CANADA

# Debates of the Senate

3rd SESSION • 37th PARLIAMENT • VOLUME 141 • NUMBER 18

**OFFICIAL REPORT**
**(HANSARD)**

## Tuesday, March 9, 2004

**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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*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from Communication Canada – Canadian Government Publishing, Ottawa, Ontario K1A 0S9.
**Also available on the Internet: http://www.parl.gc.ca**

# THE SENATE

**Tuesday, March 9, 2004**

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

Prayers.

## HIS EXCELLENCY KOFI ANNAN SECRETARY-GENERAL OF THE UNITED NATIONS

ADDRESS TO SENATE AND HOUSE OF COMMONS PRINTED AS APPENDIX

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I move, seconded by the Honourable Senator Lynch-Staunton:

> Pursuant to rule 59 (18), that the address of His Excellency Kofi Annan, Secretary-General of the United Nations, delivered to Members of both Houses of Parliament earlier this day, together with the introductory speech by the Right Honourable Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an appendix to the *Debates of the Senate* of this day.

**Hon. Senators:** Hear, hear.

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

**Hon. Senators:** Agreed.

Motion agreed to.

(*For text of Speeches, see Appendix, p. 479.*)

# SENATORS' STATEMENTS

## UNITED CHURCH BEADS OF HOPE CAMPAIGN

**Hon. Joan Cook:** Honourable senators, in December of 2002, the United Church of Canada launched the Beads of Hope Campaign in response to the HIV/AIDS global pandemic. The goals were to raise $1 million over a two-year period, to increase awareness throughout the church and to take action to improve policies that impact on people living with HIV/AIDS.

The campaign was initiated, in large part, as a response to the call from global partners, particularly in Africa, to join them in their efforts to address HIV/AIDS and the impact it is having on their countries, their communities and their families.

More than 20 million people have died of AIDS-related illness worldwide, and in 2002, 40 million people were infected with HIV. It is important to note that 95 per cent of all infections are in the global south, and 14 million orphans have been created by AIDS-related deaths. This number is expected to more than double by the year 2010.

On March 14, 15 members of the United Church Women from across Canada will be travelling to Zambia to participate in a Women's Educational Visit. They will learn first hand of the impact of HIV and AIDS on individuals, churches and communities there. They will be exposed to some of the programs that the United Church of Canada's global partners are developing to meet the crisis.

Honourable senators, the moderator of the United Church of Canada, the Right Reverend Peter Short, is in Ottawa today to present the 30,000 signatures on the Beads of Hope Petition. Four goals of the petition call for the Canadian government to cancel the burden of debt owed by developing countries; to increase foreign aid; to ensure that patents or trade-related intellectual property rights do not block access to life-saving medicines; and to double the funding to the Canadian Strategy on HIV/AIDS.

The United Church of Canada is in partnership with councils of churches, denominations and non-governmental agencies in more than 40 countries around the world. Their activities reflect a growing sense of urgency and optimism that, by working together in partnership, we can help to overcome this pandemic.

Honourable senators, I lend my support to the efforts of my faith community, the United Church of Canada.

## UNITED NATIONS

INTERNATIONAL COURT OF JUSTICE—REQUEST FOR OPINION ON WALL CONSTRUCTED BY ISRAEL

**Hon. David Tkachuk:** Honourable senators, the International Court of Justice in The Hague has ended its public hearings into the legality of the Israeli West Bank security barrier. The hearings emerge from a request by the United Nations General Assembly for an advisory opinion on "the legal consequences arising from the construction of the wall."

It may take up to several months for a decision to be delivered, but I fear that the damage to the International Court of Justice has already been done, and that it has been politicized. The atmosphere surrounding the hearings has accurately been described as "a circus." In this environment, any decisions from the court will be used merely as a public relations ploy and nothing more.

In my view, the International Court of Justice should never have agreed to take this case. The UN General Assembly resolution — referring to Israel as the "occupying power" and the wall as being built on "occupied Palestinian territory" — was phrased in purely political terms, and the request for an advisory opinion could have been declined on that basis alone. By proceeding with this case, the court has backed itself into a corner.

The State of Israel has made it clear that it does not recognize the International Court's jurisdiction in matters that affect its own domestic security. Decisions rendered by the International Court are non-binding upon either party. We must ask ourselves: What good has any of this brought if, from the very beginning, everyone involved in the hearing acknowledged that the involvement of the court had no ultimate bearing on whether the barrier stands or falls?

It has been assumed in the media that any pronouncement from the International Court of Justice on the legality of the barrier may be considered a victory for the Palestinians, even if the court chooses not to make a recommendation to the United Nations. Israel's decision to not involve itself with the hearings has already been characterized as an admission of guilt by the Palestinian leadership. The International Court of Justice will undermine its own integrity and legitimacy even further if it issues an opinion. It will provide more fodder for the groups related to the proceedings to seek media attention instead of dealing with the situation in an appropriate venue.

The Canadian government has said that it objects to the politicization of the International Court of Justice in this matter. However, Canada, once it had already joined other countries in calling for the court to stop its hearings, should not have given any notice to the subsequent proceedings. Instead, the government submitted a two-page written statement that only served to illustrate how murky our position really is.

Honourable senators, any notice or decision on this issue rendered from the International Court of Justice drags the court into places it should never go if it wishes to remain above the fray and not fall into disrepute. I am greatly saddened that the International Court of Justice chose to do grave harm to its reputation by taking on a highly political issue disguised in legal terminology.

[*Translation*]

## INTERNATIONAL WOMEN'S DAY

**Hon. Lucie Pépin:** Honourable senators, like other women all over the world, yesterday, March 8, we celebrated International Women's Day. On this occasion, Canadian women reminded us that, while the notion of equality is often included in our laws and values, a lot remains to be done to achieve full equality.

This year's theme is "She's on a Role!" My political action and activism has always been stimulated by the tenacity of women that I have met. This is still the case today. The determination of the spouses and wives of Canadian Forces members is a major source of inspiration for me.

These women did not enrol in the army, but their lives are largely conditioned by the military environment. We do not talk much about these women in "invisible uniforms," but they are there, standing proud and supporting their spouses. One really has to meet these women to realize what they do.

• (1410)

During this week dedicated to women, I want to assure them once again of my full support and total admiration. Their courage, their sense of sacrifice and their patriotism are eternal wellsprings of inspiration for many Canadian women and men.

The lives of these women are determined by their military husbands' work. These valiant women live in unique conditions, which often cause serious professional and personal worries. The prolonged absences, the timing and location of transfers, and the workload of the military spouse have direct effects on their daily lives. For these reasons, most of them have difficulty working steadily in a career. They often must quit work in order to maintain their relationship as a couple and the stability of the family.

In many cases, the amount of travel inherent in military life means that they are alone with many heavy responsibilities, such as bringing up the children. Many of the women I met made it clear to me that these frequent missions were not without an impact on their life as a couple. Every time their husbands are deployed, these unsung heroines live with the stress and anguish that they might not see them come home from the mission.

Solitude and isolation are shared widely by military wives. The separation from friends and family, who often live at some distance, leaves them feeling down, especially when their military partners are absent for lengthy periods.

The life of a soldier's wife is full of challenges that I could not list in full. Still, despite all these difficulties, they are the first to say how proud they are to share their lives with members of the military. All they ask is that we support them.

I invite the honourable senators to continue to support the unstinting efforts of the military hierarchy to reduce tension and heartbreak within military families. That is the best kind of support we can give these dynamic women.

[*Later*]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, International Women's Day recognizes that half of our society without whom we would simply not exist. Celebrations marking this day were held yesterday on March 8.

As Senator Pépin just noted, the theme of International Women's Day 2004 is "She's on a Role" I want to present some of my sisters here and elsewhere who have been a source of inspiration to me.

Aldéa Landry, a lawyer and the first female Acadian member of cabinet, President of the provincial Liberal Party and the New Brunswick branch of the Canadian Bar Association; Mother Jeanne de Valois, whose maiden name was Bella Léger, the founder, in 1948, of the first classical college for young women in Acadia, Collège Notre-Dame d'Acadie in Moncton; Katherine McNaughton, who received the first honoris causa doctorate at the University of New Brunswick, in recognition of her career as an educator and educational historian; my compatriot and colleague Muriel McQueen Fergusson, the first woman from Atlantic Canada to become a senator and the first woman to be

Speaker of the Senate; Meriem Bela'ala, chair of SOS Femmes en détresse, an Algerian organization fighting for women's rights in that country whose centre opened an additional 40 spots yesterday; my two granddaughters, Céline and Clara-Rose whose intelligence and thirst for life point to a bright future that I pledge to provide; and my colleague and friend from Burkina Faso, Viviane Compaoré, Chair of the Réseau des femmes of the Assemblée parlementaire de la Francophonie.

This network was created in 2002 to provide francophone women parliamentarians from around the world with a forum in which to make known their opinions on all the issues debated by the APF. I have the great honour to be vice chair of this association. Our executive committee will meet at the end of March in Marrakech.

[*English*]

### CANADIAN DIABETES ASSOCIATION ADVOCACY LEADERSHIP FORUM

**Hon. Norman K. Atkins:** Honourable senators, over this past weekend, Canadian Diabetes Association staff and volunteers from across the country gathered in Ottawa to share information and expertise.

The association's Advocacy Leadership Forum began on Saturday evening with a dinner to honour and celebrate the tremendous commitment and talent of the staff and volunteer advocates, as they speak on behalf of the nearly 2 million Canadians living with diabetes. Sunday was spent in a series of workshops to hone their advocacy skills and share their experiences and challenges. The forum's grand finale was a parliamentary reception, a rare opportunity for the forum participants to meet and talk to members of Parliament.

Honourable senators, if you are not living with diabetes, it is very likely that you know someone who is. I know firsthand what this disease is all about because, unfortunately, I am one of its victims. Currently, one in 13 Canadians lives with diabetes and that figure will continue to rise. Canada's population is aging. We have increased immigration from populations at higher risk for type 2 diabetes. As well, our Aboriginal population is growing and they are also at higher risk. Canada has an increasing prevalence of obesity and inactivity. I suggest also that our large population of baby boomers, in particular, are at an age when they are becoming increasingly vulnerable. I would not hesitate to suggest that the statistics for Canadians with this disease might become much higher, perhaps one in 10, in the near future.

It is troubling to know that type 2 diabetes, once referred to as adult onset diabetes, is now being diagnosed in Canadian youth and children, and that it is at an epidemic level in Aboriginal communities across the country. Today, nearly 2 million Canadians have diabetes. The recent lowering of the age of risk from 45 to 40 years means that 2.5 million more Canadians are now considered at risk.

The economic cost of diabetes impacts all Canadians. First and foremost, managing diabetes and its complications places a tremendous financial burden on individuals living with the chronic disease. The cost of blood glucose test strips alone could cost an individual up to $2,200 per year.

Diabetes and its complications, including heart disease and stroke, kidney failure requiring dialysis, vision loss or blindness, and amputations due to nerve damage, cost the Canadian health care system an estimated $13.2 billion in 2002. Incidentally, that is more than our total budget for defence. The cost is forecast to escalate to $15.6 billion by 2010.

Undoubtedly, diabetes is a major public health issue in Canada today. For that reason, events such as this forum, which allows diabetes advocates from across the country access to parliamentary representatives, are extremely important and will continue to be important.

Dr. Banting and Dr. Best, two great Canadians, have saved millions of lives through their discovery of insulin. However, it is important to understand that medical scientists around the world are continuing to work to find a cure for this dreadful disease. Let us hope that they are successful.

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## ROUTINE PROCEEDINGS

### ASSISTED HUMAN REPRODUCTION BILL

REPORT OF COMMITTEE

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

Tuesday, March 9, 2004

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

SECOND REPORT

Your Committee, to which was referred Bill C-6, respecting assisted human reproduction and related research, has, in obedience to the Order of Reference of Friday, February 13, 2004, examined the said Bill and now reports the same without amendment.

Your Committee appends to this report certain observations on the Bill.

Respectfully submitted,

JANE CORDY
*For the Chair*

(*For text of observations, see today's* Debates of the Senate, *Appendix B, p. 486*.)

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

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

• (1420)

[*Translation*]

## LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE PRESENTED

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

Tuesday, March 9, 2004

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

FIRST REPORT

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

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

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

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

Respectfully submitted,

YVES MORIN
*Joint Chair*

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

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

## OFFICIAL LANGUAGES ACT

BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Maria Chaput,** Chair of the Standing Senate Committee on Official Languages, presented the following report:

Tuesday, March 9, 2004

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

THIRD REPORT

Your Committee, to which was referred Bill S-4, to amend the Official Languages Act (promotion of English and French), has, in obedience to the Order of Reference of Thursday, February 26, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MARIA CHAPUT
*Chair*

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

**Hon. Jean-Robert Gauthier:** Honourable senators, I move that Bill S-4 be read the third time later this day.

[*English*]

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

**Senator Gauthier**: Honourable senators, with leave, later this day.

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

**Senator Lynch-Staunton:** No.

**The Hon. the Speaker:** Leave is not granted.

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

[*Translation*]

## CRIMINAL CODE

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-22, to amend the Criminal Code (cruelty to animals).

Bill read first time.

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

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

[*English*]

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

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

## QUEEN'S THEOLOGICAL COLLEGE

### PRIVATE BILL TO AMEND ACT OF INCORPORATION— PRESENTATION OF PETITION

**Hon. Lowell Murray:** Honourable senators, I have the honour to present the petition from Queen's Theological College in the City of Kingston, Province of Ontario, praying for the passage of an act to amend its act of incorporation in order to effect certain changes in the composition and role of the Board of Management of Queen's Theological College; to change the representation of the college at the Senate of Queen's University at Kingston; and to make such other technical or incidental changes to the act as may be appropriate.

[*Translation*]

## OFFICIAL LANGUAGES

### BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

**Hon. Jean-Claude Rivest:** Honourable senators, pursuant to rule 4(h), I have the honour to table petitions signed by another 85 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

> That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;
>
> That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of government of Canada;
>
> That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely English or French;
>
> That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.
>
> Therefore, your petitioners call upon Parliament to affirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[*English*]

## NUNAVIK

### COST OF LIVING—DISCRIMINATORY TAX SYSTEM— PRESENTATION OF PETITION

**Hon. Charlie Watt:** Honourable senators, I have the honour to present the petition of 127 households from the northern Municipality of Salluit, Nunavik.

The petitioners pray and request that the Senate of Canada consider the following points:

> That the villages of Nunavik are isolated northern communities with no road access to the goods and services paid for by taxpayers and readily available throughout southern Canada;
>
> That the costs of living in Nunavik northern villages varies from a low of 150 per cent to a high of over 200 per cent of the cost of living in southern Canada, the average being 182 per cent of the cost of living in southern Canada;
>
> That the highest cost of living in Nunavik and the filing of income tax returns, which are not available in the Inuit language, is therefore a burden on those individuals;
>
> That the residents of Nunavik who do not file are hereby deprived of significant sums of money in refunds to which they are entitled;
>
> That the above conditions give rise to legitimate grievances and fuel discontent among the residents of Nunavik;
>
> That equality before the law requires more than treating people in the same way, but requires people to be given equal access and opportunities;
>
> Therefore, your petitioners pray that the Senate:
>
> a) Study the grievances set out in this petition, the current systemic discriminations against them in the tax system and all other related matters that may seem to fit it, with a view to recommending measures that could be taken to promote the fair treatment and economic well-being of the residents of Nunavik; and,
>
> b) urge the Government of Canada to respond to these grievances without delay.

• (1430)

# QUESTION PERIOD

## NATIONAL DEFENCE

### CORPORAL TRAINING PROGRAM—PER DIEM RATE

**Hon. Michael A. Meighen:** Honourable senators, as anyone who reads the newspapers now knows the generosity of this Liberal government knows no bounds, particularly when it comes to distributing taxpayers hard earned money amongst their friends, yet that same government's stinginess is legendary when it comes to parting with money for the men and women of our Armed Forces who put their lives on the line for this country.

Just how stingy was evident this week when it was reported that in 2002, the government sent 10 corporals on a training course that included a $50 per diem for each of them. Upon reflection though, the government subsidy decided that the amount was far too much and reduced the per diem to $17.50.

The corporals who were on this course, lucky people, now owe the government an average of $2200 each and, according to newspaper reports, the government official rationalized the deduction by saying "DND is not a benefits smorgasbord and if military members desire to be treated as civilians, then there are options available."

The Minister of Defence has promised once again to look into this unsatisfactory situation and to try to arrive at a satisfactory conclusion for the 10 corporals.

Is it government policy to treat soldiers on courses differently than civilians? If not, why was the per diem for two civilians who also went on the course not clawed back as well? What are the Treasury Board guidelines on this?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, let me begin the answer by sharing a secret with you that is known of course to senators from British Columbia, Senator St. Germain, Senator Carney and Senator Lawson, and that is that the cost of living in British Columbia is quite high and it is not surprising that an official in DND who is not familiar with British Columbia took steps that are not appropriate to the cost structure of the visit of those military people to British Columbia. I am happy to advise Senator Meighen that I am on the file and pressing for reality in these circumstances.

### PER DIEM RATE FOR SENIOR OFFICERS

**Hon. Michael A. Meighen:** Honourable senators, I thank the Leader of the Government for that answer. I hope it will come with the same speed as the answer to my previous question that has been outstanding for one month now, but I am sure it will.

On a supplementary matter, what are the Treasury Board guidelines regarding per diems for those of the rank of colonel and above? Is there a distinction as there was in the case of Major Henwood, which was subsequently rectified?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would have to take the specific question as notice as Senator Meighen might imagine. I do not have the per diem, with respect to senior officers of military, right at hand, but I will provide it with the usual promptness.

## CROWN CORPORATIONS

### APPLICATION OF WHISTLE-BLOWING LEGISLATION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators will recall that the Senate has done pioneering work in the field of whistle-blowing and that, unfortunately the government has not followed the advice of this honourable house in that matter. If it had, of course, part of the culture of corruption that we are now witnessing might have come to the fore more appropriately and therefore dealt with more appropriately.

The President of the Treasury Board, however, has promised, and I welcome his promise, to draft whistle-blowing protection by the end of this month. My question to the Leader of the Government in the Senate is: Can the government assure this house that this legislation that the government is drafting will apply to Crown corporations so that whistle-blowers like Myriam Bédard will be protected, no matter where they work in the Government of Canada?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, first, I want to acknowledge the pioneering work that Senator Kinsella has done in the field of whistle-blowing. He is quite right in my opinion, that this legislation is past due and the circumstances that are now being experienced demonstrate that. With respect to his specific question, I will look into the matter. I am a bit surprised that it is a question, but Senator Kinsella is quite familiar with these issues and therefore I will take it seriously and inquire whether there is any possibility of exception and what the basis for it would be with respect to Crown corporations.

## THE SENATE

### WHISTLE-BLOWING LEGISLATION— REQUEST FOR PRE-STUDY

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** This leads to a natural supplementary question, honourable senators. We know how legislation is developed and, if introduced first in the other place, we know how challenging it is for this house to bring it forward and have amendments made to the legislation. Even though it is really in the public interest of the country and has been a matter before this house, and the other place, through private members bills, would the government agree that when the President of the Treasury Board introduces his legislation that we would undertake a pre-study of that bill so that the areas of coverage, such as Crown corporations, might be able to influence in a more direct way the work of the other place in their committee, if they see what the Senate is saying about the bill, which is one the great features of the pre-study mechanism?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator Kinsella asked this question of me on February 18 when I delivered my speech in reply to the Speech from the Throne and I said at that time that I was quite interested in the idea. I am and I will continue to advance that particular cause because I believe this is a unique situation in which pre-study would greatly affect the knowledge of this chamber and, therefore, the capacity of it to make an early impact.

I cannot give an undertaking at this time, but I will be very happy to process this proposal.

## ROYAL CANADIAN MOUNTED POLICE

### APPLICATION OF WHISTLE-BLOWING LEGISLATION

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, on a minor supplementary question, in January, the Royal Canadian Mounted Police rejected an external report exonerating an officer who blew the whistle when told to stop investigating corruption at Canada's High Commission in Hong Kong. This raises the obvious question, as to whether the government will include whistle-blowing legislation such that it will apply to the Royal Canadian Mounted Police.

The other area that we would like to have a government commitment on regards those who have had their careers ruined by retaliation, because there was no whistle-blowing protection. I am thinking, for example, of Adam Cotler who blew the whistle on ad scam back in 1996, and his career was ruined. So will the government undertake that the whistle-blowing policy and the legislation include restitution for those whose careers were shattered for blowing the whistle on corruption and wrongdoing?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, again that Senator Kinsella is posing a very interesting issue and obviously it will need to be considered.

