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(HANSARD)

Wednesday, March 10, 2004

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, March 10, 2004

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

FREEDOM OF EXPRESSION WEEK

Hon. Pierre Claude Nolin: Honourable senators, a few days ago we were celebrating Freedom of Expression Week.

In 1986, the Supreme Court of Canada made a ruling on freedom of expression in the *Dolphin Delivery* case, from which I shall quote:

> Freedom of expression is ... one of the fundamental concepts that has formed the basis for the historical development of the political, social and educational institutions of western society. Representative democracy, as we know it today, which is in great part the product of free expression and discussion of varying ideas, depends upon its maintenance and protection.

Honourable senators, one of the essential components of this right is undoubtedly freedom of the press. Every day, journalists — both men and women — risk their health, their safety, and sometimes their lives reporting from the four corners of the world to bring us information on events that are often violent and ever tragic.

On Sunday, a Spanish journalist was killed in Haiti while covering a demonstration by those opposed to former President Aristide. We are reminded of Zara Kazemi, the Quebec photographer of Iranian origin who was killed while doing her job in Iran, another facet of this sad and very real reality.

In 2003, freedom of the press had a rough ride all across the planet. In total, 42 journalists were killed, mainly in Asia and the Middle East. According to Reporters Without Borders, 119 journalists are currently imprisoned worldwide because of their work as journalists. In a number of countries, particularly Iran, Algeria, Nigeria and Russia, journalists work under constant fear of reprisals by government authorities.

Honourable senators, it is easy to simply decry or condemn the actions of the governments of those countries, but that will not solve the problem. I believe we must develop productive and harmonious relationships with these countries so that, in the not too distant future, they will be able to encourage democratization and the respect for freedom of expression, in accordance with their own traditions, culture and institutions — not ours.

The Hon. the Speaker *pro tempore***:** I am sorry to interrupt you, Senator Nolin, but your time is up. Do you wish to seek leave to conclude your statement?

Senator Nolin: Yes.

The Hon. the Speaker *pro tempore***:** Is it your pleasure, honourable senators, to grant the honourable senator leave to conclude his statement?

Hon. Senators: Yes.

Senator Nolin: Honourable senators, too often in a democratic country like Canada, we forget that freedom of expression is a precious heritage that must constantly be defended. I am thinking about the search of the office and home of Juliet O'Neill, a journalist at the *Ottawa Citizen*.

Whether here or elsewhere in the world, even if they do not always agree with what journalists report, politicians must ensure that freedom of expression is respected in order to preserve democracy and particularly citizens' faith in their public and political institutions.

[*English*]

UNITED NATIONS COMMISSION ON STATUS OF WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, "War does not have a single face. Who I am influences how I am impacted and how I act." These thoughts resonated with delegates from around the world last week at the United Nations Commission on the Status of Women in New York.

Women and men from around the world, some of whom have seen and survived conflict, others who have dedicated their lives to the resolution of conflict, sat together and discussed their support for the role of men and boys in achieving gender equality and women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace building. I am proud to say that Canada is leading the world in areas of gender and security and is actively implementing United Nations Security Council Resolution 1325.

As Chair of the Canadian Committee on Women, Peace and Security, I participated as a member of the Canadian delegation, which was headed by the Honourable Jean Augustine, Minister of State for Multiculturalism and the Status of Women, to the Commission on the Status of Women. The commission provided a unique opportunity for delegates of member states to meet face to face. Canada had a very active delegation at the commission and was often commended on our groundbreaking initiatives on issues of gender and security. The Canadian Committee on Women, Peace and Security was also quoted as being a "flagship" organization and will now be used as a model for countries like Norway, France, Germany and South Africa.

General Dallaire was also part of the Canadian delegation and spoke to the United Nations launch of Canada's Gender Training Initiative for peacekeepers and the launch of the committee's ID-Rom, which illustrates that women, men, boys and girls all experience war differently. The launch was held at the Permanent Mission of Canada to the United Nations to highlight the partnership between Canada and the United Kingdom in piloting this unique training course. The Department of Peacekeeping Operations at the UN was also interested in Canada's work, and we shared our ID-Rom training package with them. We look forward to working together on future initiatives.

• (1340)

Honourable senators, UN Resolution 1325 clearly calls for gender training for peacekeepers, and Canada is moving toward making that promise a reality. The Canadian Committee on Women, Peace and Security believes that to ensure that women are protected in zones of conflict where Canadian peacekeepers are in operation, soldiers must be trained to understand that everyone is affected differently by conflict and that sexual violence against women is used as a weapon of war. Further, in areas of conflict when men join or are forced to fight or are missing, it is primarily women who hold communities together. However, women are rarely at the peace table. To build sustainable peace, we must understand the gender dimension of conflicts.

On behalf of the Canadian Committee on Women, Peace and Security and the Canadian delegation to the United Nations Commission on the Status of Women, I would like to thank Ambassador Rock and Ambassador Laurin for hosting the delegation and for their strong commitment to the women, peace and security agenda.

The Hon. the Speaker *pro tempore***:** I regret to advise the honourable senator that her time has expired.

CHILDREN WITH LEARNING DISABILITIES

Hon. Marilyn Trenholme Counsell: Honourable senators, in my reply to the Speech from the Throne, I asked you to be champions for children. Today, I wish to address the issue of children with learning disabilities. Senator Meighen has set an example at Mount Allison University with the Meighen Centre.

Throughout March, learning disabilities associations across Canada will continue their 40-year history of advocating not only for children, but also for youth and adults with learning disabilities. I ask honourable senators to join these dedicated volunteers so that all may learn, may read, may find employment and may enjoy a greater sense of pride and fulfillment.

