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OFFICIAL REPORT
(HANSARD)

Monday, November 3, 2003

—
**THE HONOURABLE DAN HAYS
SPEAKER**

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Monday, November 3, 2003

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

Prayers.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, pursuant to Senate rule 43(7) of the *Rules of the Senate of Canada*, I rise to give oral notice that I shall raise a question of privilege this afternoon. Earlier today, pursuant to rule 43(3) of the Rules of the Senate, I gave written notice to the Clerk of the Senate of a question of privilege in respect to a meeting of the Standing Committee on Rules, Procedures and the Rights of Parliament that took place on Friday October 31, 2003, even though the Speaker had not yet ruled on the point of order raised on Thursday, October 30, 2003, respecting the process under which committees may sit outside their designated time slots.

At the appropriate time, I shall be asking His Honour the Speaker to rule on the facts that I will outline in detail at that time in order to make a determination as to whether or not there is, as I believe there is, a prima facie case of breach of privilege. If so, I will be prepared to move an appropriate motion.

[*Translation*]

OFFICIAL LANGUAGES

TRIP OF COMMITTEE TO THE WEST

Hon. Maria Chaput: Honourable senators, I am very pleased to be able to speak today about the public hearings held last week by the Standing Senate Committee on Official Languages in Western Canada, my province of Manitoba in particular. I would like to start by thanking the chair and vice-chair, Senators Losier-Cool and Keon, who are in large part responsible for the success of the hearings.

I thank them also for selecting Saint-Boniface as the venue for meetings with representatives of the Franco-Manitobans and the Fransaskois. My thanks also to the other senators on the committee for having taken an interest in the cause of my fellow citizens and helping me to defend that cause. Finally, I am also grateful to the Centre culturel franco-manitobain for their kindness in providing accommodations for our meetings as well as the necessary logistical support.

Above all, I would like to thank the witnesses from Manitoba who appeared before our committee, from the overview of life in French in Manitoba provided by the Société franco-manitobaine

to the incredible round table in which four provincial ministers took part, and to representatives of the Franco-Manitoban school division and the Collège universitaire de Saint-Boniface. Through them, we were able to gain some understanding of the trials and successes of French language education in my province.

I particularly want to point out the very high quality of the presentations by our witnesses, all the more remarkable since they had less than three weeks to prepare. Their presentations have better equipped our committee to pursue its study on education in French in a minority situation. Our committee is one more spokesperson at the federal level on behalf of the francophones of Western Canada. I thank you on their behalf.

[*English*]

VISIBLE MINORITIES

STUDY BY CONFERENCE BOARD OF CANADA

Hon. Donald H. Oliver: Honourable senators, in September I rose in this chamber to speak about a study on barriers to the advancement of visible minorities that the Conference Board of Canada has undertaken at my request. The project is more than a study. It is designed to put in place Canada-wide standards to ensure visible minorities have equal access to employment and senior management positions in both the public and the private sectors.

Today, I am excited to report that the project is entering the second phase of its mandate. This includes completing an analysis of the economic contributions of visible minorities in Canada, focus group sessions with visible minority citizens and recent immigrants, and case studies of exemplary national and international organizations whose policies and practices have successfully created inclusive work environments.

With the general support of both the public and private sector, the board has been able to complete an in-depth review of available literature and data on visible minorities. The screening process for the focus groups and interview guides for the case study are currently under way. The criteria for selecting the case study organizations are rigorous. Those chosen must show that their recruitment and selection techniques for employees are diversity-sensitive; there must be programs for promoting career development available for visible minorities; there must be a pronounced corporate commitment and involvement in the visible minority community; and managerial accountability must be seen when completing performance evaluations and putting training programs in place. Most important, the representation of visible minorities must be in line with the labour market availability, especially when considering visible minority representation in executive and managerial positions.

Honourable senators, the results from these lessons will provide the project with important guideposts towards solution-building in Canadian firms. Results will also be included in the employer's guide to best practices. It is expected that this portion of the mandate will be completed by the end of November. The final phase of the project includes a leadership summit.

Honourable senators, in my opinion, this is the most exciting and important study ever undertaken on behalf of visible minorities in Canada. Through the work of the Conference Board and the generous support of private and public sponsors, we are on our way to creating a more inclusive Canadian society.

ROUTINE PROCEEDINGS

PARLIAMENT OF CANADA ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Monday, November 3, 2003

The Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

TWELFTH REPORT

Your Committee, to which was referred Bill C-34, *An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence*, has in obedience to the Order of Reference of October 27, 2003, examined the said Bill and now reports the same without amendment.

Your Committee notes that it instructed the Law Clerk and Parliamentary Counsel to make a clerical correction in the parchment, on page 14, in clause 12, on line 26, of the English version, by replacing the words 'Ethics Commissioner' with the words 'Senate Ethics Officer'.

Respectfully submitted,

LORNA MILNE
Chair

• (1410)

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

[Senator Oliver]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that Bill C-34 be placed on the Orders of the Day for third reading at the next sitting of the Senate.

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

Some Hon. Senators: On division.

Motion agreed to, on division, and bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

HAZARDOUS PRODUCTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).

Bill read first time.

The Hon. the Speaker: 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.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

TWENTY-FOURTH GENERAL ASSEMBLY OF ASEAN INTER-PARLIAMENTARY ORGANIZATION, SEPTEMBER 7-12, 2003—REPORT TABLED

Hon. Marie-P. Poulin: Honourable senators, I have the honour to present, in both official languages, the report of the Twenty-Fourth General Assembly of the Inter-Parliamentary Organization of the Association of Southeast Asian Nations held in Jakarta, Indonesia, from September 7 to 12, 2003.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Rose-Marie Losier-Cool: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Official Languages have 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.

[English]

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I find myself in a difficult situation that I would like to share with my colleagues. The agenda of the committee, which I saw posted, indicates that a distinguished witness will appear before the committee, but that cannot happen for he will be otherwise occupied in the chamber. The committee will deal with a bill that I sponsored, and I thank the committee for its consideration of the proposed legislation. However, I find myself in a situation in which many honourable senators find themselves — having to be in the chamber and in committee at the same time.

My understanding is that the committee's time slot is when the Senate rises. Therefore, when the Senate rises, I will certainly come before the committee. I have reviewed the scroll with the Honourable Senator Robichaud, and we agree that we will have a full plate of business this afternoon. Knowing today's agenda, which includes a vote, I think it is safe to predict that we will still be sitting at five o'clock this afternoon.

The Hon. the Speaker: Leave is not granted, honourable senators.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that on Tuesday next, November 4, 2003, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3)(a), to sit during the adjournment November 17, 2003 and November 24, 2003, even though the Senate may then be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT INTERIM REPORT WITH CLERK OF THE SENATE

Hon. Colin Kenny: Honourable senators, I give notice that on Tuesday next, November 4, 2003, I will move:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit an interim report on first responders that it may have ready during the adjournment, and that the report be deemed to have been tabled in the Chamber.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on Tuesday, November 4, 2003, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report on the measures that should be taken to encourage and promote delivery of, and access to, as wide a range as possible of French-language broadcasting in Canada's francophone minority communities; and

That the said Committee report to the Senate on or before February 16, 2004.

Honourable senators, this is the third time in three years that I have made this motion; I am getting tired.

QUESTION PERIOD

QUESTIONS ON THE ORDER PAPER

REQUEST FOR ANSWERS

Hon. Pierre Claude Nolin: Honourable senators, my question is for Senator Robichaud, the Deputy Leader of the Government, who expressed the government's intention to answer written questions. There are many questions on the Order Paper that have been there since October 11, and they all involve the Alternative Fuels Act, which was passed by Parliament. These questions concern the Minister of Transport, the Deputy Minister of Transport and officials at the Department of Transport, the Minister of Intergovernmental Affairs, his deputy minister and officials at that department, and, finally, the Clerk of the Privy Council and Privy Council officials.

When does the Honourable Deputy Leader of the Government think we will have the answers to these questions?

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I will certainly bring your question to the attention of the Honourable Senator Carstairs, the Leader of the Government. I am certain she will see to finding out when we will receive the answers to these questions.

[English]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—POINT OF ORDER—
SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I would like to deal with the ruling in respect of committees sitting in consideration of Bill C-34.

Honourable senators will recall that last Thursday, October 30, Senator Kinsella rose on a point of order to complain about a meeting of the Standing Committee on Rules, Procedures and the Rights of Parliament earlier that day. The committee met at 10 a.m. to hear two witnesses on Bill C-34, which seeks to amend the Parliament of Canada Act for the purpose of establishing separate ethics officers for the Senate and the House of Commons.

• (1420)

Senator Kinsella's objection had to do with the fact that the committee meeting was outside of its usual time slot and that, as a consequence, none of the opposition members were able to fully attend the meeting because of conflicting schedules. The Deputy Leader of the Opposition claimed that what had occurred violated traditional practices, customs and usages of the Senate. In raising his point of order, Senator Kinsella urged me to take this into account and to find that the Thursday morning meeting of the Rules Committee was "illegally constituted."

[Translation]

Other senators spoke in favour of the position taken by Senator Kinsella. Senator Lynch-Staunton objected to the fact that only one of the opposition members of the committee was consulted about the Thursday morning meeting. As the Leader of the Opposition put it: "What we resent, and perhaps it is allowed by the rules, is that a committee chair, with the support of one member of the steering committee, can unilaterally disrupt the schedule of the committee and have it sit at a time of his or her choosing. Maybe that is done and can be done, but surely basic courtesy and our custom and hopefully respect for each other should not allow that to be done."

[English]

Honourable senators, Senator Cools also participated in the discussion on the point of order. Among the issues that the senator raised was the fact that, in her understanding, a committee can meet outside its agreed upon time slot only by decision of the entire committee; it is not a decision that can be made by the steering committee alone. In separate statements, Senator Joyal and Senator Andreychuk objected to the difficulty they had in balancing their commitments to committees that meet at the same time. Such conflicts, they explained, made it impossible for them to meet their responsibilities effectively. Taking note of what had occurred last Thursday, Senator Andreychuk stated that, "The rules must be read in line with

what is fair, just and appropriate. The rules are not there simply to be taken advantage of." Senator Grafstein also expressed his discomfort with what had occurred. Finally, Senator Kinsella reiterated his view that I, as Speaker, need to take into account practice, custom and usage because not everything is captured in the *Rules of the Senate*.

Senator Carstairs, the Leader of the Government, and Senator Milne, the Chair of the Committee on Rules, Procedures and the Rights of Parliament also spoke to the point of order. Claiming that there was no point of order, the Leader of the Government took note of the fact that meeting conflicts are not uncommon, particularly when a great number of committees are sitting. Despite this reality, Senator Carstairs went on to explain that attempts are made to minimize these conflicts and to accommodate the interests of senators, especially early on when the Committee of Selection first establishes the membership of all standing committees. Nonetheless, as Senator Carstairs said, conflicts will inevitably arise due to a variety of factors; it is the nature of the parliamentary system. As the Leader of the Government explained in concluding her intervention: "The other side clearly does not like what happened. I can respect that they do not like it, but frankly that does not give them a point of order."

[Translation]

For her part, Senator Milne explained that the steering committee of the Rules Committee had been empowered by the committee to set the agenda and schedule hearings. This authorization, as the senator stated, did not restrict the committee to meet only within its allotted time slot. According to Senator Milne, the decision to meet on Thursday was made by the steering committee on Tuesday of last week though, unfortunately, it was not announced to the committee at its Wednesday meeting. Nonetheless, as Senator Milne pointed out, proper notice was given of the meeting and the *Rules of the Senate* were fully respected.

[English]

I wish to thank all honourable senators for their participation in the discussion that took place last Thursday. As you may recall, I left the Chair briefly following the exchanges on the point of order to consider my decision. I was prepared to rule on the question, but circumstances intervened to keep me from doing this. I have taken advantage of the additional time and am prepared to make my ruling now.

In considering my decision, I am mindful that I have been urged to take into account the customs, practices and usages of the Senate. I am asked not to rely exclusively on the *Rules of the Senate*. There is no doubt that our way of doing things in the Senate does not depend just on the written rules. What goes on here and how we work is due, in large measure, to cooperation, collegiality and mutual respect. The Senate traditionally prides itself on its ability to work through consensus when it can. Even when it cannot, it is rare for the Senate to give way to partisan bickering and harsh confrontations pitting the government against the opposition and possibly others, in some cases, in a show of force.

At the outset of his point of order, Senator Kinsella recognized the relative importance of practice in comparison to the rules. As he put it, "Unless there is an explicit rule to trump a practice, the custom must be respected." This is good advice, and I have tried to follow it. At the same time, I have noted that several senators, including both leaders, have recognized that no explicit rules of the Senate were violated when the Rules Committee held its meeting last Thursday morning. The issue, as Senator Lynch-Staunton said, is one of respect and courtesy, and this goes back to the usual approach that the Senate takes to conducting its business. As Speaker, however, I do not have the authority to impose cooperation. This is something that can only be achieved by senators themselves. Whatever the merits of the grievance, my task is to interpret the rules as best I can and to exercise what authority I have in the best interests of the Senate.

Based on the arguments that were presented, there is no reason for me to intervene in this extraordinary way to nullify the proceedings of the Thursday morning meeting of the Rules Committee. Indeed, I do not believe that I have such authority. So far as I can assess it, there was nothing "illegal" about the meeting of the Rules Committee. The proper rules have been observed. Notice of the meeting was given and quorum was present. The opposition has indicated its objections, and several senators have complained about the conflicts that arose from simultaneous and overlapping committee meetings. Such conflicts are indeed frustrating and can lead to a genuine sense of grievance. However, there is nothing I can do as Speaker since the *Rules of the Senate* were not breached.

Comments have been made that the opposition whip did not consent to the Rules Committee meeting outside of its time slot. It has been acknowledged that the consent of both whips is usually obtained before a committee holds a meeting outside its usual time slot. This is a practice or custom that has been developed in recent years to accommodate the interests of the government and the opposition as well as senators generally. It is not a practice that involves the Speaker. I should also observe that it is not a practice that has been incorporated into the Senate's rules. The Senate has not sought to formalize this practice by making it part of our rules. It is thus beyond the scope of my authority to enforce.

As was mentioned last Thursday, committees are generally masters of their own procedures. Beauchesne's 6th edition, at citation 760(3) states that the Speaker of the other place has ruled many times "that it is not competent for the Speaker to exercise procedural control over committees." I feel that this is no less true here in the Senate, absent any violation of an explicit Senate rule.

There is, therefore, no point of order.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, under Government Business, I would like to call first Reports of Committees, Item No. 1, and then revert to the order in the Order Paper.

[*English*]

THE ESTIMATES, 2003-04

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) ADOPTED

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. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I want to spend a little time on appreciation of the Estimates by continuing in the same vein as did Senators Comeau and Doody of when they commented last week on the difficulty in analyzing the Estimates, as much of the information in them is incomplete and even misleading. In addition, as was also pointed out, numerous departments and agencies can be involved in the same program; yet, that data is scattered throughout the Estimates book so that it is extremely difficult to get a true expenditure figure on many activities. I was encouraged last Thursday when the Leader of the Government in the Senate volunteered to write to the President of the Treasury Board to, as she put it, "add my voice to making these Estimates more user-friendly in the future."

• (1430)

Honourable senators are not alone, by the way, in having difficulty in understanding the Estimates as now presented. In a ruling on a point of order relating to them only a month ago, the Speaker in the other place ended his ruling by saying, "The issue underscores the need for Parliament to be presented with clear and complete information to fulfill its responsibilities."

To re-emphasize how important this is, let me cite one example and add it to those already mentioned by my colleagues.

The Backgrounder, which is not part of the Blue Book, explains that the \$130.4 million for assistance to the Canadian softwood sector under the Industry Canada chapter is divided between the department itself, \$105.9 million, and the Economic Development Agency of Canada for the region of Quebec, \$24.5 million. In the Blue Book, the \$105.9 million is shown in one page, and the \$24.5 million on another. It takes a sharp eye to spot that both relate to the same program and, without the Backgrounder, it may have escaped even the sharpest of eyes.

As a matter of fact, a review of the Estimates since November 2001, only two years ago, when the Softwood Lumber Assistance Program was first mentioned, reveals that over \$250 million has been devoted to it, divided among International Trade, Natural Resources, Industry Canada and Foreign Affairs. As far as I can tell, the same program has been entrusted to these departments, and perhaps others but they have yet to be found if they are involved, without any visible coordination between them so that it is impossible to have the whole picture of how and where the funds for this one program are being spent.

This procedure is quite current. This way of reporting is also quite current. The upcoming Vancouver Olympics, for instance, to cite a most recent example, involves many departments, and there is no public document to which one can turn to for an immediate update on total government actual and projected spending on this activity.

Senator Doody last week mentioned the \$31 million in the Estimates identified as for "acquiring real property in Gatineau," by the National Capital Commission. No mention of the exact location or the purpose of the acquisition can be found in either the Estimates or the Backgrounder, which is a separate document and which, ironically, has more information in it than the blue book itself, although it does fail in this case to mention the NCC purchase. Only the questioning of Treasury Board officials produced some vague details. Why they could not have been included in the Blue Book is beyond me, particularly as the National Capital Commission has, for years, made no secret of having its sights on what is known as the Weston-Eddy property. Why not identify it as such in the Blue Book?

What is much more troubling is how the transaction evolved, as it is sadly but another example of Parliament, to put it bluntly, being used as a rubber stamp. Let me explain.

On June 18, 2003, Treasury Board approved the inclusion of \$31,122,885 in the Supplementary Estimates toward the acquisition. On June 19, the day after, an Order in Council authorized the purchase. As far as can be ascertained, no public announcement was made of that not negligible transaction until October 2, when the National Capital Commission held a press

conference announcing the acquisition of the industrial lands on the Quebec shore of the Ottawa River. The deed of sale had been signed the day before.

It will be argued that all this was done within long-standing practice, and I have no doubt that it was. Nonetheless, it is a practice which makes a mockery of what used to be one of the most if not the most important responsibilities of Parliament, in particular of the House of Commons, and that is having power over the purse. Of course, Parliament could refuse to vote the amounts already spent, which are just an advance by Treasury Board, but what should happen will not be allowed to happen. In any event, it begs the main question: Why was Parliament not at least informed that an agreement in principle had been reached before the deal was signed, sealed and delivered? Why was the \$31.1 million not included in the Main Estimates in March, as it is obvious from reading the deed of sale that it was a complex transaction that had to have been in the works for many months before?

This is but the latest example of reducing Parliament's role to that of a helpless spectator in an area where it once had significant authority. It may all be legal, but, to use a popular phrase these days, it certainly is not ethical.

On this question of advances by Treasury Board, the Senate Finance Committee studied the use and the scope of the activities funded through the contingency fund for many years and came out with a thorough analysis of the question in a report dated June 6, 2002. I recommend the report, because it is an excellent appreciation of the subject matter. I will limit myself to quoting only a few sentences, as they reflect very well the anxiety that all parliamentarians should be sharing. It is referring to the authority to advance funds by Treasury Board with reimbursement by the departments involved through the supply bill authorization.

Under this authority, it is possible for the Board to make expenditures on initiatives that never receive prior Parliamentary examination. Normally, if a Contingency Fund allocation is provided to a department for a non-paylist expenditure, then the department is required to reimburse the Fund through appropriations obtained in Supplementary Estimates. In this way, the expenditure is brought to the attention of Parliament, which then approves the spending retroactively when it passes the Appropriation Bill.

It is all there. Treasury Board advances, government spends and Parliament approves. In effect, those who have power of the purse are being told, "You better approve it because you have no choice. You have no idea what we were doing in the mean-time and how we got there, but the money is spent, and therefore you have no option but to approve it."

On numerous occasions, our committee has discussed with Treasury Board officials making contingency fund guidelines clearer and more in keeping with their original purpose. As the report notes:

The Auditor General observed that the wording of the Government Contingencies Vote is extremely broad, and that the Treasury Board Secretariat has not defined the words “miscellaneous, minor and unforeseen expenses not otherwise provided for” in any way. According to her, “This wording has provided the Secretariat with considerable latitude over the years in the way it interprets the spending authority.” Furthermore, she noted that during the audit that led to her April 2002 report, it was found that even the analysts at the Secretariat had different views about the meaning of these terms. This latitude in the interpretation of the wording is a concern to some Senators. The Auditor General believes that this situation has given rise to government spending activity that has not received the approval of Parliament. During Committee hearings she stated that:

...government spending on grants, under interim authority from the Government Contingencies Vote, may be falling outside Parliament’s intent.

That report ends by stating that Treasury Board is currently reviewing “its practices and guidelines...” and “...expects to announce any change in policy in the Autumn of 2002.”

Here we are a year later, and we are still waiting.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I wish to speak in this debate on the consideration of the ninth report of the Senate Standing Committee on National Finance, and more specifically on the deal between the National Capital Commission and Weston Ltd. concerning a property located in Gatineau. This property is easily identifiable; it is directly across the river. I think the NCC was right to have been considering acquiring this land for a long time. It is not very pretty to see a cultural symbol such as the Museum of Civilization, and adjacent to it, this plant. This plant does provide employment to Quebeckers in the area, but it is not aesthetically pleasing.

• (1440)

The NCC never made a mystery of its intention to acquire this land.

It is important, honourable senators, that we examine our role in this issue. We are being asked to concur in this report. I have some reservations. My reservations would not be as strong if there were agreement to put in a note or to take out of the report, or the Estimates, the appropriation of \$31 million that is sought for this transaction.

Treasury Board officials offered to provide information to the honourable senators who sat on the committee to clarify this transaction. This offer by Treasury Board Secretariat officials was important enough to be mentioned in the report. If I am not mistaken, clarification has not yet been given. We are being asked to concur in a report which leaves several questions unanswered.

This has prompted me to make personal inquiries. It turns out that the transaction in question has already taken place. The purchase was finalized in early October, and a receipt was issued at the time of the transaction. Funds in the amount prescribed have been transferred.

This sale is different from simple duly registered sales of real estate, which are commonly conducted in Quebec by notaries public. No warranty applies to this sale. Usually, in a real estate transaction, when the buyer offers to purchase a building without a warranty, questions about the vendor’s liability are raised. These questions are necessary. When a buyer purchases a building, particularly one that has been an industrial property since 1888, is it reasonable to claim that the buyer would agree to the purchase without the vendor having to provide a warranty?

Why did the NCC decide to purchase an industrial property without a warranty?

One other interesting fact: this transaction includes a usufruct. People will use this to try to impress us, because it means that the NCC will receive approximately \$28 million over the next 25 years. We are talking about a \$36 million transaction and a multiyear usufruct of approximately \$28 or \$29 million, which is not a huge risk.

So why was the building not transferred with the pre-existing condition on the title, meaning the 25-year lease — which was coincidentally renewed just a few months ago, between Weston and Scott Paper? Why did the NCC not simply purchase the lease too, rather than drafting an agreement to get back a portion of the investment over a period of time?

We are being asked to approve the Main Estimates and, more specifically, the allocation of funds to the NCC, although public servants have offered to clarify this transaction — which they have not yet done. We are being asked to have faith and to give our blessing, because the information will be provided at a later date.

In the event we concur in this report, the Senate will be seized with a bill asking it to concur in the Main Estimates. Are we going to obtain this information? Are we going to obtain the answers to these very troubling questions? I want to know why industrial property was purchased without a warranty. I think we have some idea as to why. We can assume that it is because of the possibility of industrial pollution, the need to decontaminate the site and make

a major investment to clean up this property along the Ottawa River. Who will pay to clean up this site? I and every other Canadian will have to pay the price, because this \$28 million usufruct will not cover all the costs related to the clean-up operation. Who knows, perhaps this site is not polluted.

Another piece of pertinent information: This property was the object of a memorandum of understanding seven years ago, in 1996. What information did the NCC possess in 2003 when it signed a document of sale as the purchaser, agreeing that the vendor would provide no warranties? What did it learn between 1996 and 2003?