• (1440)

## PARLIAMENT

### GOVERNMENT ABUSE OF POWER

**Hon. Gerry St. Germain:** Honourable senators, my question is also to the Leader of the Government in the Senate. As Senator Kinsella pointed out, there is concern in the country about the culture of corruption here in Ottawa, but I find that the abuse of power at the highest office in the land is what really concerns Canadians. It scares the heck out of Canadians to hear about the activities of the people in the PMO, whether it be Jean Chrétien, Jean Pelletier, Eddie Goldenberg, or Jean Carle and Michel Vennat at the FBDB — I cannot name them all, although I am not protecting anyone. Let us lay the cards on the table in the way that they are.

I think that Diane Francis encapsulated the entire situation perfectly in her article on the attack on François Beaudoin. We have Stevie Cameron coming out of the woodwork. What was she working towards: her Order of Canada, a GIC appointment, a Senate appointment or a top civil service job?

Canadians are concerned that there are no checks and balances in the use and abuse of power. We could have the misuse of power at Revenue Canada, CSIS and the RCMP. There are allegations that the RCMP were involved with Stevie Cameron. What checks and balances are in place so that you folks on the other side could not decide to pick on, let us say, Kinsella or St. Germain, just because St. Germain asks aggressive questions? You could say, "We will fix that sucker. We will have Revenue Canada reassess his books. We will have CSIS and the RCMP investigate him and his buddies." What protection do Canadians really have?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I think Senator St. Germain had a bad lunch.

**Senator St. Germain:** I think Canadians have had a bad 10 years! They have had 10 years of corruption, abuse of power and a horrific situation to deal with today. As we write our cheques for income tax in 30 days or so, we wonder what this money is paying for. More ad scams, more scams, more abuse of power? How much did British Columbia get from these last programs? They got nothing, and 80 per cent went somewhere else. Why is the leader not standing up and protecting British Columbia instead of making glib responses to me in regard to these areas of great concern?

**Senator Austin:** Honourable senators, I think if I had been associated with a sponsorship program, which I have not, Senator St. Germain would be treating me as if I were in the know on some aspect, and the speech would be equally exciting but equally wrong.

I deplore one thing, Senator St. Germain, and that is that, with your vigour, your energy, your passion and your bilingualism, you are not a candidate for the leadership of your party, because there is more colour and excitement in your questions than anything I have seen in the combined campaigns of the three candidates who are presently running for the leadership of your party.

**Senator St. Germain:** Flattery will get you nowhere. I am glad you recognize the talents of this side, because I am at the bottom of the totem pole. These people are much more qualified. I can tell you that whoever we choose, I must remain here to keep this place in check. Whoever we choose, beware. We will be the power next time around, after the election.

**Senator Austin:** I want to say, however, do not take the people of Canada for granted.

**Senator St. Germain:** We are not doing that.

## JUSTICE

### UNITED STATES— PROBLEM OF SMUGGLING HAND GUNS

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I have a question for the Leader of the Government in the Senate. Last week, a delegation of senators and members of the House of Commons met with Mayor Miller and Police Chief Fantino in Toronto to discuss an outburst of guns and gangs in Toronto that has led to some very violent deaths in recent weeks, and it is escalating. The Chief of Police brought to our attention a very startling statistic. He said that, according to his information, 50 per cent of the handguns on the streets of Toronto were imported or smuggled in from the United States. The police chief felt that this was a serious problem. The information surprised the mayor as well. He was unaware of it.

Perhaps the leader of the government could bring this issue to the attention of cabinet or the responsible ministers, and let us know if, first, cabinet is in possession of this information and second, if not, what, if anything, the cabinet will do as a result of this serious situation.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I certainly will raise Senator Grafstein's question with the Deputy Prime Minister and with the Minister for Public Security.

## TREASURY BOARD

### PROGRAMS TO PROMOTE VISIBLE MINORITIES

**Hon. Donald H. Oliver:** Honourable senators, my question is for the Leader of the Government in the Senate. The Honourable Denis Coderre, President of the Queen's Privy Council for Canada and Minister responsible for the Public Service Human Resources Management Agency of Canada, tabled today the eleventh annual report on employment equity in the federal public service. In a news release, we read that the latest figures contained in the 2002-03 annual report show improved representation among all designated groups in Canada's public service — women, Aboriginal peoples, persons with disabilities and visible minorities — and that representation by the first three groups in the public service exceeds their labour market availability. The Leader of the Government in the Senate will note the absence of the fourth group, namely, visible minorities.

Before our break, I asked a question of the Leader of the Government in the Senate about barriers to the advancement of visible minorities in the Public Service of Canada. I raised questions about the study called Embracing Change and the One in Five Initiative, and I raised questions about why visible minorities, being one of the four target groups requiring special measures in order to achieve equality, did not have a secretariat established in the PCO by this government.

Now that the leader of the government has had an opportunity to reflect on these important questions, I would be grateful if he would advise this chamber what specific initiatives are in place, and are taking place, to remove the systemic barriers to the advancement of visible minorities to the executive ranks of the Public Service of Canada?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I recall the question. I have requested a response from the Privy Council Office, which I have not yet received. I will request it again. This will be the third request from me in this regard. I am still not able to give a substantive response to Senator Oliver.

## THE SENATE

### PROGRAM TO PROMOTE VISIBLE MINORITIES

**Hon. Consiglio Di Nino:** Honourable senators, a few weeks ago, I asked the Leader of the Government in the Senate to see if he could provide to us a report on the progress that this body, the Senate of Canada, has made on the same subject, and I am still awaiting that report. I wonder if he could shed some light on where that report is currently, or how much longer we must wait.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I must reply to Senator Di Nino as I did to Senator Oliver that, when questions reflecting current policy or developing policy are asked of me in relation to departments for which I have no responsibility, I need to request those departments to respond to me. It takes more time than either Senator Oliver or Senator Di Nino may appreciate for the Privy Council Office, which is a coordinating office, to contact other departments, to gather together in committee discussion and to prepare an answer. I assure you that my office is pressing, and I have a very considerable disinclination to allow questions from this chamber to pile up and not be answered. I do seek the answers.

**Senator Di Nino:** Honourable senators, we are talking about our own institution. Such questions should not be difficult to answer. Perhaps I should be asking the question of the Chair of the Internal Economy Committee, to see if we are compiling such information and to see if this body, the Senate, will be receiving that report in the near future.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—GRANT TO BLUENOSE II FOUNDATION

**Hon. Gerald J. Comeau:** Honourable senators, my question is for the minister. Documents released by the Department of Public Works relating to the sponsorship scandal show that $2.3 million was directed to the *Bluenose II* project over six years ago, yet the *Bluenose II* preservation trust says that it never received that much money. Now the government is withholding funds from Lafleur Communications and has launched a civil suit to recover the funds.

I have three questions for the minister: First, why did it take six years to discover that money intended for the *Bluenose* was never received? Second, why was there no follow-up by government on a grant of over $2 million to ensure that the money was, in fact, received by the *Bluenose* society? Third, when does the government expect the *Bluenose* to get the $2.3 million that was committed to it?

• (1450)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I am sure the honourable senator knows that the Minister of Public Works in the other place, Stephen Owen, advised that chamber that he had only heard of this matter for the first time on the weekend, and he is now diligently pushing his officials to get the answers to these questions. I hope they will diligently respond, and I look forward to the entire story being known in the near future, as does the honourable senator.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—EXAMINATION OF IMPROPRIETIES

**Hon. Gerald J. Comeau:** Honourable senators, as a supplementary, what seems to be happening on a regular basis is that news of these things comes out piecemeal. We pick at a scab or a piece of rot and find out that there is more rot underneath. Should we not be looking at each of these sponsorship funding schemes to find out how much was diverted from worthwhile projects? I agree that the *Bluenose* project was worthwhile, but how much was diverted, and how many other projects such as the *Bluenose* are out there?

With that in mind, would the government leader in the Senate indicate whether we will conduct a more comprehensive study of all of these sponsorship programs across the board to find out just how deep this rot goes?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, as we all know, the Public Accounts Committee in the other place has a mandate to study the sponsorship program in all its glory, and it can pursue these questions. Should the Auditor General wish to conduct a further examination, she has the power to do that under her existing statute.

The question, certainly, with respect to the *Bluenose* and how many other programs are out there is something that we will only learn day by day as people come forward with information and concerns, or we will learn it through all of these investigations. The purpose of the government is clear, and that is to put the entire sponsorship issue out in public view as soon as possible.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—GRANT TO WINNIPEG PAN AM GAMES

**Hon. Terry Stratton:** Honourable senators, the sponsorship files on the Department of Public Works Web site show that the Winnipeg Pan Am Games received $2.3 million. Yesterday, in the other place, it was revealed that executives of the games say that they only received $640,000.

Can the Leader of the Government tell us who took the money that was to go to the Pan Am Games?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I obviously cannot, and know nothing of it personally, but the process in place exists to determine in that particular circumstance exactly what happened.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—ATTENDANCE OF REPRESENTATIVES OF GROUPACTION AT CABINET COMMUNICATIONS COMMITTEE MEETING

**Hon. Terry Stratton:** Honourable senators, *The Globe and Mail* reports today that Groupaction Marketing was invited into a cabinet committee meeting on communications in 1998. Can the Leader of the Government tell us why the government did not release the cabinet documents dealing with this meeting at the time when other cabinet documents on the sponsorship program were given to the Public Accounts Committee?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, my understanding is that the initial classification of that meeting related to a program or programs concerning advertising and not concerning the sponsorship program. If it appears relevant, whatever information the Public Accounts Committee requires with respect to that meeting will be available.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—PUBLICITY SURROUNDING GRANTS

**Hon. David Tkachuk:** Honourable senators, most of us have been in politics a long time. I find the *Bluenose* and the Pan Am Games incidents all rather interesting because, in most cases, most members of Parliament know exactly what benefits have accrued to organizations within their riding. That is well publicized. They write about it in their news magazine to all their members and their householders. They would know how much money is being given to, for example, the *Bluenose* foundation so that they can brag about it in their local riding. Suddenly, we are hearing about funding being given for community projects that no one knows anything about. Neither the member of Parliament, the cabinet minister, the Leader of the Government in this place nor the local senator know anything about that funding. I find that a stretch, honourable senators, that no one knows about a grant that is given to a member. It is an insult for the Leader of the Government to come here and tell us that neither the government nor the member of Parliament knew anything about this funding; that no one figured this out in all the five to nine years during which these grants have been distributed. I cannot believe that the minister can stand here day after day and say that neither he, the minister, the member of Parliament nor the senator know anything about this funding. Frankly, I do not believe the minister, and no one in Canada should believe that none of us nor any members of the government knew anything. I am surprised at that. I do not think the minister can get away with answering questions in that fashion.

**Hon. Jack Austin (Leader of the Government):** Honourable senators — clearly, the honourable senator did not have a good lunch. What is evident is that when people are determined not to disclose their activities they can, for a period of time, ensure that those activities are not disclosed.

While Senator Tkachuk was asking his questions, the question running through my mind was what did Premier Devine know with respect to events in Saskatchewan? I warrant he did not know very much, or anything at all. What is the difference?

**Senator Tkachuk:** The difference is that 16 members of the legislative assembly were charged with a criminal offence, some of whom were convicted and went to jail, and Grant Devine lost the provincial election in 1991, which is exactly what should happen to your government.

**Some Hon. Senators:** Hear, hear!

**Senator Austin:** Honourable senators, apart from the political rhetoric, which is always fascinating, the issue that the honourable senator put was: Why did the minister or the member of Parliament not know about this situation? Well, why did Grant Devine not know? I do not doubt when he said he did not know, that indeed he did not know. That is a reality in public life, when someone conceals something that they do not want someone else to know.

[*Translation*]

## HEALTH

### FUNDING TRANSFERS TO PROVINCES

**Hon. Jean-Claude Rivest:** Honourable senators, my question has to do with Canada's health care system. Today the premiers of the provinces and territories are having to resort to an ad in order to raise this so-called new Liberal government's awareness of the urgency of investing more in health services. Imagine what this says about the state of the relationship between the federal government and the provincial governments! The provincial premiers greeted the arrival of Prime Minister Martin with confidence, but their confidence in the new Prime Minister has been betrayed. Since the present Prime Minister has been in charge, not one red cent has been transferred to the governments of the provinces for their burgeoning health care costs. The only thing they did get out of him was a free ticket to the Grey Cup.

Is the federal government going to finally grasp the provinces' need of funding for their health care systems? When will the federal government authorize a significant and permanent transfer of funds so that the provinces can finance this obvious priority?

[*English*]

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the Government of Canada and the provinces are in a discussion with respect to all health care issues, and as we are well aware, with respect to the coordination of health care priorities, the proposal has been accepted by a number of provinces to create a Canada health council to advise the federal and provincial governments with respect to those priorities.

• (1500)

The federal government transfers a very substantial amount of money to the provinces. The provinces want more, which is the way in which Canada seems to work and conduct itself.

The assumption that the federal government is not interested in the health care of Canadians is not a correct one. The federal government is transferring almost 40 per cent of its entire spending with respect to health care.

When the provinces ask for incremental funding and permanent, new transfer-based funding from the Government of Canada, there are many reasons to discuss the issues to see just exactly how that money will be spent and how the provinces will deal with the accountability issue.

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour to present a delayed answer to an oral question posed in the Senate by the Honourable Senator Carney on February 18, 2004, regarding the wharf replacement on Saturna Island at Lyall Harbour, British Columbia.

**The Hon. the Speaker:** A request has been made that the answer be read.

**Senator Rompkey:** The answer is that, unfortunately, the request from the community was presented too late for this year's Estimates. However, it is being considered in the new budget, and we will look forward eagerly to the item on the Saturna Island wharf appearing in the new budget.

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[*Later*]

## DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Before turning to the next item of business, I would draw the attention of honourable senators to the presence in our gallery of our former colleague, the Honourable Lois Wilson.

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# ORDERS OF THE DAY

## REPRESENTATION ORDER 2003 BILL

### THIRD READING—DEBATE ADJOURNED

**Hon. David P. Smith** moved third reading of Bill C-5, respecting the effective date of the representation order of 2003.

He said: Honourable senators will recall that the purpose of this bill is to ensure that when elections are held, they are held on the basis of electoral boundaries that have been updated as recently as possible. What this bill does is very simple: It changes the automatic one-year grace period provided for in the Electoral Boundaries Readjustment Act.

This bill brings forward the implementation date of the new electoral boundaries from August 25, 2004 to April 1, 2004. That is it; that is all. Without this change we would be stuck with an out-of-date electoral map for another four years, were an election to be called before August 25, 2004, and that would be premised on 13 year-old data, from the 1991 census.

The grace period in the act is intended to give the Chief Electoral Officer the time to prepare for and adjust to the new boundaries. However, Mr. Kingsley, the Chief Electoral Officer, made it clear on February 25, in his presentation to a meeting of our Standing Senate Committee on Legal and Constitutional Affairs, that Elections Canada is ready to go with the new boundaries for any election called on or after April 1, 2004.

Some honourable senators have raised the question: If Elections Canada had more time, would they be better prepared? Would a coming into force later on of these new boundaries mean that it would be easier for Elections Canada? The answer, which is on the record, is "no." Mr Kingsley said that they will be ready for April 1, and he has been saying that now for about eight months. There would be no additional preparation efforts even if the date was changed and moved back several months.

The reality is that the current, longer grace period relates to a different era. The provision in the current legislation dates back to the 1960s when the process did take a long time. The 1960s is now like the Dark Ages in terms of the modern technological advances of computers. To delay the implementation of these new boundaries any longer is really just to postpone fair and more effective representation for Canadians.

I would again remind honourable senators that this bill did enjoy much support in the other place. Four of the five parties supported it, the exception being the Bloc Quebecois, and the Bloc was opposed for other, unrelated reasons. I could answer questions if honourable senators are curious about that, but I doubt that any are.

I am sure that honourable senators will want to ensure fair representation. It is our responsibility to have an electoral system that accurately reflects population changes. In particular, we should ensure that Canadians from B.C., Alberta and Ontario, which will receive additional seats in the other place, have those changes implemented as soon as possible.

Some honourable senators have wondered whether this bill interferes with the independence of the electoral distribution process. The independence of the process is something in which Canadians can take pride. This bill in no way interferes with that process. It simply accelerates its realization because of technological advances.

There have also been some concerns raised as to the issue of returning officers. When Mr. Kingsley appeared before our committee, he said that Elections Canada was quite timely in terms of their situation with respect to election officers. There have been several vacancies recently caused by health problems, but this is a normal occurrence, and in fact Mr. Kingsley said to the committee that the training for returning officers has been, in his view, the best ever. He feels that, in terms of training electoral officers, they are in better shape than they have ever been.

Some honourable senators have asked why the government did not implement a permanent fix to the grace period in these proposed changes rather than doing it just for this one time. Mr. Kingsley addressed this issue and said that a seven-month grace period was found feasible in the early 1990s when the Lortie commission looked into the matter, but that today, with technological improvements, it is even more feasible. Why not a permanent fix? I think there will be a permanent fix. That process might occur in the next Parliament. I have no doubt whatsoever that that issue will be addressed on a permanent basis. However, there are other matters that need to be addressed.

Some honourable senators have toyed with the possibility of having fixed election dates. That is something that I am not really concerned about. I may not agree with every point of view that Senator Cools has with regard to the fixed traditions, but I believe that this is one tradition that is important and inherent in the parliamentary system. I believe that it is incompatible with our traditions to have fixed dates. That is a proposal that I would personally resist, but some people may wish to consider it. I am saying that I agree with you, Senator Cools.

However, it is something that I am sure will be closely examined when the review of the Electoral Boundaries Act occurs in the next Parliament. In the meantime, no-one's rights should be prejudiced by the use of these old maps.

• (1510)

If this bill passes, no one will be prejudiced. Some have said that it might mean we will have an earlier election. That is irrelevant. When an election is called, under the parliamentary system it is up to the government to defend the appropriateness of that decision, regardless of when the election is held.

With regard to which maps are used, the only applicable criteria should be that the new data must be implemented into maps as quickly as possible. That is exactly what this proposed legislation does. I trust that we will be able to view it in that light and move on.

**Hon. Gerry St. Germain:** Will the honourable senator answer a question?

**Senator Smith:** I will.

**Senator St. Germain:** I respect the honourable senator's experience in political activities. He has been very effective and has a tremendous success record.

I would like a further expansion on his view of not wanting a fixed election date. The province from which Senator Austin and I come has now set fixed election dates at the provincial level. Years ago, there may have been reasons why this flexibility was required. This is now strictly an advantage. Regardless of who is involved, I do not believe they should have the advantage of being able to manipulate the date of a federal election call.

I would ask the honourable senator to expand on that somewhat, if he would be so kind. He says that he does not necessarily agree with election dates. He agrees with studying the concept, but we have studied everything to death here. I think that this is a pretty basic, straightforward situation.

**Senator Smith:** That is a fair question, part of a much larger question. The larger question is: Do you prefer the British parliamentary system or the American system of checks and balances?

I personally relate more to the British parliamentary system. I agree that there are outer limits beyond which we cannot go. However, part of the rationale as to how a party winds up in government is because they have a majority and can get legislation through Parliament. If we start down the road of fixing dates, a government that cannot get legislation through will not be able to call an election. We will have to keep that government in place while we wait for a particular date. That is the American system. If the honourable senator prefers the American system, then go for it. I prefer the parliamentary tradition, which is a concept that has been deployed all over the world, mostly in former British colonies. I happen to think that system works.

One could also bring into this debate the issue of whether we move toward an elected Senate. Part of the issue there is: What happens if the Senate says one thing — which it is more apt to do if it gets a mandate from the electorate — and the Commons say something else? We could have a deadlock, which is what they have in the U.S. system, where sometimes the House and Senate cannot agree on anything. If my honourable friend prefers that checks-and-balances system, then go for the American system. Personally, I happen to think the parliamentary system works better and that is where my sympathies lie.

**Hon. Anne C. Cools:** Honourable senators, I heard the honourable senator say that he agreed with me on some things but not on others. I am not sure what the some things or the others were, but it does not really matter.

I wonder if Senator Smith could use this opportunity to elucidate even further on the point of fixed election dates? I am with the honourable senator; I disagree with the notion of fixed election dates.

The real notion is supposed to be that governments in our system hold power precariously, at the mercy, so to speak, of the members of the Houses of Parliament. The notion is that power is held in this very intricate way and that the population has the power to force a government from office as the population wishes.

Senator Smith was talking about a parliamentary system versus checks and balances. I would have thought that the greatest checks and balances on a government are supposed to be the Houses of Parliament. Would the honourable senator comment further?