Three to four children in every classroom have a learning disability, either diagnosed or, often, undiagnosed. One in five children experience difficulty learning to read. This translates into 20 per cent, at least, of the work force with a serious disability unless early diagnostic, preventive and sustained special instruction measures are in every community and school.

The incidence of school dropout, childhood depression, teenage suicide and substance abuse is statistically higher for students with learning disabilities.

[*Translation*]

They continue to be vulnerable throughout their adult life.

[*English*]

We know so much now about the complex neurological disabilities underlying learning disorders and we can now do so much more. However, early diagnosis and intervention continue to elude far too many of our children.

The learning disabilities associations call for screening of three- to five-year-olds, followed by speech, language and reading therapy preschool; all of this so that each child entering school will be ready to learn.

[*Translation*]

These children and adults, despite the challenge they must overcome, are often very intelligent. Albert Einstein is one example.

Honourable senators, we must get the point across that this 20 per cent of people with learning disabilities must not be denied the opportunity to become fully contributing members of our society.

[*English*]

One mother said recently that somebody finally understands the missing piece. Honourable senators, you and I can be that somebody — somebody to relieve the pain of a child with learning disabilities.

THE LATE DR. KENT ELLIS, O.P.E.I.

Hon. Catherine S. Callbeck: Honourable senators, I rise today to pay tribute to an exceptional human being, a man whose passing in the last week has left a tremendous void in the community and province of which he was so much a part.

Dr. Kent Ellis was a medical doctor in Prince Edward Island for more than 40 years. He practised in the rural area of Hunter River and could best be described as a country doctor in the finest tradition of that term.

I pay tribute to him today because, as Canadians, we need to recognize and celebrate our distinguished citizens who have left such a mark on our community and our country.

It was said of Dr. Ellis that no matter how busy he was — and he was an extremely busy family doctor — he never turned anyone away. If people were unable to make it to his office, he would travel to see them in their homes. He took not only a professional interest in the health and well-being of his patients, but also a sincere personal interest. For his patients, he was not just their doctor; he was their friend.

Dr. Ellis retired last year and his retirement created a tremendous sense of loss in the community that he served with such dedication and caring.

Dr. Ellis was also very active in the profession of medicine. He served as President of the Medical Society of Prince Edward Island and as a member of the board of directors of the Canadian Medical Association. In 1998, he was named a senior member of the Canadian Medical Association. He was active in a number of other community groups, volunteering freely of his time and considerable talents.

In 1996, Dr. Ellis was recognized with the Order of Prince Edward Island, in recognition of his many contributions to the province that he loved so dearly.

Dr. Ellis was also active in the tourism industry. He truly loved to meet visitors from all over the world at his campground. He was a founding member of the Tourism Industry Association of Prince Edward Island. In 1993, he and his wife were recipients of the Lieutenant Governor's award for their commitment and contribution to the industry.

With the passing of Dr. Ellis, Prince Edward Island and Canada have lost one of our most distinguished and respected citizens. I extend my sincere sympathies to his wife Etta, his sons Reagh, David and Paul and their families.

NATIONAL COMMITTEE FOR INJURED NURSES OF CANADA

Hon. Elizabeth Hubley: Honourable senators, it is not an overstatement to say that our health care system is dependent upon the devoted and highly skilled work of professional nurses. Much of this system operates by a proverbial thread and nurses are doing more than their share to hold it all together.

Throughout Canada, in hospitals, clinics, health centres, nursing homes and palliative care facilities, day and night, nurses care for those who are sick, aged and infirm, giving themselves unselfishly to a job that frequently is risk-filled and dangerous.

Each year, thousands of nurses are injured in the workplace. Some of them sustain physical injuries through heavy lifting of patients or from needle sticks and health-threatening infections from VRE, MSRA, hepatitis B and C, and HIV. Other nurses experience chronic fatigue, stress and burnout from overwork.

The Romanow report of November 2002 noted that absenteeism among nurses rose steadily from 6.8 per cent in 1986 to 8.5 per cent in 1999 and represents a major expense for health care institutions.

Health Canada has estimated that nurse injury costs Canadians between $962 million and $1.5 billion annually in overtime, absentee wages and replacement of registered nurses.

It has become apparent to health care providers that future recruitment and retention of the nursing workforce will depend upon the prevention of injury in the workplace. Put simply, if we do not act to improve the working conditions of our professional nurses and if we do not reward them fairly, we cannot expect to have their services in the future.

I am pleased to inform honourable senators that exciting new work is being done to address this problem. In March 2003, a committee for injured nurses was established in my own province of Prince Edward Island. Since that time, interest has grown rapidly, with health care providers in British Columbia, Alberta, Ontario, Nova Scotia and New Brunswick forming what has become a national Committee for Injured Nurses of Canada, the CINCA. The overall goal of this committee is to promote wellness, provide education, prevent injuries and support nurses. The committee acknowledges the integrity and dignity of the professional nurse and the valuable contribution that nurses offer to society. The committee will address, through research, nurses' concerns for their clients, work environment and profession.

The Hon. the Speaker ***pro tempore*****:** I regret to inform the honourable senator that the time for her statement has expired.

• (1350)

YUKON QUEST 2004

Hon. Ione Christensen: Honourable senators, the toughest sled dog race in the world finished its twenty-first running at the end of March in Yukon. Each year the Yukon Quest brings together mushers from the Yukon and Alaska to compete in this gruelling race. This year we also had mushers from Alberta, the Northwest Territories, and as far away as Switzerland and Germany. The race runs between Whitehorse in the Yukon and Fairbanks, Alaska, following the Yukon River valley for much of the way. The starts are alternated between the two cities and this year the race ended in Whitehorse.

