fans the fanaticism of the terrorists of so many on the planet is poverty, isolation, wrongs not redressed, inequality, fear of being ignored, the perception that others can steal in order to lord it over the marginalized, and hunger. The list is endless.

Honourable senators, it is time for us to create a new coalition, a coalition of the committed, those who would be committed to accepting sustainable development as a fundamental human right and to increasing the security of the planet by becoming more and more a defender of cultural diversity; by launching a universal dialogue on the acceptance of universal diversity; by initiating our young people to the value of service, contact and linkage and so many other things; and by making our country a leader in the developing world. This we shall do by having a plan of action that is realizable and enjoyable.

I could go on, but I understand and I can feel from the vibrations that this all sounds so soft, so impractical, so long to reach effective, accountable results and ever-so mushy. However, let me remind you, honourable senators, that love is also mushy.

On the occasion of his 70th birthday, Sir Wilfrid Laurier was in London, Ontario, a month after the end of the war and a few months before he died, where he spoke to young Liberals. He told them:

> Banish hate and doubt from your life. Let your souls be ever open to the promptings of faith and the gentle influence of brotherly love. Be adamant against the haughty, be gentle and kind to the weak. Let your aim and purpose, in good report or ill, in victory or defeat, be so to live, so to strive, so to serve as to do your part to raise even higher the standard of life and living...

I rest my case.

On motion of Senator Graham, debate adjourned.

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY—
DEBATE SUSPENDED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", deposited with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I rise to speak to the Report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy."

It was my honour to be a member the Special Committee on Illegal Drugs that was chaired so ably by Senator Nolin whose careful attention to objectivity and rigor was a pleasure to see and to be directed by.

Honourable senators, your committee conducted a rigorous, objective and exhaustive analysis of the problems associated with the health and physiological and psychological effects of cannabis use and sale in Canada. We tried to eliminate prejudices, moral judgments and anecdotal evidence that have accumulated for close a century. They have too often crept into the discussion about the adoption or reform of laws in this regard.

The conclusions and recommendations contained in our report are based on an objective analysis of a series of scientific studies done in Canada, the United States and Europe and on the basis of input from 234 witnesses from Canada, the United States and many countries in Europe.

It is now, as Parliamentarians, senators, citizens and parents that we must make a decision. Since last September, Canadians across the country have been intensively debating the national policy on cannabis and they will continue to do that based on Bill C-38.

I am convinced that this report will continue to provide insightful information for members of this house and the other place, and will greatly contribute to a better understanding of the various and complex issues surrounding this important bill.

Honourable senators, this report is over 680 pages, not counting the bibliography and the appendices. There are 11 recommendations in this report. The one that is most titillating and sexiest and has attracted so much interest from the press is the sixth recommendation.

I have the temerity to suggest that our recommendations were listed in what we believe to be approximately the order of their importance. No one has paid any attention to the other 10 recommendations. I hope that more people will.

I will now comment on remarks that have been made about the issue of addiction and dependence in relation to cannabis. I refer, specifically, to Senator Morin's comment that Dr. Bill Campbell, who was the president of the Canadian Society of Addiction Medicine contended, that cannabis addiction turns people into drug slaves who are absolutely incapable of doing without it.

Dr. Campbell appeared as a witness before our committee. He told us that "marijuana is known to be addictive," and that, "the rate varies between 5 and 10 per cent." Members of the committee, after hearing those 234 witnesses over all those many months, have arrived at the conclusion that the contention of Dr. Campbell is not true. First, I would point out that there is much misunderstanding generated by the misuse of such terms as "addiction" and "dependence," when discussing the effects of certain drugs.

In our report, the World Health Organization definitions were used. The WHO described addiction as a general term referring to the concepts of tolerance and dependency. According to the World Health Organization, addiction is the repeated use of a psychoactive substance to the extent that the user is periodically or chronically intoxicated, shows a compulsion to take the preferred substance, has great difficulty in voluntarily ceasing or modifying substance use, and exhibits determination to obtain the substance by almost any means.

The World Health Organization describes dependence as the state in which the user continues the use of the substance, despite significant health, psychological, relational, familial or social problems and threats and dangers. Dependence is a complex phenomenon that may have genetic components.

The expression "drug addiction" is found everywhere. It is found in legislation, information documents and in everyday language. Since 1963, the WHO has recommended that we abandon that expression because it is imprecise and that we refer instead to states of physiological and psychological dependence.