Honourable senators, at the very least, this issue raises some questions. Questions will most definitely have been asked, not only of Treasury Board officials, but also of those who had information after 1996 — and prior to that date, in order to sign the 1996 agreement — until the present. This involves money from our taxes, and the taxes of our children and grandchildren. Is this our objective when we decide to do a conscientious job? Personally, if I am asked to approve a transaction without a warranty, it is my job to ask all the questions and get all the answers.

[English]

The Hon. the Speaker: If no other senator is rising to speak, I will ask the chamber: Are we ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Biron, that this report be adopted.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion agreed to and report adopted, on division.

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS— MOTION IN AMENDMENT—ORDER STANDS

On the Order:

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

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

(i) the Senate do not insist on its amendment numbered 2;

(ii) the Senate do not insist on its modified version of amendment numbered 3 to which the House of Commons disagreed;

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

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

And on the motion of the Honourable Senator Watt, 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. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this message from the other place has been with us for some time. We are somewhat puzzled to see the government effectively filibustering its own bill. However, these are unusual times. It is hard to know whether the senators on the other side are all rowing in the same direction. It seems that at times some are rowing to port; others are rowing to starboard. It is to be hoped that this bill is not a victim of lack of unity.

We have before us a motion in amendment by Senator Watt, and I support that motion in amendment. I would hope that we could at least make a decision on it soon. By “soon,” I mean today or tomorrow.

• (1450)

Hopefully, this is not being dragged out by the government because the government cannot make up its mind whether it is for or against the proposition.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Senator Kinsella has said the key word. I expect Senator Bryden to be able to speak on this “soon”. He has just arrived, so he will not be prepared until tomorrow. We will then be able to discuss the matter of the amendment.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would ask the deputy leader how he can reconcile refusing some of his own members the opportunity to speak to a government bill by imposing time allocation — a bill he strongly supports — with allowing senators against a particular bill he also supports all the time needed to voice their opposition?

[Senator Nolin]

[*Translation*]

Senator Robichaud: Honourable senators, I have no comments to make on the statement the Honourable Senator Lynch-Staunton has just made. The process is continuing, as is the debate. Things are proceeding as they must.

Senator Lynch-Staunton: As they must, honourable senators, according to the deputy leader's interpretation of procedure.

[*English*]

Let it be noted that, whatever the fate of this message and the bill itself, the delay in taking a vote on both is not the responsibility of this side. The opposition wants to hasten a decision on it one way or the other. I will ensure that all the protestations that I have been hearing, particularly from those concerned with the cruelty to animals measures, are forwarded to the other side, where the blame continues to lie for not moving along with this.

[*Translation*]

Senator Robichaud: Honourable senators, I have no doubt that the Leader of the Opposition would do the same.

Order stands.

[*English*]

BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER OF 2003

SECOND READING—DEBATE CONTINUED

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. Terry Stratton: Honourable senators, I rise to participate in the debate on Bill C-49, to accelerate the implementation of new electoral boundaries.

Simply put, this bill advances to April 1, 2004, from August 25, 2004, the date for the new electoral map. New riding boundaries based on the 2001 census will take effect following the first dissolution of Parliament.

Before I turn to the main points I want to make, I should like to review some of the background pertaining to this proposed legislation. Honourable senators, after every decennial census, riding maps are redrawn to reflect population changes. As government background documents for Bill C-49 point out, redistribution is required by the Constitution Act, 1867, and by the principle of effective representation enshrined in section 3 of

the Canadian Charter of Rights and Freedoms. The legislative mechanism that underpins Canada's electoral redistribution process is the Electoral Boundaries Readjustment Act.

By this process, changes occur every 10 years, which include the addition of more seats for provinces that have grown significantly in population, and a redrawing of riding maps to reflect population shifts within provinces.

The process under the Electoral Boundaries Readjustment Act includes provincially-based federal electoral boundaries commissions responsible for holding public hearings to facilitate the redistribution process. The commissions, which are chaired by a judge appointed by the chief justice of each province, also includes two residents of each province appointed by the Speaker of the House of Commons. This commission can accept written submissions from the public over the course of their deliberations. As well, members of the House of Commons have an opportunity to have further input through an objections process coordinated by a parliamentary committee. However, final decisions with respect to the redistribution of federal riding boundaries are the responsibility of the commissions.

In making their decisions, the commissions are guided by a number of factors. For instance, except in exceptional circumstances, the population of each electoral district in a province must remain within plus or minus 25 per cent of the average provincial riding population for that province. As well, the commissions also have to consider issues like community of interest and historical patterns within an electoral district in coming to their conclusions. As the 1991 Royal Commission on Electoral Reform and Party Financing pointed out, adhering to criteria of this nature is designed to promote effective representation.

As to the assignment and the redistribution of seats nationally on a province-to-province basis, the Constitution reads that seats in the House of Commons must be assigned to the provinces on the basis of their proportionate populations. This is designed to ensure equality amongst voters. As the 1991 Royal Commission puts it:

Equality of the vote is secured if the assignment of seats to provinces conforms to the principle of proportionate representation and if the drawing of constituency boundaries conforms to the principle of representation by population.

Obviously, the extent to which each of these principles has been actualized in Canada has changed in accordance with the evolution of the mechanisms, both legislative and non-legislative, that have had a hand in determining electoral boundaries throughout our history as a country. I will come back to this point later, as it speaks to something I am particularly interested in — the relative under-representation of certain Western provinces.

For now, suffice it to say that, when the new boundaries in the current round of redistribution take effect, the number of seats in the House of Commons will increase to 308 from 301. Ontario will gain three seats, while British Columbia and Alberta will each have two more.

Under the Electoral Boundaries Readjustment Act, the new boundaries normally take effect for elections called one year after the boundaries are proclaimed. In the current round of redistribution, proclamation occurred on August 25, 2003. This means that, if there were to be a spring election, which is a key reason behind this government's introduction of Bill C-49, normally that election would be held on the basis of the old boundaries, while the new boundaries would be used if Parliament were dissolved on or after August 25, 2004.

The net effect of Bill C-49 is to move up the date when the new electoral map will take effect by five months, to April 1, 2004.

In bringing forward this bill, Don Boudria, Minister of State and Leader of the Government in the House of Commons, provided the following rationale:

This bill offers greater certainty that the next election will be held using the new electoral boundaries... It will enable all political parties, candidates, as well as Elections Canada to adjust to the new electoral map. Considered on their own, these appear to be laudable goals. However, the operative part of this sentence is "considered on their own."

• (1500)

While I do not want to get into a debate about the relative merits of the particular measure contemplated in this bill on its own, I do want to underscore one thing: Contemplated as part of the larger attitude and approach of this government to the riding redistribution process — as evidenced by their record of tinkering on riding boundary redistribution issues — this bill confirms a disconcerting trend. That trend points to an attitude on behalf of this Martin-Chrétien government which seems to say that the riding boundary redistribution process is just another instrument of the federal government to be manipulated at the convenience of the government of the day; that measures and mechanisms in the Electoral Boundaries Redistribution Act are designed to ensure that predictability, reliability and smooth operation of the riding redistribution process can be changed on a whim — according to the governing party's often short-term political calculations.

This does not mark the first time that the Martin-Chrétien government has moved to alter the date on which redistribution takes effect. Unlike the two previous attempts, this bill advances rather than delays the implementation of new boundaries.

I am sure many honourable senators will recall that, back in 1994, many Liberal backbenchers objected when they saw the proposed new maps that followed the 1991 census. The response

of the government back then was to introduce Bill C-18, which would have thrown out the work already done on the redistribution process and suspend it for two years. The end result, if this self-serving and myopic piece of legislation had passed, would have been a 1997 election fought on boundaries drawn up some 16 years earlier.

At the time, we Progressive Conservatives had sufficient numbers in the Senate to amend Bill C-18. The practical result of our amendments was that the suspension period was reduced to one year from two, that the boundaries commissions were allowed to complete what was then the current phase of their work, and that after one year the boundaries commissions could continue their work from the point where they had been suspended.

A key objective of the Conservative amendments was that Bill C-18 could not have killed redistribution, and that an election called in 1997 would have to be fought, appropriately, on the basis of the 1991 census.

After failing with Bill C-18, the government subsequently tried to achieve the same objective of killing redistribution in 1995 through Bill C-69. As some honourable senators will recall, that bill died on the Order Paper when Progressive Conservative senators insisted on a proper examination of the bill and its related issues in committee.

As these illustrations underscore, this government's record on upholding the integrity and predictability of the electoral boundaries readjustment process is something one might not want to write home about.

That said, the issue of long term, well thought out changes to Canada's electoral boundary readjustment system is still one that should merit our ongoing consideration as federal legislators. In this regard, I would like to make a couple of points.

First, the fact that the government is trying to change the timeline from proclamation of new boundaries and the take-effect date in terms of a one-off deal perhaps points to the idea that the original one-year period might be too long under any circumstances. In other words, this issue of timelines needs to be considered independent of the perceived short-term electoral considerations which appear to be driving Bill C-49. I, for one, would not be adverse to seeing a permanently shortened timeline, especially if the Office of the Chief Electoral Officer can accommodate one.

Perhaps to avoid the need for such tinkering in the future, the consideration of a permanent change of the timeline between proclamation to take-effect date from one year to six months should be a part of the Electoral Boundaries Readjustment Act. This would be a reasonable amendment to the act. Anything that helps to speed up what is already a lengthy and somewhat cumbersome process should be welcomed.

[Senator Stratton]

The second and final point that I would like to make pertains to the current formula that is used to determine proportionate representation. The current formula was first established in the Representation Act, 1985. While the main purpose of this formula is to ensure the right of smaller provinces to proper representation at a minimum base, the fact remains that this formula shortchanges more rapidly growing provinces, such as Alberta, British Columbia and Ontario.

To quote from the 1991 Royal Commission on Electoral Reform and Party Financing, which is otherwise known as the Lortie report:

If current demographic projections are accurate, the application of the 1985 formula will increase the inequality among provinces over time because the size of the House can increase only to top up the seats of provinces that would otherwise lose seats. The formula is thus a recipe for increasing the inequality among provinces. Discriminating against provinces with populations that are growing relative to national population growth can only cause unnecessary friction within our country.

The Lortie report goes on to state:

In short, the formula errs in two ways: it fails to give sufficient weight to the constitutional principle of proportionate representation; and its restriction on increases in the number of Commons seats, which works to penalize the provinces experiencing population growth, is not related to any principle of representation.

As we engage in debate on this piece of legislation, I am of the view that we should not be adverse to highlighting areas where improvements to our entire process of electoral boundary readjustment can be improved. This would be helpful for future reference.

In regard to rapidly growing provinces, the perspective of Alberta's and British Columbia's relative under-representation in our national institutions is, additionally, coloured through a regional lens. Call it western alienation, or any other term used to describe perceptions that the West is disadvantaged in Confederation, the reality is that Western Canada has a long history of regional strain with the rest of Canada, and more particularly with the federal government. To quote from a recent survey put out by the Canada West Foundation regarding current attitudes in Western Canada:

The early years of the 21st century have witnessed the sporadic eruption of separatist parties, an ineffectual and frequently abrasive regional voice in the national Parliament, public arguments for provincial 'firewalls,' and seemingly endless radio programs, editorial commentary, and newspaper opinion pieces voicing regional discontent with the federal system and the federal government.

As well, the same Canada West Foundation document also includes a survey of western attitudes regarding how the interests of western Canadians are handled by their federal government. The survey discovered that:

The number of respondents feeling that their province is poorly or very poorly represented is striking: seven in ten western Canadians do not feel the interests of their province are adequately represented at the federal level.

These are important points to consider as these perceptions speak to the legitimacy of our federal government, our federal institutions and our current system of representative democracy.

I give as an example Manitoba, which has a population of 1 million people. In Manitoba, there are 14 seats, or roughly 70,000 people per riding. It would be interesting to know, and I am sure we will find out in committee, what the populations of Alberta and British Columbia are versus their numbers of seats. In 1991, the representation per riding in Alberta and British Columbia was 25,000 people more per riding than it was in Saskatchewan and Manitoba. This is a substantial change that has probably become worse. Thus it is not a question of increasing the number of seats in Alberta and B.C. by two; we should be increasing their numbers by even more than that.

• (1510)

The Hon. the Speaker: I am sorry to interrupt the honourable senator, but I must advise that his time has expired.

Senator Stratton: I request leave to continue.

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

Hon. Senators: Agreed.

Senator Stratton: Honourable senators, Canada's next Prime Minister has stated that he is interested in addressing both western alienation and Canada's democratic deficit. The evidence suggests that he has his work cut out for him. Certainly, reviewing any imbalances in Canada's electoral boundary redistribution formula would be a productive initiative for the incoming Prime Minister, but not the only one. Rather, it should be considered as one part of the overall policy mix that has to be promoted if this government is serious about addressing both this so-called democratic deficit and western alienation.

In fact, in addition to adopting the changes about a six-month timeline for the establishment of new boundaries, the reviewing of the electoral boundary readjustment formula is one initiative that I would welcome.

In closing, the key objectives of Canada's system of electoral boundaries readjustment are to promote both the equality of the vote and effective representation. These are ongoing principles that we as legislators must strive to uphold.

I am glad to have had the opportunity to speak to these issues in the context of discussing the change contemplated in Bill C-49.

On motion of Senator Stratton, for Senator Di Nino, debated adjourned.

APPROPRIATION BILL NO. 3, 2003-04

SECOND READING—DEBATE ADJOURNED

Hon. Joseph A. Day moved the second reading of 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.

He said: Honourable senators, Bill C-55, now before us for consideration, will be cited as the Appropriation Act No. 3. The first step for me in looking at this appropriation bill was to compare it to the Supplementary Estimates, and in the Supplementary Estimates there is a proposed schedule for the appropriation bill. I have compared the proposed schedule of the Supplementary Estimates to the schedule attached to Bill C-55, and I find them to be the same.

The proposed schedule in the Supplementary Estimates is part of the documentation that the Standing Senate Committee on National Finance reviewed. It formed the basis of the ninth report of the committee, which report was adopted on division a few minutes ago, so I do not propose to go through an analysis of all those figures again.

I should like to thank all honourable senators who participated in the debate on the adoption of our report. I can assure them that their comments will be given consideration as we continue throughout the year to study and, hopefully, improve upon the Estimates brought before the committee by Treasury Board.

Supplementary Estimates (A) and Appropriation Bill No. 3 seek approval by the government for \$5.5 billion of expenditures. These are votable appropriations for the balance of fiscal year 2003-04.

The \$5.5 billion is part of the \$180.7 billion of planned expenditures by this government for this fiscal year. It is not an additional amount; it is only that the details were not sufficiently known in order to deal with it when we had before us Appropriation Bill No. 1 and Appropriation Bill No. 2. These Supplementary Estimates are still within the overall planned expenditure.

Honourable senators, I respectfully request that you support this appropriation bill at second reading.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, let us stay on the subject of principles. Will the arguments raised by the various senators who have discussed the ninth report be taken into

[Senator Stratton]

consideration during the clause-by-clause study in committee of this bill we are being asked to approve at second reading?

Senator Day: The procedure for a bill for granting to Her Majesty certain sums of money for the public service of Canada is usually that the bill is not referred to committee. We have already done our study. These are the same schedules as in the supplementary estimates. These points of view will be considered, because in our mandate we continue to study the estimates throughout the year.

Senator Nolin: I asked the question as a matter of principle. Other people may have other opinions, but personally, I think it is very important to have the public servants explain why we should vote this additional \$5 billion or so, especially if these public servants offer to enlighten us, to provide further information, so that this decision can be made in full knowledge of the facts, when they give us their information. Would it not be appropriate to reopen the study of the Supplementary Estimates, to hear the public servants, and perhaps look at the relevant documents?

That is why I asked the question. Your answer is that there will be no examination in committee. Do you think it is fair and reasonable, despite all the arguments that were raised, that we do not go back to committee at least to examine these questions in the light of the offer made by the public servants?

Senator Day: I agree; it is very important, in principle, to have information. We are continuing to improve the situation with the witnesses we are hearing. Still, for these Supplementary Estimates (A), we have included our comments in the report. We have enough information to proceed with these Supplementary Estimates and this bill.

Senator Nolin: Please permit me to use, although not exactly, as I am not reading them, the words you used in your own report. "We recognize that we do not have all the necessary information," you said, and you wrote it in your report.

• (1520)

I am offering you an opportunity to reopen, on this issue at least — and on others that were raised — the examination of witnesses, to at least be consistent with what you wrote in your report. My understanding is that the committee will continue to review the Main and Supplementary Estimates of the government, and that is good. We are trying to be effective. You have here officials who answered your questions and realized that we did not have all the information; they offered to provide additional information, but their offer was not even accepted. Where are we going?

Senator Day: Honourable senators, the committee decided it had enough information to write the report. That is what it has done; we have discussed the report and voted on the report that was concurred in by the Senate.

[English]

Hon. C. William Doody: Honourable senators, this matter is not finished before the committee. Once the Finance Committee has a set of Estimates before it, those Estimates stay before the committee until they are reported finally at the end of the fiscal year. There is another set of Estimates that appear on the scene miraculously, mysteriously from the nether regions of this place, and we are given another year's opportunity to read and digest the indigestible. This matter is not finished at all. It will be pursued, chased down and studied further by this committee.

In the 25 years that I have been associated with the Finance Committee, in addition to the approximately 10 years that I spent with the finance department and the treasury board of the Government of Newfoundland, I have never seen a set of Estimates that were so difficult to digest as this particular set this year. I still have no idea, really, as to the ultimate cost of this gun registry. There are other strange and mysterious items in the sups that have not been fully explained. It is fair to assume that this committee will further pursue these questions when Treasury Board officials appear before us again, as they will.

It has not been the tradition of this house to debate the appropriations bill. It has been our understanding that the appropriations are the responsibility of the House of Commons and that we study the Estimates and offer suggestions for improvement, although I have been tempted from time to time to offer an amendment to an appropriations bill just to see if anyone in the House of Commons would notice. They spend so little time attending to their major responsibility. Their responsibility, first and foremost, is to protect the taxpayers' dollars, and they spend less time examining the Estimates and the spending policies of any particular government — not just this government, in my experience — than we do here.

While our contribution in examining the Estimates and the Supplementary Estimates is relatively insignificant in terms of the amounts of money involved, it is still far more significant than that put forward by our colleagues on the other side.

Maybe one of these days I will offer an amendment to see what happens. I suspect that someone at the Table will alert them in the House of Commons that there is an insidious little trick to see if they are still awake. Up to this point, we do not get involved in a major debate on the appropriations, as such.

With some reluctance, I finish my few comments on this matter and leave it to the disposition of the Senate to see whether or not they will approve.

Senator Nolin: If the Honourable Senator Doody would allow, I have a few questions. Was the honourable senator aware that he

was asked to approve the financing of the acquisition of a piece of land without guarantee?

Senator Doody: The situation of the acquisition of the land across the way has been a mysterious item from the beginning. In the Estimates, the only information we were given was that \$31 million was requested for the acquisition of land in Gatineau. Further information was not available, nor did the officials at the time have it. They subsequently found some explanations and provided letters of correspondence from the Chairman of the National Capital Commission to the Treasury Board. However, no, the guarantee item, to my knowledge, did not enter into the conversation. The matter was still not resolved to my satisfaction at the time the debate ended. I have every intention of raising it again at another meeting of the committee.

Senator Nolin: Would the honourable senator agree that the lack of information should at least raise questions and deserves clarification? Does he think that his committee or this chamber has the power to stop the transaction?

Senator Doody: Honourable senators, that has not been the responsibility of the committee — and it is not my committee. I am a member of it. We try to find out as much as we can within the limited time available to us. When we walk away from the table, I do not pretend that the transactions approved by the myriad bureaucracy that governs this country have been resolved to the ultimate satisfaction of every member of the committee.

I do say, as I have before, that the transaction by the National Capital Commission was not satisfactorily explained to us, and I fully expect that we will be addressing the matter again. However, there are many other items in these Estimates and in previous Estimates that were not satisfactorily explained to us, and we continue to try to get to the bottom of things. We do have limited time, resources and authority, but we try to exercise those facets to the best of our ability.

Senator Nolin: The answer of the honourable senator confirms the complaints about missing information contained in the report. Would the honourable senator agree that it would be reasonable to reopen the study done by the committee and to listen to the various representatives of the Treasury Board Secretariat and hopefully from the National Capital Commission? If I were to offer information that an MOU was signed in 1996 on the acquisition that the NCC was part of, an MOU showing that the transaction was already done and goes back to early October of this year and there is no guarantee, would that be of importance? Maybe it would be of importance to know what was learned from the NCC's representative between 1996 and when they signed the deed of sale. Does the honourable senator not think it would be reasonable to reopen the discussion with those representatives of the executive?

Senator Doody: Honourable senators, I have already said on at least two occasions in the past 10 or 15 minutes that we are prepared to look at the question again and get more information. I do not know that I can say anything further. The National Capital Commission is an autonomous organization that holds itself proudly and arrogantly at arm's length from the government and certainly from Parliament in terms of providing information and cooperation at any given time.

Senator Nolin has every right to attend every meeting of the National Finance Committee that he wishes, and he is entitled to ask the officials of Treasury Board any questions that he wishes. He does not need my authorization or invitation. He has the same privileges as every other senator in this house. As far as I am concerned, I would be delighted to see him at National Finance Committee meetings.

On motion of Senator Lynch-Staunton, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 3:30 p.m., pursuant to the order adopted by the Senate on October 30, 2003, I must interrupt the proceedings to put the question on the motion in amendment of the Honourable Senator Oliver to Bill C-25.

The bells to call in the senators will be sounded for 30 minutes. The vote will take place at 4 p.m.

Call in the senators.

• (1600)

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.

And on the motion in amendment of the Honourable Senator Oliver, seconded by the Honourable Senator Robertson, that the Bill be not now read a third time but that it be amended

(a) in clause 2

(i) on page 88, by replacing lines 37 to 40 with the following:

“(2) The Canadian Human Rights Commission may deal with an issue referred to in subsection (1), if it is of the opinion that it is in the public interest to do so, as if the issue were a complaint under the *Canadian Human Rights Act*, and the adjudication proceedings shall be suspended on the request of the Canadian Human Rights Commission.

(3) If the Canadian Human Rights Commission does not decide to proceed with the issue as a complaint under the *Canadian Human Rights Act* within 30 days after the adjudication proceedings are suspended, the adjudication proceedings shall be resumed.”,

(ii) on page 91, by replacing lines 9 to 12 with the following:

“(2) The Canadian Human Rights Commission may deal with an issue referred to in subsection (1), if it is of the opinion that it is in the public interest to do so, as if the issue were a complaint under the *Canadian Human Rights Act*, and the adjudication proceedings shall be suspended on the request of the Canadian Human Rights Commission.

(3) If the Canadian Human Rights Commission does not decide to proceed with the issue as a complaint under the *Canadian Human Rights Act* within 30 days after the adjudication proceedings are suspended, the adjudication proceedings shall be resumed.”, and

(iii) on page 92, by replacing lines 26 to 29 with the following:

“(2) The Canadian Human Rights Commission may deal with an issue referred to in subsection (1), if it is of the opinion that it is in the public interest to do so, as if the issue were a complaint under the *Canadian Human Rights Act*, and the adjudication proceedings shall be suspended on the request of the Canadian Human Rights Commission.

(3) If the Canadian Human Rights Commission does not decide to proceed with the issue as a complaint under the *Canadian Human Rights Act* within 30 days after the adjudication proceedings are suspended, the adjudication proceedings shall be resumed.”; and

(b) In clause 12, on page 139, by replacing lines 1 to 4 with the following:

“(6) The Canadian Human Rights Commission may deal with an issue referred to in subsection (5), if it is of the opinion that it is in the public interest to do so, as if the issue were a complaint under the *Canadian Human Rights Act*, and the proceedings before the Tribunal shall be suspended on the request of the Canadian Human Rights Commission.