What makes this race unique, honourable senators, is the strong emphasis on endurance, not just speed. For over 1,001 miles — 1,600 kilometres — the teams must travel through two mountain ranges with temperatures ranging from minus 50 to plus 10 degrees Celsius. The weather is always the deciding factor with the snow, winds and warm Chinooks that sometimes melt the snow and leave bare ground with river overflows to travel through.

The teams must carry all of their equipment and supplies with only two stops, for handlers can help the mushers with the care and feeding of the dogs. Along the trail, checkpoints are from 30 to 100 kilometres apart, and for the mushers there is no guarantee that they will see another team during those long stretches.

At the mid-point in Dawson City, there is a mandatory 38-hour layover that ensures the mushers and the dogs have at least one good night's sleep during the race. At each checkpoint, vets monitor the health and the condition of the dogs to ensure they are fit and healthy. Each team starts with up to 14 dogs and must have at least six dogs when they finish. Sick or injured dogs are carried in the sled to the next checkpoint where handlers will care for them and take them home.

The most valued pieces of equipment are the booties that the dogs wear. They are made of fleece and Velcro and protect the dog's paws from the ice and snow. Each musher must leave each checkpoint with eight pairs of booties for each dog — 14 dogs, with 4 paws each, times eight booties, totals 448 booties. Add another four pairs of booties per dog in case of loss and

wear-out and the total is about 700 booties. Some mushers use as many as 1,000 booties during the race. Can honourable senators just imagine putting 56 booties on 14 howling dogs that only want to run? At the end of the race, the 1000-mile trail looks like a rainbow with all the booties left along the way.

This year, 31 teams entered and 20 teams finished. The winner was Hans Gatt from Atlin, British Columbia, just south of Whitehorse. He set a new Fairbanks-to-Whitehorse record of 10 days and 48 minutes. He also became the only three-time winner of the Yukon Quest, having won in 2002 and 2003. Mr. Gatt received U.S. $30,000 and his two lead dogs were given the Golden Harness Award and a steak dinner in honour of their loyalty, endurance and perseverance throughout the race.

Honourable senators, the Yukon Quest brings out the spirit of the North through its challenges. Northerners always look forward to the event each year because it helps to perpetuate a way of life that one can only dream about today, although it was once the only way of travel in North America's last frontier.

ROUTINE PROCEEDINGS

COMMONWEALTH PARLIAMENTARY ASSOCIATION

FORTY-NINTH CONFERENCE,
OCTOBER 4-14, 2003—REPORT TABLED

Hon. Daniel Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the Forty-Ninth Commonwealth Parliamentary Conference that was held in Dhaka, Bangladesh, from October 4 to 14, 2003.

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

Hon. Senators: Agreed.

PARLIAMENTARY DELEGATION TO MALAYSIA

REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the parliamentary delegation led by the Speaker of the Senate that travelled to Malaysia from September 12 to 16, 2003, at the invitation of his Excellency Tan Sri Dr. Abdul Hamid Pawanteh, President of Dewan Negara of Malaysia.

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

Hon. Senators: Agreed.

PARLIAMENTARY DELEGATION TO REPUBLIC OF KOREA

REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the parliamentary delegation led by the Speaker of the Senate that travelled to the Republic of Korea from October 11 to 17, 2003 at the invitation of his Excellency Kwan Yong Park, Speaker of the National Assembly of the Republic of Korea.

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

Hon. Senators: Agreed.

PARLIAMENTARY DELEGATION TO MONGOLIA

REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the parliamentary delegation led by the Speaker of the Senate that travelled to Mongolia from September 8 to 12, 2003, at the invitation of his Excellency Sanjbegz Tumur-Ochir, Chairman of the State Great Hural of Mongolia.

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

Hon. Senators: Agreed.

HAZARDOUS PRODUCTS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, March 10, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes) has, in obedience to the Order of Reference of Monday, February 23, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

The Hon. the Speaker *pro tempore***:** 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.

PERSONAL WATERCRAFT BILL

REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, March 10, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-8, concerning personal watercraft in navigable waters, has, in obedience to the Order of Reference of Thursday, February 12, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

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

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

[*Translation*]

THE ESTIMATES, 2003-04

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, March 10, 2004

The Standing Senate Committee on National Finance has the honour to present its

THIRD REPORT

Your Committee, to which was referred the Supplementary Estimates "B" 2003-2004, has, in obedience to the Order of Reference of February 20, 2004, examined the said estimates and herewith presents its report.

Respectfully submitted,

LOWELL MURRAY
Chairman

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

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

[*English*]

REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

Hon. Lowell Murray, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, March 10, 2004

The Standing Senate Committee on National Finance has the honour to present its

FOURTH REPORT

Your Committee, to which was referred the 2003-2004 Main Estimates, has, in obedience to the Order of Reference of February 13, 2004, examined the said estimates and herewith presents its report.

Respectfully submitted,

LOWELL MURRAY
Chairman

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

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

[*Translation*]

BILL RESPECTING EQUALIZATION AND AUTHORIZING THE MINISTER OF FINANCE TO MAKE CERTAIN PAYMENTS RELATED TO HEALTH

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill C-18, respecting equalization and authorizing the Minister of Finance to make certain payments related to health.

Bill read first time.

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

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

• (1400)

[*English*]

AGREEMENT ON INTERNAL TRADE IMPLEMENTATION ACT

BILL TO AMEND—FIRST READING

Hon. James F. Kelleher presented Bill S-14, to Amend the Agreement on Internal Trade Implementation Act.

Bill read first time.

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

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

QUEEN'S THEOLOGICAL COLLEGE

PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

Hon. Lowell Murray presented Bill S-15, to amend the act of incorporation of Queen's Theological College.

Bill read first time.