I was somewhat alarmed, if not dismayed, to see a proposal from a Liberal government in Ontario to create fixed dates for elections. It is more than just the freedom of a government to call an election. The real freedom belongs to the public. The real freedom belongs to the population, that the population, at least in theory, can be rid of an oppressive government without bloodshed — as a matter of fact, it used to be said, just on the strength of a simple motion of the House of Commons.

**Senator Smith:** Honourable senators, I do not wish to stray too far from the parameters of what Bill C-5 is all about. However, the point that I was making was in response to the question that some senators had raised: Why not fix election dates permanently rather than just this one time? My response was that there is absolutely no doubt in my mind that this issue will be dealt with by the next Parliament, and I fully expect that election dates will be made permanent because there are a number of things that they will be discussing.

Honourable senators have even heard that this group that makes representations is raising the spectre of proportional representation. I do not wish to go down that road.

I have a preference for the fundamentals of the British parliamentary system. I am comfortable with it. Some of these other concepts, such as the one recently introduced in the Ontario legislature, is not a route that I would care to follow.

**Hon. Pierre Claude Nolin:** Honourable senators, Senator Smith is not answering the question. The question is: Why not introduce a permanent feature into the law now? His answer is that he is convinced we will do that in the future. Why not do so now?

**Senator Smith:** The normal study that occurs as part of a larger review has not been undertaken. In response to what the Chief Electoral Officer, Mr. Kingsley, had been reading and knew was being discussed at the House committee as to when Elections Canada could be ready, he said eight months ago that, — "We could be ready by April 1." The government took him up on it. It is that simple.

If an election is called before the third week of August, then voters in those three provinces would be adversely prejudiced, and that is not necessary.

It is desirable to have a permanent fix. I believe that will occur, but I do not think that should inhibit us from doing this fine tuning in the meantime.

**Senator Nolin:** If someone were to introduce an amendment to add to the proposed legislation before us, and we all agree to accept a permanent feature in the law, would the honourable senator also agree?

**Senator Smith:** Senator Kinsella was not troubled by the principle of a fixed election date when he introduced his bill, which would have done the exact same thing but would have set the date a couple of months later. Why not go with the date that Mr. Kingsley said was easily achievable? The only constraint should be what is technically possible. He was totally satisfied that the April 1 date was technically possible.

On motion of Senator Lynch-Staunton, debate adjourned.

[*Translation*]

## PUBLIC SAFETY BILL 2002

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Christensen, for the second reading of Bill C-7, 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. Donald H. Oliver:** Honourable senators, I will start by congratulating our colleague, the Honourable Senator Austin, on his appointment as Leader of the Government in the Senate. I am sure that his experience, knowledge, and love of this honourable institution will serve him well in his new duties.

• (1520)

Nonetheless, I advise him not to get too comfortable in the corner office. The great Conservative family has finally got back together and the next federal election will be very interesting.

I would like to congratulate Senator Rompkey on his appointment as Deputy Leader of the Government in the Senate. He has the rather unenviable task of dealing with Senator Kinsella on a daily basis. Good luck.

It is a great pleasure for me to take part in the debate at second reading of Bill C-7. This is a very important bill because it refers to privacy and civil liberties. This bill is about more than the government's ability to respond quickly to a serious threat or to a terrorist attack.

[*English*]

It has been the subject of intense criticism from several quarters because it is perceived to infringe on the privacy and civil liberties of all Canadians. I realize that in response to public outcry and the learned opinions of privacy advocates, the bill has been amended somewhat since it was first introduced. For example, clause 4.82 now includes some limits on the collection, disclosure and retention of passenger information. Nevertheless, despite these amendments, I believe that this bill still erodes the privacy of Canadians and could potentially eradicate the progressive steps that have been taken by governments to date to preserve this fundamental human right for all Canadians.

I also believe that this bill, if enacted, would perpetuate a dangerous trend toward increased racial profiling — a trend that would not only serve to further alienate visible minorities but also, ultimately, to have a detrimental effect on all Canadians.

I am sure that honourable senators were appalled to learn of the experiences of Muslim Canadians in the aftermath of 9/11. On February 26, the Honourable Senator Jaffer painted a painful picture of how these Canadians, including her own husband, have been detained and questioned for no other reason than they may look like a terrorist. Senator Jaffer told the house: "...the impacts of Bill C-36 have been chilling."

I, too, was shocked to hear about the extensive and pervasive discrimination that these Canadians, many of whom have lived in this country all their lives, have encountered over the past two and one-half years. Their experiences include being persistently harassed by CSIS for no apparent reason, being detained by airport authorities for hours and being questioned about their religious affiliations and country of origin. I was shocked but not surprised. Members of the black community have shared with me their experiences of racial profiling. I have already addressed the Senate on the racial profiling case of Kurt Johnson, the Nova Scotia boxer. Their feelings of alienation, mistrust and fear after these episodes, even months and years later, mirror the feelings of the members of the Muslim community described by Senator Jaffer.

The inquiry report of the Ontario Human Rights Commission into Racial Profiling, released last December, clearly underscores the long-term negative impact of this systemic discrimination on all visible minorities in society as a whole. The inquiry, which heard from some 400 citizens of Ontario, reported: "Racial profiling is much more than a hassle or an annoyance. Those who experience profiling pay the price emotionally, psychologically, mentally and, in some cases, even financially and physically." The inquiry's report quoted researchers from the American Psychological Association who found the effects on victims' of racial profiling to be profound and enduring. These effects include post-traumatic stress disorder and other forms of stress-related disorder, perception of race-related threats and failure to use community resources.

Some of the participants in the commission's inquiry also reported losing their income, either temporarily or permanently, because of profiling. Members of the Muslim and Arab communities, in particular, noted that their job opportunities narrowed because they could not secure jobs that involved travel, particularly to the United States. Other participants in the inquiry told of being handled physically in a needlessly aggressive way by authorities or being made to endure uncomfortable conditions while the profiling occurred. The commission's inquiry further discovered that the effect of profiling extends beyond those who directly experience it and affects families, friends, classmates and neighbours.

In addition, the inquiry report outlined widespread social costs that included significant mistrust in key public institutions and systems such as law enforcement agencies, the criminal justice system and customs and border control officials; a sense of not belonging to Canadian society; a diminished sense of patriotism, expressed by both new immigrants and people whose families have lived here for many generations; a deep frustration, especially within members of the Muslim, Arab and South Asian communities, at being treated like "the usual suspects" instead of being invited to help to solve the problem; a growing reluctance among members of visible minorities to pursue careers in law enforcement, the justice system, politics, teaching, social work or nursing — careers in which visible minorities could play a

leadership role in eradicating racism; and, most disturbing to me, an acceptance that racial profiling is a normal part of life when you are a Canadian of colour and that nothing can be done about it.

Honourable senators, racial profiling has made many Canadians feel like second-class citizens. I agree with Senator Jaffer that we must wait for the outcome of the Arar inquiry before proceeding with the passage of Bill C-7. Only then will we fully understand the impact of existing anti-terrorism legislation. The personal and social costs of perpetuating racial profiling are too great to ignore and point to the prudence of careful consideration.

Honourable senators, consider this as well: The Ontario Human Rights Commission inquiry report included strong evidence that racial profiling does not work. It cited several extensive studies, including a 2001 U.S. Department of Justice report on more than 1.2 million citizen police contacts in 1999. This comprehensive study found that while African and Hispanic Americans were much more likely than white persons to be stopped and searched, they were about half as likely to be in possession of contraband.

Consider these statistics about Canada's changing demographic landscape: The number of people from visible minority communities has doubled over the past decade. Immigration now accounts for more than 50 per cent of Canada's population growth, 47 per cent of the undergraduate students at the University of Toronto and 48 per cent of those at the University of British Columbia. By 2010, more than one-half of the population in Canada's major urban centres will be first generation immigrants. One-half of Toronto's population is currently comprised of visible minorities.

Thanks to progressive immigration laws, millions of non-white Canadians have come to this country from Asia, Africa, the Middle East and points in between. In the process, they have made Canada one of the most, if not the most, multiracial societies in the world. Diversity is a fact of life in this country. This diversity promotes tolerance, increases understanding and awareness, and fosters compassion. I believe that tolerance, understanding and compassion are the heartfelt values of most Canadians. They are proud to belong to a country where they are perceived as caring, just and socially responsible. As the protectors of these values, parliamentarians must not move in haste to establish any measures that might jeopardize them; otherwise, we would surely repent at our leisure.

I would like to comment on how this proposed legislation could have a detrimental effect on the positive steps that governments have taken to date to protect Canadians' rights to privacy.

• (1530)

Jennifer Stoddart, the new Privacy Commissioner of Canada, spoke recently in Washington to the International Association of Privacy Professionals. She recounted Canada's progress in addressing privacy concerns, notably the Personal Information Protection and Electronic Documents Act, or PIPEDA, and I believe that she shared this progress with a certain amount of pride in Canada's achievements. However, her talk also pointed to misgivings about recent legislative developments in Canada, notably this one — Bill C-7.

Ms. Stoddart cited a recent book by Colin Bennett and Charles Raab called *The Governance of Privacy*. It underscores the contradiction between a government "enhancing privacy protections in the private sector while diminishing them in the public sector in response to concerns about terrorism." She speculated that it might encourage governments to enlist the private sector with its personal information holdings in the war on terrorism. That would be moving us, honourable senators, very close to an Orwellian state.

She also asserted that this speculation is "not fanciful" because, "In Canada, personal information that's collected by airlines and travel agencies — about our travel histories, activities and destinations — now has to be turned over to national security authorities for scrutiny." She believes that in spite of Bill C-7's new limits in the scope of information collected, the bill remains "a troubling prospect... dramatically at odds with fair information principles."

I worry, too, about the potential of this act to erode the basic right to privacy for all Canadians. If worldwide trends are any indication, perhaps we all should be worried.

The 2003 annual report by EPIC and Privacy International reviews the state of privacy in more than 55 countries around the world. It also summarizes important issues and events relating to privacy. This report cites "increased data sharing activities among law enforcement and national security and intelligence agencies" resulting from new laws enacted after September 11, 2001. It laments how these new laws have weakened data protection regimes and have increased profiling. Equally disturbing, it describes "function creep in action" or how "several new laws, originally passed for anti-terrorism purposes, have extended their scope."

There are elements of function creep in Bill C-7 that are reflective of this worldwide trend. That bothers me a lot as a Canadian and as a guardian of fundamental human rights of Canadians. Although I have the utmost respect and admiration for Canada's law enforcement and security agencies, I am concerned about the temptation to use personal information gathered under the auspices of Bill C-7 for other purposes.

Honourable senators, Canada is a world leader in safeguarding the privacy of its citizens. We must remain vigilant in ensuring that new laws do not smudge a clear record of achievement. Above all, we must ensure that all Canadians of all races, religions and ethnic origins remain proud of Canada and feel they belong to a country that values their contributions and respects their rights.

On motion of Senator Kinsella, debate adjourned.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I interrupt proceedings to introduce some special guests. I would like to draw your attention to the presence in the gallery of His Worship Bill McQuesten, Mayor of the Town of Lacombe, Alberta and His Worship Ken Greenwell, Mayor of the Town of Ponoka, Alberta.

Welcome to the Senate.

## BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Sparrow, for the second reading of Bill C-20, to change the names of certain electoral districts.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the points canvassed by other honourable senators so far in the debate have covered much of what I want to underscore, but I will make a few points for the record.

First, my problem is not with the specific name changes proposed in the bill. However, we must take a hard look at what the Lortie commission recommended in this regard. Honourable senators will recall that the Lortie commission was specific in its views on this issue. If the commission were to examine this bill, it probably would say, "Wait a minute. There are some issues here."

It is underscored by paragraph 1.4.11 of the Lortie commission report:

> We recommend that
>
> (*a*) electoral boundaries commissions be encouraged to use other than geographic names to designate constituencies, particularly where this would avoid the use of multiple hyphenation;
>
> (*b*) the legislation specify that the name of the constituency not be changed other than during the boundaries readjustment process;

Those points have been articulated. It continues:

> (*c*) the commissions ask the Canadian Permanent Committee on Geographical Names to suggest names for constituencies where changes are required or contemplated and that the designations of these constituencies and the rationale for the choice be presented in the commission's preliminary reports.

Honourable senators, the task of assigning names to the constituencies really should be left in the hands of the commissions. One of our former colleagues, Senator Allan MacEachen, in 1964, observed, "the task of assigning names to the constituencies is for the provincial commissions. It is possible for MPs to make representations to the commissions at hearings, but government members will have to take their chances along with opposition members as to the names of their constituencies."

Honourable senators, I would commend to the committee that will examine this bill that they reflect upon the commission report and call several witnesses who are familiar with the Lortie commission report. The committee would make a major contribution if they conducted this study under the light of what the Lortie commission has said.

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

**Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the honourable Senator Smith, seconded by the honourable Senator Sparrow that this bill be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Smith, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1540)

## AMENDMENTS AND CORRECTIONS BILL, 2003

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Biron, for the second reading of Bill C-17, to amend certain Acts.

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, this is a bill that has attracted very little attention and understandably so. It may appear that its content is not really that controversial, but it is a bill that reflects a kind of culture that has been developing here, which is why I have taken such an interest in it. When it was here in the fall, I pointed out the long title was completely misleading and raised that as a point of order. The Speaker, in his ruling, said that we cannot interfere with the proceedings in the other place, that they felt the long title was adequate and we would have to live with it. I would have hoped that the other place had been listening and that when the bill was returned to us the long title might have given a little more than what this one does, which gives no indication at all of the content of the bill. I think that parliamentarians should be concerned about that, particularly as bills are not meant just for

experts on procedure who can read legal texts without any effort. They are meant for all Canadians. There are many Canadian who go to Web sites and look up legislation at the provincial and federal level. A bill with a title like this one, "An Act to amend certain Acts," does not really draw any attention. To be told that this is a bill containing only technical amendments and that we should just push it through is the wrong way to go.

In fact, the government with this bill ignores basic procedure by introducing it under a long title that is innocuous, uninformative and even misleading. This objection may seem petty, even childish to some, but I said that all parliamentarians should show some concern as the government continues to introduce bills with titles giving no clear indication of their subject matter. Bill C-17 actually contains real and substantive amendments, in particular to the Lieutenant Governors Superannuation Act, but its authors give no hint of them, preferring to disguise it as simply making technical corrections.

Honourable senators, I intend to touch on some of the content of the bill, which is not so much controversial by itself. I should like to deal with the way the government approaches these matters.

The government has engaged in certain activities without parliamentary approval or parliamentary authority, and is now before Parliament asking for that authority retroactively. Again, this transgression may appear minor, and I am sure there are those who will argue that it is minor, but I am afraid it is symptomatic again of the culture that pervades Liberal governments past and present as they continue to practise disdain for Parliament, as we have seen for too many years.

If we look at clauses 2 to 5, we will see a request to change the title of "commissaire adjoint" to "commissaire délégué" in the Canada Customs and Revenue Agency Act. I do not quarrel with that at all, but I wondered if "commissaire adjoint" was in common use and, if so, why this change was apparently to be done one act at a time, in piecemeal fashion, rather than making the change throughout government. I want to thank my office staff for their excellent research. They went to TERMIUM, the Government of Canada's terminology and linguistic data bank managed by Public Works and Government Services Canada. It lists the title of "commissaire délégué" as having been in use as the Canada Customs and Revenue Agency since at least May 17, 2001. The Web site claims to have accurate, specialized and up-to-date terminology.

If we look at the performance reports for the Canada Customs and Revenue Agency, it shows that the term "commissaire adjoint" was in use in the report for the period ending March 31, 2000, but that "commissaire délégué" was used in the organization chart in the following year. How could this happen? Can an individual in a large government agency, who has been given a particular title by an explicit act of Parliament, just change that title on a whim? If this is the case, is it now the intention of the government to bring forward legislation to accommodate the desires of each and every individual who occupies each of the thousands of different positions at all levels of the civil service and give them whatever titles they may wish to have?

This brought me to look at another provision of Bill C-17 in clauses 19 to 24, namely, the government's proposal to change the title of the head of the National Round Table on the Environment and the Economy. While I was initially reassured to note that the Web site currently lists as its head a person with the title of "Executive Director," in conformity with the legislation as it stands today, I was surprised to see in the list of staff a person who was called "Executive Assistant to the President and CEO." When we do some more digging, we discover that the previous executive director had made use of the title "President and Chief Executive Officer." Is this change proposed in Bill C-17 yet another example of an individual acting without parliamentary authorization to arbitrarily change his title to whatever he pleases, with a compliant government later stepping in to regularize this predilection of an individual in preference to the expressed will of Parliament?

Honourable senators, a review of the appointments in this particular case shows that the previous holder of the office was first made executive director in August 1996 and was reappointed as executive director for an additional three year term in June 1998. During that period of time, he used a title given to him by Parliament pursuant to the National Round Table on the Environment and the Economy Act. Everything appeared to be in order.

This all changed with the third term when the Order in Council in May 2001 named him "Executive Director of the National Round Table on the Environment and Economy," to be styled "President of the National Round Table on the Environment and the Economy." In other words, the office-holder was essentially an innocent bystander to a bizarre decision by the Privy Council Office. From where did the so-called styling come? Did Parliament delegate to the Privy Council Office a power to unilaterally set aside Canadian legislation and simply substitute whatever title someone across the street might think appropriate? Perhaps they asked random passersby, or perhaps they shot darts at a dartboard. The one thing we do know is that they did not think it worth asking Parliament for its views, not until more than two years after the fact. They were not asking for our views but asking, once again, for our rubber stamp.

Did it not occur to the President of the Queen's Privy Council that unilaterally tampering with the expressed will of Parliament might be wrong? The responsibility is his because this appalling state of affairs arose from this peculiar practice of the Privy Council Office. Rather than simply giving individuals the titles provided by act of Parliament, the Privy Council has taken to giving them that title and then adding the words "to be styled as" with a new title, one not sanctioned by Parliament.

It is easy to see how people appointed in this manner could and would believe that they had authorization to do so. Understanding how the President of the Queen's Privy Council and the Privy Council Office came to believe that there is an authority to change the laws of Canada without the sanction of Parliament is an entirely different matter.

It turns out that this practice of name changing is endemic in this government that also pays no attention whatsoever to Parliament and what its legislation indicates and says. The changes range in significance from the seemingly minor and trivial, as when the "chairperson" of the Canada Foundation for Sustainable Development Technology instead calls himself the "hairman," to much larger name-changing innovations, as when the Canada Foundation for Sustainable Development Technology calls itself Sustainable Development Technology Canada. All this was done without the sanction of Parliament.

We have a bill at committee now, Bill C-8, which is a proposal to combine the National Library of Canada and the National Archives of Canada into a single entity to be called library and archives of Canada.

In the 2003-04 Estimates, Part III, we find Report on Plans and Priorities of the National Archives of Canada and the following statement:

> The government intends to introduce a bill, early in 2003-04, to establish the Library and Archives of Canada — the working title of the new institution until the legislation is approved. This legislation will replace the current National Archives Act and the National Library Act. Accordingly, this Report on Plans and Priorities will refer to the new Library and Archives of Canada (or simply the Library and Archives for short).

• (1550)

Note that they called it a "working title," which was fair enough as the legislation had not then been introduced. However, it is now before us, and instead of a working title, that is the actual title proposed. When honourable senators turn, however, to the Web site of the National Archives of Canada, they will find that it identifies itself as "Library and Archives Canada." The ink is not only not yet dry, it has not even been applied in final form as yet, and already the name is different from that proposed by the government in the bill. Perhaps this chamber will oblige them by changing the title in Bill C-8 to accommodate their wishes and save the government the trouble of introducing corrective legislation at a later date.

I have strayed a bit from the bill, but it is linked to the case I am trying make. As I noted earlier, appointments by Order in Council are in no way exempted from this process. Indeed, the person at the apex of law enforcement is the Solicitor General, the title given her by Parliament, but is styled as the Minister of Public Safety and Emergency Preparedness in her Order in Council appointment, and that is a title which appears everywhere and which the minister has adopted, although Parliament has yet to abolish the title of Solicitor General. In the current issue of the *Hill Times*, in an interview, the Solicitor General was asked what happened to her old position of Solicitor General and she answered, "It disappeared." It disappeared. Well, I think David Copperfield could not have pulled a better disappearing act than this. The unfortunate and sad part is that it disappeared without any parliamentary authority whatsoever. It still exists on our books. It is still in legislation and is still being used in court cases. The minister, however, feels that she would rather be styled as and given a title that has not been sanctioned by Parliament.