(6.1) If the Canadian Human Rights Commission does not decide to proceed with the issue as a complaint under the *Canadian Human Rights Act* within 30 days after the proceedings before the Tribunal are suspended, the proceedings before the Tribunal shall be resumed.”.

The Hon. the Speaker pro tempore: The question is as follows: It was moved by the Honourable Senator Oliver, seconded by Honourable Senator Robertson:

That the bill be not now read a third time but that it be amended (a) in clause 2...

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: All those in favour of the motion in amendment will please rise.

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Di Nino	Nolin
Doody	Oliver
Forrestall	Prud'homme
Johnson	Rivest
Kelleher	Robertson
Keon	Spivak
Kinsella	Stratton—21
Lawson	

NAYS
THE HONOURABLE SENATORS

Adams	Joyal
Bacon	Kenny
Banks	Kolber
Biron	Kroft
Bryden	LaPierre
Callbeck	Lapointe
Chalifoux	Lavigne
Chaput	Léger
Cook	Losier-Cool
Cools	Maheu
Corbin	Mahovlich
Cordy	Merchant
Day	Milne
De Bané	Morin
Downe	Pearson
Fairbairn	Phalen
Finnerty	Plamondon
Fraser	Poulin
Furey	Poy
Gauthier	Ringuette
Gill	Robichaud

Grafstein
Graham
Harb
Hervieux-Payette
Hubley

Rompkey
Smith
Sparrow
Trenholme Counsell
Wiebe—52

ABSTENTIONS
THE HONOURABLE SENATORS

Roche—1

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we have just voted on a motion in amendment to Bill C-25. We could revert to the Orders of the Day and call Item No. 2, resuming debate on the motion for the third reading of Bill C-25.

[*English*]

Hon. Senators: Question!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my understanding is that the vote we just conducted was on the motion in amendment by Senator Oliver. We have yet to deal with the main motion.

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

Hon. Anne C. Cools: Honourable senators, I understand now that we are back to the main motion.

Some Hon. Senators: Yes.

Senator Cools: I wish to speak to this tomorrow, so I would move the adjournment of the debate.

On motion of Senator Cools, debate adjourned.

[*Translation*]

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, An Act 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. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I know the Honourable Senator Lynch-Staunton has indicated his intention to speak to this bill at second reading prior to November 7. I would just like to encourage him to do so earlier than that, if possible, because we are anxious to hear what he has to say.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am equally anxious to hear what Senator Bryden has to say about Bill C-10B.

Order stands.

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Milne, for the third reading of Bill S-3, An Act to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Cools*).

Hon. Gérald A. Beaudoin: Honourable senators, I wish to support Bill S-3, proposed by the Honourable Senator Vivienne Poy, in which she proposes an amendment to the National Anthem.

• (1610)

As I have said in the past, it is true that we cannot change or rewrite history. Naturally, we must respect authors' works. However, in this case, we are going back to the first version by the author himself. We are going back to words he chose in the very beginning and wrote down. That is the only reason I support this bill.

In addition, the first version better reflects the principle of gender equality, a principle that we enshrined in the Charter of Rights and Freedoms in 1982. Gender equality is one of the greatest outcomes of the 20th century. That is when we started to give men and women the same rights in our constitutions and legislation. It has taken centuries for this equality to be accepted.

The 1948 Universal Declaration of Human Rights recognizes this equality, and section 28 of the Charter of Rights and Freedoms is one of the gems of our Charter. It reaffirms this equality. That is the reason for my full support.

In conclusion, I would like to make it clear that this bill deserves to be passed.

On motion of Senator Lapointe, debate adjourned.

HOLOCAUST MEMORIAL DAY BILL

SECOND READING

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, An Act to establish Holocaust Memorial Day.—(*Honourable Senator Prud'homme, P.C.*).

Hon. Marcel Prud'homme: Honourable senators, I had indicated my intention to speak to this very important motion. I was waiting for the Honourable Senator Fairbairn to speak, since she seconded the motion. However, I see that Senator Fairbairn is undoubtedly busy with another bill. I would like to hear what the honourable senators have to say about this very important issue. We see that discussions were held between a few of the honourable senators.

Of all the crimes against humanity during the 20th century, it is difficult to pick one as the most horrible. An author once said that one crime is too many. A death is a death. But the horrible crime of the Holocaust cannot remain unknown and cannot be pushed aside. This crime must not disappear from humanity's memory and consciousness.

As always, some parliamentarians have the knack of sabotaging the most worthy causes brought before their colleagues. Whether by intrigue, or the silence or ignorance of some parliamentarians toward others, they try to get quick passage, without providing enough information to all members of some issues that should have been debated thoroughly before a vote.

Honourable senators, let me tell you about some events, and I shall leave you to think about them.

I dedicate my words today to a very good friend in Montreal; she is Jewish. Since I do not want to embarrass her, I will just call her my dear Jeannette. She is very well known to some of my Montreal colleagues. She is very active and vigorous and she gave me some pointers for the Standing Committee on Banking, Trade and Commerce, saying that I should oppose the bank mergers.

Honourable senators, here is how it happened, as always, in the House of Commons, in the most stupid, expeditious way, when only a few members are let in on the secret to discuss an issue.

One morning at 10 a.m., the Honourable Member for Brossard rose and said: "It is with deep emotion that I move this motion: that the member for Charlesbourg-Jacques-Cartier may immediately introduce a bill entitled 'An Act to establish Holocaust Memorial Day,'" and for such a monstrous event as the Holocaust, he added, "and a member from each party may speak to the bill for no more than two minutes, following which the said bill shall be deemed to have been read a second time, referred to and reported from committee, concurred in at the report stage and read a third time and passed."

That is how, without consulting the members of the House of Commons, they wanted to rush through a bill commemorating one of the most atrocious tragedies, one of the most sickening and disgusting events of the 20th century.

• (1620)

In the House of Commons, they wanted to trivialize it, spring it on Parliament and rush it through, when every member of the House and of the Senate should have been informed of what was to come.

This is not the first time. The same tactics were used in 1985. This is not the way to proceed. A great Quebec linguist told me that it was better to use the word trivialize instead of minimize. And suddenly, in great haste, as if to do something behind our backs, five members rise and each is entitled to speak for two minutes only. We are told not just that things are going well, but that an agreement has already been reached. Senators Jerahmiel Grafstein and Noël Kinsella undertook to ensure speedy passage of the bill in the Senate. I thank you, Senator Kinsella, for informing the Senate. However, the House of Commons is already aware that an agreement has been reached. It is in this context that the unfortunate incident occurred last week.

The bill was presented by neither Senator Grafstein nor Senator Kinsella, but rather by Senator Poulin, seconded by Senator Fairbairn. An attempt was made to name a whole series of senators who supported the bill, when this was not necessary. I could give the Senate all my notes.

How could serious, caring individuals have attempted once again, to our general surprise, to trivialize the most horrible, monstrous, but undoubtedly the most infamous and organized event of all time, the Holocaust?

We were not advised that the House of Commons held a similar debate in April 1996. No senator is aware of that fact. In 1996, the House of Commons held a similar debate on the Armenian genocide — which cannot be called a Holocaust. After very extensive negotiations between the Armenians and the Canadian Jewish Congress, an agreement was reached.

[*English*]

April 20 to 27 of each year was identified as the week of remembrance of the inhumanity of people towards one another. A remembrance time exists already. It is not only a day of remembrance, but a full week. People seem to have such short memories.

When will the next surprise occur, with only a few here in the chamber having knowledge? Once it is decided, who will then oppose it?

Honourable senators, I reject that way of proceeding. I find that is not acceptable. I find that that is the most ill-advised way of proceeding when we want to attract the attention of all honourable senators and members of the House of Commons.

I have nothing against those five members who arrived at the House of Commons at ten o'clock one morning. Honourable senators know how it works in the other place. People were coming in — and the debate was already over, because five people were in agreement. The member from Brossard was in charge of the House at the time. He told the House that no one would have permission to speak for more than two minutes, and that the bill had already been accepted in the Senate.

How many more times will we trivialize one of the greatest crimes against humanity? If you touch one hair of a person's head because of his or her religion, colour or sexual orientation or political affiliation, you touch me first.

That is the reason that I have always stood on this question, especially, side by side with those who want to remember. I know that other honourable senators have great causes to bring to our attention, so I would hope that they would not proceed in the way they did in the House of Commons. On a question of that kind, you circulate ahead of time your intention to ask for support to have a national day of commemoration, to pray together or to remember together a particular event in order that people may be emotionally prepared to speak intelligently.

[*Translation*]

They could speak about this issue in French, English, Yiddish or German. The date of this memorial day will change from year to year. We are leaving it up to someone else to decide what day that will be. From an educational point of view, and as a Canadian, I would prefer it to be the same day every year.

This was not mentioned in the bill. We are leaving it up to others. I have no objections, but for people who like to talk to students in colleges and universities, it is much easier to tell young people that there will be a memorial day every year on a specific date.

For instance, February 15 is Canada's National Flag Day. I am the only one here who voted for Canada's flag. I could talk to you about this at length. I attended this event on February 15, 1965. The vote was held in 1964. The only survivors of that great event are Jean Chrétien and me.

Perhaps in wanting to go too fast, we are leaving it up to others to decide, while it should be the responsibility of the Government of Canada, the Department of Canadian Heritage, to set a date for us to commemorate the Holocaust. I will discuss it with Senator Grafstein and others who know more about this than I do or who are more directly affected. But I do not want anyone to say: "I am more directly affected."

[*English*]

Honourable senators, I ask leave to finish in a positive way. I do not see any disagreement.

The Hon. the Speaker *pro tempore*: Is the Honourable Senator Prud'homme requesting leave to continue?

Senator Prud'homme: Honourable senators, I ask for leave.

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

Hon. Senators: Agreed.

Senator Prud'homme: People such as Senators Grafstein, Kroft and Austin say that we must have close cooperation. It touches us all. We must unite. On that day we should all say, "Today, I feel as one of the Jewish faith. I want to show the rest of the world that I thoroughly exercise my sincerity by standing up, by praying, or by attending any commemoration that would take place."

• (1630)

That is Prud'homme. That is the way I always said we should proceed, but people refuse to proceed that way, which annoys me. Only very few would know. It is a bit like when we made Mr. Mandela an honorary citizen of Canada. Who could be against that? As long as everyone knows, everyone will participate. What a great day it was. It was well planned. The House of Commons knew; the Senate knew. The Prime Minister and everyone were there to sign when he became an honorary Canadian. That is the way to proceed. That is the way they have proceeded in the United States, where they only have two honorary citizens, Winston Churchill and Raoul Wallenberg. It was done very well, with everyone knowing and everyone participating.

I do not know how we will dispose of this bill. If it could be *bona fide*, I will certainly be attending and helping those who have put it in front of us, these members of the House of Commons and those who participated with them, because there would be a time where we will need to know how to proceed.

Have you noticed, honourable senators, that it is always the same debate? When we proclaim a national day, someone comes in, *bing bang boom*, and it is finished. This is what I call trivializing.

I will vote in favour of this bill. I do not understand the excitement I saw in the last two weeks, the nervousness of some senators, as if they thought I would vote against the bill or organize a cabal. One would have to be sick to organize a cabal against a bill such as this one. What some of us despise is the secrecy surrounding all of this. I see my good friends smiling.

[*Translation*]

Honourable senators, my friends say that I was probably right, we should have done things differently. I would have been honoured, had I known ahead of time, to be one of those who will

participate in creating this day that I am certain will come about. I can think of other personalities we could invite, such as General Dallaire.

Why do we say never again when tragedies of this kind are increasingly frequent? Just look at Rwanda. I will give my support when the time comes, but calmly and unhurriedly.

[*English*]

Hon. Laurier L. LaPierre: Honourable senators, I rise in support of this bill because I wish to expiate the ignorance of my youth. I rise to support it because I see in it a statement or a symbol of all the people who have suffered through the century through which I have lived.

I was 16 or 17 years old when the Second World War ended in 1945, and I had never heard of the Holocaust. I had never heard of people being thrown into the ovens, and I had never heard that an entire people were being killed for no other reason than that they were Jewish. In the convents, I prayed for Franco and Salazar and Mussolini so they would keep communism away, but I never prayed or was asked to pray for any of the people who were being killed.

I see in this bill an expiation of my silence in my youth. I should have known and I should have spoken out, but I did not. Granted, I have not stopped talking about it since then, but this has given me an opportunity to —

[*Translation*]

I would like to ease my mind of this great burden, which has been on my conscience since I was 15.

[*English*]

As well, I see in this bill a symbol. Of course it is the Holocaust, but to me, and I suspect to the young people who were then there and did not know, the Holocaust has become a statement or a symbol of man's inhumanity to man. I have begun to read Dallaire, whom I have interviewed over the years several times, and I was always in tears at his great pain and horrendous anxiety. That to me is another kind of Holocaust, but it is not the Holocaust that we are talking about, but it is in my heart. This memorial day will make it possible for me to be able to say that every day, with every year, on a special day, we will remember those events. We will swear and tell our children and our grandchildren that they must never, never happen again. If we do not remember, they are bound to happen again.

I see no conspiracy in this bill at all. I thank Senator Poulin and Senator Grafstein and everyone who has been involved because they have given me the great opportunity that I have wanted for many years now.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I support the principle of this bill. Senator LaPierre has expressed better than I can the significance and solemnity of this Parliament establishing this memorial day. It is because of a lack of information at the time that the honourable senator now feels obliged to make an act of contrition, much to his credit. I imagine that the honourable senator is doing so on behalf of all Canadians who, like him, were unaware of what was happening.

Honourable senators, I want to share with you how uncomfortable I feel about recent debates I have read and heard concerning this memorial day. If the rumour is true, it is sad to think that we are discussing such an important piece of legislation at the last minute.

We want to educate our children about how terrible this policy, this systematization of murder, this planned horror was, not only to perpetuate the memory of it, but also to ensure that such atrocities are never allowed to be committed again. I would have liked, as part of this solemn debate, for us to seriously acknowledge other events which, despite all our good faith and the horror of what we are being asked to commemorate, nevertheless took place later before the eyes, so to speak, of the whole planet; in the case of Rwanda for example, the atrocity of the events was reflected in daily newscasts.

I would have liked to see serious reference to that in our consideration of the bill. I would have liked us to discuss the genocide in Timor. I would have liked us to remember the events that took place in Ukraine. I have the feeling that I will be covered with opprobrium if I dare comment on the drafting of the bill. It refers to what we should do to avoid a recurrence of such horrors.

• (1640)

Why should the House of Commons be the only one invested with this noble responsibility to ensure that this never happens again?

As a parliamentarian, I feel I must speak out. Why? Unfortunately, I have the feeling that I will be ostracized for suggesting that this measure, important and solemn as it is, is unfortunately incomplete. Yes, six million Jews lost their lives between 1939 and 1945, as the result of systematic serial murder. Unfortunately, others were also victims of this collective elimination as well. I am thinking of the infirm, to which there has been a small reference, but also the Czechoslovaks, the Poles and the Romany.

I do not want to see us forced, just because we are in the last gasps of a Parliament or a parliamentary session, to bow to moral suasion and say yes to a text I feel is incomplete. This document

has some shortcomings that ought not to be left in it. It is too important. I want to be able to tell my children: "This is what I voted on." That is the duty I have set myself. That is what I want you to know.

I hope it is just that I have the wrong impression. We are at second reading stage and, if we are able to correct the text, we have a duty to do so. This bill has some shortcomings and we have an absolute duty to try, in the short time left to us, to produce something as close to perfect as possible.

[*English*]

Hon. Joan Fraser: Honourable senators, I had not intended to speak on this bill, which I strongly support, but some things that have been said here today lead me to think that perhaps I should put my own thoughts on the record.

I support this bill, in principle and in detail, and I think it is appropriate for us to establish a Holocaust memorial day and not a genocide memorial day, not because there have not been other genocides — there have been, in our lifetime — but because the Holocaust is overwhelmingly different and worse. It is not different because the horrifying majority of its victims were Jews, because genocides, by definition, are attempts to eradicate a people. The difference is where it happened and the lesson that we can and must draw from that.

When we contemplate Rwanda, when we contemplate the Armenian genocide, when we contemplate Cambodia and when we contemplate the Ukraine, we can comfort ourselves by saying, "Oh, but those places are not like Canada." We can pass by on the other side of the street and feel, in some way, unaffected. I think, in fact, that Canadians do carry a justifiable sense of guilt about Rwanda, thanks largely to General Dallaire. We do not, I think, carry any such sense of guilt or any particular sense of lessons learned about the other horrible events.

Why do we need to pay special attention to the Holocaust? We need to do so because we must remember that it was not Jews, gypsies, homosexuals, the mentally handicapped or political dissidents who did it. They were not the people who passed the laws, who designed the system, who built and supplied the industrial installations created for the sole purpose of murder. The people who did that were the government and citizens of one of the greatest, most civilized countries the world has ever known. Germany was a beacon of civilization for many of the preceding centuries. One need only visit Berlin to realize what a great world centre it was — a country with universities to which people from all over the world, including Canada, went to become more civilized, to become philosophically richer and deeper. The point is that if they could do it, anyone can do it.

There is no excuse. There is no way to say, "Oh well, we are not like that. We need never worry." We all need to worry, always. We all need to carry with us, always, the consciousness that any society can fall into terrible paths of evil if it is not eternally vigilant.

That is why I think it is appropriate to have a Holocaust memorial day, and I think it is appropriate to fix the date of that day, as this bill would do, in honour of the fact that the horrifyingly overwhelming majority of the victims were Jews.

Many of those who were swept up but somehow managed to survive came to Canada. We have been blessed and enriched beyond measure by the immigration of those who survived the Holocaust, including my own husband. For them, I think it is appropriate to use the date that this bill chooses. This bill, however, is not only for them. This bill is for us all, and about us all.

Hon. Joyce Fairbairn: Honourable senators, like Senator Fraser, I had not intended to speak on this matter in the hope that not doing so would accelerate the pace of its approval by the Senate. My name stands as the seconder of Senator Poulin's motion, and I am proud to do so. There are a number of reasons, many of which have been articulated today with great feeling and sensitivity in this chamber, why this bill is necessary.

First, we must remember these events of history, be they in Germany, Rwanda or any other place in the world, because only through remembering them can we hope to prevent such tragedies and atrocities in the future. While we do so, we must also remember, as a nation, that in the time that this was taking place, our part of the world was not well-schooled in what was happening abroad. Indeed, ships came to this part of the world from Europe, filled with Jewish people seeking an escape from what had become all too clear was occurring in the middle of that great war. When they sailed past the ports of Canada, we did not invite them to come to our shores.

• (1650)

Honourable senators, as all of you know, because I keep raising the subject, I have spent the last 20 years dealing with the issue of literacy. It has many forms, and one is historic literacy. One of the great tragedies in this country is that our young people across this nation are not being taught adequately about their own country, about the history of Canada, and about the creation of this nation and its Constitution. If you cannot understand the history of your own country, how can you take part in the memorable debates that we have had in recent years over our Constitution and our Charter of Rights, which offers us greater protection as individuals than any country in the world? If young Canadians cannot understand what happened in their own country, how can they ever understand the history that prompted the Holocaust with all of its issues, the insanities and the inhumanity that caused so many lives to be quenched, so many families to be tortured, and so many people to come to our country with nothing but the memories of the tragedy in their lives, never to be forgotten?

It is most important that a day be set aside — just one day out of 365 — each year to enable our young Canadians to understand and to know of some of the brutality that history dealt, to ensure

[Senator Fraser]

that, in this country, we will never let the ships pass by again, should we be called upon to take part. Indeed, when you think more recently of people like General Dallaire, and the significant contribution he is making, at great strain on his own self and on his own life, to spread the story of Rwanda, how could we do any less than support the motion that is before this house today?

Hon. Senators: Hear, hear!

Hon. Richard H. Kroft: Honourable senators, I am provoked to speak now because the last few speeches have taken a turn, focusing on our children and a concern for knowledge, whether it be Senator LaPierre's concern for the knowledge he did not have in his youth or Senator Fairbairn's plea for our children to have an opportunity to know. I want to take a moment to give you a hopeful little insight.

My late dear friend, Izzy Asper, was terribly preoccupied with this subject. A few years ago, he arranged to take a few students from a local Jewish school — because the concern began with educating Jewish students — for a week to Washington, to visit the Holocaust Memorial Museum there, so that they would then come home and tell their fellow students about it. The following year more students went. Then, the next year even more students of all religions, from all schools across Manitoba went on this trip. Honourable senators, this year, 1,000 students from all across the country will be going to Washington under the program that he initiated.

The educational aspects of the program now go beyond a visit to the Holocaust Memorial Museum. Students begin with a month of studying the roots of what makes a community work. Students sign a written pledge and undertaking that they understand what human rights mean. When they arrive in Washington, they visit not only the Holocaust Memorial Museum but they also visit many other sites and elements, portrayed so magnificently in the city that stands for what human rights and dignity mean. This program is growing every year across the country. Each one of those students is not only learning but is also training to become a teacher.

I have not spoken about Izzy in this chamber, but I thought this was a good way to do so.

Hon. Senators: Hear, hear!

Hon. Serge Joyal: I would remind honourable senators of the symbolism and serious way this important bill prompts our consciences. A bust of the first woman to have been appointed to the Senate, Senator Wilson, is at the entrance of this chamber. She was appointed by the late Prime Minister Mackenzie King. When Senator Wilson was appointed, there were questions about the contribution that “women might bring to the world of men.”

History tells us that, during all the years that Senator Wilson was a senator, she fought to bring young Jewish children from Europe to Canada. She fought Prime Minister Mackenzie King; she fought the deputy minister of immigration of the day on a daily basis, in a continuous and steady manner, because he said to her, "One Jew is too many." Relentlessly, she pushed the government to try to bring to the attention of the political authorities of the day the plight of the Jewish people, especially the children in the concentration camps.

When you enter this chamber tomorrow, give her a nod, because if she were sitting in the Senate today, she would support this bill.

Hon. Senators: Hear, hear!

Hon. Jeremiah S. Grafstein: Honourable senators, I am deeply moved by the profound support that each and every senator has articulated for this bill today. Some are concerned about the procedure, and I can understand that. However, there is deep, rational and emotional support for this bill.

Honourable senators should know, and I think you should understand, that this bill did not emanate in this place. It emanated, as Honourable Senator Prud'homme said, quickly and surprisingly in some fashion, in the other place and was unanimously approved by all parties. It was sent over here with the expectation that the same treatment would be received here. I was as surprised, as honourable senators were, when I was asked if I would assist in bringing this bill to a quick and speedy resolution.

How does one approach the Holocaust? It has been 58 years since the end of World War II. Fifty-eight years ago the gases were turned off and the fires of the Holocaust were abruptly doused and a rational, cold and calculated plan, the "Final Solution," was disrupted.

• (1700)

How does one repair the cracks when evil seeps into the world? When confronted with evil beyond imagination, good can only overcome, we are taught, by each and every soul attempting small, simple gestures; tiny acts, minor deeds, to set about to repair the damage to the world.

Back in 1995, I was watching a television show one night called *60 Minutes*. There was a debate about the Holocaust, as to whether it existed or not. I became so upset that it led me to consult an old friend, Roy Fabish. Senator LaPierre worked with him for many years in television. Fabish inspired me to go and publish a book, which I did, within six months.

In the foreword to that book, entitled *Beyond Imagination*, I wrote these words:

We live and die by words. The Holocaust is a word in our heads that can find no rest. Our heads resonate from denial to apathy, almost as if we fear to pierce the deeper, darker recesses of our minds. Yes, it has been 58 years since the end

of World War II, when the gases were turned off and the fires of the Holocaust were finally doused and the Final Solution was disrupted. Yet the Holocaust, despite those 58 years, imagined or remembered to this day, refuses to sit still.

There are those who argue that, after the Holocaust, there can be no words, no prose, no poetry, no music, no history, to describe the event. Lord Bullock was one of the eminent historians of the Second World War, and a pre-eminent historian of Nazism. He argued in his book that the Holocaust, after his study, was singular and unique for two reasons: the proportionate numbers coldly killed and that they were killed for no other reason than that they had a faith, the Jewish faith.