• (1900)

In our report, we arrived at the following conclusion:

> In our view, it is clear that the term addiction, severely criticized for its medical and moral overtones, is inadequate to properly describe the different forms of at-risk and problem users.
>
> Heavy use of cannabis can result in dependence requiring treatment; however, dependence caused by cannabis is less severe and less frequent than dependence on other psychotropic substances, including alcohol and tobacco.

A research study entitled "The Irrelevance of Drug Policy" by P.D.A. Cohen and H.L. Kaal, which examined the use of cannabis in the populations of Amsterdam, San Francisco and Bremen, found that no regular cannabis users in that study were regular users of other substances.

On the gateway hypothesis, our report clearly contends that if it is true that the use of substances such as cocaine and other drugs and hallucinogens develops almost necessarily out of prior use of marijuana, it also develops out of the use of other substances such as nicotine, alcohol or coffee, which are more gateways to a trajectory of drug use, statistically, than cannabis.

A statistical correlation does not establish, or even suggest, a causal relationship. If it did, we would be able to say that 99.9 per cent of users of cocaine drank coffee; therefore, drinking coffee causes cocaine use. Maybe it does.

Our report also states that we should, first, define our terms. The stepping stone theory holds that cannabis use inevitably leads to the use of other drugs. In this theory, cannabis use would lead to neurophysiological changes affecting in particular the dopamine system — which is also known as the reward system — and would create the need to move on to other "stronger drugs."

This theory, in our view, has been completely dismissed by research, and we share that conclusion with several international bodies from whom we heard, whose reports we read, who appeared as witnesses before us and who have been doing drug research. For example, in 2001, evidence was presented to the United Kingdom's Home Affairs Committee Inquiry into Drug Policy as follows:

> The stepping-stone theory has proved unsustainable and lacking any real evidence base. The "evidence" that most heroin users started with cannabis is hardly surprising and demonstrably fails to account for the overwhelmingly vast majority of cannabis users who do not progress to drugs like crack and heroin. The stepping-stone theory has been dismissed by scientific inquiry. The notion that cannabis use "causes" further harmful drug use has been, and should be, comprehensively rejected.

In other words, honourable senators, cannabis is not — and we found this to be the case — a gateway drug.

As to the point about smoking cannabis, there is no question as to its danger, and that is referred to at length in our report. Smoking is bad — smoking anything is bad — and the tar content of cannabis makes it more dangerous than almost any other kind of tobacco use in respect of respiratory problems. That is referred to often, directly and heavily in our report, which never recommends that anyone ought to smoke or otherwise use cannabis or any other drug.

Tobacco smoking causes diseases of the lungs and respiratory system. Cannabis smoking causes diseases of the lungs and respiratory system, and it would cause it faster if the same amount of smoke were inhaled. Most marijuana smokers do not smoke a pack a day.

On the carcinogenic potential of cannabis itself, however — not the smoke and not the tar that comes from the leaves — our report makes clear, and I believe it supports the contention, that there is a distinction between the carcinogenic effects of cannabis smoke, a potential source of lung cancer in particular, and the mutagenic effects of THC on cells. According to the majority of witnesses and authors from whom we heard, THC itself does not appear to be carcinogenic. Cannabis smoke, like tobacco smoke, increases the incidence of cancerous tumours, but cannabis by itself has no toxicity. Experiments have been conducted on mice with preposterously large doses of THC with no demonstrable toxic effect. The data available seems to indicate that the consequences of chronic and intense cannabis use, by which I mean the smoking of several joints a day for several years, are at least as dangerous as those of cigarettes in terms of their carcinogenic risks for the respiratory tract, as well as of the mouth, tongue and esophagus. However, marijuana users do not smoke the equivalent of a pack a day. Conducting control studies is largely recognized as a research priority in this field, and we must do that.

On the subject of driving motor vehicles under the influence of marijuana by itself, I have found, and others have said, that it is likely that cannabis by itself makes its users, if anything, more cautious, partially because they are consciously aware of their deficiencies and they compensate by reducing their speed — sometimes to absurd rates — and by taking fewer risks, but the combination of marijuana and alcohol causes an exponential increase in the risk of impaired driving and ought to be treated with great seriousness. That is referred to, again, at length in our report, which recommends the greatest possible caution.