The Solicitor General is not alone. The Minister of State assisting the Minister of Human Resources Development Canada is styled as ''the Minister of Human Resources and Skills Development,'' while the Minister of Human Resources and Development Canada herself is styled as the Minister of Social Development. These are large changes, and there are some minor ones as well. It is no longer the Minister for International Trade, but rather the Minister of International Trade.

Setting aside the poseurs and the stylings of the Paul Martin government, this bill is attempting to put corrections into the record by pushing them through Parliament under the guise of "An Act to amend certain Acts." All of this ought properly to be done before any changes are made rather than making alterations and later coming to parliament to regularize actions already taken.

Honourable senators, the democratic deficit has been widening steadily over the last decade under the administration of the Liberal government, and there appears to be no end in sight. The authority of Parliament is regularly set aside, the laws enacted disregarded, and the forms and traditions undermined and ignored.

This brings me back to the beginning of my remarks, in which I was commenting that there were significant amendments to the Lieutenant Governors Superannuation Act contained in Bill C-17, yet the long title of this bill is simply "An Act to amend certain Acts." This does not meet the standard of what constitutes a long title, if for no other reason than that it is a title which could be applied to virtually every amending act brought before Parliament. A bill so widely titled could be about everything or about nothing. While my colleagues opposite may well argue that this is indeed a bill about nothing, I would note that fully 12 of the 18 pages of it relate to the Lieutenant Governors Superannuation Act and amendments to other acts in relation thereto.

This reminds me of Bill C-5, which Senator Smith just discussed. Its title is "An Act respecting the effective date of the representation order of 2003." It is only two pages long. It contains three clauses, but only one clause relates to the title. The other two clauses are completely separate and were never discussed in this chamber by the government, only emphasizing what was in the title. If one were to rely on the debates from the government side, one would never suspect there are in Bill C-5 two clauses that have nothing to do with the representation order.

As I have said, Bill C-17 has a flaw in the long title that ought to be corrected. Apart from that, this Liberal government seems to have at last recognized that it has been acting without legislative authority, contravening the express will of Parliament. I expect that it will not be pleased at having disclosed here what it hoped would be rushed through without any debate, arguing that Bill C-17 contains nothing but technical amendments. Changing names after the fact is not the proper way to proceed, but if the plan is to use names and titles other than those given under the current laws of Canada, parliamentary authorization must be secured first. I trust that others who are inclined to jazz up their resumés and the names of operating units or agencies will not do so until legislative formalities have been secured.

There are those who will say that this is much ado about nothing. I say far from it. It is just another example of Parliament being used as a rubber stamp. It follows in the same pattern as pioneered by Supplementary Estimates, which have become less a government spending plan requiring parliamentary approval and more a list of actual government spending that Parliament is asked to regularize without any ability to participate in the spending decision.

The democratic deficit continues to widen, honourable senators, and it has reached the point where those in the other place, with too few exceptions, are indifferent to any attempt to reclaim their traditional responsibility of power over the purse. Bill C-17 continues the government's patronizing of Parliament. Imagine where it would be if we had an elected Senate?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, reference was made by Senator Bryden, the mover of the motion for second reading, and now by Senator Lynch-Staunton, to the many pages of the bill before us dealing with the Lieutenant Governors Superannuation Act, which raises an interesting question. I have had the experience, when in the public service, of having responsibility for the Lieutenant Governors Superannuation Act. It used to be administered by the Department of the Secretary of State.

There are many different superannuation regimes, the revenue from which flows from the Consolidated Revenue Fund of Canada. Consider, for example, the Members of Parliament Retiring Allowances Act. As honourable senators know, when members of the House of Commons, who have contributed to superannuation as members of Parliament, come to this house, they do not have the right of access to their pension benefits, having served in the other place. Had they served in a provincial legislature, of course, they could have drawn on their pension fund from the provincial legislature because those funds do not come from the Consolidated Revenue Fund. They come from the revenue fund of the given province.

The paradox — and I would invite the committee to look into this because it is an issue of principle — is that one can be a member of this house and draw a pension from the Lieutenant Governors Superannuation Act.

• (1600)

One could have been a member of the Royal Canadian Mounted Police, become a senator and continued to draw a pension from the Royal Canadian Mounted Police pension fund, which comes out of the Consolidated Revenue Fund of Canada. One could have been a public servant in the Public Service Commission of Canada and drawn from a federally funded pension plan. One could have been a member of the Canadian Armed Forces, come to the Senate and been able to receive a stipend as a senator and to receive the pension that one had earned as a member of the Canadian Armed Forces. However, if one has served the country as a member of the House of Commons, having been elected, and then come to the Senate, one is not able to draw from the pension benefit that he or she has earned as a member of the House of Commons.

There is something wrong with that. I have not served in the House of Commons. As there are many federal pension regimes, and the money is coming out of the Consolidated Revenue Fund, perhaps the committee would like to look at why members who serve in this place and who have earned benefits as members of the House of Commons are the ones who are excluded, whereas there are many other federal funds or regimes on which they could draw.

In the last session, my colleague Senator Bryden queried my own involvement as a university professor in one of the provinces and whether I was double-dipping by continuing to be a university professor. My friend opposite, as a keen student of the law, would have known that education is under provincial jurisdiction so, clearly, the pension benefits under the provinces' education regimes, including universities, is provincial.

I wish to make the point that there is an anomaly. It is unfair. This would be an opportunity for the committee to look at the whole situation and come up with a solution.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Bryden, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

## FEDERAL NOMINATIONS BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Terry Stratton** moved second reading of Bill S-13, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

He said: Honourable senators, it is a great pleasure to reintroduce Bill S-13, as I have done twice before in previous sessions. This is a bill to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

As honourable senators will know, this is the third time I have introduce this bill, which would bring sunshine and transparency into the appointment process of individuals who are currently appointed through the Order—in-Council process to high-level positions. It is an attempt to curb the power that has accumulated in the office of the Prime Minister over the past decade. It is an attempt to address the perception that the Supreme Court is politically partisan and that the court, rather than Parliament, has the final say on legislation.

The Prime Minister holds incredible power to appoint people to positions of such a high level that they have the ability to affect the everyday lives of Canadians. As I have said before in this chamber, the Prime Minister chooses his cabinet; he chooses the deputy minister of every department; he chooses the Clerk of the Privy Council, and he appoints the Supreme Court justices and other federal judges. The Prime Minister appoints the heads of Crown corporations, the head of the RCMP, the Chief of the Defence Staff and, of course, ambassadors and other senior representatives of the government. The Prime Minister also appoints members of the Senate.

On the Privy Council Web site, the Orders-in-Council page reveals appointments for the year 2003. I was astonished to find a document of 100 pages, with five appointments per page on the site. Narrowing the search for appointments from the Prime Minister's office alone for 2003 shows over 125 appointments made.

Other than cabinet ministers, how much does anyone know about the people being appointed to these high-level positions? How much power is delegated without any parliamentary input or review?

The new Prime Minister, the Right Honourable Paul Martin, made democratic reform a key plank of his leadership campaign and his new government. During his leadership campaign, Mr. Martin presented a six-point plan that included reform of government appointments. In his speech to Osgoode Hall on October 21, 2002, Mr. Martin said:

> We should reform the process surrounding government appointments.
>
> The unfettered powers of appointment enjoyed by a prime minister are too great; from ambassadors and consuls general to regulatory agencies to museum boards and the list goes on. Such authority must be checked by reasonable scrutiny conducted by Parliament in a transparent fashion.
>
> When it comes to senior government appointments we must establish a process that ensures broad and open consideration of proposed candidates.

More recently, the Prime Minister has stated that the government will consult with the appropriate House standing committees on how best to proceed on prior review of appointments to certain key positions, including heads of Crown corporations and agencies.

The Prime Minister has also indicated that he will consult with the Standing Committee on Justice and Human Rights on how best to implement prior review of appointments of the Supreme Court of Canada justices. In the last session, the House of Commons Standing Committee on Justice and Human Rights was seized with the motion M-288 that stated:

> That the Standing Committee on Justice and Human Rights study the process by which judges are appointed to courts of appeal and to the Supreme Court of Canada.

Just recently, the Minister of Justice has said that a protocol is needed so that Canadians will understand how Supreme Court judges are appointed. Minister Cotler is planning to undertake a review to determine if there is a better approach for appointments.

I would now refer to some newspaper articles that came out last week when we were not sitting. The first is from *The Globe and Mail* of Saturday, February 28, 2004. In an hour-long interview with a cable television show in Vancouver, Mr. Martin argued that the office of the Prime Minister should not have the unparalleled power to make appointments that it has now. I quote:

> Strong democracy really means this power has to be shared...so on appointments, I don't think people should just be plucked out of thin air and put into a Crown corporation.

• (1610)

The Prime Minister told interviewer Vaughan Palmer, political columnist for *The Vancouver Sun*:

> Democracy says there should be parliamentary review.

Mr. Martin said also that he wants a parliamentary committee to scrutinize future judicial appointments to the Supreme Court of Canada, starting with the replacement of Madam Justice Louise Arbour.

There was an astounding article in the *Winnipeg Free Press* of Sunday, February 29, by our own Senator Carstairs regarding the appointment of senators:

> Certainly, the Senate in 2004 cannot continue to be chosen by personal appointment of the prime minister.

Shades of Meech Lake. I want you to listen to this quotation from this article. If it is not the Meech Lake accord, I would like to know what it is. We all know what Senator Carstairs felt about the Meech Lake accord. Here is what she says:

> However, there is an alternative. The Senate could be reformed, without amending the Constitution, by the prime minister agreeing to appoint senators from lists presented to him by the provinces and territories. Within 90 days of a death or retirement of a senator, the home province or territory would submit a list of five names. These names must have had the approval of a majority of members of all parties represented in the legislative assembly.

If that is not the Meech Lake accord, I do not know what is. Honourable Senator Carstairs was vehemently opposed to the Meech Lake accord.

**Senator Cools:** She is known to change her mind frequently.

**Senator Stratton:** Now there is a complete turnaround. In this revisionist history, she is on the side of Meech Lake.

**Senator Lynch-Staunton:** A true Liberal flip flop.

**Senator Stratton:** Now, I quote from an editorial in *The Globe and Mail* on March 1, 2004, entitled "Let's find new ways to judge the judges":

> The options Britain is putting forward centre on a judicial-services commission — a panel of knowledgeable people who would appoint senior judges. In one option, the commission would offer a short list to the government, which would make the final choice. (This is similar to a system in place in Ontario for the selection of provincial court judges. The system was devised to minimize political patronage.) Another option would present a recommended choice to the government. A third option is for the commission simply to make the appointment itself.
>
> But who appoints the commission? What sorts of people should be on it?

Honourable senators, that is the question. They go on to say:

> That commission could include law deans, leaders of the bar, retired chief justices, perhaps some eminent laypeople; it might also include MPs. This committee could interview candidates in public. It could produce a short list of, say, three choices, and in the end the prime minister would have the final say.

That is just to give you last week's information as it is coming out with respect to the appointment process in order to make it more transparent.

I will never forget the Honourable Sharon Carstairs, a Meech Lake convert. There is a broad discussion ongoing, and even more so now, and it is more apparent that this must take place. I would like to go on and say that there is some consensus. There is a significant amount of consensus now for Parliament to be involved in the appointment process.

My bill provides an approach for parliamentary review, indicating approval or disapproval of some of the key positions in government based on the order of precedence. This would make some of the most important appointments transparent and public and would ensure parliamentary involvement.

Honourable senators, this bill outlines a process to identify and assess candidates and to provide for parliamentary review of these appointments through an appearance before the Senate Committee of the Whole. I have specified the Senate Committee of the Whole as the proper vehicle for this procedure because, as a chamber, we are less political than the House of Commons. We represent the regions of Canada, and we have proven to be effective in the past when dealing with federal officials who have appeared before us.

Many have expressed the concern that a review of appointments, particularly appointments to the Supreme Court, would develop into the American process of confirmation hearings. Indeed, Professor Edward Ratushyny, professor of law at the University of Ottawa, arguing last November before the Standing Committee on Justice and Human Rights, said:

> Confirmation hearings in the United States have come to resemble election campaigns dominated by special interest groups. The central objective is to determine the kind of person the candidate is and the kind of judge he or she is likely to be. The problem is not that parliamentarians are incapable of understanding the judicial role and conducting restrained, intelligent and relevant questioning of candidates. I'm sure all of you are able to do that. The problem is that there will be very little political interest in doing so. On the contrary, public expectations, interest group pressures and political instincts will cause many to engage in political campaigns, often through the vehicle of judge bashing.

With all respect to Professor Ratushyny, I would argue that the Senate, as an appointed chamber, has an advantage in reviewing appointments to high positions because we do not face the same political pressures from interest groups as does the elected chamber.

Honourable senators, this bill would establish a committee of the Queen's Privy Council for Canada to develop public criteria and procedures for the selection of individuals for positions listed in the schedule, such as the Governor General, the Chief Justice of Canada, the Speaker of the Senate, the Lieutenant Governor of a province, the commissioner of a territory, a judge of the Supreme Court of Canada, and senators. The committee would also seek out and assess candidates for these positions, and then make recommendations to the cabinet. A minister who intends to recommend someone for an appointment to one of these positions would choose from among the candidates recommended as eligible.

The bill also provides for parliamentary review of appointments within a specified time period. The Senate Committee of the Whole will invite persons listed in Schedule 1 to discuss the nominee's eligibility and qualifications for the position, and his or her views on the responsibilities of the position. If the Senate does not invite the nominee to attend the Committee of the Whole within three sittings of the Senate, the appointment may be made without parliamentary approval.

If there is urgency to the appointment, clause 11 provides that the appointment can be made, and hearings scheduled after the appointment is made. Following the hearing, either House of Parliament may adopt the resolution approving the nomination.

The Senate Committee of the Whole hearings could be televised, giving the public the ability to see the person being nominated for the high office and hear his or her views. The process is public, transparent, and gives Parliament a role to play in the nomination process. It would, as Prime Minister Martin has stated, provide a check to the authority of the prime minister through "reasonable scrutiny conducted by Parliament in a transparent fashion."

Senators may note that clause 8 of this bill deals specifically with the selection, review and appointment of senators. Honourable senators will note that the clause starts out by saying:

> A minister of the Crown who proposes to recommend an individual to be summoned to the Senate...

This, of course, refers to the prime minister. Since October 26, 1935, in the time of Mackenzie King as Prime Minister, by minute of the Privy Council, only the prime minister may recommend the appointment of senators to the Governor General. I happen to have those minutes with me.

However, just in case this prerogative may pass to some other cabinet minister in the future, we believe it is more appropriate to simply list "Minister of the Crown." Under clause 8, it is the prime minister who puts forward a list of names, assessed by the nominations committee, in front of the provincial premier. The provincial premier has a certain period of time within which to select from the list. Should the premier not act within the prescribed period of time, then the prime minister may recommend someone from the nominee list to the Governor General for appointment.

• (1620)

Critics of the bill have argued that it unduly interferes with the Crown's prerogative and that Royal Consent must be given before the bill is dealt with further. The Speaker has made it clear that Royal Consent can happen at any time before the bill becomes law. The government has signalled its intentions that there must be a review of the process for appointments. I therefore urge honourable senators to refer this bill to committee for open debate of the process contained therein and whether it would accomplish the desire for transparent and public appointment to high federal office.

On motion of Senator Milne, debate adjourned.

## STATUTES REPEAL BILL

### SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill S-11, to repeal legislation that has not been brought into force within ten years of receiving royal assent.—(*Honourable Senator Cools*).

**Hon. Tommy Banks:** Honourable senators, it is my understanding that if I were to speak now to Bill S-11, it would have the effect of closing the debate. In the absence of another senator wishing to speak to the bill, I would move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

**The Hon. the Speaker** *pro tempore***:** Is there an honourable senator wishing to speak to the bill? Are honourable senators ready for the question?

**An Hon. Senator:** Question!

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

**Hon. Senators:** Yes.

Motion agreed to and bill read second time.

### REFERRED TO COMMITTEE

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

On motion of Senator Banks, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

## THE CONSTITUTION ACT, 1867 THE PARLIAMENT OF CANADA ACT

### BILL TO AMEND—SECOND READING— MOTION IN AMENDMENT TO REFER SUBJECT MATTER—DEBATE ADJOURNED

**Hon. Donald H. Oliver** moved second reading of Bill S-3, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).—(*Honourable Senator Oliver*).

He said: Honourable senators, I am pleased to speak briefly today to this private member's bill designed to amend the Constitution of Canada to permit the Speaker of the Senate to be elected.

Honourable senators, the new government of the Right Honourable Paul Martin produced an action plan for democratic reform dated February 4, 2004. The document deals with ethics, responsibility and accountability. The introduction states:

> Democracy is an active process — one that requires ongoing engagement between citizens and their elected representatives. Democratic institutions must constantly adapt and change in order to ensure that the process continues to work the way it was intended.

Honourable senators, there is nothing in the action plan about an elected Speaker for the Senate but there should have been. The plan states:

> This action plan for democratic reform is the first step in a strategy aimed at improving our political institutions and parliamentary systems.

Honourable senators, I think that our parliamentary system could be substantially enhanced if this body of sober second thought could have a Speaker elected by the members of the chamber and not appointed by the executive branch.

I was delighted to see the appointment of the new Leader of the Government in the Senate, the Honourable Jack Austin, because of his long-standing interest in parliamentary reform and, indeed, the reform of the Senate of Canada. In respect of my presentation to this honourable chamber on March 20, 2003, Senator Austin said: "I want to begin by expressing my appreciation for the hard work that Senator Oliver has put into this address. It is a most interesting subject."

Later, Senator Austin said:

> I heard the deputy leader on the opposition side say that it has unanimous support in the opposition caucus. I wonder whether you might give consideration to a less difficult procedure? For example, should the chamber believe that it would be best served by electing a Speaker, we could avoid constitutional measures by passing a resolution that would request the Governor in Council to appoint a Speaker on the advice of the Senate, that advice being given, of course, through a secret ballot election. If we could persuade the prime minister of the day and his cabinet to do so, then the substance of your submission would be achieved without the necessity of a constitutional proposal.

Later, he said:

> I have no quarrel with the honourable senator with respect to his submission in terms of the Constitution. I was not suggesting a constitutional change but a change along the same substantive lines being proposed. These would, of course, be with the cooperation of the Governor in Council.
>
> This chamber could ask the Governor in Council to not give advice to the Governor General with respect to the appointment of a Speaker, unless and until the Senate has expressed its view. That would be an informal procedure. That was the basis of my question about whether the interest was in opening the Constitution or in achieving, in effect, the election of a Speaker.

Senator Austin also said:

> I do not want to call what I have said a proposal, but I am suggesting that the power constitutionally would always remain with the Governor in Council. However, the Governor in Council could, as a matter of custom — comity, to use the old common law phrase — adopt a different process if so wished.
>
> The fundamental question is whether what is being sought is to make a substantive change or to open the Constitution. Senator Oliver's answer is that his interest is in making the change to the way in which the Speaker is selected.

Senator Austin went on to say:

> Honourable senators, it comes down to...whether one wishes to get to first base or to hit a home run. What are the odds?

In speaking at second reading of Bill S-3, and in view of the intervention of the Leader of the Government in the Senate the last time this bill was before us, whom I now understand has sent a memorandum to the Prime Minister with respect to this proposal, it is my hope that Bill S-3 can move quickly to committee so that witnesses can be called about the Austin formula.

Honourable senators, Senator Austin's suggestion was that an elected Speaker of the Senate could be achieved through informal, non-constitutional means. Rather than amend the Constitution of Canada as proposed by Bill S-3, he suggests that the Senate ask the Governor in Council not to give advice to the Governor General with respect to the appointment of the Speaker unless and until the Senate has expressed its view. Constitutionally, the power would remain with the Governor in Council but the Governor in Council could, as a matter of custom or comity, adopt a modified process.

The suggestion avoids formally changing or amending section 34 of the Constitution Act, 1867. As such, it would not involve opening up the Constitution or raise any questions to the appropriate constitutional amending formula. It would, of course, require the consent or agreement of the Governor in Council. It would also, presumably, require the development of procedures or protocols for the election of a Speaker by the Senate.

If the Senate and the Governor in Council were agreed, the effect would be the same as that enshrined in Bill S-3: that the senator selected by the Senate would be appointed the Speaker of the Senate.

Since the Governor General only acts on the advice of Governor in Council — that is, the cabinet — if the Governor in Council agreed to only recommend the appointment of those persons who were selected by the Senate as Speaker, the process would effectively be changed.