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

On motion of Senator Murray, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

INTER-PARLIAMENTARY UNION

ONE-HUNDRED NINTH ASSEMBLY, SEPTEMBER 28-OCTOBER 3, 2003—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Inter-Parliamentary Group of the one-hundred and ninth Assembly and Related meetings of the Inter-Parliamentary Union held in Geneva, Switzerland from September 28 to October 3, 2003.

[*Translation*]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

> That the Standing Senate Committee on Foreign Affairs, in accordance with Rule 95(3)(a) of the *Rules of the Senate*, be authorized to meet on March 17, 2004, even though the Senate may be adjourned for more than a week.

[*English*]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Wilbert J. Keon: Honourable senators, 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.

NUNAVIK

COST OF LIVING—DISCRIMINATORY TAX SYSTEM— PRESENTATION OF PETITION

Hon. Charlie Watt: Honourable senators, I have the honour to present a petition of 25 households from the northern municipality of Kangiqsualujjuaq, bringing the total to 125 households from the Nunavik region asking the Senate of Canada to consider the following points:

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 cost 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.

QUESTION PERIOD

BUSINESS DEVELOPMENT BANK

CONFIDENCE IN PRESIDENT AND CHIEF EXECUTIVE OFFICER AND BOARD OF DIRECTORS

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to ask the Leader of the Government in the Senate a question which has arisen here on a couple of occasions in previous sessions with regard to the government's reaction to an announcement by the Business Development Bank of Canada on February 18, through a press release, which I drew to his attention at the time and of which I am sure he is now aware.

• (1410)

It said that not only did the bank decide not to appeal the scathing judgment against it regarding its vendetta against former president François Beaudoin, but it also, and I quote from this press release:

> At its meeting this morning, the board unanimously reiterated its full confidence in the management of the bank, and specifically its president and chief executive officer, Michel Vennat.

Not long after, the Government of Canada suspended Mr. Vennat from his functions, asking him for an explanation regarding any participation, proper or not, in the sponsorship program. I do not know whether his reply has been received or not, but certainly the government showed a lack of confidence in Mr. Vennat by doing that, while at the same time being faced with a vote of full confidence in him by the board of directors.

If the government lacks confidence in the suspended president and chief executive officer of the bank, surely it must lack confidence in its board of directors.

Hon. Jack Austin (Leader of the Government): Honourable senators, I spoke to the Minister of Industry this morning and she still has under consideration the issue raised by Senator Lynch-Staunton's question, and also by the material submitted on behalf of Michel Vennat. There is no determination at this time.

Senator Lynch-Staunton: Surely, if the board of directors endorses in such a fulsome fashion the suspended president and CEO, it must approve of all those actions that the government believes are worthy of suspension. There is a contradiction here. If you do not have faith in the CEO of an agency, and that CEO is fully supported by the board, then you cannot have confidence in the board either. You cannot have it both ways. My suggestion is the board should be looked at and perhaps it, too, should be suspended and replaced.

Senator Austin: Honourable senators, in this situation, as any like situation, due process is required. Mr. Vennat has been suspended without pay and asked to justify his conduct to the Minister of Industry. That matter is under consideration, so it is quite premature to move on to the question of the board and its actions and its hypothetical future actions.

FOREIGN AFFAIRS

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RECALL OF AMBASSADOR TO DENMARK

Hon. John Lynch-Staunton (Leader of the Opposition): Speaking of due process, what due process was followed in the firing of the ambassador to Denmark? What due process was followed in the dismissal of Mr. Pelletier? What due process was followed in the dismissal of Mr. François, and what due process is being followed in the suspension of Mr. Vennat and Mr. Ouellette? Where is due process? These are unilateral decisions taken by the Government of Canada, and the country has no evidence before it to support those drastic actions.

Hon. Jack Austin (Leader of the Government): Honourable senators, much of the subject matter of an answer to Senator Lynch-Staunton has already been given in this chamber. With respect to Mr. Gagliano, the former ambassador to Denmark, I have explained with great care that the appointment is one at the discretion of the government; and the government has withdrawn its confidence in the ambassador's ability to perform as an ambassador, due to the domestic issues that have been raised.

There is a long set of other questions mentioned by Senator Lynch-Staunton. This would not be an appropriate time to answer them one by one unless he wishes to provide the questions one by one.

Senator Lynch-Staunton: I have a supplementary question. Usually an ambassador is recalled because of complaints by the government to which he or she is sent. Were there any complaints by the government of Denmark regarding Mr. Gagliano?

Senator Austin: The issue of recall is entirely in the judgment of the Government of Canada with respect to the accusations made in the sponsorship issue and the role of former ambassador Gagliano when he was Minister of Public Works.

INDUSTRY

BUSINESS DEVELOPMENT BANK—QUEBEC SUPERIOR COURT RULING EXONERATING FORMER PRESIDENT

Hon. Gerry St. Germain: Honourable senators, my question is a supplementary and it is for the Leader of the Government in the Senate. If there is something rotten in Denmark, my question is this: We talk about confidence. Judge Denis clearly stated, without equivocation, that these people — Jean Carle and Michel Vennat — went on a vicious attack against François Beaudoin. Why is retribution taking so long? There was something rotten in Denmark, and the ambassador was brought home right away — he is sitting at pleasure.

Honourable senators, a respected judge of the judiciary of this country has said that these people clearly misused their position in a witch hunt against François Beaudoin, an attack against his personality. They raided his house and used $4.5 million worth of taxpayers' dollars to attack this man, who was just trying to keep the Prime Minister of the day honest. Why is it taking so long for the Minister to reinstate him? Is she inept or does she not hear like the rest of them? Nobody knows what is going on. Tell us, Mr. Minister, please.