On the contentious subject of the possibility of impairment in such areas as memory, the review of research findings shows that during the past 30 years researchers have found, on the few occasions where they have found any measurable difference, minor cognitive differences between chronic marijuana users and non-users, and the results differ substantially from one study to another. Based on this evidence, it does not appear to be reasonable to presume that long-term marijuana use causes any significant, permanent, irreversible harm to intellectual ability. Even animal studies, which show short-term memory and learning impairment with extremely high doses of THC, have not produced evidence of permanent damage. The damage has always been shown to be reversible. It is our view that cannabis may be viewed as posing a significantly lower threat to cognitive function than other psychoactive substances such as alcohol.

The same is true for sexual potency. In one study, the authors of which we heard from, men spent 30 days in a closed laboratory where they smoked up to 20 cannabis cigarettes a day. Although some decrease in sperm concentrations and sperm motility was detected, the variations were not outside the normal range, and the slight differences that did occur were reversed when the experiment ended, taken by the same measurements. There is still hope.

There are no epidemiological studies showing that men who use cannabis have higher rates of infertility than those who do not, nor is there evidence of diminished reproductive capacity among men in countries where cannabis is in common use.

Finally, Senator Morin referred to an editorial in a British medical journal of November 2002, which I believe he said showed that marijuana increases the risk of schizophrenia in teenagers by 30 per cent.

The Hon. the Speaker *pro tempore*: I regret to inform Honourable Senator Banks that his time has expired.

Senator Banks, are you asking for leave to continue?

Senator Banks: With the indulgence of the house, I will take less than five minutes to complete my remarks.

Debate suspended.

• (1910)

[*Translation*]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, could we have agreement to authorize committees to sit at 7 p.m., even though the Senate may then be sitting?

[*English*]

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

Hon. Senators: Agreed.

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the report of the Special Committee of the Senate on Illegal Drugs entitled "Cannabis: Our Position for a Canadian Public Policy", deposited with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I ask for leave to continue.

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

Hon. Senators: Agreed.

Senator Banks: Senator Morin, if I recall correctly, said that the article in the *British Medical Journal* stated that marijuana increases the risk of schizophrenia in teenagers by about 30 per cent. In my reading of the article, it does not state that fact. It alludes to an older study that was done in 1969 with Swedish conscripts that showed those results, but the *British Medical Journal* editorial then states:

> This large effect is surprising and not yet reflected in an increased incidence of schizophrenia in the population.

The *British Medical Journal* editorial then goes on to state:

> Some observations in certain studies provide some support for the hypothesis that cannabis may act as a risk factor for this disorder.

By which they mean schizophrenia.

> However, the overall weight of evidence is that occasional use of cannabis has few harmful effects overall.

The Review of the Research Findings also notes the findings of Mr. B. Roques, of France, who states in his 1990 book, which is entitled *La dangerosité des drogues*, that no mental pathology directly related to the overuse use of cannabis has been reported, a fact which distinguishes this substance from psychostimulants such as MDNA, cocaine or alcohol, heavy and repeated use of which can give rise to characteristic psychotic syndromes. Similarly, cannabis does not seem to precipitate the onset of pre-existing mental dysfunctions such as schizophrenia, bipolar depression, et cetera.

In conclusion, honourable senators, the members of the committee and the research staff have never had an anti-science bias. I have a lot of evidence here by which I would hope to convince you of that, but I will bypass it.

The third volume of this report contains a extensive bibliography which refers to the exhaustive historical, legal, scientific, medical and epistemological studies on cannabis, on whose shoulders we stood and whose evidence we heard. Chapter 3 of our report indicates that the principles of science, as well as of ethics and governance and criminal law, constitute the main guiding principles that we have used to make what we believe are intelligent and innovative recommendations in order to reform our national cannabis policy.

Our report clearly states that scientific knowledge cannot replace either reflection or the political — decision-making process. It supports that process. We consider that its greatest contribution to public drug policy is in doing so.

I want to read one last thing from Dr. David Marsh, who appeared before the Standing Senate Committee on Social Affairs, Science and Technology. He is the Clinical Director of Addiction Medicine at the Centre for Addiction and Medical Health at the University of Toronto. Dr. Marsh said:

> The issue of incarceration brings me back to the earlier question of the cannabis reform bill. One of the benefits of the decriminalization of cannabis is that we would no longer be subjecting mainly young men in their late teens and early twenties to a lifelong criminal record for the possession of a small amount of cannabis.
>
> I talked about the centre's position on cannabis reform earlier. My personal opinion was changed by Senator Nolin's report. I would think that there are other benefits to moving more radically toward legalization of cannabis and removing the criminal involvement in production and distribution of cannabis.