For me, honourable senators, memory of these events is both passive and active. We cannot just look backwards, as many honourable senators have mentioned today, without looking to the present and without looking to the future.

I dedicated my books, senators, to my two grandsons, Daniel Aaron and Edward Adam. They have been joined now by a third grandson, Isaac Morgan. I challenge them, as I was challenged myself, to probe for themselves the still-hidden lessons of the Holocaust, as every generation is admonished to do by the biblical sages, to act as if each living individual bore witness to each saga, past and present, in the winding and jagged course of the human condition.

Now we have before us a very modest bill, unanimously approved in the other place, to establish one day as Yom Hashoah, following the ancient Jewish calendar. This day was selected as the day that commemorated the end of the Holocaust. The day is commemorated in many countries around the world. It is a celebration of life and a commemoration of death not just by members of my faith, not by just my co-religionists, but by everyone, because it is not just a moral lesson for Jews. It may serve as a prophylactic to such vile activity in the future. It will be a day to remember the past and a day, it is hoped, to renovate the future; a day when all can remind themselves, as many senators have said before: Never again. Not now. Not ever!

I urge honourable senators to support this modest measure to remind Canadians annually of the need to repair the world. For those honourable senators who feel they have not had an appropriate time to consider this and whether they wish to support this bill, I say to them that opportunity will be given now; it will be given on third reading. As other honourable senators have said, it will be given each and every year for those of you who, I hope, will unanimously support this very modest measure.

Hon. Senators: Hear, hear!

Senator Prud'homme: Would the honourable senator take a question?

I think it is a great day because, if it were not for my stubbornness, I am afraid that we would have had extraordinarily speedy passage of a very important bill to commemorate. We are talking about education that we will repeat every year. We are talking about educating the younger people, too, but there is something else; it is called educating ourselves.

Do you not think, honourable senator, that this was a good exercise that we have just completed, and we will have another no later than tomorrow, I am sure. The fact that someone says, "No, that is not the way to do it," means that we can talk on it first and then we can ensure that the bill passes. It is Monday so we know it will pass. I will make every effort and not just effort — I will make sure it passes no later than tomorrow if you leave it to me. The fact that the process has forced honourable senators to get up on their feet becomes part of the history that will be used when we commemorate this day next April 19.

In *The Hill Times* editorial of today, things are confused as if the bill is already done. That is not the way to proceed. They speak as if, for them, it is all done. It is done when it is done. It should not have been referenced that way, but differently. I will not quarrel over how it was done.

Having listened to Senator Grafstein, Senator Fairbairn and others, I am pleased that, by participating, I have seen the emotion I created last week. "What is he up to? What will he do?" I am glad I forced some people to stand up. Some others did not; they will applaud. Do you not agree that this is the best way for us to proceed in the Senate — to vindicate ourselves? We become better educators if people bring education to us.

Senator Grafstein: Honourable senators, the story of the Senate is that each senator celebrates, commemorates and acts according to his individual predilections and experience.

Honourable senators, in my family and in my tradition, we celebrate death in our family every year: the deaths of our immediate family members and of our compatriots. This is nothing new for me. This is an annual time of looking backwards and looking forward. That is called Yartsa, a 5,000 year-old tradition that we exercise. When you do that each and every year, you somehow feel that you are a part of history and you say to yourself that, as best you can, you want to make a difference in this world so that the evils that have overcome us in the past will not overtake us in the future.

Again, I want to thank honourable senators for their profound comments. I hope we can move now on this bill. It has been 58 years in the making, and it is not a moment too soon.

• (1710)

Hon. Consiglio Di Nino: Honourable senators, I, too, would like to add some words to the subject.

I heard Senator Fairbairn speak. I was reminded of a comment that I should have put in my notes and I did not; that is, too often when people around the world have been looking for sanctuary — and that is a word that in the Judeo-Christian dictionary means a lot — we have turned them away. We may learn to do otherwise in the future.

Honourable senators, I rise to add some comments on the creation of Yom Hashoah, the Holocaust Memorial Day. We all know the atrocities that were committed during World War II. Unspeakable numbers of opponents to the Nazi regime were brutally and savagely murdered. However, the Jewish community of Nazi Europe was specifically targeted for particularly inhumane treatment. Atrocities were perpetrated against defenceless men, women and children. Millions were mercilessly tortured and killed.

Regretfully, those who perpetrated these crimes against humanity were not the first to behave so savagely. History is full of examples of similar madness, some quite fresh in our memories. The proclamation of Yom Hashoah will serve to honour the memories of the victims of these acts of barbarism, but it will also be a constant reminder to us and future generations of what mankind is capable of unleashing against his brothers and sisters.

It must also be a reminder that we cannot console ourselves by pointing fingers at the perpetrators, for all of us by omission or commission are responsible for these acts of madness.

Perhaps Senator LaPierre, Senator Fairbairn and I did not know, as we were too young, but the world knew what was happening in Nazi Germany. The world knew what was happening in the former Yugoslavia, in Rwanda and, yes, in Tibet, and in many other corners of the world, and yet we allowed these acts of genocide and other holocausts to occur right before our eyes. Even as we watched these atrocities being committed on television, we went on about our business of having a good life.

Honourable senators, I was a child in Italy during World War II and have many dark memories of those years. I visited Yad Vashem, one of the most moving experiences of my life. Throughout the years I have met a number of Holocaust survivors, who amazed me with how little hatred they had toward those who committed the crimes. They had lots of pain, but generally not hatred. I do not know if I could be so generous.

That is why this remembrance is so important. Hatred is a main cause of madness and atrocity. Hatred at some past wrong, real or imagined, is what leads to murder, to genocide, to holocaust. Although I am not confident in our ability to succeed, we must continue to be ever vigilant. We must continually remind ourselves of the evil that exists in all of us. By remembering, maybe we can achieve some success in stopping some future madness.

Let Yom Hashoah — Holocaust Memorial Day — be that constant reminder to all of us that madness does not choose to infect any particular race, colour or creed, and when it strikes it creates unbearable havoc and pain, particularly for the innocent.

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

CONSIDERATION IN COMMITTEE OF THE WHOLE

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

Hon. Marie-P. Poulin: Honourable senators, I move that the bill be referred to Committee of the Whole now.

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

Do you have a point of order, Senator Corbin?

Hon. Eymard G. Corbin: Honourable senators, is this motion debatable?

The Hon. the Speaker: No, I do not think it is, but I will check.

Under rule 59(16), a motion to resolve the Senate into Committee of the Whole can be made without notice. I could look further, but I think such motions are not debatable.

Hon. Anne C. Cools: Honourable senators, is a motion not required to resolve that the Senate go into Committee of the Whole?

The Hon. the Speaker: Yes, a motion is required.

Senator Cools: The order of the motions may be a little bit strange, but it seems to me that to resolve into Committee of the Whole requires a resolution, a motion of the Senate itself.

The Hon. the Speaker: It does, Senator Cools, and I will draw your attention to our rules. This does not have to do with a motion.

It goes without saying that a motion is required to refer a bill to committee or to take the next step. The important issue that we may have before us as a result of Senator Corbin's question is whether it is a debatable motion. I have attempted to answer by drawing our attention to the rule that reads that it is not a motion that requires notice. In other words, it can be moved now and is properly so moved by Senator Poulin.

The question is: Is the motion debatable? In addition to what I have said, I would refer honourable senators to rule 62, which is where we go through a sort of backwards process to determine whether a motion is debatable. Rule 62(1) reads:

Except as provided elsewhere in these rules, the following motions are debatable...

One of them, (i), has been noted here. There are many of them.

I am told it is not here. I can go through them all, if honourable senators wish, go from (a) in the alphabet to (r).

If Senator Corbin wishes, I will read them so that we can confirm, but my best advice is that this motion is not debatable because it is not referred to as a debatable motion in rule 62.

Senator Corbin: I accept that as a ruling. However, may I rise on a point of order?

Honourable senators will recall that when I spoke on second reading I brought to the attention of the house the fact that the Senate was not included. I suppose that an amendment will be made to that effect in Committee of the Whole.

The other concern I raised was the fact that the Standing Senate Committee on Legal and Constitutional Affairs has considered a number of bills in the recent past dealing with commemorative proposals. The effort there was to query the government if there was a protocol for the establishment of important commemorative events and dates in this country. The answer is far from clear. I have expressed over the years a strong feeling for the development of a protocol.

I make it very clear that I support this initiative. This bill is not in question. What is in question is the process, generally speaking, as it affects commemorative days. I pointedly raised my concern that we will not know specifically from year to year on what specific date the commemoration of the Holocaust will fall. It follows the Jewish calendar, which is based, more or less, on the lunar calendar.

• (1720)

There is some relevance in wanting to know on what dates in the future this commemoration will occur. I want to know if it will come into conflict with some other important commemorative dates.

Before we engaged in this debate, I asked Senator Grafstein if he knew, for example, on what date that commemoration will fall in this year. He was not in a position to give me an answer. It is important to know in what way it could affect other commemorative dates.

I am actually making a speech and posing a question. I realize that. I hope honourable senators and His Honour recognize that, too. However, when we get into Committee of the Whole, will there be someone to answer the question I have just posed?

The Hon. the Speaker: If it is a question, Senator Corbin, I cannot help you.

As to whether it is not in order for us to proceed, I hazard a ruling, which would be that while the Standing Senate Committee on Legal and Constitutional Affairs possibly has a reference on the question, as a general one, concerning designating dates for special days, the fact that it has not reported or finally resolved its work is not a problem in terms of proceeding with the motion before us. Therefore, I will put the question, honourable senators.

It was moved by the Honourable Senator Poulin, seconded by the Honourable Senator Grafstein, that the bill be referred to a Committee of the Whole Senate presently.

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

Hon. Senators: Agreed.

The Hon. the Speaker: I will leave the Chair and ask Senator P  pin to take the Chair of the Committee of the Whole.

Senator Cools: The Senate has not resolved to go into Committee of the Whole Senate. It has only just resolved to send that bill to the Committee of the Whole. A resolution or motion is needed for the Senate to go into Committee of the Whole.

The Hon. the Speaker: Honourable senators, based on the motion that has just been passed, is it agreed that we proceed to Committee of the Whole?

Hon. Senators: Agreed.

The Hon. the Speaker: I now leave the Chair and Senator P  pin will take the Chair of the Committee of the Whole.

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on the bill, the Honourable Lucie P  pin in the Chair.

The Chairman: Honourable senators, the Senate is now in Committee of the Whole on Bill C-459, to establish Holocaust Memorial Day.

Honourable senators, rule 83 states:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

It is agreed that rule 83 be waived?

Senator Cools: Why waive rule 83?

The Chairman: It is the tradition in this place.

Is it agreed that rule 83 be waived, honourable senators?

Hon. Senators: Agreed.

The Chairman: Pursuant to citation 690 of Beauchesne's, the preamble and the title of the bill are postponed.

Honourable senators, we are on clause 1 of the bill.

Senator Cools: Honourable senators, I have a problem. We are in Committee of the Whole and have proceeded directly to clause-by-clause consideration of the bill. Committee of the Whole should accord us some opportunity to dialogue and to put questions to the sponsor of the bill. Clause-by-clause consideration should be the last part of our deliberations, which should not take too long because the bill is a one-clause bill. Perhaps we should allow time for debate.

Madam Chair, I think that the Committee of the Whole has to take a decision to proceed to clause-by-clause consideration of the bill.

The Chairman: It seems that this is the way we proceed when discussing the first clause of a bill.

Senator Cools: Not necessarily, Madam Chair. We have had many Committees of the Whole. We have heard ministers and other witnesses in Committee of the Whole. There is a wide range of ways in which we can proceed. Obviously, some senators may not be that experienced with it. I was expecting that, perhaps, Senators Grafstein or Poulin could put a few more questions before us for debate.

The Chairman: Is it agreed, honourable senators, that we have a general discussion?

[*Translation*]

Senator Prud'homme: We have here the perfect example of what happens when there is haste and precipitation. Everything could have proceeded properly. To whom are we to ask questions? In Committee of the Whole we have someone of whom to ask questions. We cannot ask questions of Senator Grafstein, because he is not the sponsor of this bill. We cannot call witnesses. Frankly, what is going on? Senator Grafstein was very clear; these events took place 58 years ago, and now, instead of taking a day or two, we are in Committee of the Whole. We even had to sit last Friday, a mistake in my opinion. Why? I know that some people are prepared, but, as it happens, so am I. The rules state that senators may speak from their own places or from any other seat, and that as often as they wish. I love the Committee of the Whole in the House of Commons; I think it is interesting. But here in the Senate, there have been few or none in the last 10 years.

I would have liked Mr. Marceau, the Member of the House of Commons who sponsored this bill, to be called as a witness. First, that would give some scope to what we want to do. This bill was introduced by the NDP three years ago, and they came to a friendly agreement to give it to the Bloc Québécois. Who is the sponsor of the bill? Whom can we question? I do not see anyone in this chamber who could take that position. Why not follow our usual rules calmly? If we have questions, to whom shall we direct them? To Senator Carstairs? She will say no; it is not a government bill, it is a House of Commons private member's bill. To Senator Grafstein? No; his name has been mentioned, but he is not responsible for this bill. Perhaps Senator Kinsella? Not him; his name gets mentioned everywhere, but it is not on this one. That leaves Senators Fairbairn and Poulin, who should take a seat and answer because they are the sponsors of this bill on behalf of the sponsors in the House of Commons.

[*English*]

That would be the orderly way to proceed in Committee of the Whole.

[*Translation*]

Otherwise, it will be too discouraging for new senators. They will end up saying, if that is what a committee of the whole is, we are better off without it.

• (1730)

[*English*]

Senator LaPierre: First, I want to know why we are not passing this bill immediately by unanimous consent? It is such a harmless bill. Second, as far as the date is concerned, Israel has declared a special day of the year to be the Day of the Holocaust, or something to that effect. We could easily adopt that day to be the same in our country. Have we done that? We have the date; it is in the bill. All we need now is to move that we adopt this bill unanimously. I so move.

Senator Mahovlich: Is that the Jewish calendar?

Senator LaPierre: The Jewish people have a calendar. This is why they are in the year 5,000 and something in September.

They have a calendar and we can use that calendar. This is, after all, something that belongs to them — and to us as well. We can use their calendar. What is wrong with that?

Senator Mahovlich: It might conflict with our calendar. That is what we are saying. If we had the date on our calendar, there would not be a conflict.

Senator LaPierre: You want a permanent date.

Senator Mahovlich: The Catholics have All Souls Day. We celebrate the dead on November 2 every year; it is simple.

Senator LaPierre: We celebrate all the saints who are all in the Senate.

Senator Kinsella: The reason I am sitting is that we have waived the rule. It has been our tradition that in Committee of the Whole we can speak from our places.

We have all of the information and we have all of the resources available in Committee of the Whole, as we are currently constituted, to deal with all the matters that honourable senators wish to raise.

When we have the opportunity go back to the preamble — the sixth preambular paragraph — we will be looking to move an amendment. We think it should say “whereas the Parliament of Canada” and not simply “the House of Commons,” which was alluded to in second reading debate by the Honourable Senator Nolin.

Having in the chamber the proponent and seconder of the bill, we have the opportunity to get guidance and explication from those honourable senators — as indeed we have the opportunity to get it from all honourable senators.

I think this is a straightforward process. We are in committee. We have, I assume, ascertained that we do not have to call in outside witnesses. Having said that, we will be looking to the opportunity to move an amendment to the sixth preambular paragraph.

[*Translation*]

Senator Nolin: Honourable senators, I have a procedural question and Senator Kinsella just referred to it. Are we currently discussing clause 1 of the bill? At what point will I be able to present my amendment? That is all I want to know.

The Chairman: We will have a general discussion and then you can present your amendment.

[English]

Senator Andreychuk: Honourable senators, I have a question for Senator Poulin. I had heard that perhaps there would be an amendment to indicate that the House of Commons and the Senate are committed to using legislation. I will not deal with that one. However, what is the intention of the second paragraph of the preamble? It states:

WHEREAS six million Jewish men, women and children perished under this policy of hatred and genocide;

The following paragraph states:

WHEREAS millions of others were victims of that policy because of their physical or mental disabilities, race, religion or sexual orientation;

The first paragraph I quoted talks about perishing, which means dying; it is related to 6 million Jewish men, women and children. Where in this preambular statement do we take note of the many Jewish men, women and children who were victims of those policies but did not perish? They can be categorized as victims because they live the Holocaust in a way that you and I do not.

Secondly, regarding the second paragraph I quoted, we know, for example, with the Soviet Union files finally being opened, that these categories are growing. Was it the intention to limit the paragraph only to those other categories of victims? The paragraph excludes some victims — more particularly, Jewish men, women and children as victims.

In proposing this legislation, what is the thinking behind those two paragraphs?

[Translation]

Senator Poulin: Honourable senators, I thank my colleague for her question. I recognize the interest she has in this very important legislation. Our colleagues in the other place, who drafted the preamble, had no intention of excluding any group whatsoever. The honourable senator just mentioned that our history is a living thing. Researchers around the world continue to discover facts and dates. These facts and dates continue to increase our knowledge of this significant tragedy, the Holocaust.

[English]

Senator Andreychuk: Given my honourable friend's explanation that millions of others were victims of that policy, why does the second preambular paragraph not say, "WHEREAS six million Jewish men, women or children perished or were victims under this policy of hatred and genocide"; and why does the third paragraph not say, "WHEREAS others perished or were victims"?

[Translation]

Senator Poulin: Honourable senators, as I was saying earlier, our colleagues in the other place prepared the preamble. Here, as a Senate committee, we have the opportunity to make the adjustments that the honourable senators would like to make today. If the honourable senator wants to move an amendment to make the bill clearer, I invite you to do so. Do not hesitate.

[English]

Senator Bryden: I had my hand up a little earlier. I know this is not debatable, but I am at a loss as to why we are doing this. Why do we not simply follow normal procedure and refer this bill to the Standing Senate Committee on Legal and Constitutional Affairs, where some of these questions can be dealt with expeditiously? We dealt quickly with a bill amending the Criminal Code of Canada. I know that I am out of order, but I would have raised my point before. That is why I had my hand up.

Senator Kroft: I can appreciate Senator Andreychuk rephrasing the question. Unless I misheard, I think there is a simple answer to her question, and I would like to put it to rest if we could.

• (1740)

Senator Andreychuk: I have what is, perhaps, a series of questions. First, whereas 6 million Jewish men, women and children perished under this policy of hatred and genocide, the bill does not refer to Jewish men, women and children who were victims of this policy of hatred and genocide. It simply refers to those who perished. The drafter of this bill and the proponent, the Honourable Senator Poulin, should tell me that the word "perished" can include those who died as well as those who suffered physical torture, the emotional and mental consequences of being through it, and the fear and hatred. Those horrors are difficult to deal with, generation after generation. It seems to me that it is not all-inclusive.

Second, we know that others died — people who helped the Jewish people. In fact, recently, Israel gave awards, which it has done for a number of years, to people who supported the Jewish people in the Holocaust. In particular, it was noted that some lost lives by offering their assistance.

If this were intended to be an omnibus preamble, I would hope that it would cover the Jewish people who perished and those who were victims. I would hope that we would put in the preamble that others either perished or were victims. If the words in this can be interpreted to cover that, I would be delighted to have that interpretation put forward on the record.

Senator Kroft: There is no intention to broaden the wording to include the whole realm of human implication and human suffering. The point of the Holocaust and the point of the Holocaust bill are to recognize those who died. The accepted historical number of those who died is 6 million. The point of the reference to the Holocaust and to this bill is to refer to those who died.

You could, in broadening your study of the subject, discuss the ramifications upon all of those who suffered in other ways, but the point of Bill C-459 is to recognize those who died and that is why the bill is so specific. Rather than attempt to broaden the meaning of the word “perished” I would urge that it is simply a recognition of those who died.

Senator Andreychuk: Why then would the next paragraph have been included if the single intent of this bill were to recognize the 6 million Jewish people who died and not the other Jewish people who were victims? Why would we include the third paragraph?

Senator Kroft: I have made my point as clearly as I am able on the point of the bill. I do not think anyone would like to leave the message that that was the only horror of the Holocaust. Some broader language would be appropriate and “anti-exclusive,” if you like, but to confuse the issue over what is meant by perished or by the number 6 million, at this stage of our history, would be an odd thing to do.

[*Translation*]

Senator Beaudoin: I am surprised by this line of discussion. I agree with Senator Bryden. I think this bill should have been referred to the Standing Committee on Legal and Constitutional Affairs, because very serious legal problems are raised in it. I support the bill 100 per cent, but if we remain in Committee of the Whole, someone is going to have to answer our questions. Senator Andreychuk is asking very good questions. If there are two “whereases”, there is a reason for that. If we want to keep only one, namely the one about six million persons who perished, that is another matter.

[*English*]

With respect to two paragraphs, I am not sure that we have taken the right direction. Obviously, we have some legal questions on the bill. If we stay in Committee of the Whole, we should restrict ourselves to what Senator Kroft has said.

If this committee decides to amend the bill, it would be fine with me, but I would suggest that we must proceed in the proper way. When we deal with a bill quickly, there is always the risk that we will make an error in the structure of the bill and affect the legality of the bill, if it is passed.

If senators wish to continue in Committee of the Whole — the plenary committee — someone should respond to our questions. We have no choice. If senators wish to refer the bill to the Legal and Constitutional Affairs Committee, then that is another matter. This is important in my opinion.

Senator St. Germain: I have a supplementary comment. Senator Bryden made a suggestion and Senator Grafstein and others are trying to respond. Would it be out of order to recommend that

this go to committee immediately to be dealt with expeditiously and sent back to the house tomorrow afternoon? This is an important bill. We should not jeopardize it by going through one process when another process would possibly be more expeditious and more efficient, and would meet the requirements and the will of the chamber, which, I believe, is 100 per cent in favour of dealing with this bill.

Honourable senators, we may be encumbering the process by doing this in Committee of the Whole.

Senator Di Nino: I should like to deal with the valuable point raised by Senator Andreychuk.

The havoc that resulted from this terrible part of our history, as horrible as it was in the loss of lives, included millions of others who were affected psychologically and economically. Untold millions suffered in some way. I was struck by Senator Andreychuk’s question and I understand that we can pick this bill apart.

However, the third “whereas” speaks to “the terrible destruction and pain of the Holocaust may never be forgotten.” I think that we can probably interpret the other horrible pain and suffering that the Holocaust wreaked upon all of humanity, but particularly on the Jewish community. I would be satisfied if that issue were recognized by the third “whereas.”

[*Translation*]

Senator LaPierre: I am absolutely outraged.

[*English*]

I am outraged that this important issue is being debunked by nitpicking about procedure and about the meaning of words.

When one is dragged out of the house in the middle of the night with children, separated, thrown into a train full of feces and carried away, one perishes. That is the beginning of the pain. Are we to debate this bill word for word for the next 10 years? Come, honourable senators, get a life and accept this bill so that we do not insult Canadians by delaying its passage by discussing the obvious. People died; people died; and people are forgetting that they died.

• (1750)

Senator Cools: Honourable senators, Committee of the Whole is a bit unwieldy as a proceeding in which to make amendments. To answer Senator Andreychuk’s question about those who perished versus those who did not perish, the intent of the bill and the preamble is summarized in the title of the bill — “Holocaust Memorial Day.”

Honourable senators, memorials are usually for those who have died. The intent of the bill is to remember the six million people who perished. They use the word "perish." Perish is a very sanitized word for dying.

I would propose, honourable senators, that perhaps, instead of amending the different paragraphs of the preamble one at a time, we delete them because it is easier than to amend them. We could keep the first paragraph of the preamble. We could keep the second paragraph. We could delete the third paragraph. We keep the fourth and the fifth and delete the sixth and seventh. In that way, we cross off the procedural problems and move towards getting a result.