• (1630)

Since this suggestion rests on the agreement of the Governor in Council, it is not irrevocable and not guaranteed. That is very much like Senator Austin's suggestion of the double majority raised in relation to the ethics package. The undertaking not to appoint a Speaker unless he or she has been elected by the Senate could be broken or could be ignored. There could be a political price to pay for this, but legally and constitutionally, the Governor in Council would seem to be within its rights. Similarly, if advice were tendered to the Governor General contrary to the undertaking of the Governor in Council, the Governor General would be bound to follow such advice.

Constitutional conventions can develop, however. Generally, they arise in areas where the law or the Constitution is silent. It is not generally considered possible for a constitutional convention to override or nullify an express constitutional provision — something that is already there. Thus, for instance, there are provisions in the Canadian Constitution for disallowance and reservation. The federal power of disallowance of provincial legislation, section 90 of the Constitution Act, 1867, was last used in 1942.

Is this power or provision already spent? Clearly, its use in the modern era would provoke an outcry and be seen as an unjustifiable infringement on provincial legislative sovereignty. While there are arguments that the power has lapsed, the better view is that it continues to exist until an amendment is made to the Constitution.

If a convention cannot develop, which is at variance with the express constitutional provision, is there some way of securing the agreement of the Governor in Council? Decisions by one cabinet will generally be respected by successors or amended in an appropriate way. However, as the Pearson Airport case illustrated, this is not always the case. In appropriate cases where political and partisan issues come to the forefront, subsequent cabinets may repudiate or feel that they are not bound by decisions of their predecessors. It is possible to put in place agreements and obtain undertakings that would hopefully make it more difficult, practically or politically, to go back on an agreement to appoint as Speaker only a senator who had been elected by the Senate. It would, however, not be possible without a constitutional amendment to ensure that this decision was not revoked or ignored in the future.

There is some precedent for the development of a commitment before exercising a right or power under the Constitution. On November 27, 1995, for instance, the federal government unveiled its response to the Quebec referendum outcome and to commitments that had been made by the Prime Minister during the referendum campaign. The government announced, among other things, that it would introduce Bill C-110, requiring the consent of Quebec, Ontario and the Atlantic and Western regions before the government could introduce certain constitutional amendments in Parliament, thus giving those provinces and regions the appearance of a veto over constitutional amendments. British Columbia was later added as a fifth region.

Bill C-110 was a bill that would not seem to be envisaged or required under Senator Austin's suggestion. There are other non-constitutional or informal alternatives. For instance, it would be possible to develop a procedure for ratifying the appointment of the Speaker under the existing provisions of the Constitution. This would amount to a "vote of confidence" in the appointee. It would be difficult for a person who does not enjoy the confidence of the Senate to continue in the position, although, of course, there is no requirement for the government to respect such a vote.

Another option perhaps would be for the Senate to present lists of possible Speakers from which the Governor-in-Council could select one. The issue, therefore, becomes one of deciding whether a non-constitutional solution, such as that advanced by Senator Austin when I spoke in March last year, has advantages in terms of being easier to get adopted. As the honourable senator said to me, "Am I interested in hitting a ball to first base or a home run?" I would like to hit a home run. While informal extra-constitutional options would be less secure, they could be almost as effective and easier to achieve.

If this option is acceptable, how can it be developed and implemented so as to secure the future as much as possible? While it may not be the ideal solution, it may also avoid other difficulties, such as opening up the issue of Senate reform at the constitutional level and determining which constitutional amending formula applies to this change. Honourable senators will remember that Senators Joyal, Beaudoin and others spoke the last time about whether it is necessary to invoke the major formula for the amendment of the Constitution that would involve the provinces.

It should be noted that Bill S-3 would also amend the Constitution Act, 1867, to provide for a voting procedure similar to that of the House of Commons where the elected Speaker of that House may not vote except when the votes on a question are equally divided. Currently, as honourable senators know, our Speaker can vote.

The bill would also make amendments to the Parliament of Canada Act, including provisions for the appointment of a Deputy Speaker. If the bill were not proceeded with, these provisions would also not be implemented. There might, however, be agreement to proceed with the proposed amendments to the Parliament of Canada Act.

Honourable senators, as I said earlier, changes to the manner of the selection of the Speaker of the Senate would require an amendment to the Constitution because of the wording of the existing provisions. In considering a constitutional amendment for this purpose, an issue arises as to whether the federal Parliament may act alone or whether some other part of the constitutional amending formula from the Constitution Act, 1982, requiring provincial agreement would apply.

Honourable senators know that section 44 reads as follows:

> 44. Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

That is the provision that I rely upon for saying that there is authority for Parliament to act alone, without the consent of the provinces, to make this simple change to have our Speaker elected.

This section has been used to amend certain provisions of the Constitution. For example, in 1986 it was used to amend section 51 of the Constitution Act, 1867 regarding the readjustment of representation in the House of Commons. Section 41 of the Constitution Act, 1982, requires unanimity for certain amendments. This section does not apply to the proposed change to the selection of the Senate Speaker.

Section 38 sets out the general amending formula for constitutional amendments. Section 38(1) reads:

> An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by
>
> (*a*) resolutions of the Senate and House of Commons; and
>
> (*b*) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces.

Section 42 goes on to specify that certain amendments are to be made in accordance with this general amending formula. The most relevant for the present purpose is section 42(1)(*b*), which reads:

> An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1): ...
>
> (*b*) the powers of the Senate and the method of selecting senators;

Honourable senators, Bill S-3 is not about the method of selecting senators. The selection of the Speaker of the Senate is not currently a power that is enjoyed by the Senate or senators. Rather, under the Constitution Act, 1867, this is a power that is exercised by the Governor General. There is, therefore, an argument that because it is a change in the powers of the Senate, the amendment would be required to be sought under the general amending formula of the Constitution Act, 1982.

• (1640)

The *Senate Reference Case* was a reference to the Supreme Court of Canada by the federal government with respect to proposed legislative changes to the Senate. The case predates the Constitution Act, 1982 and therefore, from a legal point of view, must be viewed with some caution as it may have been expressly or implicitly overruled or superseded by the 1982 constitutional amending formula. The case is, however, relevant with respect to the issue of those Senate powers and characteristics that are within the federal government's sole jurisdiction to change and those which were part of the "constitutional bargain" at the time of Confederation, and in which the provinces have an interest.

In the *Senate Reference Case*, the court put emphasis on the preamble to the Constitution Act, 1867, and in particular to the "Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom." This leads to an examination of the composition and organization of the House of Lords. The fact that the Lord Chancellor presides over sittings of that chamber, and is appointed by the government, would seem to lend weight to the argument that a change in the appointment or selection of the Speaker of the Senate requires some provincial input or consent.

From an historical perspective, the argument could also be made that the Senate was intended to be within the control or ambit of the government and of the Prime Minister, through advice to the Governor General. The appointment of senators and other aspects of the Senate were designed in the interests of the government of the day. The appointment of the Speaker of the Senate could be seen as part of this overall essential design or plan.

Bill S-3 would also be amending the voting rights of the Speaker. While this change would reflect recent practice in the Senate, and is consistent with the procedures and practices in the House of Commons and provincial legislatures, it also raises some questions about whether such a change can be achieved by Parliament alone. Again, reference could be made to the preamble to the Constitution Act, 1867 and the *Senate Reference Case* and to the history of the Senate. Could it be suggested that the denial of the vote to the Senate Speaker affects the rights and powers of a province or region by reducing the votes that senators from that province and region are supposed to enjoy in the Senate? While comparable procedures exist in other legislatures, it could be argued that the unique role and circumstance of the Senate raise different issues.

The issue here, honourable senators, is certainly not free of doubt. On the one hand, this seems to be a very minimal change that would not basically affect the role or powers of the Senate. However, on a strict and more legalistic reading, it is arguable that the provinces might have to be consulted.

It is worth noting that the Speaker of the Senate currently plays a much lesser role than the Speaker of the House of Commons in the administration of the Senate as well as in the chamber. Speakers' rulings can be appealed to the Senate and the powers of the office under the *Rules of the Senate* are limited. The Speaker of the Senate is not a member of the Standing Committee on Internal Economy, Budgets and Administration, whereas in the House of Commons, the Speaker is a member of, and chairs, the comparable Board of Internal Economy. If the Speaker of the Senate were to be elected, it is arguable that many of these attributes of the office will need to be examined.

I personally feel that the Speaker of this place should have a major role, and indeed should chair our Standing Committee on Internal Economy, Budgets and Administration. Change in the manner of selection of the Speaker of the Senate would require the development of a process or procedure for the selection. Bill S-3 refers to the use of a secret ballot, and this model is used in the Canadian House of Commons and in other legislatures. It should also be noted that provision would have to be made for someone to preside over this election.

At present, the Speaker of the Senate is appointed whenever a vacancy occurs, and a Speaker is always in place before the opening of a new Parliament or session. This would not necessarily be the case under the new system. The incumbent may have ceased to be a senator, or died, but the Senate must meet in order to elect a successor. Whether Bill S-3 is proceeded with or not, or some alternative approach is adopted, the *Rules of the Senate* will have to be amended to implement the necessary procedural changes simply for that.

In conclusion, honourable senators, two basic issues arise in connection with the proposal to change the process for the selection of the Speaker of the Senate. First, should it be achieved by means of a constitutional amendment or would it be satisfactory to do it by informal, extra-constitutional means? Second, if it is decided to proceed by means of an amendment to the Constitution Act, 1867, can it be achieved by the federal Parliament alone — and I say it does — or does it require the consent of at least seven provinces representing at least two-thirds of the population of Canada?

Given the issues that I have tried to briefly outline, one option I prefer is to refer this Bill S-3 or the subject-matter of this bill to the Standing Senate Committee on Legal and Constitutional Affairs for review and for the committee to seek legal opinions on the issue and to consult procedural and constitutional experts on how the changes could be implemented. The implications of changing the selection process for the office of Speaker of the Senate could also be reviewed.

MOTION IN AMENDMENT

**Hon. Donald H. Oliver:** I move, therefore, that the subject matter of Bill S-3 be sent to the Standing Senate Committee on Legal and Constitutional Affairs for further study, and that that committee report back to this chamber when their study is completed.

**Hon. Bill Rompkey (Deputy Leader of the Government):** I move the adjournment of the debate.

**The Hon. the Speaker** *pro tempore*: Is there unanimous consent that Senator Oliver may amend his motion?

**Senator Oliver:** To have it sent to the Standing Senate Committee on Legal and Constitutional Affairs for study.

[*Translation*]

**Hon. Fernand Robichaud:** Honourable senators, just so we are all clear, at the end of his speech, Senator Oliver moved that Bill S-3 be sent to committee for study and then be reported. If I understand correctly, one day's notice is required in order to move such a motion. Can Senator Oliver's motion be now put?

[*English*]

**The Hon. the Speaker** *pro tempore*: Is there unanimous consent that Senator Oliver may amend his motion?

**Senator Rompkey:** I wanted to adjourn the debate. There are many issues here. We have just heard Senator Oliver speak now. He has raised many questions and I think we need some time to analyze what he said. Other people will want to take part in the debate. Surely, Senator Oliver would not want to rush it through. I know he would not because he believes in democracy, freedom of speech and in people participating in the debate, and as that is the position he will take, I am sure he would agree to the adjournment of the debate so that others can take part. I do not say this to in any way speak against the proposition. As a matter of fact, personally I would support the proposition. I just want some time to analyze the issues that Senator Oliver has raised today, and I think it is appropriate that we do that. Because of that, I would like to adjourn the debate.

• (1650)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, what is Senator Rompkey moving the adjournment of the debate on? Is it the motion to refer the subject matter to committee, or is it the adjournment of the debate on the motion for second reading?

**Senator Rompkey:** I am adjourning the motion that is on the floor.

**Senator Kinsella:** Which is what?

**Senator Lynch-Staunton:** There can only be one at a time.

**Hon. Anne C. Cools:** What I heard, honourable senators, for your enlightenment, was that Senator Oliver very properly moved a motion to send to committee not the bill but rather the subject matter, particularly the subject matter — not the second reading, but the subject matter of the bill. Then I heard Senator Rompkey rise and take the adjournment. The question before us would have been Senator Oliver's motion to send the subject matter to the committee, so that is what Senator Rompkey would have been taking the adjournment on.

**Senator Kinsella:** Agreed. That is understood. Question!

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

**Senator Kinsella:** No, that is not the motion. The motion that is to be put is the motion by Senator Rompkey, who has moved the adjournment of the debate on the question of referring the subject matter to the committee.

**The Hon. the Speaker** *pro tempore*: Is there agreement?

**Senator Kinsella:** Yes, we agree.

**Hon. Senators:** Agreed.

Motion agreed to.

## 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

REPORT OF HUMAN RIGHTS COMMITTEE— ORDER STANDS

On the Order:

> Resuming debate on the consideration of the second report of the Standing Senate Committee on Human Rights (clarification of its mandate), presented in the Senate on February 17, 2004,

And on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the Report be not adopted, but that the Order be discharged and the Report withdrawn.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, that is not the proper motion before us either.

**Senator Lynch-Staunton:** We have dealt with that.

**Senator Kinsella:** The matter before us is a motion that this order be struck from the Order Paper, and that debate is the debate before us. Senator Prud'homme is holding the adjournment on it, so I think we should just stand the item.

Order stands.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### COMMITTEE AUTHORIZED TO STUDY PRIVATE MEMBERS' BUSINESS—DEBATE CONTINUED

On the Order:

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

That the Standing Committee on Rules, Procedures and the Rights of Parliament study the manner in which Private Members Business, including Bills and Motions, are dealt with in this Chamber and that the Committee report back no later than November 30, 2004.—(*Honourable Senator Poy*).

**Hon. Vivienne Poy:** Honourable senators, I rise today to speak in support of Senator Carstairs' motion to authorize the Standing Committee on Rules, Procedures and the Rights of Parliament to study the manner in which private members' business, including bills and motions, are dealt with in this chamber. I should like to focus on the way in which the other place, in effect, brings back legislation. As we know, there is no similar procedure in the Senate.

Please note that as far back as March 1996, in the Second Session of the Thirty-fifth Parliament, the Honourable Herb Gray proposed in the other place that, during the first 30 sitting days, when proposing a motion for first reading of a bill, if the said bill was in the same form as at the time of the prorogation, that it should be deemed to have been considered and approved at all stages completed at the time of prorogation.

The Honourable Herb Gray's proposal applied to only the Second Session of the Thirty-fifth Parliament, to both government and private members' business. At that time, the Standing Committee on Procedure and House Affairs was tasked to examine the procedures related to private members' business.

In November 1998, the Standing Committee on Procedure and House Affairs recommended that the Standing Orders of the other place be amended to allow for the reinstatement of private members' business. Section 86.1 in the Standing Orders states that "the said bill shall be deemed to have been considered and approved at all stages completed at the time of prorogation," provided that "the said bill is in the same form as at prorogation."

In support of her motion, I concur with Senator Carstairs that consideration should be given to amending the procedures of the Senate in a similar fashion as in the other place. To not undertake this review of existing procedures would suggest that the work in this chamber has less merit than that of the other place.

Honourable senators, there is much current attention on making government more efficient and less costly. The current legislative process as it stands for private members' business is far from efficient, nor is it cost effective.

We are now in the Third Session of the Thirty-seventh Parliament. Just to cite recent events, in the first and second sessions, 10 private members' bills were introduced in both sessions. Of these, almost half went to committee twice, entailing resources of these committees and requiring the recall of witnesses. In fact, third reading of one bill in the Senate occurred twice, but it did not get to the other place.

To continue with our existing procedure is a waste of senators' time and energy and an inefficient use of the limited time and resources of our offices, as well as the committee that performs such valuable work in the Senate. The time, effort and cost of witnesses who are recalled to appear before a committee time and again should be a great concern to many of us in this chamber. Many of these witnesses have to travel from across the country to appear. Is this fair to them? Should this be necessary? It certainly is not cost effective. I believe Canadians are tired of our tax dollars being spent rehashing the same arguments, the same debates and the same bills over and over again.

Honourable senators, a study by the Standing Committee on Rules, Procedures and the Rights of Parliament into the manner in which private members' business is dealt with in this chamber is long overdue. Let us vote on this motion and send this matter to committee for further study.

**Hon. Anne C. Cools:** Honourable senators, I have followed the debate with some care. I wonder if Senator Poy would take a question.

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

**Senator Poy:** Yes.

**Senator Cools:** Essentially, I am hearing Senator Poy say that in the interests of cost effectiveness, the Senate should reinstate bills as the House of Commons does. I could submit that the greatest saving of cost would be to never have any debate on anything, but just to pass it all once in the House of Commons and never even bring it to the Senate. Cost effectiveness is a peculiar argument.

I should like to ask Senator Poy about the constitutional underpinnings of what she is proposing. Senator Poy happens to be the sister-in-law of the Governor General. Her Excellency Adrienne Clarkson would have issued, under the Royal Prerogative, a proclamation and writ of prorogation and writ of summoning of Parliament. I wonder if Senator Poy has wrapped her mind around the constitutional task of defeating and overcoming an order of prorogation, which is what a reinstatement essentially does.

• (1700)

**Senator Poy:** Honourable senators, all I am suggesting is that this matter should be studied. Cost-effectiveness is only one issue. I am talking about efficiency, and about the fact that what we do in this chamber is just as valuable as what happens in the other place. This is a matter of study. It depends on the findings of the committee. All I am saying is that this matter should be studied. I am not suggesting changing anything in the Constitution.

**Senator Cools:** I listened attentively to the honourable senator. When one makes a proposal, one usually brings forth the legal and constitutional underpinnings to the proposal. Has Senator Poy given any thought to those? Basically, Senator Poy is saying that she has not, and that this is just a suggestion. I take it for exactly what she says.

Does the honourable senator wish to respond to that?

**Senator Poy:** Honourable senators, I will respond. This is a suggestion. What I am saying is that the matter should be studied. That is it. There is no change of anything. If the committee should decide, after having studied the matter, that this is not workable for the Senate, that is the way it should be. However, the matter should be studied. We should not have closed minds.

**Senator Cools:** I agree with the honourable senator. Senator Poy has opened my mind to the matter. I should like to speak on the matter.

On motion of Senator Cools, debate adjourned.

## UNITED STATES MISSILE DEFENCE SYSTEM

### MOTION RECOMMENDING NON-PARTICIPATION—DEBATE ADJOURNED

**Hon. Douglas Roche,** pursuant to notice of February 26, 2004, moved:

> That the Senate of Canada recommend that the Government of Canada not 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 destabilize the strategic environment and impede implementation of Article VI of the Nuclear Non-Proliferation Treaty;
>
> 3. It will not contribute to the security of Canadians, and Canadian non-participation will not diminish the importance of Canada-U.S. defence cooperation under NORAD in addressing genuine threats to Canadian security.

He said: Honourable senators, the debate I am starting with this motion on Canada's possible participation in the U.S. ballistic missile defence system, known as BMD, deals with a matter of critical importance to Canada's role in building global security and the conditions for peace. I would have preferred that the debate in the Senate be launched by the government because it is the government, after all, that has the responsibility for Canada's security.

I urge the government to recognize that Canada's participation in BMD will undermine, if not destroy, Canada's policies on arms control and disarmament and the non-weaponization of space.

There are three principal reasons that I oppose participation in BMD. First, participation in BMD will constitute Canadian endorsement for the weaponization of space. The government has denied this, arguing that the system the U.S. will begin deploying later this year involves only ground- and sea-based missile interceptors. This is wrong. It involves much more. Ballistic missile defence is like a house. Ground- and sea-based interceptors are the first and second storeys. Space-based missile interceptors are the roof.

The U.S. Missile Defence Agency, charged with developing missile defence, is perfectly clear on this point. BMD will be an integrated system. The system is to involve a layered defence, capable of intercepting missiles in boost phase shortly after launch, in mid-course in space, and in terminal phase as they near the target. As a recent study by the American Physical Society pointed out, a land-based missile defence system will be incapable of intercepting missiles in boost phase launched from distant states. To account for this deficiency, the U.S. will have to deploy weapons in space.

It should come as no surprise, then, that the Missile Defence Agency has requested funding for research in 2005 aimed at developing space-based weapons, with the stated intention of deploying a test bed in space in 2012. The deployment of such a test facility will smash the long cherished and widely held norm against weapons in space. Canadian involvement in the current missile defence program, which may include space research as early as next year, will be an endorsement of activities that directly counter Canada's policy on space weapons.

The government is not ignorant of U.S. intentions for missile defence. An internal report done by our Department of National Defence notes that a —

> ...significant risk associated with BMD...is its reinforcement of trends towards the weaponization of outer space.