Honourable senators, please read this report. Nowhere does it recommend that anyone smoke a single joint of marijuana. Nowhere does it say anything more than that we can no longer hide behind the notion that we do not know enough. This report says that we have to find out enough. The first recommendations of this report talk about the urgent necessity for research so that we can make a fact-based, sensible, common-sense national drug policy, which is absent in this country right now.

If honourable senators do not read the report, please read the other 10 recommendations, other than the ones that *The Sun* grabbed on to, with all due respect to *The Sun*.

Senator Stratton: I have one simple question. Would the honourable senator take a question?

Senator Banks: If there is time, absolutely.

Senator Stratton: Have you ever inhaled?

Senator Banks: As the senator knows, I have never exhaled.

Hon. Yves Morin: Honourable senators, I want to congratulate Senator Banks on this well-researched speech. I have three questions for him.

First, does the honourable senator think that regular usage of cannabis — and by this we mean smoking — is a healthy habit?

Second, I think we both agree that it does have a deleterious effect on young men, young boys.

Third, if common usage is the basis — common because it is so frequent — for legalization of the product, I think we should move to legalize ecstasy, which has now surpassed cannabis in Ontario as the drug of more common usage. We now find more people with small amounts of ecstasy in their pocket or in their car. That is a fact. The health effects of ecstasy are as doubtful as the health effects of cannabis. Maybe we should conduct a similar study on ecstasy.

Senator Banks: We should begin a study on psychotropic substances altogether because we do not know enough about any of them. However, we do know more about the health effects and the psychological effects and the psychotropic results of the use of cannabis than we do about ecstasy. I believe that by direct comparison, never having used ecstasy but having seen the results of people having used it, the effects of its use are more deleterious to public health than marijuana.

The answer to the first question is no. The regular usage of cannabis is unhealthy. The regular smoking of cigarettes is unhealthy. The regular consumption of alcohol is unhealthy in any degree. The regular use of coffee is unhealthy, if it is to excess. There is nothing in the report to suggest that there is any health benefit or that there is anything other than risk from the use of cannabis or any other psychotropic substance, and the report recommends strongly against those things.

The most important question of the three posed by the honourable senator was this: Should we do more research? Absolutely, on everything that people smoke or drink or stick in their arms. The more we know about these substances, the more able we will be to arrive at a reasonable, practical, knowledge-based national drug policy.

Hon. Joan Fraser: The statistics Senator Banks cited for various studies tended to refer to the effect of marijuana on men. Women do not have the same physiology as men, including their brains.

Senator Morin: They are better.

Senator Fraser: I agree with Senator Morin on some occasions, at any rate.

Might I suggest that as you continue your effective advocacy, you include the strong recommendation that research be conducted to determine the effects of marijuana in particular, cannabis in particular, and psychotropic drugs on women in particular and not just on young men. Women also get schizophrenia, for example.

• (1920)

Senator Banks: The only report of which I am aware that concentrated only on men was the one that dealt with male sexual potency. That is the only one to which I referred because there was a question about sexual potency in males. It is my recollection and belief, although I will check on this to make sure, that most if not all of the other reports submitted to us from witnesses whom we heard were based on studies of the general population that would certainly have included women. I cannot imagine that the following people have not dealt with women in their studies: Professor Line Beauchesne, Professor of Criminology at the University of Ottawa; Professor Peter Cohen, University of Amsterdam; Professor Benedikt Fischer, Department of Public Health Sciences at the University of Toronto; and Ms. Hélène Goulet, Director General of the Healthy Environments and Consumer Safety Branch at Health Canada.

When we were listening to the witnesses, with the exception of the report on male sexual potency, my understanding at all times was that we were talking about approximately equal numbers of men and women.

Senator Fraser: Senator Banks, I think I also heard you refer to the incidences of schizophrenia among young men. Be that as it may, I hope that you are right about the assumptions of the learned scientists that you mentioned, but the sex of a researcher does not necessarily determine the outcome of that person's research.

Hon. John G. Bryden: Honourable senators, I would like to comment briefly in support of Senator Banks' comments in respect of Senator Nolin, Chair of the committee. It was a major project, and that is evident from the results. I want Senator Nolin to know that if he could prevail upon senators to allow me to make my speech on Bill C-41, he would receive his retroactive pay.

On motion of Senator LaPierre, debate adjourned.

[*Translation*]

APPROPRIATION BILL NO. 3, 2003-04

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill C-55, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004.