It is much easier to get a vote on a deletion than on each different, individual amendment of a word here and there. It is crystal clear that the intention of the bill is to create a day to remember those who perished in the Holocaust. Deleting those two paragraphs of the preamble would fulfill the entire intention of the bill. In that way, we could move ahead very quickly to actually approving the clauses.

Honourable senators, the question of time is a concern for the sponsors of the bill because if the Senate made any changes, a message would have to be sent to the House of Commons. Therefore, time is of the essence.

I propose this as a solution because I am convinced that if we delete those two paragraphs of the preamble, we would not have to worry about whether we have to add the word "Senate," or take out the phrase "House of Commons" or use the word "Parliament." Those two paragraphs could be easily deleted and the substance, spirit and intention of the bill would be perfectly honoured.

As I said before, honourable senators, memorials are about those who have died. This is an idea that would help us avoid what could turn out to be a huge procedural burden.

Senator Grafstein: Honourable senators, I listened carefully to every comment by every senator. I start with the process. I do not think this process is cumbersome at all. It respects Senator Prud'homme's comment that this is an important and profound issue, and therefore, rather than leave it to an individual committee, it achieves a reflection of the views of all senators on the purport of this bill in Committee of the Whole. We reserve the Committee of the Whole for bills of paramount and profound importance, which Senator Prud'homme rightly said this is. Let us focus on the issue at hand, which is the words in front of us. We have agreed unanimously that the purpose of the bill is profound and serious. Hence, we are sitting as a Committee of the Whole.

Having listened to every comment, Senator Di Nino and Senator Kroft have summed it up. You have to read each and every recital to understand the full meaning or intent of the bill. The recitals are not binding. They are indicative. Senator

Beaudoin and Senator Andreychuk both know that recitals legally only give direction. They are not binding. The binding portion of the bill is the reference to the day itself.

This is immaculate drafting. There is only one correction, which Senator Kinsella brought to our attention, that should be made. It is in recital 6, which reads, "Whereas the House of Commons..." As Senator Kinsella suggests, one word should be substituted. The recital should read, "Whereas Parliament is committed..." which includes both Houses. That would solve the drafting portion of the bill.

I urge all senators to read slowly and carefully each and every element. It is exclusive and inclusive of everything that everyone has said. It is summed up beautifully and immaculately near the end of the last recital where it says that this "is an opportune day to reflect on and educate about the enduring lessons of the Holocaust and to reaffirm a commitment to uphold human rights."

It is inclusive. It is exclusive. It is all-encompassing. As well, it covers the history and progress of this particular event. It allows each and every person to reflect on the day and to explain, if they choose, the meaning of the day — now, in the past and in the future.

The other House has prepared an immaculate bill. It covers each and every concern. Senator Di Nino put it very well: It is all in the recitals. It is then up to each individual senator and Member of Parliament to reflect on that day and to help us understand the lessons of the Holocaust.

Madam Chair, I would say that this is immaculate drafting. It is not legalese. It deals with intent. The recitals are not legally binding, but the actual bill is. It covers each and every emotion and concern articulated by each and every senator.

Honourable senators, I support Senator Kinsella's initiative to amend the recital. It would reflect that both Houses of Parliament are committed to using legislation, education, and example to protect Canadians from violence, racism and hatred and to stop those who would foster and commit crimes of violence, racism and hatred. It is a most appropriate way to deal with that.

Senator Beaudoin: Honourable senators, having heard Senator Grafstein, if it is the intention of this Committee of the Whole to do what he says, I would agree. There is, of course, another possibility. We could refer the bill to the Standing Senate Committee on Legal and Constitutional Affairs. We would make a report, refer it to the Legal and Constitutional Affairs Committee, but this will take time.

If we want to remain and complete this bill immediately, we could. We should do it in the same way as it would be done in the Standing Senate Committee on Legal and Constitutional Affairs. We must be precise. We must be sure that we are doing something that is perfect. It is possible to be perfect: It takes time, that is all. If we want to stay here, let us stay here.

However, we must look very carefully at the intention of the bill. It may take a certain amount of time to do that, but we must do it. I agree with Senator Grafstein that the beginning of the bill is not the legality, but that bill is very important. It will be quoted. It will be in the history books. We must be quite sure.

I would agree with the proposal of Senator Grafstein that we amend the recitals properly.

• (1800)

Fine, stay in Committee of the Whole, but do it the proper way, and the proper way is legally. There is no other choice.

The Chairman: Honourable senators, it is six o'clock.

[*Translation*]

Senator Robichaud: Honourable senators, I believe that, if you seek it, you will probably find consent not to see the clock, so that we can continue this important debate.

We must also recognize, honourable senators, that the Standing Senate Committee on Official Languages was supposed to meet during the adjournment. I think therefore that, by consent, the Official Languages Committee could be allowed to meet, so that we can hear the Honourable Senator Kinsella. I am at your entire disposal. I know that we have rules but, with consent, leave could be granted.

[*English*]

Senator Corbin: Honourable senators, I wish to speak on a point of order. We cannot, by unanimous consent, continue sitting in Committee of the Whole. You must report and seek permission to continue.

The Chairman: It is six o'clock. Do you want me to rise and ask that we do not see the clock?

Senator Kinsella: Yes.

Senator Cools: You must come out of the Committee of the Whole.

The Chairman: It is agreed that I rise and ask that we do not see the clock?

Hon. Senators: Agreed.

Senator Cools: Her Honour cannot be Chair of the Committee of the Whole and Speaker at the same time.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Lucie Pépin: Your Honour, the Committee of the Whole asks that we not see the clock. We ask for leave to sit again.

The Hon. the Speaker: Thank you for your report, Madam Chairman.

Is it agreed, honourable senators, that we not see the clock for purposes of the Committee of the Whole continuing to sit?

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I think that leave might be granted not to see the clock and also that leave might be granted so that the Standing Senate Committee on Official Languages may meet at the same time as the Senate continues its work in Committee of the Whole.

Hon. Marcel Prud'homme: Honourable senators, my question stands. I want to know what the honourable senator intends for the remainder of the evening. Some of us have been here since the sitting began. I have no objections. However, the human body has its limits. Must we proceed through the entire Order Paper until midnight as happened last week? I want to know what your intentions are.

Senator Robichaud: Honourable senators, earlier today, I thought we would be able to complete our work before 6 p.m. However, things have turned out differently. We are in the midst of an extremely important debate.

We have concluded government business. We must determine how long this debate should continue in Committee of the Whole before the issue is sent back to the Senate. I do not intend to keep the honourable senators here until midnight. Like everyone else, I would like to get some rest too.

Without making any promises, we will see how things progress and, if necessary, leave will be sought.

[*English*]

Hon. Anne C. Cools: Honourable senators, I was just about to say, in response to the Deputy Leader, that I am sure honourable senators will be agreeable to allowing the particular committee to sit, and perhaps he should make a motion to that effect.

Hon. Gerry St. Germain: Honourable senators, I have a question for Senator Robichaud. Yes, we should continue with the Committee of the Whole, but I would like to know his intentions. There are other issues that need to be dealt with. Is he prepared to stand them now, if we cannot be here, and deal with them tomorrow?

[Translation]

Senator Robichaud: Honourable senators, it was my intention to go at least to the following point. This item has given rise to a great deal of discussion already. Many of us would like consideration of this bill to move forward. Consequently, if there is agreement to stand this entire matter, I will so move and seek the consent of the Senate.

[English]

The Hon. the Speaker: I remind honourable senators that a question of privilege is on the list of things that should be heard, and I think must be heard today. I suppose there might be some agreement to defer it, but as far as I understand, that would be something that we should or must do today.

However, the first thing I need to do, honourable senators, is confirm that you wish that we not see the clock?

Hon. Senators: Agreed.

The Hon. the Speaker: It is agreed we will not see the clock. Is your disposition now to return to the Committee of the Whole?

Hon. Senators: Agreed.

The Hon. the Speaker: Before you do, I think Senator Robichaud wants to move a motion.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Official Languages have power to sit while the Senate is sitting today, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

[English]

BUSINESS OF THE SENATE

Hon. Gerry St. Germain: Honourable senators, I would like a commitment from Senator Robichaud. I would like to speak on Bill C-250, but I have an appointment at 7:15 to which I must attend. We are not seeing the clock, and we are granting permission to return to Committee of the Whole. Will the deputy leader allow this bill to stand until tomorrow?

• (1810)

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Bill C-250 is not a government bill. I am trying to push on with business of the Senate. This evening, it will be up to the people who sponsored this bill to decide whether or not to dispose of it.

If they want to stand this order until tomorrow, I have no objection. However, we have been trying to move forward with this bill, and all the government's business, for some time. We will see if we can address this bill before the senator leaves the chamber for his meeting. I hope we can.

[English]

Hon. Francis William Mahovlich: Honourable senators, is it possible for a Committee of the Whole to sit while another committee is sitting?

The Hon. the Speaker: We have agreed to allow the Official Languages Committee to sit while the Committee of the Whole is convened.

Is it the pleasure of honourable senators to resume the Committee of the Whole?

Hon. Senators: Agreed.

The Hon. the Speaker: I will leave the Chair.

HOLOCAUST MEMORIAL DAY BILL

CONSIDERATION IN COMMITTEE OF THE WHOLE

Pursuant to Order of earlier this day, the Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on Bill C-459, to establish Holocaust Memorial Day, the Honourable Lucie Pépin in the Chair.

Senator Corbin: I think it is important for honourable senators to express their views and concerns. I do not subscribe to the loud calls that we heard earlier to adopt this motion without further debate.

I have two questions. I do not know if anyone here can answer them. If no one can, then I wish that an answer will be provided to us on third reading. I will not belabour it beyond that point.

I have been trying to find this information out from the very beginning. I am not familiar with the Jewish calendar. During what period will this observation take place from year to year? In other words, on what date, according to our Canadian calendar? You have heard me before and I will not repeat the comments I have already made, but I think it is important not only for individual Canadians but also for the collectivity to be able to know in advance on what date, in 2004 for example, the commemoration will take place. I know for a fact that people who are in the business of printing calendars would like to know so that they can include it on their calendars.

We talked about school children. It is important that they engage in the commemoration. People will have to know what date this will take place ahead of time. Can anyone here tell me during what period this commemoration will take place? It will be a shifting date, according to the Jewish calendar.

Senator Lynch-Staunton: Of all people, I can answer that question.

The lunar calendar for the Christian and the Jewish religions is available 200 years ahead of time because the phases of the moon are known. You can pull this information off the Internet or ask at any Synagogue or Catholic Church.

The Day of Remembrance for next year will be April 18. For the following few years it will be held on: May 6, April 25, April 15, May 2, April 21, April 11, May 1. The dates are known, as others more familiar with the calendar can confirm, centuries ahead of time.

Senator Corbin: That is fine if you have the lunar calendar, but I have not picked up the habit of acquiring one of those. However, my Jewish friends do have it. They live by their calendar and I respect them for that.

Senator Mahovlich: An Orthodox Christian church also has a calendar. Those people celebrate Christmas on a different date. However, Canadians do not celebrate that as Christmas. Canadians celebrate Christmas on December 25.

An Hon. Senator: Not all Canadians.

Senator Mahovlich: No, not all Canadians. Ukrainian or Orthodox Christian Canadians celebrate Christmas on another date, but most schools celebrate Christmas on December 25 and that date is designated as such on most Canadian calendars. Most Ukrainians celebrate Christmas on a date other than December 25.

Senator Stratton: The celebration of Easter changes with the lunar calendar.

Senator Corbin: I am not finished. I wish to continue.

Senator Fraser: I would simply observe that we are accustomed to having floating holidays in this country. Not only does Easter move, which is a Christian religious festival, but Thanksgiving also moves. You do not know when those celebrations will take place unless you consult the calendar. We are all accustomed to consulting the calendar, if necessary, several years in advance. It is not unusual or, in some way, "unCanadian" to have the date of a given holiday move.

Senator Corbin: Had I been allowed to speak for the duration of my time, I would have said as much. I was coming to that very point.

What is important here is that we all agree that this will be an important commemoration and that we must prepare for it. Our Jewish friends have been observing this for some time, and we must instil the importance of the Holocaust in Canadian minds and we must prepare for it. That is all I am saying. It should be commemorated with dignity.

The Chairman: If no other senator wishes to speak —

Senator Beaudoin: I think we should come back to the main question. An amendment was proposed by Senator Kinsella. Once we have dealt with that, there remains the questions concerning the second and third paragraphs in the preamble as raised by Senator Andreychuk. We I recognize that these will not constitute part of the act itself, but they are important.

[Translation]

The Chairman: Honourable senators, we will move on to adopting clause 1, then clause 2, and then come back to the preamble and the motion in amendment.

[English]

Is it agreed?

Hon. Senators: Agreed.

The Chairman: Shall clause 1 carry?

Hon. Senators: Agreed.

The Chairman: Carried.

Shall clause 2 carry?

Hon. Senators: Agreed.

The Chairman: Carried.

Shall the preamble carry?

[*Translation*]

Senator Nolin: Honourable senators, I move, seconded by the Honourable Senator Lynch-Staunton:

That Bill C-459 be amended at page 1, 18, by replacing the words “House of Commons” with the words “Parliament of Canada.”

This applies to both official languages.

• (1820)

[*English*]

I want to use the word “Parliament” because, of course, there are two chambers, but there is a third component; that is the Queen. She must also be part of that effort.

Senator Milne: May I suggest you use the words “Parliament of Canada” in English, rather than “Canadian Parliament.”

Senator Nolin: I never said “Canadian Parliament.” I said, “le parlement du Canada.” In English, it is the “Parliament of Canada.”

[*Translation*]

The Chairman: It is moved: That the bill be amended at page 1, 18, by replacing the words “House of Commons” with the words “Parliament of Canada.”

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

[*English*]

Senator Prud’homme: Honourable Senator Nolin rightly said line 21. Usually the line numbers correspond, but this time they do not. If we amend line 21 of the English version, it will look quite —

Senator Lynch-Staunton: No, no.

The Chairman: Honourable senators, Senator Nolin has moved that Bill C-459 be amended at page 1, line 18, by replacing the words “House of Commons” with the words “Parliament of Canada.”

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

Hon. Senators: Agreed.

The Chairman: Carried.

Shall the preamble, as amended, carry?

Hon. Senators: Agreed.

The Chairman: Carried.

Shall the title of the bill carry?

Hon. Senators: Agreed.

The Chairman: Carried.

Shall I report the bill, as amended?

Hon. Senators: Agreed.

The sitting of the Senate resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Lucie Pépin: Honourable senators, the Committee of the Whole, to which was referred Bill C-459, to establish Holocaust Memorial Day, has examined the said bill and has directed me to report the same to the Senate with amendments.

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

Hon. Marie-P. Poulin: With leave, I move that the report be adopted now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Point of order, Senator Prud’homme?

Hon. Marcel Prud’homme: Honourable senators, it is not a point of order. Honourable Senator Poulin wishes to adopt the report, but the bill should be read the third time at the next sitting of the Senate so that we can entertain more speeches.

The Hon. the Speaker: Is leave granted, honourable senators, that we place this bill on the Orders of the Day for third reading at the next sitting?

Hon. Pierre Claude Nolin: The report is adopted.

The Hon. the Speaker: The report is adopted. In answer to the question, “When shall this report be taken into consideration,” shall it be taken into consideration at the next sitting?

Some Hon. Senators: Now.

The Hon. the Speaker: Honourable senators, to clarify, I believe honourable senators have agreed that the report of the Committee of the Whole is adopted.

Hon. Senators: Agreed.

The Hon. the Speaker: I put and received the answer to that question. The next question I put was to Senator Poulin: "When shall this bill be read the third time?" It is requested that leave be granted to consider the bill now.

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Honourable senators, when shall this bill be read the third time?

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. Gerry St. Germain: Honourable senators, I rise today to speak to Bill C-250. Last May, I made a statement addressing Bill C-250 where I suggested that the hate crimes section of the Criminal Code and identifiable groups be amended to include "national origin." Since then, my office has done considerable research into the matter and has found that national origin was indeed considered and recommended back when this section of the code was being framed.

Honourable senators, we know that creating a hate crimes section of offences was the subject of consideration in the Cohen recommendations of 1965, that a number of private bills were introduced, and that after five years of debate sections 318 to 320 were written into the Criminal Code.

While the Cohen committee considered including "sex" and "national origin" in the identifiable groups, it ultimately did not because the committee was mostly concerned with addressing anti-Semitism and racist propaganda.

Following the Criminal Code amendment came the 1977 human rights legislation which included "sex" in the identifiable groups:

...racial, national, ethnic or religious groups or a group defined by reason of age, sex, family or marital status, disability or pardoned conviction.

Also section 15(1) of the 1982 Charter included "sex."

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Honourable senators, assuming there was a comprehensive debate that led to the category of "sex" being clearly identified as a group in these laws, then it seems reasonable to make consistent the older legislative instrument by including "sex" in the Criminal Code's identifiable groups.

Honourable senators, our parliamentary history and the wishes of the Canadian public are clear. All agree that hateful acts perpetrated upon others —

Senator Cools: Not so fast.

Senator St. Germain: — and therefore hate crime is not to be tolerated in Canada.

I never realized I had such a devoted following, so I will slow down.

While Canadians do not condone hateful acts against others, be they Canadian citizens or citizens of other countries, there has been a loud response from the Canadian people to not pass Bill C-250 as written. Canadians from every region are concerned that Bill C-250 will have negative consequences on their right to freedom of expression and freedom of religion. According to Statistics Canada, 83 per cent of Canadians profess religious beliefs, and most churches have expressed opposition to this bill.

• (1830)

Canadians have said there are some basic problems with the bill. The necessity for this specific legislation has not been shown. Statistics are scarce and the examples noted by the bill's sponsors are already illegal under existing law. Current libel and assault laws extend full protection to all individuals.

The terms of the legislation are imprecise and unclear, such as "sexual orientation," "hatred" and associated terms like "religious subject." As these definitions evolve, as "marriage" has, they may create further difficulties for religious expression. "Sexual orientation" includes homosexuals and lesbians, of course, but does it also include bisexuals, transsexuals and cross-dressers, as well as pedophiles or those who engage in bestiality? What about polygamy? How will a court subsequently define the expression "sexual orientation?"

The bill threatens to infringe on long-standing freedoms of expression and religious belief, including the freedom to express reasonable disapproval of homosexual behaviour. The defences incorporated in the Criminal Code have been shown to be unreliable protection for religiously motivated speech.

Bill C-250 attempts to give the members of special interest groups and the politically correct activist judiciary the power of criminal law sanction to persecute those who dare to disagree.

Freedom of speech must be extended not only to those with whom we agree but also to those with whom we disagree. Prosecution, or threat of persecution, will deter the human right to freedom of expression from prevailing.

Madam Justice McLachlin, with the concurrence of Mr. Justice John Sopinka and Mr. Justice Gerard LaForest, described "freedom of expression" in the Charter as the "right to let loose one's ideas on the world." She referred to the "chilling effect" on the exercise of this freedom of expression by law-abiding citizens because of the subjective concept of "hate." In her opinion, criminal sanctions do not operate as a deterrent to hate-mongers, while they chill the free expression of the ideas of "ordinary individuals who, by fear of criminal prosecutions and because of the inherent vagueness of the provision, will refrain from exercising their freedom of expression."

She also said:

Section 319 imposes limits on freedom of expression in relation to the search for truth, vigorous and open practical debate and the value of self-individualization.

In her opinion:

The hate propaganda provision raises serious questions as to whether it furthers the principles and values of social peace, individual dignity, multiculturalism, and equality.

To most Canadians, the principal intent of Bill C-250 appears to be that the expression of "hurtful" words about one's sexual orientation must not be uttered; that, in effect, punishing hurtful opinions will suppress civil liberties and truth.

Honourable senators, criticism is not criminal. There are already sufficient laws protecting Canadians, and Canadians believe there is no need to expand such protection through ambiguous criminal law. Such an expansion seems to arbitrarily deprive Canadians of their Charter rights at the whims of special interest groups and the court.

Honourable senators, the government has said that the concerns of the religious groups are fully protected because they have amended 319(3)(b) by adding protection for "religious texts." I ask: Why are Canadians still concerned with this so-called religious exemption?

On August 5, 2003, a *National Post* editorial had this to say:

Three years ago, the Ontario Human Rights Commission deemed religious conviction no defence against discrimination on grounds of sexual orientation. Today,

there is a bill awaiting approval...that would make anti-gay "propaganda" a criminal offence. Factor in our activist, Liberal court, and it is clear why people are so concerned about religious freedom.

Honourable senators, if the hate crimes section of the code is to be amended, then it should only be done after an exhaustive debate and not rubber-stamped, as some in the Senate, I believe, and in the other place would like to see done. The opponents of this bill are fighting to protect their freedoms. The government does not seem to understand that politicians and bureaucrats do not grant freedoms. Canadians believe that freedom is their inherent right. Canadians believe that, in Canada, they have the freedom to express their opinions. They have the freedom to criticize their politicians; the freedom to promote issues or agendas that are important to them, to their businesses or their values. Freedoms are the pillars of our democracy.

They believe that their freedom of expression means that they will not be thrown in jail for expressing their opinion. Canadian citizens are free to fully participate in the democratic process and their democracy is one where politicians are expected to defend their freedoms and not abuse them.

Canadians have said that, without explicit protections, this bill could be problematic for a number of common publications, since it may criminalize statements and texts that pertain to homosexuality. There is not much case law to date, but the judicial trend seems to be favouring the interests of one special interest group over the rights of other minority and majority interests.

Canadians fear that ostracized expression could ultimately affect publications of the Christian, Jewish or Muslim and other faith-based communities, and further, that non-specific religious texts, educational materials, teachings and instruction forums may not be permitted and therefore, under the proposed law, statements made in those documents and places could also be subject to criminal sanction.

Some question whether texts such as the Bible or the Koran, when used by someone to promote hatred or advocate genocide, could then be considered hate literature. When the Department of Justice officials appeared at the Bill C-250 committee hearings in the other place, they could not give a definitive answer to this question: Could religious publications be subject to censorship or even prohibition?

Some Canadians sense that the bill will simply, by way of substitution, discriminate against a different group of individuals. If so, that, honourable senators, is not a satisfactory solution. Having driven the Judeo-Christian value system out of Canada's public square, classrooms and our courts, activists now want to drive it out of the church.

[Senator St. Germain]

Bill C-250 may not be the appropriate legislative response to prevent the expression of hatred toward gay and lesbian individuals. The constitutional rights and freedoms of one group of Canadians should not be bartered away through an ill-conceived proposal to advance the interests of another group.

Alternatively, since sections 318 and 319 of the Criminal Code are exclusive provisions providing protection to only four designated groups, it therefore may discriminate by excluding all other groups from its protective provisions. Perhaps, honourable senators, we ought to consider deleting the list of designated groups set out in sections 318 and 319 and rewriting the sections so that all Canadians will be provided this protection.

Honourable senators, given the concerns of the Canadian public, I am not so certain that “sexual orientation” should be hastily included as an identifiable group in the Criminal Code. I am certain, however, that we must carefully examine this measure, and that will require a bit of time.

In the process of examination, we would be derelict in our duty were we not to ensure that a comprehensive review of all relevant “identifiable groups” be undertaken. Of course, this means also examining the inclusion of national origin, a group I identified earlier in my remarks.

Honourable senators, in a statement that I made in this chamber on this subject at an earlier date, I said:

One of the things we have long been proud of in Canada is our freedom of speech — our ability to express ourselves without fear of being censored because someone or some group disagrees with the views we are expressing, and with this privilege comes the responsibility to avoid publicly speaking out in a way that might incite hateful acts.

The Criminal Code offers no protection to those who may be singled out in hateful verbal attacks merely because they are citizens of a particular nation. Therefore, another identifiable group must be protected, and that is people who can be identified by their national origin. This loophole has real implications. It allows hate-mongers to incite hatred against citizens of other countries. Citizens of all nations deserve the same protections we offer people who might be defined by their race, colour, ethnic origin or religion. Honourable senators, section 318 of the Criminal Code must be amended to protect this group from the hate-mongers.