Hon. Jack Austin (Leader of the Government): Honourable senators, first I want to point out that British Columbia senators are also Shakespeare scholars. I congratulate Senator St. Germain for his reference to the phrase in *Hamlet*. At the same time, I want to tell you that the consideration of the Minister of Industry is not a *Hamlet*-like consideration. These are very serious matters, Senator St. Germain, and due process requires that appropriate time be taken.

There may well be statements made in the response that require inquiry of others, third parties. I do not believe there is any foundation at the moment for any impatience with respect to this question.

JUSTICE

INVESTIGATION INTO MAHER ARAR CASE— NATIONAL SECURITY ACT AMENDMENTS

Hon. A. Raynell Andreychuk: Honourable senators, yesterday it was disclosed that the Ottawa police were probably passing on information with respect to Mr. Arar. This now means that the RCMP, the Ottawa police and perhaps other ministry officials had some hand in the Arar matter.

In light of the severe action that was taken against Mr. Arar, when can we count on this Arar inquiry starting? What resources have been released to ensure that they have full and adequate means to begin the inquiry?

Second, in light of the fact that the Prime Minister appeared to agree with most Canadians that sources by reporters should be protected and that section 4 of the National Security Act needs changing, when will the government move on that? Both of these issues have created what I call a censorship mood in Canada against certain people. They are afraid to move; they are afraid to talk. I believe the sooner we can get the facts out and the sooner that Canadians can be assured of their freedoms and their movement, the better.

Why has the Arar inquiry not started? Why has the government not moved to amend section 4 of the National Security Act?

Hon. Jack Austin (Leader of the Government): I agree entirely with one observation of Senator Andreychuk. Canadian citizens who are in apprehension of their personal security are deserving of the most immediate action on behalf of the Canadian government, where the Canadian government can relieve that particular situation.

With respect to the question relating to the Arar inquiry, the terms of reference have been drawn. However, beginning the hearings is entirely at the discretion of the inquiry commissioner. It is not a responsibility of the government. The commissioner has been given authority under the Inquiries Act to conduct the inquiry within the discretion and judgment of the commissioner.

With respect to the legislative proposal, which Senator Andreychuk has previously raised, this matter is being reviewed by the Deputy Prime Minister and the Minister of Public Safety, and I do not have any additional information to give at this time.

• (1420)

Senator Andreychuk: Honourable senators, we have been told in this chamber, and I certainly have been told outside of this chamber, that that kind of profiling is occurring. We need to have the Arar inquiry move forward as quickly as possible, and there must be an assurance by the government that there will be sufficient resources and that the government will not move as they did in the Somalia inquiry — shutting it down when the process either took a course that the government did not agree with or took longer than expected. In other words, if it is the government's position that they will not ask the Arar inquiry to move in any particular way, I think equally there should be an undertaking that they will not inhibit it in any way.

Senator Austin: Honourable senators, I can give that undertaking. There will be no inhibition of the Arar inquiry on behalf of the government. The government is as keen as any citizen to know the full story and to have Canadians know that full story.

HEALTH

NEW INITIATIVES TO ALLEVIATE GENERAL STATE OF HEALTH OF ABORIGINAL COMMUNITY

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. Last month, the Canadian Population Health Initiative released a study that looked into the extremely poor state of Aboriginal health in our country. It found that the life expectancy of First Nations and Inuit peoples is five to ten years less than it is for other Canadians. Aboriginal people living on reserve have higher infant mortality, diabetes and heart disease rates than other Canadians. They are also more likely to smoke, to have obesity problems or to die as a result of an injury. The report links health to income, stating, "income largely determines a Canadian's ability to purchase the necessities of a healthy life." We have all known that for some time, of course.

My question for the Leader of the Government is: Are there any new initiatives to deal with this truly urgent problem? I know the government has been attempting to deal with this on a long-term basis, but are there any new initiatives?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am familiar, of course, with the report and the deplorable state of health in the Aboriginal community. Issues of emerging policy are under active review, but I have nothing I can announce to Senator Keon at this stage.

TUBERCULOSIS ELIMINATION STRATEGY— REQUEST FOR REVIEW

Hon. Wilbert J. Keon: Honourable senators, one of the more shocking statistics to come out of this report is that the tuberculosis rate among First Nations is 16 times higher than it is for non-Aboriginal Canadians. That statistic is more in keeping with what might be found in countries far less developed than our own. Twelve years ago, the tuberculosis elimination strategy was introduced, which aimed at ridding First Nations of this disease by 2010. The strategy has not been updated since its introduction. It would be highly beneficial to look at it again, especially in light of what has been learned from the SARS outbreak and in light of the development of new drugs. Could the Leader of the Government tell me if there is any possibility of having this strategy reviewed?

Hon. Jack Austin (Leader of the Government): Senator Keon, I will report your question to the Minister of Health and ask for a specific response, which I will make to you as soon as I receive it.

FISHERIES AND OCEANS

FUNDS TO REBUILD SATURNA ISLAND DOCK

Hon. Pat Carney: Honourable senators, recently I asked the Leader of the Government in the Senate why the government says it has no money to rebuild the government wharf on Saturna Island, which burned down nine months ago, or last June. I appreciate the answer that I received yesterday, but it is not very helpful. Basically, it says that the request for funding arrived too late in the fiscal year. In fact, DFO, who owns the wharf, was there within a phone call. It took only one phone call to get the DFO officials over there, and their rough estimate of half a million dollars for this dock was submitted shortly after. They are in the business of building docks. They know what it costs.