Despite these concerns, the government has not developed any contingency plans to guide Canadian policy once the United States consummates its desire to place weapons in space. Canadian officials argue that we can better influence U.S. policy if we are inside the missile defence tent. However, if we cannot extract an American guarantee not to weaponize space before agreeing to participate, how will we be able to obtain such a guarantee afterwards?

The letter from Defence Minister Pratt to U.S. Defence Secretary Donald Rumsfeld explicitly recognizes that ballistic missile defence, and Canada's participation in it, will not remain limited to the system being deployed in 2004. Instead, Minister Pratt states that the BMD system:

> ...will evolve over time, and our bilateral cooperation in this area should also evolve.

Thus, honourable senators, there will be no escaping the fact that participation in missile defence constitutes an endorsement of U.S. intentions to weaponize space. Second, BMD will destabilize the strategic environment and impede implementation of Article VI of the Nuclear Non-Proliferation Treaty, which calls for negotiations to eliminate all nuclear weapons. While some argue that a shield to defend against missile attacks is a purely defensive measure, this ignores the predictable reactions of other states to the deployment of this shield. BMD is intended only to protect against accidental launches from other nuclear powers such as Russia and China, or missile attacks from U.S. adversaries with limited nuclear capability. To preserve a nuclear deterrent vis-à-vis the United States, these states will have to maintain an arsenal capable of defeating BMD.

• (1710)

Indeed, for China and Russia, this means either overwhelming missile defences by having more missiles than BMD has interceptors, or developing missiles capable of evading the interceptors altogether. Russian research on BMD countermeasures resulted in a successful test of a new missile just last month, leading a senior Russian military official to declare:

> We have proven that it's possible to develop weapons that would make any missile defence useless.

For its part, China is expanding its current arsenal of approximately 20 missiles capable of hitting the U.S. to 30 by 2005, and possibly 60 by 2010.

We see, then, that BMD will encourage Russia and China to put their nuclear weapons on high alert, increasing the likelihood of an accidental launch of the kind BMD is intended to protect against. Increased Chinese deployments could also force India to upgrade its own nuclear capability.

What does all of this mean? Instead of decreasing nuclear arsenals and making progress toward the comprehensive elimination of nuclear weapons, as called for under Article VI of the Nuclear Non-Proliferation Treaty, states uncomfortable with U.S. dominance of nuclear war-fighting are forced to maintain or increase current arsenals and focus research on developing countermeasures to BMD.

This has led the noted American defence analyst, Dr. Bruce Blair, of the Center for Defense Information in Washington, to declare:

> ...every [BMD interceptor] missile in the ground will be another nail in the coffin of nuclear disarmament.

Even the Canadian Department of Defence has recognized this problem, noting that "BMD could also increase the risk of further proliferation of missile technologies and weapons of mass destruction."

Such an effect runs directly counter to the disarmament and non-proliferation agenda that Canada has traditionally supported. Just as with the weaponization of space, Canada faces a clear choice with respect to disarmament: either participate in BMD and accept current or higher global levels of nuclear weapons, or distance itself from the U.S. missile defence programs and continue to work internationally to decrease nuclear arsenals.

Honourable senators, my third point is this: BMD will not contribute to the security of Canadians, and Canadian non-participation will not undermine Canada-U.S. defence cooperation under NORAD in addressing other threats to continental security. This is extremely important, since the government has said it will base its decision on BMD primarily on whether it will protect Canadians. As has already been noted, BMD makes accidental missile launches more likely. Does it afford any protection against missiles once they are in the air?

The simple answer is, "No, it does not." While much is made of the upcoming deployment of BMD, the system has not yet been shown to actually work. The U.S. Congress General Accounting Office examined the 10 key technologies on which the effectiveness of BMD depends, and concluded last year that prototypes have been successfully tested for only two of these, and no tests of the system as a whole have yet even been made possible.

While offering no protection to North America from ballistic missile attacks, the very deployment of the system has the effect of increasing the likelihood of an attack in the first place. It is not difficult to see that this means less security for Canadians, not more.

Another argument advanced for participation in BMD is that if Canada does not have a seat at the table, the U.S. will either eliminate or marginalize the role of NORAD in continental defence cooperation, opting instead to defend North America without Canadian input. However, Canada already has a seat at dozens of defence-related tables, including the newly created binational planning group, at which we can advance our views about BMD. Such an argument also ignores the reason that the United States cooperates with Canada in defence in the first place: Simply put, it is in the U.S. interest to do so. The fact that we share a common border and maritime approaches means that neither the U.S. nor Canada can effectively provide for its own defence without cooperation from the other.

The United States recognizes the importance of defence cooperation with Canada. Far from marginalizing NORAD, the Pentagon has suggested expanding cooperation to encompass coordination on land and sea in addition to the air defences currently serviced by NORAD.

NORAD is not a function of American charity. It is, instead, a rational response to the ongoing needs of Canada and the U.S. to coordinate continental defence, and will continue to be in the interests of both countries irrespective of the position Canada takes on missile defence.

Honourable senators, I thank you for your attention and conclude with this observation. I ask you to consider that I am not standing alone in my opposition to BMD. Important voices and votes show the rising concern that Canada not make a terrible mistake. Thirty Liberal MPs in the House of Commons voted against Canada continuing discussions on, let alone participating in, missile defence.

A round table of prominent figures who met recently in Ottawa urged Canada to stay out of BMD. A new Canada-wide coalition of concerned Canadians is being formed. Several important and highly respected bodies, such as the Liu Institute for Global Issues, Project Ploughshares, the Canadian Pugwash Group and the Middle Powers Initiative have all called for Canada to work for nuclear disarmament, instead of undermining it by participating in BMD.

Washington's ardour for an unworkable defence in pursuit of a delusionary Fortress North America may well wane after the 2004 presidential election as costs climb and technology falters. Indeed, the rush to deploy an untested system has also led prospective presidential nominee John Kerry to oppose the early deployment of BMD undertaken by President Bush.

Honourable senators, let Canada stay with global values for peace and work for a world in which everyone can find security.

On motion of Senator Cordy, debate adjourned.

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### COMMITTEE AUTHORIZED TO RECEIVE PAPERS AND EVIDENCE

**Hon. Lorna Milne,** pursuant to notice of February 26, 2004, moved:

> That all papers and evidence received and taken by the Standing Committee on Rules, Procedures and the Rights of Parliament during the Second Session of the Thirty-seventh Parliament, on Bill C-34, be referred to the said Committee.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, March 10, 2004 at 1:30 p.m.

**APPENDIX A**

**Address**

**of**

**His Excellency Kofi Annan**

**Secretary-General of the United Nations**

**to**

**both Houses of Parliament**

**in the**

**House of Commons Chamber, Ottawa**

**on**

**Tuesday, March 9, 2004**

## APPENDIX A

**Address**
**of**
**His Excellency Kofi Annan**
**Secretary-General of the United Nations**
**to**
**both Houses of Parliament**
**in the**
**House of Commons Chamber, Ottawa**
**on**
**Tuesday, March 9, 2004**

*His Excellency Kofi Annan and Ms. Annan were welcomed by the Right Honourable Paul Martin, Prime Minister of Canada, by the Honourable Dan Hays, Speaker of the Senate, and by the Honourable Peter Milliken, Speaker of the House of Commons.*

• (1005)

[*English*]

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker of the Senate, Mr. Speaker of the House, members of Parliament, Senators, ladies and gentlemen, it is a great privilege to welcome to Parliament the Secretary-General of the United Nations, Mr. Kofi Annan.

Your Excellency, Canada may be a young country, but we have one of the oldest continuing systems of government in the world and throughout our history we have been staunchly democratic.

This magnificent chamber, this House of Commons, is the engine room of our democracy, and sometimes, Sir, let me tell you, it can get pretty noisy in here. Thus, while I would like to believe that the rare calm you see before you reflects the enormous support on both sides of the House for the policies of the government, I suspect that it is primarily a tribute to you and to the great institution you lead.

Canadians were among the first and continue to be among the world's most steadfast supporters of the United Nations. It should be no surprise, therefore, that many have become integral to the United Nations endeavour.

What I would like to do now is introduce six such Canadians who are with us today: Lieutenant-General Roméo Dallaire, a compassionate and articulate advocate of the world community's responsibility to protect; Major-General Andrew Leslie, recently returned from Afghanistan, where he was deputy commander of the International Assistance Force; Stephen Lewis, the Secretary-General's Special Envoy on HIV-AIDS in Africa; Maurice Strong, Undersecretary-General and Special Advisor to the Secretary-General for North Korea, and a man who has done so much to make the environment a global responsibility; Louise Fréchette, for many years a distinguished Canadian public servant and now the Deputy Secretary-General of the United Nations; and finally, Louise Arbour, Supreme Court Justice of Canada, chief prosecutor for the International Criminal Tribunals in the Hague, and the next United Nations High Commissioner for Human Rights.

• (1010)

[*Translation*]

Your Excellency, Canada is an international player. Our security, our prosperity, our environment are intimately connected with developments beyond our borders. No country is more open to the world than Canada, and no country has a greater stake in making sure that our international institutions work fairly and effectively. It is vital for Canada — it is a fundamental Canadian self-interest — that the international community be guided and bound by the rule of law. But our commitment to internationalism goes beyond self-interest narrowly conceived. It is also a matter of the heart, of a belief in the dignity of all people, and the need for equitable solutions to global problems.

[*English*]

Multilateral commitment, for us, is more than a simple wish; it is a recognition that Canada's destiny as a free nation demands international fairness, integrity, courage and imagination.

These are the qualities the world needs if we are to meet the challenges of today and tomorrow and they are also the qualities that come most readily to mind when we think of the life and the career of our honoured guest.

In the year 2001, the Nobel Peace Price was awarded to the United Nations and its Secretary-General. Justifiably so, because Kofi Annan exemplifies in his person the highest aspirations that we all hold for the community of nations.

At critical moments in its history, the United Nations has made it through difficult times because it was led by a great Secretary-General and there is no doubt that this is the case today. Unequivocally, Kofi Annan has earned his place among the great leaders of the UN.

These are not easy times: the threat of terrorism; the growing gap between the world's rich and the world's poor; the need to protect our global commons against the ravages of pollution and senseless exploitation; and the responsibility to protect. These are the challenges we face and they all require nations to shoulder their global responsibilities and to work together.

At the centre of it all lies the United Nations. If it does not work, then more and more people will be left behind. Our problems will deepen and durable solutions will become more and more remote.

• (1015)

[*Translation*]

We live in one world, and all our destinies are linked. Kofi Annan, by word and deed, has devoted his entire working life to keeping this fundamental truth before our eyes. He has dealt with the most critical issues of our times, from wars in the Gulf and the Balkans, to the status of East Timor, to peace efforts in the Middle East.

Your Excellency, Canada agrees with you that there is a collective responsibility to protect people from the worst threats to their security, and protect the innocent from military catastrophes.

[*English*]

Kofi Annan has been an inspiration in the struggle to end global tragedy.

For instance, his leadership has been essential in the establishment of the Global Fund for AIDS and in the campaign to provide cheap medicines to sufferers in poor countries.

Canada has listened. We are the first OECD country to introduce legislation to provide inexpensive generic drugs to the poorest of the poor with HIV-AIDS.

I can think of no better way to commemorate the visit of the Secretary-General and Mrs. Annan to this Parliament than for hon. members and senators from all parties to join together and to pass this legislation quickly, for the time to act is now.

In these and so many other areas, such as the millennium development goals signed by 147 world leaders in September 2000, Kofi Annan reminds us that the great issues of war and peace cannot be separated from the great causes of human rights and individual freedom.

The Secretary-General displays a calm and a forcefulness in the midst of the whirlwind that is truly astonishing. He not only tackles global crisis with great resolve and creativity, he is forthright in his calls for changes to the United Nations itself.

The great institution is not broken, but it is hurting. Many of the problems we face cannot be easily addressed by a model established over 50 years ago to deal with very different kinds of issues.

For this reason, the Secretary-General has established a high level panel on threats, challenges and change to advise him on ways to ensure that the United Nations is up to the tasks it faces.

He can be confident that Canada will stand with him to ensure that his reform efforts move forward and take hold, for we can do no less.

[*Translation*]

It is far too easy to criticize the United Nations, as if it were some remote and abstract entity. It is not. The United Nations is us. Its shareholders are the 191 states that make up its membership, and it is we who are accountable for its failures as well as its successes.

Canada has done its fair share and more throughout the years, whether through our continuing work on human rights or on peacekeeping, and in so many other areas of international importance. Wherever there is pain and suffering in the world, we can find Canadians from every walk of life helping to make things better.

Afghanistan and Haiti are but two of the more recent examples where the men and women of our armed forces are serving the cause of democracy with courage and compassion.

[*English*]

Your Excellency, this House divides on many issues, and that is a testament to our democratic spirit. But I can assure you that everyone here is united in our admiration for the work you are doing.

We all share the profound Canadian commitment to the cause of multilateralism and to the continuing health and vitality of the United Nations.

Mr. Speaker and Mr. Speaker of the Senate, may I present the Secretary-General of the United Nations, His Excellency Kofi Annan.

*Applause*

• (1020)

[*English*]

**His Excellency Kofi Annan (Secretary-General of the United Nations):** Mr. Prime Minister, Speakers of both the Senate and House, hon. members of the Senate, hon. members of the House of Commons, Excellencies, ladies and gentlemen, thank you very much for giving me such a warm welcome.

I am very pleased to be here in Ottawa and I thank you, Mr. Prime Minister, most warmly for giving me the opportunity to be here and to have the chance to address both Houses this morning. I am particularly pleased to see so many young people in the room behind me. It is great to see them here. It is wonderful that they are becoming engaged early in their lives. They are the leaders of the 21st century and the sooner they become engaged, begin to assume responsibility and to learn from you, the better it will be for all of us.

[*Translation*]

As you know, the United Nations' Charter opens with the phrase "We the Peoples of the United Nations".

Since becoming Secretary-General in 1997, I have made a determined effort to bring the United Nations closer to "the peoples". I have also tried to have the voice of the peoples heard more directly at the United Nations. This is why I am particularly glad to be here with you, the representatives through whom the people of Canada make their voice heard.

It is often said that "all politics is local". Yet in our globalized age, local events are connected, in a myriad of ways, with situations far afield.

We need but glance at the headlines over recent weeks — about new diseases and climate change, for instance — to grasp the important link between the global and the local.

As citizens of an outward-looking country, you in Canada are keenly aware of this, and in many ways you have been able to make the best of globalization, while working to minimize its negative effects, for Canada and for the world.

Throughout the years, Canada has been a pillar of support for the United Nations. Indeed it's hard to imagine the United Nations without Canada and, I might even say, it has become hard to imagine Canada without the United Nations.

Your country's multicultural character and bilingual tradition give it special qualifications as an exemplary member of our Organization. Canada played a key role in the drafting of the UN Charter. You have contributed to practically every aspect of our work, whether in peacekeeping or in the promotion of the UN's development agenda. You have pioneered important disarmament and humanitarian efforts. The very name of this city has become synonymous with the treaty to ban anti-personnel landmines.

And I am delighted to hear that Toronto may soon house a University for Peace Centre, which I hope, working with other Canadian institutions, will enable Canada to make an even greater contribution to UN conflict prevention and peace-building.

Canadians have been prominently involved in the United Nations since its early days. John Humphrey was one of the principal drafters of the Universal Declaration on Human Rights.

In 1955, Paul Martin Senior, the father of your present Prime Minister, helped overcome political and procedural obstacles to the rapid expansion of UN membership — paving the way for the near universality which is today one of our Organization's most important assets.

Lester Pearson even received the Nobel Peace Prize for his efforts to resolve the Suez Crisis — a process in which he helped to invent the very concept of peacekeeping.

• (1025)

It is because I have seen what Canada can bring to the work of the United Nations that I was heartened by the words of Her Excellency the Governor General during the opening session of this Parliament last month, when she expressed the desire for Canada to have a role of pride and influence in the world — to bring Canadian values to international affairs and to "create a world where fairness, justice and decency reign".

When hearing those words, my reaction is, as so often when I think about Canada, "We can work together".

[*English*]

In today's world, we are plagued not only with longstanding problems but also with newer ones, newer ones that have come on top of the international agenda. Terrorism has become a central concern of this new millennium and is, today, a major threat to international peace and security.

[ Mr. Annan ]

Many states are concerned about the proliferation of weapons of mass destruction and their possible acquisition by terrorist groups. Every day, it seems, brings news showing the limitations of our current collective system designed to curb proliferation and trafficking in fissile materials. None of us is omniscient when it comes to ascertaining the presence or absence of weapons of mass destruction in other states.

The last decade of the 20th century taught us lessons about the changing nature of armed conflict. Securing the peace was once seen as simply a matter of preventing war between states. Since the end of the cold war, we have witnessed primarily conflict within states. In the process, we have been repeatedly faced with grievous and massive violations of human rights and of international humanitarian law. Our instinctive reaction is that something must be done, but we are not always sure what or how, or by whom.

As we embark into the 21st century, our organization faces a very different world from the one envisaged by its founders. All of us face new problems and we need to find new solutions. My starting point, as you would expect of a secretary-general of the United Nations, is multilateralist. From that perspective, we are not doing very well. We have yet to find collective answers to the new so-called hard threats to international peace and security that I mentioned a moment ago.

We are also collectively failing to provide adequate responses to persistent hunger, disease, massive violations of human rights and the degradation of the environment. These threats disrupt, disfigure, destroy the lives of many millions of our fellow human beings. The response to these problems cannot be viewed in isolation from our broader concept of security. A world in which millions live in misery without prospects for development cannot be regarded as a world at peace.

Ladies and gentlemen, three and a half years ago at the Millennium Summit, as we heard earlier from the Prime Minister, the world's leaders adopted the Millennium Declaration, a joint statement of our ambition for humanity in the new century. For the first time there was genuine consensus that poverty, hunger, unequal access to primary education, lack of safe drinking water, diseases like HIV-AIDS and malaria, as well as environmental degradation are problems that concern the whole world.

For the first time in history a specific date, the year 2015, was set as our target to achieve specific goals in development and poverty reduction. Sadly, stark and terrible events over the past three years, including on this continent, have distracted our collective attention from these aspirations.

Next year we will review our progress toward achieving the millennium development goals. We will all have to take an honest, hard and unflinching look at where we stand and what we have achieved and what we have not and why.

• (1030)

Our first task should be to restore the world's focus on development. We must do so by taking decisive action to ensure that the achievement of the key goals that we have set for ourselves are met.

The millennium development goals place a great responsibility on the developing countries to mobilize domestic resources, implement policy reform, strengthen democratic governance and protect human rights. But none of the millennium development goals will be achieved without a truly global partnership for development in which countries like Canada will have to do their fair share.

It was under Canadian leadership that two years ago the G-8 adopted in Kananaskis the Africa action plan in support of the New Partnership for Africa's Development. Therefore, Africans are looking to Canada to ensure that this commitment is fully implemented.

Reaching the millennium development goals will require a true global partnership in which all developed countries play their parts through increased and more effective official development aid, investment, advice, and policies that ensure a just global trading system. The recent report of the Commission on Private Sector and Development has shown how critical the role of the private sector can be in this effort. Prime Minister Martin did a splendid job as co-chair of that commission.

I hope that Canada will remain engaged and propose concrete measures to implement their report, along with other countries, but we must make certain that poor countries have a chance at development and that they can benefit from globalization. We must put Doha back on track, a task in which Canada's leadership will be crucial.

Developing countries must not face unfair competition and their most competitive exports especially should be free of restrictive barriers. Developing countries should be given the chance to trade away their poverty, and we must have new approaches to relieve poor countries of heavy debt burdens that drain resources from their development.

To safeguard our environment and preserve a viable world for future generations, we must ensure that our development is sustainable. I salute Canada's determination to reduce greenhouse gases and to comply with international commitments under the Kyoto protocol.

Perhaps most urgently of all, we must redouble our response to the monumental crisis of HIV-AIDS. This has become not only a dangerous obstacle to development, but also a threat to global security. Canada's assistance and proposed legislation to provide low cost generic HIV-AIDS medication to African countries are welcome steps in the right direction, but even greater efforts are needed if we are indeed to begin to reverse the spread of the disease by 2015 as we have pledged to do.

Indeed, none of the millennium development goals will be achieved with a business as usual approach. Our pace of progress must be accelerated.

• (1035)

In all these areas, I urge Canadians to aim higher. Yours must be a leading role in a renewed global effort to deliver what the world has promised to its neediest citizens.

I would also like to make a special plea for the long term commitment to help the people of Haiti. The experience of Haiti shows how poverty, instability and violence feed on each other with repercussions for the broader region.