• (1840)

I urge all honourable senators to rectify this deficiency in the hate crimes law. I urge this place to examine carefully Bill C-250, for most Canadians have difficulty supporting it as it is.

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

STUDY ON ISSUES AFFECTING URBAN ABORIGINAL YOUTH

REPORT OF ABORIGINAL PEOPLES COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report (final) of the Standing Senate Committee on Aboriginal Peoples entitled: *Urban Aboriginal Youth — An Action Plan for Change*, tabled in the Senate on October 30, 2003.—(Honourable Senator Chalifoux).

Hon. Thelma J. Chalifoux moved:

That the Sixth Report of the Standing Senate Committee on Aboriginal Peoples be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources Development, Canadian Heritage, Health, and Industry; the Solicitor General; and the Federal Interlocutor for Metis and Non-status Indians being identified as Ministers responsible for responding to the report.

She said: Honourable senators, it is with great pleasure that I rise today to speak to the sixth report of the Standing Senate Committee on Aboriginal Peoples entitled, “Urban Aboriginal Youth — An Action Plan for Change.” This report represents the first time a parliamentary committee has examined the needs and the condition of urban Aboriginal youth in Canada.

Let me begin by thanking my esteemed colleagues who served with me on the Aboriginal Peoples Committee. I wish to take a moment to acknowledge their hard work, their unwavering dedication and their commitment to this important issue.

As the title suggests, the committee’s report is not another study on Aboriginal peoples. Rather, we have sought to formulate a detailed and concrete plan of action to support the economic, social and cultural needs of Aboriginal youth who live in urban areas. Together, the report’s 19 recommended actions form the basis of a strategy for reform that is positive, proactive and progressive.

Honourable senators, as you all know, Aboriginal youth living in urban areas face major disadvantages in comparison with other Canadian youth when measured against nearly every social and economic indicator.

For many Aboriginal youth, city life is often an overwhelming experience. Their foothold is uncertain. Their futures are uncertain. While cities may seem to offer great promise, countless arrive ill-prepared to take advantage of these opportunities and promise eventually falls to despair.

Honourable senators, imagine how you would feel to be set adrift alone in a kayak in the Arctic Ocean and you can begin to imagine what it is like for young Metis, First Nations and Inuit youth coming to a city. Those eloquent words, spoken by a young Inuk man, created a powerful image. That image has stayed with us throughout our deliberations. I hope it will also stay with you.

Honourable senators, far too often the lives of these young people become just another negative statistic. We in this chamber must resist the temptation to read these figures idly and search ourselves for a deeper understanding of the real suffering and pain that exists behind those numbers. Unless we come together to address the structural inadequacies that underpin those grim statistics, these youth may be lost to their communities and to us forever.

Minus their potential, we are diminished. We are compelled to ensure that another generation of Aboriginal youth will not be prevented from realizing their promise.

When the committee first began its examination into issues affecting urban Aboriginal youth, we could not have imagined the unshakeable resilience displayed by many of these young people in the face of so many daunting challenges. We were impressed by their strength, their quiet determination, their honesty in talking so frankly about their lives and their sincere desire to overcome their circumstances, however difficult they may seem at times.

Honourable senators, it is difficult. The aimlessness of many Aboriginal youth, often manifested in street crime and youth gangs, is more a failure of Canadian society to provide alternative structures than a reflection of the youth themselves. The lives of Aboriginal youth are profoundly influenced by both historical injustices and current inequities.

Issues facing youth are rooted in a history of colonization, racism, dislocation from their traditional territory, communities and cultural traditions and the intergenerational impacts of the residential school system.

Honourable senators, where barriers exist, we must, in the best interests of Aboriginal youth, act to remove them. A growing and youthful urban Aboriginal population, both socially and economically marginalized, is a matter of significant public policy concern. If the challenges these youths face are ignored, it can and will have negative consequences for both Aboriginal communities and Canadian society as a whole.

Sadly, current government approaches focus on the problem and not the individual. They are at best short-term, band-aid measures which do little to lay the foundations for long-lasting change. This report moves away from reactive programming and

suggests more fundamental change in the areas of policy and jurisdiction, the way youth programs and services are conceived and delivered, as well as the need to work on a multilateral basis involving all stakeholders.

Significantly, the report calls upon the federal government to remove artificial status-based restrictions for post-secondary student assistance so that all Aboriginal youth, irrespective of status, are eligible for assistance. Honourable senators, post-secondary education is essential to improving the economic and social outcomes of Aboriginal youth and in creating long-lasting, permanent and meaningful change.

Higher education, as we all know, is essential to creating a vibrant middle class. It is forward looking and treats youth as a resource to be nurtured rather than a problem to be fixed. Higher education is also critical to ensuring meaningful employment in an increasingly competitive knowledge-based economy. The days when a high school education was sufficient for obtaining gainful long-term employment are behind us. The labour market has changed dramatically in the last decade, due in large measure to technological changes and the processes of globalization. Post-industrial economies place a high premium on knowledge and skills, and never before has the link between education and employment become so vital. Studies such as the Alberta National Round Table on Learning suggest that by 2004 one in four jobs will require a university degree.

• (1850)

Despite some assuring gains, however, Aboriginal youth continue to lag behind the rest of the Canadian population at a time when jobs require more and more education. Ensuring meaningful access to higher education for Aboriginal youth is an investment we make not only in their futures but also in our own futures.

Faced with impending labour shortages, Aboriginal youth — a growing segment of urban populations — are an important resource to help meet labour needs. Young Aboriginal people hold out great promise in being able to bridge the impending gap in Canada's shrinking labour force. An educated and motivated Aboriginal youth could form a dynamic and key component of tomorrow's labour force. Unless we begin to address the structural barriers, this cannot happen.

There is a pressing need for government to invest resources in youth initiatives aimed at improving educational outcomes so that Aboriginal youth acquire the training and skills needed to obtain meaningful employment. It is with in this mind that we also recommend that federal programs aimed at increasing labour market participation of Aboriginal youth provide long-term strategic training and that the youth and urban component of the Aboriginal Human Resources Development Strategy be increased to correspond to the need and the importance of this issue.

Honourable senators, as a society, we can question our responsibility for the misguided policies of the past, but should we not be morally and socially responsible for restoring to Aboriginal youth today that which should never have been taken from those of yesterday — their hope for the future and a chance to take their rightful place in it? A university education in itself may not suffice in undoing the numerous social ills that plague so many innocent youth, but it is an important stepping-stone to restoring their well-being and confidence. A well-educated Aboriginal youth will be less vulnerable to a range of social and economic factors that erode their ability to be full, productive members of Canadian society and will be better able to contribute to the capacity of their own communities and institutions. To believe we owe them anything less is unconscionable.

Honourable senators, for things to improve, the jurisdictional framework must be clarified. The current federal approach to Aboriginal policy no longer mirrors the geographical reality of Aboriginal peoples, two thirds of whom live off-reserve today. The increasing urbanization of Aboriginal peoples is amplifying pressures toward the need for a new direction in policy development. The demographic shift of the Aboriginal population to cities has profound implications concerning federal responsibility for Aboriginal people. In practical terms it has meant that over time the federal government has seen its responsibility extend to fewer and fewer people. Of the nearly \$8 billion that the federal government will spend on Aboriginal programs, only \$270 million will flow to urban and off-reserve programming. This has resulted in an inferior level of services for urban Aboriginal people and youth.

Honourable senators, in a significant move away from current federal policy that presently limits government responsibility to on-reserve status Indians and the Inuit, this committee calls upon the federal government to recognize the rights of First Nations people when they leave their reserve. In addition, we recommend that the federal government must take formal steps to clarify and resolve the rights of the Metis people of Canada, the most highly urbanized of all Aboriginal peoples.

Although constitutionally recognized as one of three Aboriginal groups in Canada, the Metis do not enjoy the same rights as First Nations people and the Inuit. This report recommends that the federal government enter into formal negotiation with the Metis people to clarify outstanding jurisdictional and rights issues. As honourable senators are all aware, the recent Supreme Court decision in *Powley* makes this recommendation all the more timely and relevant, and we urge the government to act on it immediately.

Honourable senators, this failure of federal and provincial governments to accept, clarify and coordinate their jurisdictional roles and responsibilities has resulted in what the Royal

Commission on Aboriginal Peoples called a “policy vacuum,” with the needs of urban and off-reserve Aboriginal people being the first casualty in this jurisdictional no man’s land. It is becoming increasingly difficult for governments ignore the many challenges, needs and issues facing our urban Aboriginal population. Not only do Aboriginal youth constitute a significant percentage of urban populations, especially in the Western provinces, but on the whole they have higher rates of joblessness, less formal education, more contact with the justice system and are in poorer health than their non-Aboriginal counterparts. It is clear to us that outstanding jurisdictional issues contribute significantly to the poor social and economic conditions experienced by so many Aboriginal people and youth in this country. This must change and our report outlines steps upon which to create that change.

Honourable senators, of all the issues affecting urban Aboriginal people, some of the most pressing and urgent are the needs of the Aboriginal youth. We are struck by the absolute necessity of addressing their needs, particularly those estranged from their cultural heritage and the broader community in which they reside. The question we have sought the answer is how to foster a more constructive dynamic for urban Aboriginal youth and mitigate their social exclusion. Senators, there is no single answer. Rather, the solution is provided by a weave of supports comprised of education, recreation, urban transition services, labour market readiness, sound parenting skills, as well as strong community, cultural and family supports. Without these necessary supports, young Aboriginal people and their families can find it difficult to overcome the challenges they face and to achieve a quality of life comparable to other Canadians.

This report makes several recommendations that help create opportunities for youth and alleviate some of the pressures they face in the city. Notably, we recommend that urban transition services to help youth adjust to city life be made available; that measures to address the high dropout rates be implemented; that community-based youth programs, which promote sound parenting skills, be developed; and that approaches for employment and training programs be long term.

In addition, the committee’s report recommends that a national public awareness campaign for Aboriginal youth and pre-teens be designed to address youth sexual health and to promote healthy sexual practices and the prevention of teen pregnancies. Too many of our kids are having kids. Important research suggests that Aboriginal youth report using little or no contraception. Pregnancy is only one of the unintended results. This also puts youth at risk of a number of sexually transmitted diseases, including HIV and AIDS. We are troubled that while the number of AIDS cases has shown a decline in the general population, the number of AIDS cases in the Aboriginal community and among urban Aboriginal youth has risen dramatically. This is a cycle we must break.

I believe strongly that the recommended actions proposed in this report form a basis upon which greater opportunities for urban Aboriginal youth can be realized. In order to obtain these benefits, however, the sustained commitment of all governments and their respective departments is essential. I believe that a genuine window of opportunity exists to implement the kind of positive change needed to ensure that another generation of Aboriginal youth is not sacrificed on the altar of narrow policy thinking.

The committee has worked out a realistic plan of action and detailed concrete steps that, if implemented in a serious and dedicated fashion, could lead to meaningful reform and long-lasting change. This report maps out a strategy for positive and meaningful change. It helps to build positive supports around urban Aboriginal youth and their families.

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

Senator Chalifoux: Honourable senators, I ask for leave to continue.

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

Hon. Senators: Agreed.

Senator Chalifoux: Honourable senators, the report moves away from reactive programming that sees Aboriginal youth as problems to be fixed, to create opportunities upon which their talents, aspirations and hopes for a better life can be realized.

• (1900)

Honourable senators, this report is not the end of road. It is only the beginning. All levels of government and Aboriginal organizations must take action now if we are to succeed.

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

THE FINANCIAL ADVISORS ASSOCIATION OF CANADA BILL

PRIVATE BILL TO AMEND ACT OF INCORPORATION— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-21, to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada, with an amendment) presented in the Senate on October 30, 2003.—(*Honourable Senator Kroft*).

Hon. Richard H. Kroft moved the adoption of the fourteenth report of the Standing Senate Committee on Banking, Trade and Commerce.

[Senator Chalifoux]

He said: Honourable senators, the purpose of this special act is to amalgamate the Canadian Association of Financial Planners and the Canadian Association of Insurance and Financial Advisors. The new name of the amalgamated corporation will be the Financial Advisors Association of Canada, to be known as Advocis.

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Kroft, seconded by the Honourable Senator Moore, that this report be adopted now.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

The Hon. the Speaker *pro tempore*: When shall this bill be read a third time?

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

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Honourable senators, could we have an indication of how much longer we will be sitting? I know that at six o'clock, we agreed to not see the clock. However, I understood at that time that the intention was to complete the discussion of Bill C-459 in the Committee of the Whole.

I did not think that we would just continue sitting into the wee hours of the evening. Not that I am a complainer, but we have not had dinner.

Could we have an indication of how long we will continue? It would be useful. Some of us may want to withdraw permission to not see the clock.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, when I was asked if we were going to sit late, it was mentioned that perhaps we would sit until midnight, like last week — although we did not sit until midnight, just until 11:15 p.m. This leads us to the question of how late the honourable senators are prepared to sit. However, the Senate is currently debating a question of privilege raised by Senator Kinsella. He is currently defending his bill in committee. In my opinion, we must, without agreeing in advance to his question of privilege, continue to sit so he can return to present his question of privilege, which he is expected to do before 8 p.m.

Once that has been done, naturally, the question of privilege must be debated and I think that, afterward, there would be agreement to stand all items remaining on the Order Paper.

[English]

Senator Cools: Honourable senators, perhaps a better solution would be for us to postpone consideration of Senator Kinsella's question of privilege until tomorrow.

I am asking Senator Robichaud to do that. We do not do that very often, but it has been done. Due to the lateness of the hour, the question of the debate on the *prima facie* question of privilege has been bumped to the next sitting day.

I understand, based on what Senator Robichaud has said, that Senator Kinsella is, at this very moment, before a committee testifying on his bill. Therefore, I do not think that Senator Kinsella would object if we were to simply bump the item until tomorrow. There is ample precedence for that. Perhaps honourable senators would agree to do that.

[Translation]

Senator Robichaud: Honourable senators, I am not prepared to accept this, simply because a question of privilege has been raised about a meeting held by a committee on Friday, and it deserves to be heard. A report was tabled in the Senate concerning a bill, and it is important to hear this question of privilege.

[English]

Senator Cools: Honourable senators, I submit that it is the will of this chamber to hear the question of privilege tomorrow, not today. That approach would cause no prejudice whatsoever to the question.

Honourable senators, we have been sitting marathon hours last week and today. It is clear that we have a difficult week ahead.

I was impressed by Senator Grafstein's and Senator Poulin's suggestion that we not see the clock at six o'clock to accommodate the Committee of the Whole on Bill C-459. Perhaps we should have seen the clock, but it is a little late now.

Honourable senators, we can stop everything now and resume tomorrow at this point. There would be no prejudice to Senator Kinsella or his question. I suspect that, if he is doing double duty in a committee currently, he might be relieved to know that we would be prepared to allow him to speak tomorrow.

Yes, it is a question of privilege, and it is important, but I am sure that it will be just as important tomorrow.

The Hon. the Speaker *pro tempore*: Orders of the Day.

Senator Cools: It is not allowed that I be merely ignored. I am asking a question of Her Honour. We are sitting at a time when it would appear that we should not be sitting because we agreed not to see the clock to complete a specific task. That position to not see the clock cannot be taken as carrying into perpetuity.

The chamber considered the proposition that we not hear the question of privilege today, and that we hear it tomorrow.

The Hon. the Speaker *pro tempore*: Are you raising a point of order, Senator Cools?

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, this chamber gave unanimous consent to not see the clock at six o'clock for a very specified set of purposes. Clearly, when honourable senators agreed to do that it was their intention and their expectation that those items on the Order Paper would have been dealt with and then senators would have been allowed to adjourn to have something to eat or to do whatever else they are supposed to do.

Honourable senators, I do not think that it is proper or in order that, because that agreement was given to be able to consider Senator Poulin's and Senator Grafstein's measure, Bill C-459, that permission then be taken to extend to every other order.

Perhaps some honourable senators would not have given unanimous consent if they had understood that this would happen.

• (1910)

Honourable senators, perhaps the Senate should consider adjourning now and allowing Senator Kinsella to raise his question of privilege tomorrow.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I do not believe a point of order can be justified. When leave was granted, I was asked to list the items I intended to call. I replied to Senator St. Germain that I certainly would wish to call Bill C-250 and that at that time we would see what disposition was made. However, I did not make any promises to stand all the following items.

I believe we are continuing, mainly, to satisfy Senator Kinsella, who is before the Official Languages Committee at present, speaking about his bill. I believe that by 8 p.m. we will be able to continue the debate. I hope that Senator Kinsella will then be able to return to this chamber in order to raise his question of privilege.

[English]

Senator Cools: Honourable senators, we have had situations in the past where, due to the hour of the day, consideration of questions of privileges under rule 43(5) have been bumped over to the next day. It seems to me, honourable senators, that we are coming into an extremely busy time where the parliamentary agenda is well packed and very well stocked. When honourable senators ask at six o'clock that we not see the clock, and when those undertakings are made, and when honourable senators have granted their permission for the Senate to continue to sit, it seems to me that that grant should be respected and it should not be turned around and abused or violated.

It is crystal clear to me, because I was sitting here, that at the time consent or leave was granted at six o'clock not to see the clock, honourable senators did not expect to be sitting for many hours thereafter. There was a clear understanding, at least on my part, that we were allowing this fast track to let Senator Grafstein's bill go ahead.

It is not proper, Your Honour, and I would submit it is not in order, to proceed in this way. If this is how we are to be proceeding, you can be sure many of us will think a little harder and longer about granting consent at six o'clock. You should put that into your kitty for consideration. There is no reason in the world for us to be sitting here tonight. We sat many nights —

The Hon. the Speaker: I take it that the point of order is that the agreement not to see the clock was conditional, but I did not take it that way, I must say, honourable senators. Accordingly, I think that when we agreed not to see the clock, it was just that. Senator Cools is right, however, in that when we do not see the clock, it is often because we anticipate that we will complete our work in a short time.

As to the matter of conditional unanimous consent, that would have to be worded very carefully, and in this particular case I did not take it that way when I put it to honourable senators. In fact, I recall distinctly mentioning that the question of privilege was still a matter before us. Questions of privilege, by their very nature, I believe, have a certain priority. Accordingly, Senator Cools, regrettably, I find no point of order.

Senator Cools: There is no such thing as conditional unanimous consent. There is no such thing as a conditional agreement. However, there is such a thing as the premise and the reasons for which consent was granted, and that is what I am talking about, honourable senators. Consent was granted to allow Senator Grafstein and Senator Poulin to move ahead on Bill C-459. At the time it was granted, we clearly understood that we would be adjourning shortly thereafter. I would submit, honourable senators, that when these kinds of agreements are given or granted, they should be respected and they should be honoured, and they should not be abused.

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 Graham, P.C.*).

Hon. B. Alasdair Graham: Honourable senators, I thank Senator Roche for introducing the motion that reads that the Senate of Canada recommend that the Government of Canada refuse to participate in the U.S.-sponsored ballistic missile system for three closely argued reasons, all of which I will try to touch upon in my remarks this evening.

Senator Roche's remarks were informative and, as always, formed from a background of considerable experience on defence and security matters of great importance to all Canadians. I listened with the greatest of interest to Senator LaPierre's remarks in support of the motion, and I thank him for contributing with such humanity to the debate.

It has been said that perception is reality. On no issue is this observation more applicable than the complex question of ballistic missile defence. In my opinion, it is at present impossible to predict where and how the ballistic missile defence system, so dependent on a complex of technologies and budgets that are in the process of development, will evolve over time. As we have seen time and time again with regard to the issue of U.S. defence spending, a budget line for the missile agency may very well not translate into official American policy. Over a decade ago, we were told that a viable missile defence screen would be in place by the turn of the century. The world waited. Time frames came and went with a kind of consistency one expects from the politics of checks and balances. As administrations come and go, I believe Canada must respond to American policy on this issue one day at a time.

In the meantime, concerned Canadians have put forth a plethora of arguments in their opposition to BMD. One of the most important centres on the theory that U.S. ballistic missiles may inevitably involve the testing of weapons in space. Senator Roche contends that BMD will be one package leading to U.S. space-based dominance and that Canadian participation in missile defence, no matter how modest, will constitute an endorsement of U.S. intentions to weaponize space.

Senator LaPierre rejected — and quite properly — Canada's endorsement of the so-called vortex of American militarism and unilateralism that seems to stem from Senator Roche's theory. If I thought the vortex was in fact the reality, and if I thought for one second that U.S. Air Force Secretary James Roche was stating official policy, I too would have grave concerns. Unfortunately, while all of us search for simple answers to our bilateral relations with the colossus to the south, such simple answers are not to be had. Let us take a quick look at emerging U.S. policy on BMD and the so-called weaponization of space from another perspective.

First, let us ask some legitimate questions. Is there any evidence whatsoever that the U.S. intends to violate its treaty obligations in the Outer Space Treaty with regard to the access to, and the use of space by, any nation for peaceful purposes? I do not know of any.

Is U.S. policy really anchored in a conspiracy designed to establish an imperial power in space with a war-fighting capability seen only in *Star Wars* or, as Senator LaPierre suggests, a transformation of space into a military zone where the U.S. can attack anyone at will? Can we not say, perhaps with considerably more equanimity, that the U.S. is concerned that its dominance in outer space is, in fact, highly questionable, the more so as space is now so vulnerable to threats emanating from many countries which have the capacity to launch a missile with a nuclear warhead which has the capacity to strike at outerspace assets and which, in so doing, will do a great deal of damage to Western economies, ours included?

• (1920)

How do we perceive all this? Is BMD about dominance or protection? With regard to war fighting capabilities, won't attempts to go to war in space leave a real mess up there? Who pays the biggest price for that? Could one not argue that the United States will pay the biggest price? What interests would the U.S. conceivably have in starting one? Where are the certainties in all of this? I am afraid the situation is far too complicated to pose the issue of BMD in terms of the so-called vortex of militarism.

The one thing we do know, honourable senators — and we know this with certainty — is that the Bush administration has made BMD one of its top security priorities. It has declared that, by the autumn of 2004, it will develop an initial set of missile defence capabilities for protecting the continental U.S. and, possibly, proximate Canadian territory. I might add that this will include ground- and sea-based interceptors.

The U.S. has concluded an agreement with the U.K. to upgrade the Flyingdales early warning radar and is now in discussions with Denmark to update the early warning radar equipment in Greenland, which will permit the US complete radar coverage of North America.

Canadians may then take some comfort from these multilateral developments with regard to BMD. Maybe we are not home alone, after all, with our gigantic muscle-bound neighbour to the south. I do not have to remind honourable senators that the U.S. withdrew from the Anti-Ballistic Missile treaty last June and that President Bush and President Putin then signed a treaty that will lead to significant reductions in their nuclear arsenals. ABM had been a legitimate preoccupation with many critics of a missile defence system, but no longer.

Further, U.S. offers to share technology may lead to some Russian enthusiasm for the project, a development that even 18 months ago would have been unimaginable and would have had major implications for the geopolitical landscape. One might speculate that, in the long term, the U.S. may decide to open a broad package of initiatives toward Russia as part of the engine of missile defence, but this kind of portent suffers from the same kinds of uncertainties as almost all aspects of BMD.

In fact, it is clear to me that it is most unwise at this point in time to make vast generalizations about issues such as U.S. intent, the international fallout of BMD, and so on — generalizations that can be queried day by day. We must deal with real possibilities as they arise, lest we find ourselves in the position of Kierkegaard's man, "who lived his life in increasing degrees of abstractions only to wake up one morning to find that he had died."

Some of that whole jungle of real possibilities centres on the dangerous in which we live. Honourable senators are aware that potential terrorist strikes in North America can take many forms. The ever present threat of vessels carrying nuclear or chemical weapons and the horrifying prospect of detonation in an American or a Canadian harbour is only one. In the greater scheme of things, BMD is only part of a complex arsenal designed to deal with present dangers.