The government recently announced $8 million in disaster relief for Nova Scotia, for Hurricane Juan, which was in September. It is hard to explain to British Columbians why there is disaster relief money for Nova Scotia, for a September hurricane, when there are no funds to rebuild a government wharf that burned down nine months ago. I know Senator Austin is familiar with this area. For nine months, the volunteer ambulance crew has been "medivacing" at night by flashlight because the lights burned down. There is no other government dock. For nine months, the school kids have been on the school boat waiting in the dark, and all the tourists have been asked to use a porta-potty because the B.C. ferry terminal burned down when we lost the wharf.

Could the Leader of the Government give me further enlightenment on when we can expect to have this government-owned facility rebuilt for both the residents and the visitors to the national park?

Hon. Jack Austin (Leader of the Government): Honourable senators, as I advised Senator Carney at the time of her previous question on this topic, I agree entirely with the priority that she assigns to the project, and I have added my representations to hers to the Minister of Fisheries. The explanation received was given in answer to her question yesterday. In addition, I would like to say that I have been told that the funds in this particular line item had been spent prior to the request being received, have been spent with respect to this fiscal year, which is almost over, and that the application is being actively considered in the forthcoming fiscal year.

I do want to comment, with respect, on the comparison between the natural disaster in Nova Scotia and the burning down of a specific dock, which is not a natural disaster but could be called an act of God. Under our policy, it has a different budget line. Therefore, the funds cannot be moved from one side to the other.

Senator Carney: Honourable senators, I appreciate the answer, but I would like to point out that there is no line item for rebuilding burned docks because the government is a self-insurer. The government insures its own property, so when a government property burns down, it is replaced. It is not a line item in the budget. Believe me, as the former President of the Treasury Board, that was the first thing I looked at.

NATURAL RESOURCES

SOFTWOOD LUMBER DISPUTE ECONOMIC ADJUSTMENT INITIATIVE

Hon. Pat Carney: On this whole issue of the inability of British Columbia to somehow get government funding, I would draw the Leader of the Government's attention to the Softwood Lumber Dispute Economic Adjustment Initiative, which is about $110 million, $55 million of which is due for B.C. Honourable senators should know that the pronunciation of this program's acronym, SICEAI, is "sicky," and it well describes this program.

So far, of the $50 million, only $5 million has been spent to hire 60 bureaucrats. We got $5 million to hire 60 bureaucrats, although there are lots of bureaucrats in place. Communities that are the hardest hit, up and down the coast, have had their projects denied. Tahsis put in a modest $200,000 request, which they matched in an area which is economically destitute, to build a trail for eco-terrorism to make 25 jobs and generate $600,000 worth of tourism in the area. It was turned down. Waddington had 54 applications, of which only two were actually approved.

These are small items to the Senate of Canada, but they are huge items to forest communities that are facing and have faced economic disaster with the loss of the softwood lumber jobs. It is hard to explain to them why the government cannot get government money to the communities affected but they can hire 60 bureaucrats.

Hon. Jack Austin (Leader of the Government): Honourable senators, I know Senator Carney's expertise with respect to issues on the British Columbia coast, and I will look into the question in the hope of providing a response soon.

• (1430)

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM BY MR. ERNST ZUNDEL— NATIONAL SECURITY CERTIFICATE

Hon. David Tkachuk: Honourable senators, it has now been over a year since Holocaust denier and hate-monger Ernst Zundel was deported to Canada from the United States. When Mr. Zundel was initially returned here last February, Denis Coderre, the former Minister of Citizenship and Immigration, led Canadians to believe that he would be quickly removed. More than a year later, we have a new immigration minister, yet Mr. Zundel is still here, making a bit of a mockery of our refugee system at considerable expense to the taxpayer.

How much longer does the Leader of the Government in the Senate believe that Mr. Zundel will be here? What exactly has been the expense of his stay so far to taxpayers?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have an answer for either of Senator Tkachuk's questions.

Senator Tkachuk: I am not sure what that response means. Usually, the Leader of the Government offers to obtain the answer to the question, which I hope he will do.

I will ask a supplementary question.

Senator Di Nino: He will probably say no to that one, too.

Senator Tkachuk: Three months after Mr. Zundel was returned to Canada, the federal government issued a national security certificate against him, which was intended to speed up the removal process. Shortly after the Martin government took over last December, the discretionary power to remove an individual under such a certificate shifted from the Minister of Citizenship and Immigration and the Solicitor General to the new Minister of Public Safety and Emergency Preparedness, Anne McLellan.

Could the Leader of the Government in the Senate tell us the rationale behind changing who has the power to issue national security certificates? Will the move to place national security certificates solely under the Minister of Public Safety and Emergency Preparedness have any bearing on this particular case?

Senator Austin: Honourable senators, I certainly will look into the matter and hope to provide an answer. If I did not say that in answer to the previous question of Senator Tkachuk, I will make it explicit now.

With respect to the supplementary question, let me point out that the public safety minister is also the Solicitor General for Canada. Therefore, no authority has been moved. The office of the Solicitor General is now within the public safety responsibility of Minister McLellan.

Senator Tkachuk: I may have gotten this wrong, but the minister thinks that there is no such thing any more as the Solicitor General, simply the Minister of Public Safety. Under what act has this all been changed?

Senator Austin: My information is that it has been done under the administration act.

AGRICULTURE AND AGRI-FOOD

CONSUMER BEEF PRICES

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate and concerns complaints that beef prices in this country's supermarkets have not been reflecting what cattle producers are getting for their cattle at the farm gate.

The last time this question was posed to the Leader of the Government in the Senate was on February 18, 2004. The response then was that it is the government's view "that the entire supply chain is affected by the volumes going through it. As the volumes decline, the unit cost rises." The Leader of the Government then pronounced that the answer was not sufficient for him and that he would continue making inquiries about this issue. What is the state of his additional inquiries on this matter, if any? Does he have anything new to report to the Senate?

Hon. Jack Austin (Leader of the Government): I thank the Honourable Senator St. Germain for his question.