Bill read first time.

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

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

ASSISTED HUMAN REPRODUCTION BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-13, respecting assisted human reproductive technologies.

Bill read first time.

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

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

NEGOTIATIONS WITH THE INNU (MONTAGNAIS) OF QUEBEC

INQUIRY—DEBATE ADJOURNED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Gill calling the attention of the Senate to the issues of the common approach (negotiations) with the Innu (Montagnais) of Quebec, Quebec and Canada with respect to the current discussions.—(*Honourable Senator Watt*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I know Senator Watt is interested in speaking in connection with this inquiry, raised by Senator Gill, which he considers very important. Senator Watt is in the Fisheries Committee at this time, however. I believe we could start the clock again so that the Honourable Senator Watt may prepare himself properly.

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

Hon. Senators: Agreed.

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

THE SENATE

MARITIME HELICOPTER PROJECT—
MOTION TO RECEIVE BRIEFING IN COMMITTEE
OF THE WHOLE—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Kinsella:
>
> That the Senate resolve itself into Committee of the Whole in order to receive Jane Billings, from the Department of Public Works and Government Services, and Alan Williams, from the Department of National Defence, for a briefing on the procurement process for the Maritime Helicopter Project in light of developments since their appearance before Committee of the Whole on October 30, 2001.—(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, the motion before us would be a repetition of an exercise we held here in Committee of the Whole with the same witnesses. I believe that at one point we had said that these witnesses were perhaps not the best ones to call, so I would like to go back to day one so that we can re-examine the issue. I move that the order stand until the next sitting of the Senate.

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

Order stands.

[*English*]

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY POLICY ON ISRAELI-PALESTINIAN CONFLICT— DEBATE ADJOURNED

Hon. Eymard G. Corbin, pursuant to notice of October 2, 2003, moved:

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

He said: Honourable senators, I would like to preface my remarks by saying that, like honourable senators, I am vividly conscious of tragedies occurring in other regions of the world that do not leave you or me feeling indifferent, I am sure. However, the Israeli-Palestinian conflict has been ongoing, it seems, forever. It appears that Canada has been reticent or overly discreet in conjoined efforts to help bring peace and stability to that area.

Honourable senators, let me be clear: the purpose of my motion is to ask the Standing Senate Committee on Foreign Affairs to ascertain the current Canadian policy process with respect to the resolution of the Israeli-Palestinian conflict, with a view to making recommendations on how this policy could be improved. I am not suggesting a fault-finding exercise, and this is not an invitation for parties to vent blame. Rather, I am suggesting that we imbue ourselves with the spirit of openness and not closure.

The focus of the committee's work would be confined to Canada's policy position and not to the variegated history of the conflict. The Minister of Foreign Affairs should be invited to appear before the committee to explain what he is doing with either side to the conflict or any other agency, including the United Nations.

• (1930)

Currently, my reading of the public perception is that Canada's involvement on the issue appears soft. I stand to be corrected, of course, if that reading is not correct. It looks as though the United States and the European Union, and sometimes Russia, are the only real players. It appears that Canada is simply marking time in the shadow of the positions of others. What has become of the third way? The minister should explain why we are not more creatively involved. Or, on the other hand, the minister should give us the facts if, indeed, we are creatively involved.

The committee, after hearing witnesses and arriving at its own consensual evaluation, would then report back to the Senate by way of recommendations to the government. The timing, in my opinion, is excellent as the committee will be reporting soon on its examination of the fluctuating and appreciating Canadian dollar and its impact on trade productivity and employment.

[*Translation*]

It is important that the citizens of Canada — a country respected for its impartiality, its sense of fairness, its Charter of Rights and Freedoms, its generosity in its contributions made and in human lives sacrificed to end conflicts in faraway countries and establish lasting peace — understand, not as docile and passive children but rather as informed people, why and how our foreign policy was developed, to ensure the broadest consensus possible for this policy.

To achieve such a consensus, it is essential that the widest possible range of Canadians, each according to his or her knowledge and skills, gets involved in the development of this policy. I think the Senate Committee on Foreign Affairs must absolutely look into the matter.

I think I can safely say that the vast majority of Canadians are outraged by the unrelenting violence afflicting the State of Israel, Palestine and their populations. That is my concern.

Expressions of condemnation, sympathy or regret are not enough when, on both sides, children are being blown up and innocent people murdered. We are pleading for a new approach.