The international community is now preparing for a new effort to help Haiti. Security as well as humanitarian and development assistance will be needed. At the same time the international community will need to make a decisive contribution to buttress Haiti's democratic institutions.

Only through a long term commitment to help the country can stability and prosperity be assured. Half-hearted efforts of the past have been insufficient. We cannot afford to fail this time.

Ladies and gentlemen, the past year was a particularly difficult one for the United Nations and for me personally. We suffered some bitter blows, including the devastating attack on our staff in Baghdad and the loss of some of our most treasured friends and colleagues.

The persistent instability in Iraq and its regional repercussions are a matter of profound concern to all of us. Now we are confronted with the challenge of helping Iraqis recover their sovereignty under a fully represented government.

The debate over the use of force in Iraq has brought into sharp relief the urgent need for a system of collective security that inspires genuine confidence so that no state feels obliged to resort to unilateral action.

That is why in November last year I appointed a high level panel charged with producing a rigorous assessment of the threats affecting us today and in the foreseeable future.

It is my hope that it will help us move away from the stereotypes, such as the notion that terrorism and weapons of mass destruction are concerns of the north, while poverty and hunger only affects people in the south. I would also hope that the panel will produce recommendations intended to make the United Nations as effective an instrument for collective action as possible against the threats we face, threats both old and new.

The panel is rightly canvassing the views of governments and civil society throughout the world, and I am sure Canada will make an important contribution to its work. What we need is a new global consensus. For this the active and committed involvement of the organization's membership will be vital. I want to see all the member states engaged in this stage.

The decisions needed to make the organization more effective will require a high degree of political will among member states, the will to achieve necessary change but also to make it possible by compromise.

Here too, Canada, with its long tradition of bridge building among different international constituencies can play an important role. Already, Canada has shown leadership in promoting valuable new ideas on ways to strengthen peaceful global governance and to strengthen global governance.

• (1040)

Canadian initiatives, such as the responsibility to protect, developed by the International Commission on Intervention and State Sovereignty, have changed the way we think about some of these important issues that we face intermittently.

I applaud Canada's focus on the rights and the dignity of the individual — an approach that has helped alter the terms of the debate on intervention and sovereignty in a creative and promising way. The individual is the basis on which every free democratic society is built.

As a result, we increasingly conceive of sovereignty as involving the responsibility of states, in the first instance, to protect their own populations. When that protection is lacking or the government concerned is unable or unwilling to do it, all of us in the international community share the responsibility to protect our fellow human beings from massive and systematic violations of human rights wherever and whenever they occur.

In this context, the approaching 10 year anniversary of the genocide in Rwanda must give us pause and compel us to reflect on how to avoid similar atrocities in the future. We can no longer afford gaps in the existing capacity to provide early warnings of genocide or comparable crimes.

I have proposed the establishment of a special rapporteur or advisor on the prevention of genocide to make clear the link, which is often ignored until it is too late, between massive and systematic violations of human rights and threats to international peace and security.

More broadly, I look forward to the day when the concept of our shared responsibility to protect encompasses the sense of global obligation to reach out and help our fellow human beings wherever they may be and when they are most in need.

• (1045)

[*Translation*]

Ladies and Gentlemen, Prime Minister Martin has called on Canada to pursue "a new politics of achievement", and to "ensure a place of influence and pride for Canada in the world". I subscribe to that plea and I challenge you to renew, with even greater determination, your great tradition of international engagement.

I look forward to working with you. Thank you very much.

*Applause*

• (1045)

**Hon. Dan Hays (Speaker of the Senate):** Mr. Speaker, Mr. Secretary General, it is both an honour and a pleasure for me to join with the Speaker of the House of Commons, Mr. Milliken, with the Prime Minister, and all my colleagues to welcome you to the Parliament of Canada and thank you for your very stimulating words.

[ Kofi Annan ]

[*English*]

In the Charter and the Universal Declaration of Human Rights, the member states of the United Nations have collectively defined the moral standards against which the actions not only of governments, but increasingly of individuals and even corporations are measured. Today, these standards are widely seen as the foundation of an international system of norms.

As you know, Canadians share with you a profound commitment to a rules based multilateral system, which reflects the values and priorities of the world's citizens, and in which their voices are heard.

• (1050)

[*Translation*]

Under your governance, the United Nations has taken giant steps toward this goal. Civil society and the world of business are now engaged in the global dialogue about such issues as the funding of development and the governance of corporations. The UN now works more closely with other international bodies and parliamentarians are more involved than ever.

The result is that the United Nations is becoming the centre of an ever-growing network of governments of the world. But there remains much to accomplish.

[*English*]

If we are to overcome the challenges facing humanity, your organization, which is our organization, must not only play a central role in helping its member states to find solutions, it will have to be a central part of those solutions.

[*Translation*]

Canadians have a deep attachment to the United Nations. In fact, popular support for the UN is on the rise in Canada.

For parliamentarians, our role is to translate this attachment into action. Many of my colleagues in the Senate and the House do their share in this regard by taking part in such organizations as the Inter-Parliamentary Union, by assisting with the abolition of land mines in Sudan and Sierra Leone, by helping to create the International Criminal Court, and by promoting nuclear disarmament.

[*English*]

In an address to the Inter Parliamentary Union in 1999, you told parliamentarians from around the world "You are the institutional bridge between the state and civil society. You are the link between local and global".

We accept that responsibility. We will continue to do our part in helping the United Nations, whether it be in Haiti or elsewhere, to achieve the ambitious goals that member states have set for themselves under your leadership and that of your predecessors.

Thank you Mr. Secretary-General.

*Applause*

• (1050)

[*Translation*]

**Hon. Peter Milliken (Speaker of the House of Commons:** Mr. Speaker, Mr. Annan, it is a great honour and privilege for me, on behalf of my colleagues, the Members of the House of Commons, Senators, and special guests present here today, to thank you for your visit, and to thank your wife as well; this visit is greatly appreciated by all my fellow citizens.

It is an opportunity for us, as Canadians, to reflect on the work we have been a part of and the contribution we have made to the United Nations in recent years, as we will continue to do in the future, as you have said.

[*English*]

I want to say how pleased we are that you have found in the presence of Mme. Louise Arbour someone who will be of great assistance in being the United Nations Commissioner for Human Rights, and we are delighted. She is the latest of a number of distinguished Canadians mentioned earlier who have participated in some significant events at the United Nations. I know that, in the future, Canadians will continue to do that.

Your presence helps underline that fact, but also encourages others to do exactly what some of our more senior people have done in the past. The Prime Minister could go on about that a bit should he choose to in respect to his father's participation. We thank you very much for being here and making that possible.

We also wish you the very best in your continued work for the United Nations. Thank you for everything you have done to make the organization so effective in the last number of years.

[*Translation*]

We thank you very much for being here and we wish you good luck!

*Applause*

APPENDIX B
(*see p. 452*)

**OBSERVATIONS**
**to the Second Report of the**
**Standing Senate Committee on Social Affairs,**
**Science and Technology**

The Standing Senate Committee on Social Affairs, Science and Technology (The Committee) heard from 54 witnesses during 18 hours of testimony on Bill C-6, *The Assisted Human Reproduction Act*. Members struggled with the diverse opinions that witnesses expressed. One witness summed up the contentiousness of this bill very effectively by saying:

> 'This is not a flawed bill. This is a controversial bill, and it will never NOT be a controversial bill. There will never be unanimity.'

The Committee passed the bill without amendment but would like to take the opportunity to make the Senate aware of several issues, which ought to be addressed when regulations are being drafted and during the three-year review, which is mandated in the bill.

**The Legislative Framework**

The Committee heard from several witnesses broad concerns over the bill in its entirety. These concerns pertained to splitting the bill and to the use of criminal prohibitions.

First, with respect to splitting the bill, the Committee heard from some witnesses that this bill would be better split into a bill dealing with prohibited activities on the one hand (an anti-cloning bill) and a separate bill for controlled activities. Despite views that the activities are distinct and lend themselves to separate legislation, members were aware that separate legislation was not successful in the past (Bill C-47 in 1996) and accepted the view that the bill addresses complex ethical, medical and scientific issues that are inextricably intertwined and splitting it could undermine its objectives.

With respect to the use of criminal prohibitions, the Committee heard testimony from a number of witnesses who expressed concern over the Government's use of its 'biggest regulatory hammer' to enforce the provisions of the bill. Witnesses expressed the view that criminal bans should be an instrument of last resort, reserved for conduct which is culpable, seriously harmful and generally conceived of as deserving punishment. They expressed the position that once an activity has been made criminal, it is difficult to remove or lessen criminal penalties, even in response to changes in public attitudes. Professional organizations were of the opinion that certain activities should be prohibited, however they suggested that it is inappropriate to use criminal sanctions. Witnesses suggested that public opinion could change with respect to their views on at least some of the prohibitions and that criminal prohibitions should be restricted to activities where public opinion is unlikely to change.

The response provided by Health Canada regarding the use of criminal sanctions describes the constitutional powers of the Government and the rationale behind the use of the criminal law power. Health Canada indicated that a legislative regime is necessary in order to ensure mandatory compliance with health and safety standards. Legislation requires a constitutional head of power, and in the case of Bill C-6 it is the criminal law power. Health Canada suggests that, of the other heads of power, only the Peace, Order and Good Government power could be considered an appropriate one but using it would result in the bill having a less secure and weaker constitutional basis. Health Canada also emphasized that the criminal law power forms the constitutional basis for federal health protection legislation, including the *Food and Drugs Act,* the *Hazardous Products Act* and the *Pest Control Products Act*

Some witnesses suggested that it would be better not to have any criminal prohibitions as set out in clauses 5 through 9 but instead to allow the prohibitions to be enforced at the regulatory level by the Agency, which is to be set up under the bill. Health Canada maintains, however, that it would less responsible for the government to have prohibitions enforced at a bureaucratic level than at a legislative level.

After considering the evidence and the responses provided by Health Canada, the Committee is satisfied that it would be inappropriate to split the bill and that the use of criminal sanctions is acceptable in this initial piece of legislation on assisted human reproduction. However, the Committee would like to make the observation that the considerable concern over the use of criminal sanctions means that this issue should be addressed in depth during the three-year review.

**Therapeutic Cloning**

The issue of therapeutic cloning was raised by a number of witnesses. Many feel that this is an activity that should not be prohibited and they quoted recent public opinion polls that suggest a majority of the Canadian public is also supportive. While some witnesses argued that the prohibition is unwarranted on the grounds of either safety or ethics and morality, scientists suggested that it would unjustifiably limit the scope of medical research.

The Committee is sensitive to these arguments. However it is comfortable with the provisions as set out in the bill after considering evidence offered by some scientists. Their evidence suggested that research could proceed adequately with the provisions as currently set out. The Committee would like to offer the observation that the prohibition on therapeutic cloning is another that warrants a thorough study when this legislation is eligible for legislative review.

**Embryo Research**

The Committee recognizes and is sensitive to the issue of embryo research. The Committee recognizes that the research and medical communities have a responsibility to properly validate fertility techniques. Some witnesses testified that this can require the use, and ultimate destruction of existing embryos. Such research may be necessary to ensure the health of resulting children as well as the health of the women being treated. Witnesses acknowledged that such research has been ongoing since 1987 in an unregulated environment. Witnesses who

expressed strong opposition to embryo research were faced with the choice of supporting the bill, which permits embryo research, or not supporting the bill and thereby, in all likelihood, continuing the current unregulated environment for embryo research, since the bill would die on the Order Paper. In this context many opponents of embryo research would prefer to limit the harm as they see it, if such research cannot be realistically prohibited. Hence they grudgingly supported passage of the bill in its current form.

Embryonic stem cell research (ESC) has recently become another area of embryo research. However, stem cell research is being done using adult stem cells. This parallel method of research does not exist in the other areas of embryo research. While the Committee heard from some witnesses who felt strongly that ESC research is unnecessary given the adult source alternative, others testified that both avenues should be pursued. Some testimony suggested that the knowledge that can be acquired through the study of ESC can then be applied to adult stem cell research potentially to increase their plasticity.

The Committee agrees that embryo research, including ESC research, should not be a unregulated activity. Members feel that in the absence of defining its moral status, the embryo is, as defined by the bill, a human organism and as such research that involves embryos must be dealt with in a stringently regulated manner. The Committee therefore would like to make the observation that the Agency must provide exemplary oversight to all embryo research. It would like to emphasize clause 33(1) of the bill, which states that advisory panels may be established to advise the Board on any issue referred to it. The Committee feels that a permanent embryo research advisory panel should be established that would include at least some representation from the faith community. This advisory panel should be a priority for the Agency. In addition the Committee is of the opinion that the Agency must keep abreast of all adult stem cell research and its advances in order that it may best measure the necessity of embryonic stem cell research proposals.

**Genetic Alteration and Embryos Created for Research**

Along the lines of the concerns over therapeutic cloning and embryo research described above, disagreement was voiced by some witnesses over the prohibitions on germ-line genetic alteration (Clause 5(1)(f)) and creation of embryos for research purposes (Clause 5(1)(b)). Although the Committee is in agreement with these prohibitions, they are somewhat sympathetic to the arguments put forward by these witnesses. The Committee offers the observation that these may be issues on which the views of Canadian society could change over time and therefore they should be carefully examined when the legislation is reviewed within three years.

**Identifiable Donation**

Some of the most compelling testimony given to the Committee addressed identifiable gamete donation. Several witnesses, including ethicists, the offspring of these reproductive techniques, as well as individuals who had been through the fertility process, spoke eloquently and passionately about the need for mandatory donor identification. It was their position that offspring are entitled to identifying information regarding their biological origins.

Medical professionals, gamete collectors and other individuals who struggle with infertility expressed equally passionate positions that mandatory donor identification would effectively eliminate all gamete donations, especially in the absence of reasonable compensation for the donations. These witnesses testified that currently under family law in all but two provinces and one territory, a non-anonymous sperm donor is deemed to be the father of any child(ren) born as the consequence of his sperm. The Committee was told that the anonymity provision cannot change until family law is changed in all jurisdictions. Additionally, family law does not assign maternity to egg donors currently in any Canadian jurisdiction. The position was clearly expressed that Canada should not make donor identification mandatory before family law has been appropriately addressed to protect the donors.

The Committee understands the difficulty in requiring donor identification at this time. However, we would observe that this issue should be carefully examined when this legislation is reviewed within three years.

**Permissible Compensation**

Several witnesses testified to the Committee that the restrictions on compensation are excessive. Their position is that this prohibition will essentially reduce the choices available to the infertile community by significantly reducing the amount of gamete donations and surrogate services that will be offered. They also speculated that the non-commercialization provisions would drive the practice underground or cause Canadians travel to other jurisdictions to seek treatments unavailable in Canada because of the non-commercialization provisions in the bill.

Also compelling was the testimony that human beings cannot be reduced to a commercial transaction, as some witnesses would argue is the current situation with commercialized gamete donation. The Committee heard that Canadians do not accept the commercialization of other human tissues or organs such as blood, bone marrow or kidneys, and that it is inconsistent and contrary to the views of Canadian society that payment or compensation be offered for reproductive material, embryos and surrogacy services.

The Committee supports the non-commercialization provisions of the bill but is nevertheless concerned about the effect this will have on donations. The Agency has a responsibility via clause 24(1)(f) to inform the public about fertility issues and the risk factors involved. This responsibility should include awareness and sensitizing campaigns that could inform the public about the need for gamete donations and thereby, hopefully, minimize the negative impact on availability.
In addition, the Committee would like to offer the observation that the Agency should establish a national system of altruistic sperm and egg donation/ banking similar to that which exists for blood and blood products.

Further, the Committee wants the Agency to study the actions of those countries that also prohibit commercialization in order to identify the strategies that have ensured access to donor gametes by the infertile community.

### Surrogacy

Bill C-6 proposes to prohibit surrogacy for profit, or compensation for surrogacy services. Witnesses who represented faith communities did not support the practice at all, not only the commercial aspect of it. One of the reasons for their adamant opposition of the practice of surrogacy is the interpretation of the term 'mother'. Although supporters of surrogacy maintain that the mother is only the social mother, others disagree and insist the 'mother' needs to be properly defined in legal terms.

While your Committee heard arguments against the prohibition on payment for surrogacy services, we are in general agreement with those witnesses who are in support of such a ban. None the less we have a number of observations that should be made pertaining to the practice of surrogacy. Members feel strongly that the best interests of the child should not be overshadowed by the desire for a child, and some witnesses felt that surrogacy may not be in the best interests of the child. We are all of the opinion that data must be collected so that sound evidence-based decisions can be made. Some of the crucial information that could be obtained through an-depth outcomes study includes:

- the type of counselling that is appropriate and necessary;
- the effects (physical, emotional) on the children and their families as well as the surrogates and their families;
- the level of compensation that is appropriate (receipted expenses, or more); and,
- the profiles (socio-economic, demographic, etc.) of the women who offer surrogate services.

### Agency

Overall, there was considerable support for the creation of the Assisted Human Reproduction Agency of Canada. Witnesses applauded the creation of both a public registry, for access to Agency information, and a private registry, for health reporting information.

The intent of the Bill is clear with respect to the transparency that the Agency is to respect, as specified in clause 19. The Committee is concerned, however, that there is no clear obligation for the work of the Board's advisory panels to be made public. The Committee would like to make the observation that the intent of the Bill as it pertains to Agency transparency must be respected also by the advisory panels it establishes. The Committee feels that clause 19(f), which states that the public should have access to information and observations provided to the Agency, should be interpreted to include the work of such advisory panels.

The composition of the Agency's Board of Directors was also addressed by a number of witnesses. Many feel that the bill is not specific enough in defining eligibility for the Board and suggested that this lack of specificity would leave room for members who would have a conflict of financial interest. We offer the observation that the intent of the eligibility clause 26(8) must be respected when appointing individuals to the Board and that there must not be any conflicts of interest, real or perceived.

Finally, composition of the Board should be reflective of the principles of the Bill as set out in clause 2. This clause states that women more than men are directly and significantly affected by assisted reproduction technologies. As such the Committee would offer the observation that the Board must be composed of at least 50% women.

In order for this Agency to gain the trust and confidence of Canadians, the Committee feels that these observations must be addressed.

### Review of Legislation

The diversity of views, disparity between public opinion polls and the rapid pace of change in the fields of reproductive medicine and related research lead the Committee to make the observation that careful review of this legislation is essential at the earliest reasonable time

The views of Canadians may change even in the near future. The prohibitions on therapeutic cloning, creation of embryos for research, germ-line genetic alteration, compensation for gamete donation and surrogacy as well as the mandatory identification of donors should all be carefully reviewed within three years following the creation of the Agency.

In addition, your Committee would like to make the observation that medicine and science will continue to evolve, as will the views of society, following the initial review of this Act. For this reason we are of the opinion that subsequent three year reviews of the Act should also be required.

### Drafting of Regulations

With respect to the drafting of regulations, concern was expressed that the processes for appeal should also be outlined in equal detail in the regulations to the processes surrounding issuance, amendment, renewal and suspension of licenses. Finally, some witnesses suggested that any regulatory framework should incorporate accreditation into inspection and build upon the accomplishments of regulatory authorities in Canada, the Provinces and Territories. The Committee would like to make the observation that drafting of the regulations by Health Canada must not only include extensive consultation with the professional organizations involved but must also be sensitive to the issues that have been raised repeatedly by those affected by infertility as well as by donor offspring. Moreover, these regulations must be drafted on a priority basis and tabled in both Houses as soon as they become available. There should not be an inappropriately long period between the creation of the Agency and the tabling of the first set of regulations.

### Conclusion

The Committee has carefully listened to and weighed the testimony of all the witnesses. Overall, most of the witnesses wanted the bill passed without amendment, despite their perception of shortcomings, since legislation in this area is long overdue. The Committee is particularly sensitive to the support that this bill has received by some individuals and organizations notwithstanding their careful enumeration of amendments they would like to see made.

Your Committee views Bill C-6, *The Assisted Human Reproduction Act*, as an important piece of legislation for the health and safety of infertile Canadians who seek assistance in building their families as well as the children born as a result of these technologies. It is also an extremely complex bill comprising a number of controversial issues. It is not perfect. Nevertheless the Committee is unanimously of the view that Bill C-6 is an enormous improvement over the current unregulated situation. Given the number of divisive topics that have little chance of ever satisfying everyone, the Committee concludes these observations by reiterating the sentiment of one of the witnesses:

> 'Pass Bill C-6 now. If that does not happen, then the good that could be done will not have been done, and we will be responsible for any ill consequences that result from the continuing void that is now the status of the law.'...'Should we pursue the desire for the perfect to the exclusion of attaining the good'?