The response to the issue is encapsulated in the work now before the Standing Committee on Agriculture and Agri-Food in the other place, which has before it as an order of reference the study of the pricing of beef at the slaughter, wholesale and retail levels in the context of the BSE crisis in Canada. A great deal of information is now being provided to that committee. This is an excellent way of proceeding to answer the questions previously asked and asked today by the Honourable Senator St. Germain.

Senator St. Germain: Obviously, honourable senators, the honourable minister does not have any further information at this time to impart to us other than what is happening in the other place. I sit on the Standing Senate Committee on Agriculture and Forestry, and we are going through a similar process at the present time.

For the benefit of the public, which is really concerned about this matter, does the minister have any information at this time? There have been various studies in Prince Edward Island, Ontario and Alberta. Those provinces have all undertaken to try to figure out just what transpired.

To be totally fair, I do not know whether the funding provided was put in at the right level. Senator Gustafson, Senator Mercer and others are hearing that this is really a political issue. If we do not get the border open to the United States, the results will be drastic.

This situation was described as a wreck. His Honour is knowledgeable about the cattle industry, as well.

I am wondering, sir, whether your leadership should not direct that some of us who have reasonably good relationships with the American government of the day should not be trying to utilize those good relationships. Some of us have longstanding relationships with Lee Atwater and Frank Fahrenkopf, who chaired the Republican committee with which I worked as President of the PC Party. We should be taking advantage of contacts. I would like to hear the comment of the government leader in that regard.

Senator Austin: Honourable senators, I did not complete the answer to the honourable senator's question. I was too succinct. I should have referred to the excellent work that is now before the Standing Senate Committee Agriculture and Forestry, which is also studying this particular issue. I could also refer to the work being done by the Government of the Province of Alberta, which Premier Klein has announced.

The answers are not obvious or evident with respect to what is happening in the supply chain and whether anyone is receiving an inordinate benefit from the way in which the supply chain is now operating.

I agree entirely with the honourable senator that it is to the advantage of Canadians to have Canadian parliamentarians speaking with their opposite numbers in the Senate and the House of Representatives of the United States. I would be glad to see what we can do, even in the short run, to facilitate that suggestion.

NATIONAL DEFENCE

INCIDENT INVOLVING AURORA AIRCRAFT— SCHEDULE OF INCREMENTAL MODERNIZATION

Hon. J. Michael Forrestall: Honourable senators, I have two relatively brief questions for the Leader of the Government in the Senate, who will be familiar with the subject matter. I have asked about it before.

On January 29, 10 instructors and seven flight students aboard a CP-140 Aurora very nearly had to ditch in the Atlantic off Nova Scotia. The aircraft, which is designed for anti-submarine activity, developed propeller problems about 80 kilometres northeast of Sable Island. The pilot sent out a mayday, and the crew donned immersion suits and took other necessary emergency precautions. It appears from early reports that the propeller started over-revving and consequently shook the plane violently.

Can the Leader of the Government tell us anything about the cause of this incident and any flight restrictions that might now be in place with respect to the Aurora fleet?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will inquire as to the answer to the question and try to bring further information to Senator Forrestall.

Senator Forrestall: Would the Leader of the Government be so kind, while he is doing that, to seek out the answer to a couple of brief questions? Many people are quite concerned about why the incremental modernization project of the Aurora is so far behind schedule. The Canadian Marconi navigation system, for example, is 16 months behind. The Thales communications management system is eight months behind. The General Dynamics of Canada data management system is currently four months behind schedule and expected to slide to a full year. It is not expected to be ready for production readiness review until the year 2008. This means, of course, that we will not see the system in question until 2010-11.

• (1440)

Why was General Dynamics Canada, which is based in the Minister of National Defence's riding, awarded the de facto lead for systems integration of this project when its data management system will not even face a production readiness review before 2008, at which time the mid-life activity will be sadly strained?

Senator Austin: Honourable senators, I have no information to supply at this moment. However, the question is an important one, and I will diligently look for additional information.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer to an oral question raised in the Senate by the Honourable Senator Donald H. Oliver on February 3, 2004, regarding the Ethics Counsellor, salary and annual performance bonus, and an answer to a question raised by the Honourable Senator Marjorie LeBreton on February 5, 2004, regarding the Prime Minister's attendance at a 1996 meeting with CSL president Sam Hayes on a contract with Jawa Power.

PRIME MINISTER'S OFFICE

ETHICS COUNSELLOR—
SALARY AND ANNUAL PERFORMANCE BONUS

(Response to question raised by Hon. Donald H. Oliver on February 3, 2004)

- It was determined that it was not appropriate for the Ethics Counsellor to receive any performance pay (pay at risk) because of the nature of the position.

- The Ethics Counsellor receives an annual lump sum payment of 7.5 per cent of his salary, not linked to his performance. This makes his total compensation equivalent to that of other public servants at the same level.

- Other individuals, such as the Commissioner of the RCMP, who are also ineligible for performance pay are treated the same way.

- Criteria to determine eligibility for performance pay include the mandate of the organization, the function of the position and the need for independence.

PRIME MINISTER

MEETINGS WITH ETHICS COUNSELLOR
ON BLIND TRUST

(Response to question raised by Hon. Marjory LeBreton on February 5, 2004)

- On appointment to Cabinet on November 4, 1993, it was necessary for Mr. Martin to arrange his private interests to comply with the provisions of the Conflict of Interest and Post-Employment Code for Public Office Holders which existed in 1993.

- At that time, because of his ownership of the CSL Group Inc, which had wholly owned subsidiaries having dealings with the federal government, it was necessary for Mr. Martin to place his entire interest in the CSL Group into a blind management agreement (called a Supervisory Agreement). This was done on February 1, 1994. The Code required that this arrangement be publicly declared.