When the community of nations hesitates and drags its feet, trying to ease its conscience by passing resolutions that will not be acted upon, Canada must speak out loud and clear and make itself heard above the din of scrums. There is no doubt about it. We must innovate.

I already know from experience that the subject matter I am submitting to you for consideration has the potential to arouse the strongest feelings. I have no other ambition than to determine how and why Canada takes action or fails to do so. Why does it take one course of action rather than another? In this case, choosing not to take action when our action could make all the difference would be utterly irresponsible. Why? Why bring this up? Why now? Why not rely on experts, on career public servants? Why not. Why raise this issue, which is so sensitive that apparently it can only be discussed behind closed doors? I disagree with that approach.

Parliamentarians have the obligation to be concerned about government policy; to provide input into the difficult choices the executive branch must make. If Canada is an enlightened democracy, it is important to make it crystal clear what our policy is on the Israeli-Palestinian conflict and who developed that policy.

It is important for Parliament to be involved in developing this policy. It is important for Parliament to have confidence in the examination of this issue by any party. It is important to know who our allies are in our efforts to promote peace in that part of the world.

Canada's traditionally respected role in this type of initiative for promoting peace will reinforce the image the rest of the world generally has of our country and of its credibility. I have learned in life that there is bias in any thorny issue or difficult situation. Otherwise, the discussion on it would soon be over. I know that at the end of the day, good will is much more powerful than the horrors of violence. It is in a spirit of impartial objectivity, if such a thing still exists, that I present this proposal and ask you to consider it. Please be guided by reason and consider allowing the Committee on Foreign Affairs to study this issue and report on it as soon as possible.

[*English*]

Honourable senators, I would like to read to you from the *Times* literary supplement of October 10, 2002, what is essentially an ad. in memoriam to Edward W. Said, 1935-2003. It was published by Harvard University Press. I quote from Edward Said:

> I take criticism so seriously as to believe that, even in the midst of a battle in which one is unmistakably on one side against another, there should be criticism, because there must be critical consciousness if there are to be issues, problems, values, even lives to be fought for. Criticism must think of itself as life-enhancing, and constitutively opposed to every form of tyranny, domination and abuse. Its social goals are non-coercive knowledge produced in the interest of human freedom.

That is a quote from Edward Said's book *The World, The Text and The Critic*.

I express the hope to honourable senators that it will be in that spirit — if the Senate so allows — that the Standing Senate Committee on Foreign Affairs will proceed with the examination of the question that I have put before you this evening.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I thank Senator Stollery for having asked for adjournment in his name. I had agreed to take adjournment in Senator Nolin's name. I will let the honourable senator take adjournment. I am sure Senator Nolin would have no objection to Senator Stollery asking for adjournment.

On motion of Senator Stollery, debate adjourned.

[*English*]

OFFICIAL LANGUAGES

STUDY ON FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES—MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT—ORDER WITHDRAWN

On the Order:

> That, notwithstanding the Order of the Senate adopted on April 29, 2003, the date for the final report by the Standing Senate Committee on Official Languages on its study of provision of and access to French-language broadcasting in francophone minority communities be extended from October 22, 2003, to December 12, 2003.

Hon. Rose-Marie Losier-Cool: Honourable senators, with leave of the Senate, I ask that this motion be withdrawn from the Order Paper.

The Hon. The Speaker *pro tempore***:** Honourable senators, is it agreed that the order be withdrawn?

Hon. Senators: Agreed.

Order withdrawn.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY FIREARMS ACT

Hon. George J. Furey, pursuant to notice of October 27, 2003, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on regulations made pursuant to An Act respecting firearms and other weapons, Statutes of Canada, 1995, Chapter 39, as contemplated by section 118(3) of that Act; and
>
> That the Committee submit its final report no later than December 31, 2003

Motion agreed to.

• (1940)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Colin Kenny, pursuant to notice of October 27, 2003, moved:

> That the Standing Senate Committee on National Security and Defence have power to sit at any time on Monday next, November 3, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker *pro tempore***:** It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Banks, that the Standing Senate Committee on National Security and Defence have the power to sit at any time on Monday next, November 3, 2003, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Some Hon. Senators: Agreed.

Senator Stratton: No.

The Hon. the Speaker *pro tempore***:** All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore***:** Those opposed to the motion will please say "nay."

Senator Stratton: Nay.

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

Motion agreed to.

The Senate adjourned to Wednesday, October 29, 2003, at 1:30 p.m.

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