Proliferation of weapons of mass destruction and their delivery systems is a growing problem in our time. There are those who argue that Canada is unlikely to be a direct target of a ballistic missile attack launched, for example, by the irrational leaders of a rogue state. However, both the proximity of our population to the United States and the poor accuracy of first generation intercontinental ballistic missiles mean that Canada shares largely the same threat as the United States. Can we afford, as Canadians, to take it for granted that an attack on Detroit would not mean an attack on Windsor, or that an attack on Buffalo would not mean that Toronto would be devastated? Although we know there is no blanket degree of protection from BMD from rogue states or accidental missile launches, it is only common sense to see that a partial defence is much better than none.

In my opinion, those who argue that missile defence can only be seen in terms of preconceived notions of Canada's so-called landlord-tenant relationship with the great republic, are ignoring the larger process of the continuing definition of our national interests at their peril. Think of it this way: Canada has lived for decades with a U.S. security guarantee for the continent, a guarantee that has translated into very little cost to us.

One might argue that the "free ride" theory held by some Americans is unfair to Canada, yet there is some truth in it. We spend approximately \$300 million annually on NORAD, about 10 per cent of the total cost of the alliance. According to the Canadian military officials I met when I was a part of a parliamentary delegation visiting Cheyenne Mountain in Colorado Springs, our contribution is considered to be a token amount for which Canada receives far more in return in aerospace intelligence. Over the decades, NORAD has provided essential intelligence gathering and surveillance of our territory. I believe we must continue to play an integral role in the defence of North America and continue to have a strong voice in the North American aerospace command, which, since 1958, has served us well in the joint defence of this continent.

I come back to the point raised by Senator Roche that the immediate issue confronting Canada is a potential negotiation of involvement in one component of a much broader U.S. missile defence system. As Dr. James Fergusson, deputy director of the Centre for Defence and Security Studies at the University of Manitoba pointed out to the House Foreign Affairs Committee last June, the primary issue we must concern ourselves with at present is:

...the relationship between this operational development (the assignment of command and control) and the issue of the future of NORAD, particularly the assignment of command and control for that system relative to NORAD....it does not include discussions or negotiations about Canadian involvement in other aspects of the Laird U.S. missile defence. (Indeed, we are not party to those anyway.)

Dr. Fergusson went on to say:

...space is entirely separate from Canadian involvement right now. Space is entirely separate from NORAD by virtue of one decision made last year, which was the decision on the part of the U.S. in its unified command plan to separate space command from NORAD and assign space command and merge it with strategic command located in Omaha, Nebraska....Space is not on the table, and it is presumptuous of Canadians to believe that space would even be put on the table, even if Canada thought differently. The U.S. is not trying to trap Canada into space...the U.S. is fully aware of longstanding Canadian policy on the weaponization of space and has separated it from the issue of continuing cooperation on the aerospace defence of North America.

As Dr. Fergusson further points out, what Canada is looking at is a continuation of aerospace defence cooperation, aerospace surveillance and control within NORAD, something we have

historically done as a partner in defence, that is, our participation in early warning. In other words, Canada would continue to provide central command and control centres where data from sensors would be fed out to American interceptor sites. Failure to contribute at all would mean that the collaboration of Americans and Canadians at Cheyenne Mountain — something which, as I have indicated earlier, I have personally seen — a partnership with deep roots between brothers and sisters from both sides of the world's longest, until recently, undefended border would disappear, becoming a rather sad chapter in a history book about lost opportunities.

• (1930)

As Foreign Minister Bill Graham put it so well recently, we cannot ask the questions unless we have the conversations. We cannot set out any pre-conditions if we cannot negotiate. Missile defence is now a reality; the U.S. will field an initial system by the autumn of 2004. At the moment, discussions are ongoing between our two countries and there is no timetable to conclude them. No decisions will be made by the Government of Canada until its assessments are complete.

However, Senator Roche tells us in his speech that this idea of discussion is "a fanciful and dangerous delusion — that the Bush administration will proceed with whatever policies they wish, irrespective of the positions of U.S. allies or the international community at large.

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

Does he request leave to continue?

Senator Graham: Yes, and I will be as quick as I possibly can.

Hon. Senators: Agreed.

Senator Graham: I will do my best.

Senator Roche points to the Iraq example as a cogent example of this logic. I share Senator Roche's respect for the stand taken by Prime Minister Chrétien against the U.S. led war on Iraq, which contravened the will and authority of the UN Security Council.

In a speech I gave in this chamber February 25 last addressing the motion, again put forward by Senator Roche, with regard to the sanctioning of military action against Iraq under international law, I quoted part of Lester B. Pearson's acceptance speech on receiving the Nobel Peace Prize in 1957. In order to achieve peace, he said, what is needed is a new and vigorous determination to use every technique of discussion and negotiation that may be available for the solution of the tangled, frightening problems that divide us today in fear and hostility.

[Senator Graham]

I might add that on the issue of BMD, we are at the table with a friend, albeit quixotic in some cases, but nevertheless a friend. We are one of few countries on the face of the earth to be closely attuned to American sentiments and frustrations and hopes; we share so many of the same values and challenges and history and ideals. In spite of the fact that we share, at present, a rather small negotiating table with the United States on BMD, does it make any sense to say to our sometimes ambivalent neighbour and ally, "Sorry, but we have so many problems with all of this that we must turn off the lights and say conversation over"? Does that kind of solution really make any sense? I, for one, do not see any.

As I have just said, honourable senators, our unique relationship with the land of the free and the home of the brave allows us to bring to the negotiations issues of immense significance for the global community. The problem of nuclear proliferation and the pressures on countries in a continuing state of conflict with the United States to acquire new weapons systems is a fundamental challenge of our time. What do we gain by removing ourselves from the table when we are one of the few countries on earth who can remind the U.S. that a way for it to dispel the proliferation pressure is for it to ratify the Comprehensive Test Ban Treaty, and so on?

Does sitting at a table with the United States, asking the questions, applying the day-to-day influence, using the carrot and whatever sticks we can come up with, does that interaction mean we are endorsing a major expansion of a new weapons system that would only serve to promote escalation? Does that mean that our fine international reputation as a country that has been a major force for non-proliferation and restraints, of treaties aimed at the elimination of land mines and covenants banning chemical and biological weapons — does that mean that in some nefarious way our reputation is blighted? Does that mean that our well-earned reputation as a peacemaker and peacekeeper in all parts of the globe and that the respect in which our flag is held across the planet evaporate? No, honourable senators — I would say an emphatic no.

Indeed, I believe that the nations of the world would find only additional insecurity in a tormented world if Canada — the bridge to the heart and mind of America — were to say, "Look, we have a lot of questions, but we lack the will and the determination to keep the game alive." Then what we are talking about is irrelevance. Irrelevance is not the path I would wish for Canada. That is not the Canada I know. That is not the kind of Canada any of us in this chamber would want to pass on to future generations as a sad and tragic legacy.

We must keep in mind that any participation we potentially agree to undertake in BMD will be only one path in the global Canadian diplomatic engagement to dissuade those who would proliferate missiles and missile technologies. Canada is a founding member of the Missile Technology Control Regime to counter

missile proliferation. We were instrumental in developing the Hague code of conduct, which establishes the only existing standards regarding ballistic missiles and related activities.

Our longstanding opposition to the weaponization of space is renowned for its veracity in international fora. Time precludes a lengthier list of our multilateral efforts, but I want to mention David Haglund, Director of the Centre for International Studies at Queen's University, who argues that the multiplicity of challenges Canada faces on security issues with the United States in the post-September 11 world provide unprecedented opportunities and challenges for policy-makers. I want to quote Dr. Haglund:

Canada will emerge as a country of enormous significance for American physical security for the first time since the early days of the Cold War and the contradictions of policy-making will be exacerbated as the trade-offs become more clearly identifiable. In that new climate, it will be more than a bit ironic that policy-makers in Ottawa should find themselves pining for a more innocent yesterday, when all they had to worry about was developing the most appropriate response to the MND(BMD) challenge.

I will always remember, honourable senators, a trip I made to the United Nations Headquarters in New York and my discovery of the famous statue of St. George slaying the nuclear dragon — a composite of the remnants of destroyed American and Soviet missiles. Those missiles were not destroyed because nations with differences stood up from the table, turned out the lights and went home. They were destroyed because two superpowers of the Cold War era recognized that there is never any substitute for the kind of vigorous determination to use every technique of discussion and negotiation available to us, as Mr. Pearson reminded us in 1957.

Without this continuing engagement, we stand without voice on the continent and will one day awake to the realization that Canada has surrendered its future without a single gunshot ever having been fired.

I thank honourable senators for their attention.

Hon. Douglas Roche: Will Senator Graham accept a question?

Senator Stratton: Time is up.

The Hon. the Speaker: I think the answer is no, Senator Roche.

Senator Roche: I will confine myself to one short question. I do appreciate the hour. I would like to congratulate Senator Graham. His speech was of the customary high level that one comes to expect of Senator Graham.

Would the honourable senator agree that he has given the antiballistic missile treaty very light treatment in his speech for a very good reason: It was put in place more than 30 years ago to stop the development of new offensive weapons? Would the honourable senator agree that, when he says space is not on the table, in fact the missile defence agency, in its own documentation, which is available on the Web site, states specifically that the first stage of BMD will lead to testing in space? Would he agree that Mr. John Polanyi, also a Canadian Nobel laureate, said that ballistic missile defence is a conveyor belt — his words — for weapons in space?

• (1940)

Finally, would he agree that many scientists are right when they say that BMD will not work, that analysts are right when they say it is destabilizing in international security affairs, and that ethicists are right when they say that the enormous sums to be spent on ballistic missile defence are distracting the world from investing in true human security?

Senator Graham: Honourable senators, I cannot give a “yes” or a “no” to those questions because there are varying opinions on the very important questions asked by Senator Roche. I would have to ask him to read and reread my speech. We will get various opinions across the spectrum from scientists, from professors, from experts, and even from people such as yourself, Senator Roche, and in the end we have to weigh all the evidence.

Canada is examining that evidence. It is analyzing all of that evidence before it comes to any conclusion. I am sure the honourable senator’s views will be taken into consideration as well. I thank him for his questions and his participation.

On motion of Senator Rompkey, debate adjourned.

FOREIGN AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Watt:

That the Standing Senate Committee on Foreign Affairs, in accordance with Rule 95(3)a) of the Rules of the Senate, be empowered to sit on October 14 and 15, 2003, even though the Senate may then be adjourned for a period exceeding one week.—(*Honourable Senator Di Nino*).

Hon. Consiglio Di Nino: Honourable senators, allow me a brief moment to withdraw this motion standing in my name on page 11. It is no. 147 on the Order Paper.

[Senator Roche]

Obviously, we were asking to sit several weeks ago. The time has passed and I withdraw my motion.

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

Hon. Senators: Agreed.

Motion withdrawn.

THE SENATE

MOTION TO CREATE SPECIAL COMMITTEE TO OVERSEE IMPLEMENTATION OF BROADCASTING PROCEEDINGS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Senate approve the radio and television broadcasting of its proceedings and those of its committees, with closed-captioning in real time, on principles analogous to those regulating the publication of the official record of its deliberations; and

That a special committee, composed of five Senators, be appointed to oversee the implementation of this resolution,

And on the motion in amendment of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Gauthier, that the motion be referred to the Standing Committee on Internal Economy, Budgets and Administration; and

That the Committee report no later than May 27, 2004.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I concur with Senator Robichaud, that his motion in amendment referring the matter to the Standing Committee on Internal Economy, Budgets and Administration is a good idea.

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

There is a main motion and an amendment. I will put the amendment first.

It was moved by the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Gauthier, in an amendment to the main motion, that the motion be referred to the Standing Committee on Internal Economy, Budgets and Administration.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Motion in amendment agreed to, on division.

The Hon. the Speaker: I will put the motion as amended.

It was moved by the Honourable Senator Gauthier, second by the Honourable Senator Fraser:

That the Senate approve...

An Hon. Senator: Dispense!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion, as amended, agreed to, on division.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now completed Orders of the Day. In accordance with our rules and the proper notice given earlier today, I call on Senator Kinsella with respect to his question of privilege.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on the question of privilege to which I gave written notice earlier this day, pursuant to rule 43(3), and an oral notice pursuant to rule 43(7). It arises from an action taken on Friday, October 31, by the Standing Committee on Rules, Procedures and the Rights of Parliament. This is, therefore, the first opportunity at which this question could be raised.

The facts, very briefly, are understood by honourable senators. They are as follows: The steering committee of the Rules Committee met. A majority of the members of the steering committee decided that the committee would meet outside its assigned time slot. No announcement was made at the regularly scheduled meeting of the committee on Wednesday last week to discover if this decision reflected the will of the committee. Other committees were meeting in their regular time slots at the time selected by the majority on the steering committee. Several senators found themselves in a scheduling conflict. As a result, a point of order was raised in this chamber regarding the propriety of calling meetings outside their assigned times and without adequate or proper notice.

Following a number of interventions, His Honour, at the time, reserved his ruling and, as honourable senators will recall, did give his ruling earlier today.

On Friday, October 31, the Rules Committee met again to hear from additional witnesses who might have become available on very short notice and to consider Bill C-34, clause by clause. The committee met. It considered Bill C-34 clause by clause, and has now purportedly reported the bill back to this chamber without amendment.

It is my contention, honourable senators, that the meeting of the Standing Committee on Rules, Procedures and the Rights of Parliament held on Friday, October 31, was improper. It was a contempt of this chamber and it was a contempt of Parliament. I am using the term "contempt" in its parliamentary sense.

My privileges were breached, as were those of each and every member of this chamber. Put succinctly, the question of whether or not the Rules Committee meeting held Thursday, October 30, outside its assigned time slot and in conflict with numerous other committee meetings being held during the normal course of business at their assigned times, was in a sense *sub judice*.

Honourable senators will recall that the Speaker had taken the matter under advisement. In this chamber, the decision of the Speaker is the decision of the chamber. It can be overturned by a majority vote pursuant to rule 18(4) if senators do not agree with the Speaker's ruling. However, the outcome one way or the other is the decision of the Senate of Canada. It may be an expressed decision, as when a vote is held, which either upholds it or overturns it, or it may be by implication, when the decision is not challenged, as is usually the case, although, as we saw earlier this year, not always the case.

• (1950)

Holding a meeting while the validity of a previous meeting has been taken under advisement by the Speaker carried with it, at least in our view, the clear implication that the ruling of the Speaker and, thus, of this chamber, is irrelevant. My contention is that this is an improper action taken in contempt of the chamber itself.

When the Speaker reserves his ruling within the chamber, the subject matter of the ruling is held in abeyance pending his decision. This was our understanding and is the reason we felt the meeting on Friday was improper. It was, if you like, checkmated or held in abeyance because the whole matter was held in abeyance with the Speaker having reserved his decision.

The reason for doing so is clear. The Senate should not and cannot risk being put in the position of having to backtrack and undo things that have been done, particularly as there may be instances where the actions taken cannot be undone, as when a bill has been passed and given Royal Assent.

In deciding whether a contempt has occurred in this instance, the conclusion of the Speaker's ruling today that a point of order was not well-founded is itself not dispositive of the issue. The contempt occurred because the meeting took place while a ruling was pending.

An action was subsequently taken, namely, the tabling of a report based on the meeting of Friday, October 31, at which the bill was considered clause by clause. However, that tabling took place when the chamber was attending a ruling by the Speaker. Remember, the chamber, if it did not like the ruling, could have overturned that ruling.

That in and by itself makes it patently clear that the tabling of the report in this chamber today, in the very chamber where the matter is under reserve for a ruling by the Speaker and by the chamber, has been improper.

The committee reported the bill without amendment, even though the Speaker's ruling might have required the committee to rehear the witnesses in a properly held meeting. The fact that the Speaker did not so rule cannot and does not have the effect of retroactively righting the wrong that was done.

Honourable senators, the contempt is clear. The privileges of all honourable senators were thereby breached.

I am prepared to move an appropriate motion, if His Honour finds that there is a prima facie case of breach of privilege, although I would note that as it is the Rules Committee which is the subject of this question of privilege, I would not be moving to refer this matter, as is envisaged by the rules, to the Rules Committee for resolution.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I do not believe there has been a breach of privilege. The meeting held last Friday was conducted in accordance with the practice of the Senate. The decision had been made by the steering committee. No rule was broken during this meeting.

His Honour said so in his ruling on the point of order today. The fact that the committee met is not an affront to the Senate; I think this is going far enough. No motion or order of the Senate precluded this committee from meeting. I think that everything was done according to the procedure; notice of the meeting had been given.

All the honourable senators who wished to attend could do so, and nothing was done to prevent them from attending. All those who wanted to speak did. The honourable senators who wanted to vote and were members of the committee did vote. The committee has in accordance with the *Rules of the Senate*.

I see no breach of the privileges of the Senate or the honourable senators. I think that everything was in order and I do not see any question of privilege.

[*English*]

Hon. John Lynch-Staunton (Leader of the Opposition): Your Honour, I am conscious of your ruling on Senator Kinsella's last point of order that you have no authority over anything but the rules in this place. However, I will still plead that you should reconsider that.

[Senator Kinsella]

I remind Your Honour that even the Supreme Court recognized that aside from following legal procedure, other implications must be considered. What reminds me of that is a 1981 ruling of the Supreme Court in a case where a number of provinces went before it to object to the patriation of the Constitution. The Supreme Court said, yes, but while what the government is trying to do is perfectly legal, it violates certain rules of behaviour, customs and traditions.

It is all part of the package. Unwritten rules are still rules. Customs are still customs. Traditions are still traditions. Courtesy is essential, as is respect.

In this case, it is the same thing. The privilege that has been violated is to not respect certain senators who, while wanting to participate in the deliberations of the committee, were unable to do so.

In this question of privilege, we are saying that Your Honour does have the authority to recognize the unwritten rules of this place. If we are to restrict ourselves strictly to the written rules, then we will be forced to rewrite all the rules, to cover all the possibilities. I say that because we will have Speakers telling us, "I have to restrict myself to what is written in the little book." All that has been going on in this place, all that has been recognized and accepted as custom in this place will go by the board when we try to base our arguments on them.

In your assessment of whether there is a prima facie case, I ask Your Honour not to restrict yourself to the rule book but to appreciate the customs, traditions and what the Supreme Court called the rules of behaviour that have governed this place for so many years.

Hon. Lorna Milne: Honourable senators, I read very carefully the point of order raised by the Honourable Senator Kinsella the other day. It referred only to our meeting on Thursday. It did not refer at all to the meeting held on Friday, which the opposition knew about on the Tuesday after we had a steering committee meeting on the subject.

Proper 24-hour notice was sent out for the meeting on Friday. The authorities are silent about the ability of a committee to carry on when the Speaker has taken a point of order under consideration. As such, I believe there is no rule of order, tradition or parliamentary privilege to violate here whatsoever. I believe the Rules Committee has done nothing wrong.

Hon. A. Raynell Andreychuk: Honourable senators, I rise to support what Senator Lynch-Staunton has said. In doing so, I will not go through the point that we indicated was troublesome to us. It was not based on rules. It was based on fairness and the ability of the opposition to put forward its point of view.

• (2000)

We could not manage the committees on Thursdays and we raised the point that the witnesses had difficulty with the timetable that the majority was putting forward. Inferentially, if not explicitly, we talked about Thursday and Friday. We talked about the conduct and the attitude toward the minority. The press picked up that the opposition was boycotting the Thursday and Friday meetings, so I want it on the record that, had we been boycotting, we would have come with all our members and with the support of some of the majority members, and easily overruled the majority. Senator Grafstein and Senator Joyal were noted and some senators were uncomfortable with that. We could have stopped the process but, in respect of the majority and the fact that they had called a meeting of the steering committee, we went to plead on substantial grounds that we could not do it. There was no response from the majority to support us but certain views of members of the majority were expressed. We lost because we did not stack the deck.

We were not playing games. We were putting forward a sincere point of view, and we put forward a point of order in the afternoon which, in essence, was an appeal to this chamber through His Honour. If that appeal were still resting in your hands at the time, then what point would there be to attend the Friday meeting, because the two meetings were intertwined with witnesses and with senators?

I believe the point of privilege is well taken; otherwise we would not be able to rely on customs, conventions and on a sober second thought from this chamber through the Speaker.

Hon. Joan Fraser: Honourable senators, I wish to expand on Senator Milne's comments. During all the debates, which were extensive, on the original point of order, no one mentioned the Friday meeting, although it was well known that the Friday meeting was scheduled. The substance of the debate around the point of order — the question upon which we awaited His Honour's ruling — was the propriety of holding the meeting of the Rules Committee at the same time that other regularly-scheduled committees were meeting. On Friday morning, no other committees were meeting and the Senate was not sitting. There was no conflict. I am sure it would have been inconvenient for members of the opposition to attend just as it was inconvenient for some of us to attend. However, we did attend because it was business of the Senate and that took precedence over any other plans that we may have had.

The essential point is the fundamental difference between the question to which we were awaiting an answer from His Honour and the question of whether it was appropriate to have a meeting on Friday.

Senator Lynch-Staunton: It might have been well known to Senator Fraser that there was a meeting on Friday but, as far as we were concerned, it was only known to us at the Thursday

meeting. I looked back on proceedings of other committees when they wanted to meet outside the usual time slots and I have yet to find one that did not consult the entire membership before doing so. In this case, that was not done.

The point of privilege is based on something more important than that. I should like to correct Senator Fraser because she is leaving the impression that the Friday meeting was well known earlier in the week. That may have been the case for her side of the house, but it was not known by our side until it was too late to change our plans.

Hon. Terry Stratton: Honourable senators, the issue is that not all of us are from the Montreal-Toronto-Ottawa triangle. Some of us travel great distances and have established plans for that travel to our home regions, perhaps to attend events that are previously scheduled. What worries me more than anything about this whole involvement of the process is that it demonstrates that you will not have cooperation from this side. That is the message it conveys regarding other issues. Why would we cooperate? For what purpose would we cooperate on other issues if this is an example of cooperation? What would be the point? What are we talking about here? There is, indeed, a privilege and it is called the privilege of respect for one another. If you want respect, you give respect. You do not march past that respect and ignore it.

The report was tabled in this chamber without the Speaker's ruling having been heard. Is that called respect for this chamber? I do not think so at all. That is akin to marching by respect for every individual in this chamber, and if that is not a point of privilege, then I do not know what is.

Hon. Bill Rompkey: Honourable senators, in an effort to assist in the debate, it might be worthwhile to record some precedents that His Honour may wish to reflect on when making his ruling. I would refer to one example of the Rules Committee meeting and reporting back to the chamber with no opposition members present. At that time, Liberals were the opposition. The Standing Committee on Rules and Orders met on June 4 and 5, 1991 with no Liberal members present to deliberate on amendments to the *Rules of the Senate*. The committee adopted the report on June 5, 1991. This report led to new rules for the Senate.

Senator Balfour stated at the time that the opposition senators chose not to participate in the proceedings. The membership on the Rules Committee on those dates was as follows: eight Conservatives present and no Liberals present. The Conservatives, who were members of that committee and still in the Senate today, are: Senator Di Nino, Senator Robertson, Senator Kinsella and, I understand, Senator Meighen. The meeting of the Rules Committee was at the start of a new session and there were still no Liberals nominated by the Committee of Selection to sit on the Rules Committee. It was an organization meeting and the first proceeding was consideration of amendments to the *Rules of Senate*. The committee continued, although no opposition Liberal members were present.

Senator Corbin's letter asking for an adjournment of the Rules Committee because of the lack of Liberal membership was read into the record, but the letter was ignored. Conservatives gave the following reasons for proceeding with the Rules Committee meeting without Liberal members. Senator Kinsella said that the Senate had established the committee and had given it a mandate to go about its business. Senator Di Nino supported Senator Kinsella's sentiment.