Given the sensitive issues covered in this bill, 'attaining the good' is a significant achievement for the first piece of legislation in this area.

# 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 Jack Austin, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable John Lynch-Staunton

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**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

(March 9, 2004)

| | |
|---|---|
| The Right Hon. Paul Martin | Prime Minister |
| The Hon. Jacob Austin | Leader of the Government in the Senate |
| The Hon. David Anderson | Minister of the Environment |
| The Hon. Ralph E. Goodale | Minister of Finance |
| The Hon. Anne McLellan | Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness |
| The Hon. Lucienne Robillard | Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec |
| The Hon. Pierre S. Pettigrew | Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages |
| The Hon. James Scott Peterson | Minister of International Trade |
| The Hon. Andrew Mitchell | Minister of Indian Affairs and Northern Development |
| The Hon. Claudette Bradshaw | Minister of Labour and Minister responsible for Homelessness |
| The Hon. Denis Coderre | President of the Queen's Privy Council for Canada, Federal Interlocutor for Métis and Non-Status Indians, Minister responsible for La Francophonie, and Minister responsible for the Office of Indian Residential Schools Resolution |
| The Hon. Rey D. Pagtakhan | Minister of Western Economic Diversification |
| The Hon. John McCallum | Minister of Veterans Affairs |
| The Hon. Stephen Owen | Minister of Public Works and Government Services |
| The Hon. William Graham | Minister of Foreign Affairs |
| The Hon. Stan Kazmierczak Keyes | Minister of National Revenue and Minister of State (Sport) |
| The Hon. Robert Speller | Minister of Agriculture and Agri-Food |
| The Hon. Giuseppe (Joseph) Volpe | Minister of Human Resources and Skills Development |
| The Hon. Reginald B. Alcock | President of the Treasury Board and Minister responsible for the Canadian Wheat Board |
| The Hon. Geoff Regan | Minister of Fisheries and Oceans |
| The Hon. Tony Valeri | Minister of Transport |
| The Hon. David Pratt | Minister of National Defence |
| The Hon. Jacques Saada | Leader of the Government in the House of Commons and Minister responsible for Democratic Reform |
| The Hon. Irwin Cotler | Minister of Justice and Attorney General |
| The Hon. Judy Sgro | Minister of Citizenship and Immigration |
| The Hon. Hélène Chalifour Scherrer | Minister of Canadian Heritage |
| The Hon. Ruben John Efford | Minister of Natural Resources |
| The Hon. Liza Frulla | Minister of Social Development |
| The Hon. Ethel Blondin-Andrew | Minister of State (Children and Youth) |
| The Hon. Andy Scott | Minister of State (Infrastructure) |
| The Hon. Gar Knutson | Minister of State (New and Emerging Markets) |
| The Hon. Denis Paradis | Minister of State (Financial Institutions) |
| The Hon. Jean Augustine | Minister of State (Multiculturalism and Status of Women) |
| The Hon. Joseph Robert Comuzzi | Minister of State (Federal Economic Development Initiative for Northern Ontario) |
| The Hon. Albina Guarnieri | Associate Minister of National Defence and Minister of State (Civil Preparedness) |
| The Hon. Joseph McGuire | Minister of Atlantic Canada Opportunities Agency |
| The Hon. Mauril Bélanger | Deputy Leader of the Government in the House of Commons |
| The Hon. Carolyn Bennett | Minister of State (Public Health) |
| The Hon. Aileen Carroll | Minister for International Cooperation |

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

(March 9, 2004)

| 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 | Shawinegan | 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. |
| 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. |
| Tommy Banks | Alberta | Edmonton, Alta. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Yves Morin | Lauzon | Quebec, Que. |
| Elizabeth M. Hubley | 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. |
| Terry M. Mercer | Northend Halifax | Caribou River, N.S. |
| Jim Munson | Ottawa/Rideau Canal | Ottawa, Ont. |

# SENATORS OF CANADA

## ALPHABETICAL LIST

(March 9, 2004)

| Senator | Designation | Post Office Address | Political Affiliation |
|---|---|---|---|
| THE HONOURABLE | | | |
| Adams, Willie | Nunavut | Rankin Inlet, Nunavut | Lib |
| Andreychuk, A. Raynell | Regina | Regina, Sask. | C |
| Angus, W. David | Alma | Montreal, Que. | C |
| 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. | C |
| Biron, Michel. | Mille Isles | Nicolet, Que. | Lib |
| Bryden, John G. | New Brunswick | Bayfield, N.B. | Lib |
| Buchanan, John, P.C. | Halifax | Halifax, N.S. | C |
| Callbeck, Catherine S. | Prince Edward Island | Central Bedeque, P.E.I. | Lib |
| Carney, Pat, P.C. | British Columbia | Vancouver, B.C. | C |
| Carstairs, Sharon, P.C. | Manitoba | Victoria Beach, Man. | 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. | C |
| Comeau, Gerald J. | Nova Scotia | Church Point, N.S. | C |
| 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. | C |
| 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. | C |
| 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. | C |
| 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. | C |
| Harb, Mac. | Ontario | Ottawa, Ont. | Lib |
| Hays, Daniel Phillip, *Speaker* | Calgary | Calgary, Alta. | Lib |
| Hervieux-Payette, Céline, P.C. | Bedford | Montreal, Que. | Lib |
| Hubley, 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. | C |
| Joyal, Serge, P.C. | Kennebec | Montreal, Que. | Lib |
| Kelleher, James Francis, P.C. | Ontario | Sault Ste. Marie, Ont. | C |
| Kenny, Colin | Rideau | Ottawa, Ont. | Lib |
| Keon, Wilbert Joseph | Ottawa | Ottawa, Ont. | C |
| Kinsella, Noël A. | Fredericton-York-Sunbury | Fredericton, N.B. | C |
| Kirby, Michael | South Shore | Halifax, N.S. | Lib |
| Kroft, Richard H. | Manitoba | Winnipeg, Man. | Lib |
| LaPierre, Laurier L. | Ontario | Ottawa, Ont. | Lib |
| Lapointe, Jean | Saurel | Magog, Que. | Lib |
| Lavigne, Raymond | Montarville | Verdun, Que. | Lib |
| Lawson, Edward M. | Vancouver | Vancouver, B.C. | Lib |
| LeBreton, Marjory | Ontario | Manotick, Ont. | C |
| Léger, Viola | Acadie/New Brunswick | Moncton, N.B. | Lib |
| Losier-Cool, Rose-Marie | Tracadie | Bathurst, N.B. | Lib |
| Lynch-Staunton, John | Grandville | Georgeville, Que. | C |
| 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. | C |
| Mercer, Terry M. | Northend Halifax | Caribou River, N.S. | Lib |
| 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 |
| Munson, Jim | Ottawa/Rideau Canal | Ottawa, Ont. | Lib |
| Murray, Lowell, P.C. | Pakenham | Ottawa, Ont. | PC |
| Nolin, Pierre Claude | De Salaberry | Quebec, Que. | C |
| Oliver, Donald H. | Nova Scotia | Halifax, N.S. | C |
| Pearson, Landon | Ontario | Ottawa, Ontario | Lib |
| Pépin, Lucie | Shawinegan | 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. | C |
| Robertson, Brenda Mary | Riverview | Shediac, N.B. | C |
| 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. | C |
| St. Germain, Gerry, P.C. | Langley-Pemberton-Whistler | Maple Ridge, B.C. | C |
| 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. | Ind |
| Stollery, Peter Alan | Bloor and Yonge | Toronto, Ont. | Lib |
| Stratton, Terrance R. | Red River | St. Norbert, Man. | C |
| Tkachuk, David | Saskatchewan | Saskatoon, Sask. | C |
| Trenholme Counsell, Marilyn | New Brunswick | Sackville, N.B. | Lib |
| Watt, Charlie | Inkerman | Kuujjuaq, Que. | Lib |

# SENATORS OF CANADA

## BY PROVINCE AND TERRITORY

(March 9, 2004)

## 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 | Jim Munson | Ottawa/Rideau Canal | Ottawa |

## SENATORS BY PROVINCE AND TERRITORY

## QUEBEC—24

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

# SENATORS BY PROVINCE-MARITIME DIVISION

## NOVA SCOTIA—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | 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 | Terry M. Mercer | Northend Halifax | Caribou River |

## NEW BRUNSWICK—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | 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 |
|---|---|---|---|
| | 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 | Pana Merchant | Saskatchewan. | Regina |
| 6 | | | |

### ALBERTA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | THE HONOURABLE | | |
| 1 | Daniel Phillip Hays, *Speaker* | Calgary | Calgary |
| 2 | Joyce Fairbairn, P.C. | Lethbridge | Lethbridge |
| 3 | Douglas James Roche | Edmonton | Edmonton |
| 4 | Tommy Banks | Alberta | Edmonton |
| 5 | | | |
| 6 | | | |

# SENATORS BY PROVINCE AND TERRITORY

## NEWFOUNDLAND AND LABRADOR—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | 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 |
|---|---|---|---|
| | THE HONOURABLE | | |
| 1 | Nick G. Sibbeston | Northwest Territories | Fort Simpson |

## NUNAVUT—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | THE HONOURABLE | | |
| 1 | Willie Adams | Nunavut | Rankin Inlet |

## YUKON TERRITORY—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | THE HONOURABLE | | |
| 1 | Ione Christensen | Yukon Territory | Whitehorse |

## ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of March 9, 2004)

*Ex Officio Member

### ABORIGINAL PEOPLES

**Chair: Honourable Senator Sibbeston** **Deputy Chair: Honourable Senator Johnson**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| * Austin, (or Rompkey) | Christensen, | * Lynch-Staunton, (or Kinsella) | Sibbeston, |
| Carney, | Gill, | Pearson, | St. Germain, |
| Chaput, | Johnson, | Mercer, | Tkachuk, |
| | Léger, | | Weibe. |

***Original Members as nominated by the Committee of Selection***

**Austin (or Rompkey), Carney, Chaput, Christensen, Gill, Johnson, Léger,*
**Lynch-Staunton (or Kinsella), Pearson, Mercer, Sibbeston, St.Germain, Tkachuk, Trenholme Counsell.*

---

### AGRICULTURE AND FORESTRY

**Chair: Honourable Senator Oliver** **Deputy Chair: Honourable Senator Fairbairn**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| * Austin, (or Rompkey) | Gustafson, | * Lynch-Staunton, (or Kinsella) | Ringuette, |
| Callbeck, | Hubley, | Mercer, | St. Germain, |
| Fairbairn, | LaPierre, | Oliver, | Sparrow, |
| | Lawson, | | Tkachuk. |

***Original Members as nominated by the Committee of Selection***

**Austin (or Rompkey), Callbeck, Day, Fairbairn, Fitzpatrick, Gustafson, Hubley, LaPierre,*
**Lynch-Staunton (or Kinsella), Oliver, Ringuette, St. Germain, Sparrow, Tkachuk.*

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### BANKING, TRADE AND COMMERCE

**Chair: Honourable Senator Kroft** **Deputy Chair: Honourable Senator Tkachuk**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| Angus, | Fitzpatrick, | Kroft, | Meighen, |
| * Austin, (or Rompkey) | Harb, | * Lynch-Staunton, (or Kinsella) | Moore, |
| Biron, | Hervieux-Payette, | Massicotte, | Prud'homme, |
| | Kelleher, | | Tkachuk. |

***Original Members as nominated by the Committee of Selection***

*Angus, *Austin (or Rompkey), Biron, Fitzpatrick, Harb, Hervieux-Payette, Kelleher, Kroft,*
**Lynch-Staunton (or Kinsella), Massicotte, Meighen, Moore, Prud'homme, Tkachuk.*

---

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

**Chair: Honourable Senator Banks** **Deputy Chair: Honourable Senator Spivak**

**Honourable Senators:**

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

***Original Members as nominated by the Committee of Selection***

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

---

## FISHERIES AND OCEANS

**Chair: Honourable: Senator Comeau** **Deputy Chair: Honourable Senator Cook**

**Honourable Senators:**

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

***Original Members as nominated by the Committee of Selection***

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

---

## FOREIGN AFFAIRS

**Chair: Honourable Senator Stollery** **Deputy Chair: Honourable Senator Di Nino**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| Andreychuk, | Corbin, | Grafstein, | Mahovlich, |
| * Austin, (or Rompkey) | De Bané, | Graham, | Poy, |
| Carney, | Di Nino, | * Lynch-Staunton, (or Kinsella) | Sparrow, |
| | Eyton | | Stollery. |

***Original Members as nominated by the Committee of Selection***

*Andreychuk, *Austin (or Rompkey), Carney, Corbin, De Bané, Di Nino, Eyton, Grafstein, Graham, *Lynch-Staunton (or Kinsella), Mahovlich, Poy, Sparrow, Stollery.*

---

## HUMAN RIGHTS

**Chair: Honourable Senator Maheu** **Deputy Chair: Honourable Senator Rossiter**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| * Austin, (or Rompkey) | Jaffer, | Maheu, | Rivest, |
| Beaudoin, | LaPierre, | Plamondon, | Rossiter. |
| Ferretti Barth, | * Lynch-Staunton, (or Kinsella) | Poy, | |

***Original Members as nominated by the Committee of Selection***

**Austin (or Rompkey), Beaudoin, Ferretti Barth, Jaffer, LaPierre, *Lynch-Staunton (or Kinsella), Maheu, Munson, Poy, Rivest, Rossiter.*

---

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

**Chair: Honourable Senator Bacon** **Interim Deputy Chair: Honourable Senator Robertson**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| Atkins, | Cook, | Gill, | Massicotte, |
| * Austin, (or Rompkey) | De Bané, | Jaffer, | Munson, |
| | Eyton, | Kinsella, | Poulin, |
| Bacon, | Gauthier, | * Lynch-Staunton, (or Kinsella) | Robertson, |
| Bryden, | | | Stratton. |

***Original Members as nominated by the Committee of Selection***

*Atkins, *Austin (or Rompkey), Bacon, Bryden, Cook, De Bané, Eyton, Gauthier, Gill, Jaffer, Kinsella, *Lynch-Staunton (or Kinsella), Massicotte, Munson, Poulin, Robertson, Stratton.*

---

## LEGAL AND CONSTITUTIONAL AFFAIRS

**Chair: Honourable Senator Furey** **Deputy Chair: Honourable Senator Beaudoin**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| Andreychuk, | Bryden, | Jaffer, | Nolin, |
| * Austin, (or Rompkey) | Buchanan, | Joyal, | Pearson, |
| | Cools, | * Lynch-Staunton, (or Kinsella) | Smith. |
| Baker, | Furey, | | |
| Beaudoin, | | | |

***Original Members as nominated by the Committee of Selection***

*Andreychuk, *Austin (or Rompkey), Baker, Beaudoin, Bryden, Buchanan, Cools, Furey, Jaffer, Joyal, *Lynch-Staunton (or Kinsella), Nolin, Pearson, Smith.*

---

## LIBRARY OF PARLIAMENT (Joint)

**Joint Chair: Morin** **Vice-Chair:**

**Honourable Senators:**

Forrestall, Kinsella, Lapointe, Morin, Poy.

***Original Members agreed to by Motion of the Senate***
*Forrestall, Kinsella, Lapointe, Morin, Poy.*

---

## NATIONAL FINANCE

**Chair: Honourable Senator Murray** **Deputy Chair: Honourable Senator Day**

**Honourable Senators:**

* Austin, (or Rompkey), Biron, Comeau, Day, Doody, Downe, Ferretti Barth, Finnerty, Furey, Gauthier, * Lynch-Staunton, (or Kinsella), Murray, Oliver, Ringuette.

***Original Members as nominated by the Committee of Selection***
**Austin (or Rompkey), Biron, Comeau, Day, Doody, Downe, Ferretti Barth, Finnerty, Furey, Gauthier, *Lynch-Staunton (or Kinsella), Murray, Oliver, Ringuette.*

---

## NATIONAL SECURITY AND DEFENCE

**Chair: Honourable Senator Kenny** **Deputy Chair: Honourable Senator Forrestall**

**Honourable Senators:**

Atkins, * Austin, (or Rompkey) Banks, Buchanan, Cordy, Day, Kenny, * Lynch-Staunton, (or Kinsella) Meighen, Munson, Smith.

***Original Members as nominated by the Committee of Selection***
*Atkins, *Austin (or Rompkey), Banks, Cordy, Day, Forrestall, Kenny, *Lynch-Staunton (or Kinsella), Meighen, Munson, Smith.*

---

## VETERANS AFFAIRS

**(Subcommittee of National Security and Defence)**

**Chair: Honourable Senator Meighen** **Deputy Chair: Honourable Senator Day**

**Honourable Senators:**

Atkins,
Banks,
* Austin,
(or Rompkey)
Day,
Kenny,
* Lynch-Staunton,
(or Kinsella)
Meighen.

---

## OFFICIAL LANGUAGES

**Chair: Honourable Senator Chaput** **Deputy Chair: Honourable Senator Keon**

**Honourable Senators:**

* Austin,
(or Rompkey)
Beaudoin,
Chaput,
Comeau,
Gauthier,
Keon,
Lapointe,
Léger,
* Lynch-Staunton,
(or Kinsella)
Maheu,
Munson.

***Original Members agreed to by Motion of the Senate***

**Austin (or Rompkey), Beaudoin, Chaput, Comeau, Gauthier, Keon, Lapointe, Léger, *Lynch-Staunton (or Kinsella), Maheu, Munson.*

---

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

**Chair: Honourable Senator Milne** **Deputy Chair: Honourable Senator Andreychuk**

**Honourable Senators:**

Andreychuk,
* Austin,
(or Rompkey)
Di Nino,
Downe,
Fraser,
Grafstein,
Harb,
Hubley,
Joyal,
Losier-Cool,
* Lynch-Staunton,
(or Kinsella)
Milne,
Murray,
Ringuette,
Robertson,
Smith,
Stratton.

***Original Members as nominated by the Committee of Selection***

*Andreychuk, *Austin (or Rompkey), Di Nino, Downe, Fraser, Grafstein, Harb, Hubley, Joyal, Losier-Cool, *Lynch-Staunton (or Kinsella), Milne, Murray, Ringuette, Robertson, Smith, Stratton.*

---

## SCRUTINY OF REGULATIONS (Joint)

**Joint Chair: Honourable Hervieux-Payette** **Vice-Chair:**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| Biron, | Hervieux-Payette, | Lavigne, | Nolin. |
| Harb, | Kelleher, | Moore, | |

***Original Members as agreed to by Motion of the Senate***

*Biron, Harb, Hervieux-Payette, Kelleher, Lavigne, Moore, Nolin.*

---

## SELECTION

**Chair: Honourable Senator Losier-Cool** **Deputy Chair: Honourable Senator Stratton**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| * Austin, (or Rompkey) | Fairbairn, | Losier-Cool, | Rompkey, |
| Bacon, | Kinsella, | * Lynch-Staunton, (or Kinsella) | Stratton, |
| Carstairs, | LeBreton, | | Tkachuk. |

***Original Members agreed to by Motion of the Senate***

**Austin (or Rompkey), Bacon, Carstairs, Fairbairn, Kinsella, LeBreton, Losier-Cool, *Lynch-Staunton (or Kinsella) Rompkey, Stratton, Tkachuk.*

---

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

**Chair: Honourable Senator Kirby** **Deputy Chair: Honourable Senator LeBreton**

**Honourable Senators:**

| | | | |
|---|---|---|---|
| * Austin, (or Rompkey) | Cordy, | LeBreton, | Morin, |
| Callbeck, | Fairbairn, | Léger, | Robertson, |
| Cook, | Keon, | * Lynch-Staunton, (or Kinsella) | Roche, |
| | LaPierre, | | Rossiter. |

***Original Members as nominated by the Committee of Selection***

**Austin (or Rompkey), Callbeck, Cook, Cordy, Fairbairn, Keon, Kirby, LeBreton, Léger, *Lynch-Staunton (or Kinsella), Morin, Robertson, Roche, Rossiter.*

---

## TRANSPORT AND COMMUNICATIONS

**Chair: Honourable Senator Fraser** **Deputy Chair: Honourable Senator Gustafson**

**Honourable Senators:**

Adams,
* Austin,
(or Rompkey)
Corbin,
Day,
Eyton,
Fraser,
Graham,
Gustafson,
Johnson,
LaPierre,
* Lynch-Staunton,
(or Kinsella)
Merchant,
Phalen,
Spivak.

***Original Members as nominated by the Committee of Selection***

*Adams, *Austin (or Rompkey), Corbin, Day, Eyton, Fraser, Graham, Gustafson, Johnson, LaPierre, *Lynch-Staunton (or Kinsella), Merchant, Phalen, Spivak.*

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