In the same year, on Bill C-6, second reading was moved by Senator Kelleher on June 20, 1991 and the bill was referred to the Standing Senate Committee on Foreign Affairs. The committee met only twice to review Bill C-6. Members of the committee present were the Honourable Senators Bolduc, Di Nino, Kelleher, Kinsella, Murray, Ottenheimer, Castonguay and Lavoie-Roux. No Liberal senators were present.

It is worth reflecting on that when His Honour is making his judgment in light of precedence and how the Senate has operated within the *Rules of the Senate* in the past.

Senator Lynch-Staunton: I remember the first case well. Senator Olson came to a meeting and he was yanked away by the leadership and probably sent into exile. The point is that those meetings were held at well-known, regularly scheduled time slots. That is the difference. In this case, two meetings were held outside the usual time slots without any consultation with all the membership. That is the significant difference.

• (2010)

Senator Kinsella: Honourable senators, someone expressed the other day that in debate it is important to defend your position and to disagree. That is justifiable. However, to be disagreeable is never justifiable.

I do want to underscore a very important distinction. If the reason that His Honour the Speaker does not find a prima facie case of breach of privilege is that the Speaker — as was indicated in the ruling earlier today, which we accept — does not interfere with the business within a committee, that is one thing. However, as Senator Stratton has just pointed out, the critical privilege that has been breached is that there is a long tradition of deliberations on an item not continuing when the legitimacy of the deliberation is under question, to the extent that it is the subject matter of a ruling that will come down from the Speaker.

As I said in my earlier remarks, it is not only the Speaker but also the force of the house behind the Speaker's ruling. At the end of day, the chamber can make that determination because, unlike the House of Commons, it is not simply the Speaker who rules. In the Senate, the Speaker rules, and it can be confirmed one way or the other by the entire chamber.

The breach of privileges was something that happened in a committee, and the Speaker did not want to deal with that. However, something happened in the chamber today that has breached the privilege. There was an item under "Presentation of

Reports from Standing or Special Committees." It was the tabling of a report from the Standing Committee on Rules, Procedures and the Rights of Parliament. That committee was presenting a report on Bill C-34 without amendments.

Honourable senators, that action took place in this chamber. This chamber had fully comprehended that the Speaker of the house was holding his decision in reserve. With the Speaker's ruling being attended, that action in the house clearly broke with all tradition and customs.

It is self-evident that we do not proceed with an item that is subject to a Speaker's ruling. This incident did not occur in the committee. This incident occurred here in the chamber. It occurred with the Speaker in the Chair.

The impact of all of this on our privilege is that we — or, at least, I was operating on the understanding that it has been the practice of this place that we do not proceed with an item when it is taken under advisement for a ruling by the Speaker. That was the situation Thursday afternoon when His Honour the Speaker took this matter in reserve for decision. Honourable senators, based on my experience and my 13 years here in this chamber, that meant that that entire issue was frozen until we knew whether or not it was legitimate. We found out this afternoon from the ruling that it was not legitimate, but we did not know that earlier.

On Thursday afternoon, I heard about a meeting that was to take place the next morning of a committee of which I am an ex officio member. I believed that I could not go to that meeting and that there would not be a meeting because the Speaker had reserved a ruling on it. The point of order is exactly about the legality of that meeting. My privileges, and those of all honourable senators, are such that that meeting could not function because the Speaker had reserved his ruling.

The fruit of that labour comes before us today in the house. The Speaker has a direct say because it is not the situation of something happening in committee, which Speakers hesitate to adjudicate. This has occurred right here in the chamber.

There has been an attempt to table a report on a matter that was under reserve for a ruling. Therefore, clearly there is a prima facie case. There is a substantive and serious case of privileges that it is to be hoped the committee will examine in detail because this is affecting the nature in which the rules are written. It is affecting our tradition and our customs.

We know where the numbers are, but if this place is to operate, we must operate on rules, traditions and practices.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I indicated that I would hear Senator Kinsella last. I believe that I have heard enough, honourable senators, to have a sense of this matter. It has been well argued. I will take under consideration whether there is a prima facie case and report back to the chamber as soon as possible.

[Senator Rompkey]

THE SENATE

MOTION FOR WEDNESDAY
ADJOURNMENTS ADOPTED

Hon. John Lynch-Staunton (Leader of the Opposition), pursuant to notice of October 30, 2003, moved:

That, for the remainder of the current session, when the Senate sits on a Wednesday it do adjourn no later than 4 p.m.;

That, if the business of the Senate has not been completed at 4 p.m., the Speaker shall interrupt the proceedings and the Senate will remain suspended until 8 p.m.; and

That, should a vote be deferred on a Wednesday until 5:30 p.m. the same day, the Speaker shall interrupt the proceedings at 4 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred vote.

He said: Honourable senators, I gave notice of this motion last week. It was agreed to dispose of it with leave that same day, but we did not address it. The point is simply to allow committees to know that on a Wednesday, they can fix the beginning of their hearings at a set hour.

In the part of the motion noting that for the remainder of the current session when the Senate sits on a Wednesday, I have the word "adjourn". It should read, "suspend." I ask leave to change that word.

The motion should thus read:

...it do suspend no later than 4 p.m.;

That, if the business of the Senate has not been completed at 4 p.m., the Speaker shall interrupt the proceedings and the Senate will remain suspended until 8 p.m.;

• (2020)

The committees will know on a Wednesday that if they want to do business and their time slots so allow, that instead of waiting for the Senate to adjourn, they can tell their witnesses and whoever else is interested in the proceedings that at four o'clock at the latest, the committee hearings will begin.

The motion continues:

That, should a vote be deferred on a Wednesday until 5:30 p.m. the same day, the Speaker shall interrupt the proceedings at 4 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred vote.

This motion is to allow committees scheduled to sit on Wednesday afternoon assurance that the hour at which they want to schedule their meetings will be respected.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we support the motion in amendment asking that the Senate suspend its sitting. Would Senator Lynch-Staunton also agree to add, after the words "8 p.m.", the following: "so as to allow the committees to sit?"

There might be some question as to whether or not the committees are allowed to sit when the sitting is suspended. This would clarify matters and allow the committees to sit.

[*English*]

Senator Lynch-Staunton: I agree.

The Hon. the Speaker: Senator Lynch-Staunton has asked that his motion be amended to substitute the word "adjourn" with the word "suspend" and to add after the words 8 p.m. in the second paragraph "so as to allow the committees to sit."

Is it agreed, honourable senators, that changes be made to Senator Lynch-Staunton's motion as he has requested?

Hon. Senators: Agreed.

The Hon. the Speaker: Are we ready for the question?

Senator Lynch-Staunton: I wonder if this question could be taken up by the Rules Committee so that we could come back with a permanent rule for the next session, or after we come back from the Remembrance Day break. I think the Rules Committee should look at this motion.

Hon. Senators: Question!

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

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Sharon Carstairs, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(November 3, 2003)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Public Works and Government Services Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Deputy Prime Minister, Minister of Finance and Minister of Infrastructure
The Hon. Anne McLellan	Minister of Health
The Hon. Allan Rock	Minister of Industry
The Hon. Lucienne Robillard	President of the Treasury Board
The Hon. Martin Cauchon	Minister of Justice and Attorney General of Canada
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. Lyle Vanclief	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Natural Resources
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Elinor Caplan	Minister for National Revenue
The Hon. Denis Coderre	Minister of Citizenship and Immigration
The Hon. Sharon Carstairs	Leader of the Government in the Senate
The Hon. Robert G. Thibault	Minister of Fisheries and Oceans
The Hon. Rey Pagtakhan	Minister of Veterans Affairs and Secretary of State (Science, Research and Development)
The Hon. Susan Whelan	Minister for International Cooperation
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Gerry Byrne	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John McCallum	Minister of National Defence
The Hon. Wayne Easter	Solicitor General of Canada
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. David Kilgour	Secretary of State (Asia-Pacific)
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Maurizio Bevilacqua	Secretary of State (International Financial Institutions)
The Hon. Paul DeVillers	Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons
The Hon. Gar Knutson	Secretary of State (Central and Eastern Europe and Middle East)
The Hon. Denis Paradis	Secretary of State (Latin America and Africa) (Francophonie)
The Hon. Claude Drouin	Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Stephen Owen	Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development)
The Hon. Jean Augustine	Secretary of State (Multiculturalism)(Status of Women)
The Hon. Steve Mahoney	Secretary of State (Selected Crown Corporations)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 3, 2003)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
John Wiebe	Saskatchewan	Swift Current, Sask.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hublely	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Royal, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 3, 2003)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	PC
Angus, W. David	Alma	Montreal, Que.	PC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	PC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	PC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	PC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	PC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	PC
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	PC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	PC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	PC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	PC
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubleby, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	PC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	PC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	PC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	PC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kolber, E. Leo	Victoria	Westmount, Que.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Sauvel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	PC
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgeville, Que.	PC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Royal, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	PC
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauzon	Quebec, Que.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	PC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	PC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	PC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	PC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld. & Lab.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	PC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CA
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	PC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	PC
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	PC
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Lib
Wiebe, John.	Saskatchewan	Swift Current, Sask.	Lib

SENATORS OF CANADA
BY PROVINCE AND TERRITORY

(November 3, 2003)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David P. Smith, P.C.	Cobourg	Toronto
23 Mac Harb	Ontario	Ottawa
24		

 SENATORS BY PROVINCE AND TERRITORY

 QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 E. Leo Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Gérald-A. Beaudoin	Rigaud	Hull
5 John Lynch-Staunton	Grandville	Georgeville
6 Jean-Claude Rivest	Stadacona	Quebec
7 Marcel Prud'homme, P.C.	La Salle	Montreal
8 W. David Angus	Alma	Montreal
9 Pierre Claude Nolin	De Salaberry	Quebec
10 Lise Bacon	De la Durantaye	Laval
11 Céline Hervieux-Payette, P.C.	Bedford	Montreal
12 Shirley Maheu	Rougemont	Ville de Saint-Laurent
13 Lucie Pépin	Shawinigan	Montreal
14 Marisa Ferretti Barth	Repentigny	Pierrefonds
15 Serge Joyal, P.C.	Kennebec	Montreal
16 Joan Thorne Fraser	De Lorimier	Montreal
17 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
18 Yves Morin	Lauzon	Quebec
19 Jean Lapointe	Sauvel	Magog
20 Michel Biron	Milles Isles	Nicolet
21 Raymond Lavigne	Montarville	Verdun
22 Paul J. Massicotte	De Lanaudière	Mont-Royal
23 Madeleine Plamondon	The Laurentides	Shawinigan
24	

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
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THE HONOURABLE

1	Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2	Michael Kirby	South Shore	Halifax
3	Gerald J. Comeau	Nova Scotia	Church Point
4	Donald H. Oliver	Nova Scotia	Halifax
5	John Buchanan, P.C.	Halifax	Halifax
6	J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7	Wilfred P. Moore	Stanhope St./Bluenose	Chester
8	Jane Cordy	Nova Scotia	Dartmouth
9	Gerard A. Phalen	Nova Scotia	Glace Bay
10

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
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THE HONOURABLE

1	Eymard Georges Corbin	Grand-Sault	Grand-Sault
2	Brenda Mary Robertson	Riverview	Shediac
3	Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4	John G. Bryden	New Brunswick	Bayfield
5	Rose-Marie Losier-Cool	Tracadie	Bathurst
6	Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7	Viola Léger	Acadie/New Brunswick	Moncton
8	Joseph A. Day	Saint John-Kennebecasis	Hampton
9	Pierrette Ringuette	New Brunswick	Edmundston
10	Marilyn Trenholme Counsell	New Brunswick	Sackville

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
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THE HONOURABLE

1	Eileen Rossiter	Prince Edward Island	Charlottetown
2	Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3	Elizabeth M. Hubley	Prince Edward Island	Kensington
4	Percy Downe	Charlottetown	Charlottetown

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 Maria Chaput	Manitoba	Sainte-Anne

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer	British Columbia	North Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 John Wiebe	Saskatchewan	Swift Current
6 Pana Merchant	Saskatchewan	Regina

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Thelma J. Chalifoux	Alberta	Morinville
4 Douglas James Roche	Edmonton	Edmonton
5 Tommy Banks	Alberta	Edmonton
6

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Nick G. Sibbeston	Northwest Territories	Fort Simpson
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NUNAVUT—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Willie Adams	Nunavut	Rankin Inlet
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YUKON TERRITORY—1

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Ione Christensen	Yukon Territory.	Whitehorse
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ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of November 3, 2003)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator Chalifoux

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Andreychuk	Chalifoux,	Harb,	Massicotte,
Carney,	Chaput,	Léger,	Stratton,
* Carstairs,	Christensen,	* Lynch-Staunton,	Tkachuk,
(or Robichaud)	Gill,	(or Kinsella)	Weibe.

Original Members as nominated by the Committee of Selection

*Carney, *Carstairs (or Robichaud), Chalifoux, Christensen, Gill, Hubley, Johnson, Léger, *Lynch-Staunton (or Kinsella), Pearson, Sibbeston, St. Germain, Tkachuk.*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Wiebe

Honourable Senators:

* Carstairs,	Fairbairn,	LeBreton,	Ringuette,
(or Robichaud)	Gustafson,	* Lynch-Staunton,	Tkachuk,
Chalifoux,	Hubley,	(or Kinsella)	Wiebe.
Day,	LaPierre,	Oliver,	

Original Members as nominated by the Committee of Selection

**Carstairs (or Robichaud), Chalifoux, Day, Fairbairn, Gustafson, Hubley, LaPierre, Lapointe, LeBreton, *Lynch-Staunton (or Kinsella), Moore, Oliver, Tkachuk, Wiebe.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Kroft

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Angus,	Chaput,	* Lynch-Staunton,	Meighen,
Biron,	Kelleher,	(or Kinsella)	Moore,
* Carstairs,	Kolber,	Mahovlich,	Prud'homme,
(or Robichaud)	Kroft,	Massicotte,	Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, *Carstairs (or Robichaud), Fitzpatrick, Hervieux-Payette, Kelleher, Kolber, Kroft, *Lynch-Staunton (or Kinsella), Meighen, Poulin, Prud'homme, Setlakwe, Taylor, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES
Chair: Honourable Senator Banks**Deputy Chair: Honourable Senator Spivak****Honourable Senators:**

Baker,	Christensen,	Kenny,	Milne,
Banks,	Cochrane,	* Lynch-Staunton,	Spivak,
Buchanan,	Eyton,	(or Kinsella)	Watt.
* Carstairs,	Finnerty,	Merchant,	
(or Robichaud)			

Original Members as nominated by the Committee of Selection

*Baker, Banks, Buchanan, *Carstairs (or Robichaud), Christensen, Cochrane, Eyton, Finnerty, Kenny, *Lynch-Staunton (or Kinsella), Milne, Spivak, Taylor, Watt.*

FISHERIES AND OCEANS**Chair: Honourable Senator Comeau****Deputy Chair: Honourable Senator Cook****Honourable Senators:**

Adams,	Cochrane,	Johnson,	Meighen,
Baker,	Comeau,	* Lynch-Staunton,	Phalen,
* Carstairs,	Cook,	(or Kinsella)	Trenholme-Counsell,
(or Robichaud)	Hubley,	Mahovlich,	Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, *Carstairs (or Robichaud), Cochrane, Comeau, Cook, Hubley, Johnson, *Lynch-Staunton (or Kinsella), Mahovlich, Moore, Phalen, Robertson, Watt*

FOREIGN AFFAIRS**Chair: Honourable Senator Stollery****Deputy Chair: Honourable Senator Di Nino****Honourable Senators:**

Andreychuk,	Corbin,	Grafstein,	* Lynch-Staunton,
Austin,	De Bané,	Graham,	(or Kinsella)
Carney,	Di Nino,	Losier-Cool,	Mahovlich,
* Carstairs,	Eyton		Stollery.
(or Robichaud)			

Original Members as nominated by the Committee of Selection

*Andreychuk, Austin, Bolduc, Carney, *Carstairs (or Robichaud), Corbin, De Bané, Di Nino, Grafstein, Graham, Losier-Cool, *Lynch-Staunton (or Kinsella), Setlakwe, Stollery.*

HUMAN RIGHTS**Chair: Honourable Senator Maheu****Deputy Chair: Honourable Senator Rossiter****Honourable Senators:**

Beaudoin,	Ferretti Barth,	LaPierre,	Maheu,
* Carstairs,	Jaffer,	* Lynch-Staunton,	Rivest,
(or Robichaud)	Joyal,	(or Kinsella)	Rossiter.
Chalifoux,			

Original Members as nominated by the Committee of Selection

*Beaudoin, *Carstairs (or Robichaud), Ferretti Barth, Fraser, Jaffer, LaPierre,
Lynch-Staunton (or Kinsella), Maheu, Poy, Rivest, Rossiter.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION**Chair: Honourable Senator Bacon****Interim Deputy Chair: Honourable Senator Robertson****Honourable Senators:**

Atkins,	* Carstairs,	Gill,	Ringuette,
Austin,	(or Robichaud)	Jaffer,	Robertson,
Bacon,	De Bané,	* Lynch-Staunton,	Robichaud,
Bolduc,	Eyton,	(or Kinsella)	Stratton.
Bryden,	Gauthier,	Poulin,	

Original Members as nominated by the Committee of Selection

*Angus, Atkins, Austin, *Carstairs (or Robichaud), Bacon, Bryden, De Bané, Doody, Eyton, Gauthier,
Gill, Jaffer, Kroft, *Lynch-Staunton (or Kinsella), Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS**Chair: Honourable Senator Furey****Deputy Chair: Honourable Senator Beaudoin****Honourable Senators:**

Andreychuk,	* Carstairs,	Furey,	* Lynch-Staunton,
Baker,	(or Robichaud)	Joyal,	(or Kinsella)
Beaudoin,	Cools,	Kenny,	Nolin,
Bryden,	Downe,		Pearson.
Buchanan,			

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Beaudoin, Bryden, Buchanan, *Carstairs (or Robichaud), Cools, Furey,
Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

LIBRARY OF PARLIAMENT (Joint)
Joint Chair:**Vice-Chair:****Honourable Senators:**

Bolduc, Lapointe, Morin, Poy.
Forrestall,

Original Members agreed to by Motion of the Senate

Bolduc, Forrestall, Lapointe, Morin, Poy.

NATIONAL FINANCE**Chair: Honourable Senator Murray****Deputy Chair: Honourable Senator Day****Honourable Senators:**

Biron, Day, Furey, Mahovlich,
* Carstairs, Doody, Gauthier, Murray,
(or Robichaud) Ferretti Barth, * Lynch-Staunton, Oliver,
Comeau, Finnerty, (or Kinsella) Ringuette.

Original Members as nominated by the Committee of Selection

*Biron, Bolduc, *Carstairs (or Robichaud), Cools, Day, Doody, Eyton, Ferretti Barth, Finnerty, Furey, Gauthier, *Lynch-Staunton (or Kinsella), Mahovlich, Murray.*

NATIONAL SECURITY AND DEFENCE**Chair: Honourable Senator Kenny****Deputy Chair: Honourable Senator Forrestall****Honourable Senators:**

Atkins, Cordy, Kenny, Meighen,
Banks, Day, * Lynch-Staunton, Smith,
* Carstairs, Forrestall, (or Kinsella) Wiebe.
(or Robichaud)

Original Members as nominated by the Committee of Selection

*Atkins, Banks, *Carstairs (or Robichaud), Cordy, Day, Forrestall, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Smith, Wiebe.*

VETERANS AFFAIRS
(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	Day,	* Lynch-Staunton,	Meighen,
* Carstairs,	Kenny,	(or Kinsella)	Wiebe.
(or Robichaud)			

OFFICIAL LANGUAGES

Chair: Honourable Senator Losier-Cool

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Beaudoin,	Comeau,	Lapointe,	* Lynch-Staunton,
* Carstairs,	Gauthier,	Léger,	(or Kinsella)
(or Robichaud)	Keon,	Losier-Cool,	Maheu.
Chaput,			

Original Members agreed to by Motion of the Senate

*Beaudoin, *Carstairs (or Robichaud), Comeau, Ferretti Barth, Gauthier, Keon, Lapointe, Léger, Losier-Cool, *Lynch-Staunton (or Kinsella), Maheu.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Milne

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	Downe,	* Lynch-Staunton,	Rompkey,
* Carstairs,	Fraser,	(or Kinsella)	Robichaud,
(or Robichaud)	Grafstein,	Milne,	Smith,
Cordy,	Hubley,	Murray,	Stratton.
Di Nino,	Joyal,	Ringuette,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, *Carstairs (or Robichaud), Di Nino, Grafstein, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Pépin, Pitfield, Robertson, Rompkey, Smith, Stratton, Wiebe.*

SCRUTINY OF REGULATIONS (Joint)
Joint Chair: Honourable Hervieux-Payette**Vice-Chair:****Honourable Senators:**

Biron, Harb,	Hervieux-Payette, Kelleher,	Moore,	Nolin.
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*Original Members as agreed to by Motion of the Senate**Biron, Hervieux-Payette, Hubley, Kelleher, Moore, Nolin, Phalen.*

SELECTION
Chair: Honourable Senator Rompkey**Deputy Chair: Honourable Senator Stratton****Honourable Senators:**

Biron, * Carstairs, (or Robichaud)	De Bané, Fairbairn, Kinsella,	Kolber, LeBreton, * Lynch-Staunton, (or Kinsella)	Rompkey, Stratton, Tkachuk.
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*Original Members agreed to by Motion of the Senate**Bacon, *Carstairs, (or Robichaud), De Bané, Fairbairn, Kinsella, Kolber, LeBreton, *Lynch-Staunton, (or Kinsella), Rompkey, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY
Chair: Honourable Senator Kirby**Deputy Chair: Honourable Senator LeBreton****Honourable Senators:**

Callbeck, * Carstairs, (or Robichaud) Cordy,	Fairbairn, Keon, Kirby, LeBreton,	Léger, * Lynch-Staunton, (or Kinsella) Morin,	Robertson, Roche, Rossiter, Trenholme-Counsell.
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*Original Members as nominated by the Committee of Selection**Callbeck *Carstairs (or Robichaud), Cook, Cordy, Di Nino Fairbairn, Keon, Kirby, LeBreton, *Lynch-Staunton (or Kinsella), Morin, Pépin, Robertson, Roche.*

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Fraser****Deputy Chair: Honourable Senator Gustafson****Honourable Senators:**

Adams,	Day,	Gustafson,	Merchant,
* Carstairs,	Eyton,	Johnson,	Phalen,
(or Robichaud)	Fraser,	LaPierre,	Spivak.
Corbin,	Graham,	* Lynch-Staunton,	
		(or Kinsella)	

Original Members as nominated by the Committee of Selection

*Adams, Biron, Callbeck, *Carstairs (or Robichaud), Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre, *Lynch-Staunton (or Kinsella), Phalen, Spivak.*

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		Hon. Noël A. Kinsella	2494
Holocaust Memorial Day Bill (Bill C-459)			
Consideration in Committee of the Whole.		Question of Privilege	
Senator Corbin	2480	The Hon. the Speaker	2495
Senator Lynch-Staunton	2481	Hon. Noël A. Kinsella	2495
Senator Mahovlich	2481	Hon. Fernand Robichaud	2496
Senator Stratton	2481	Hon. John Lynch-Staunton	2496
Senator Fraser	2481	Hon. Lorna Milne	2496
Senator Beaudoin	2481	Hon. A. Raynell Andreychuk	2496
Senator Nolin	2482	Hon. Joan Fraser	2497
Senator Milne	2482	Hon. Terry Stratton	2497
Senator Prud'homme	2482	Hon. Bill Rompkey	2497
Senator Lynch-Staunton	2482		
The Hon. the Speaker	2482	The Senate	
Report of the Committee of the Whole.		Motion for Wednesday Adjournments Adopted.	
Hon. Lucie Pépin	2482	Hon. John Lynch-Staunton	2499
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Hon. Marcel Prud'homme	2482		
Hon. Pierre Claude Nolin	2482	Appendix	i



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