- The Agreement allowed that, if it appeared that an extraordinary corporate event was proposed or threatened which might have a material effect on the Shares or the Assets being administered within the Agreement, the supervisors (trustees) may, with the approval of the Ethics Counsellor, consult with and obtain the advice of the public office holder. If the Ethics Counsellor agreed to a meeting, this could only take place in the presence of the Ethics Counsellor.

- It was reported in the media a year ago that Mr. Martin met with the trustee and CSL officials, in the presence of the Ethics Counsellor, to discuss a possible contract with Java Power. This meeting took place in late 1995. The proposed contract to deliver coal to the power plant involved the purchase of three new 45,000 tonne vessels and, in the view of the Ethics Counsellor, constituted an extraordinary corporate event which might have a material effect upon the shares and assets entrusted.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Before going to Orders of the Day, I would like to introduce some guest pages from the other place.

Nardia Tonge of North Vancouver, British Columbia, is studying in the Faculty of International Business at Carleton University.

[*Translation*]

Michael Ouellet of Timmins, Ontario, is studying in the Faculty of Social Sciences at the University of Ottawa. He is majoring in political science.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I welcome them to the Senate on behalf of all honourable senators, and hope that they will find their time with us interesting and informative.

[*English*]

ORDERS OF THE DAY

REPRESENTATION ORDER 2003 BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Lapointe, for the third reading of Bill C-5, respecting the effective date of the representation order of 2003.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, once again we are being called on to deal with a bill that has but one purpose, and that is to provide Liberal Party backroom strategists an advantage for which they have been clamouring for a year, namely, that the effective date of the new electoral map be to their liking for this time and this time only.

I say "once again" partly because this bill died on the Order Paper in the fall but also because many here will remember that in 1994 and 1995 the government, again solely because of the dissatisfaction of its election strategists, introduced two bills, this time to delay redistribution beyond the 1997 election, thinking it more advantageous to the Liberal Party to have an election in ridings based on the 1981 census rather than on the one completed in 1991.

The Senate was able to defeat that self-serving effort then, and while it is obvious from the way Bill C-5 is being given the highest of priorities, even subjecting it to time allocation at second reading so that its passage is assured, I would like to think that there are quite a few who will be supporting it more out of loyalty than out of persuasion.

On March 10, 1964, then Minister of Transport Jack Pickersgill, who sponsored the original Electoral Boundaries Redistribution Act, spoke at length on the proposed bill, and I would like to read into the record remarks of Mr. Pickersgill made on that day, as reported at page 743 of the *House of Commons Debates*. This is how he saw the bill and how he felt it should be treated by Parliament:

> This bill, as I indicated when I spoke last session, is designed really to be a part of the Canadian constitution. It lays down a procedure which will not apply just to this redistribution but which will come into force almost automatically after the census has been taken and the census results are known. In this way, the time of parliament will not have to be taken up with the matter unless we find some faults in the operation of the scheme that require legislative correction.

Honourable senators, I ask you this: What are the faults in the legislative scheme that Bill C-5 is intended to repair? The answer is, quite simply, that Bill C-5 repairs no fault.

While the government refuses to admit in so many words what motivates Bill C-5, the motivation is readily apparent because it reduces the one-year delay contained in the existing law for this one occasion and only for the next election. The Lortie commission in 1991 recommended a shorter delay. In addition, as the Chief Electoral Officer reminded us when he appeared before the committee:

> Under Bill C-69, which was reviewed by both Houses in 1995 but died on the Order Paper, the implementation period would have been seven months.

He added:

> ...this proposed legislative change was not contentious or opposed by any of the parties in Parliament.

In his remarks to the same committee on the same day, the Leader of the Government in the House of Commons said:

> So why not a permanent fix? The reason is rather simple. We do not know at this point whether or what kind of a permanent reduction of the grace period is feasible.

Is it not a curious position for a minister of the Crown to take? However, he brought some clarity to this issue later on when he said:

> You ask me a question of knowledge on something which preceded my entry into office. If it has an impact on my situation today, I should know it. If it does not, it is a different ball game.

The translation for all this: So much for Lortie, so much for the Chief Electoral Officer, so much for Parliament — only the Prime Minister determines the grace period and only when it suits his election timetable. A minister in a Liberal government does not need to know anything beyond that simple declaration.

While the government's obfuscations are understandable, what is not is the shameful attempt to make the Chief Electoral Officer responsible for this bill. In his prepared remarks to the Senate committee studying the bill, the Leader of the Government in the House of Commons rewrites history by tracing Bill C-5's origins to a letter dated July 15, 2003, by Mr. Kingsley to the Chairman of the Committee on Procedure and House Affairs in which the Chief Electoral Officer says that under certain conditions an election based on new electoral boundaries could take place any time after April 1, 2004. The impression left by the minister is that it all started with that letter.

That is a distorted version of the facts and is grossly unfair to Mr. Kingsley for he opens his letter by saying:

> I am writing to you in light of recent media articles concerning the possibility of accelerating the implementation of the new electoral boundaries, effective April 1, 2004.

These media reports, as everyone is aware, were to the effect that then leadership candidate Paul Martin and his supporters, in attempts to curry favour with western Canadian voters and keen, at that time, anyway, for a spring election, were strong advocates for the new electoral boundaries to come into effect no later than April of this year. The Government House Leader made absolutely no reference to these public urgings, leaving the impression that the Chief Electoral Officer, in the minister's own words, "prompted this legislation."

In his opening remarks to the committee, Mr. Kingsley said:

> Last summer...reducing the implementation period became a matter of public interest and discussion as reflected in media reports.

He added:

> In essence I had the choice of waiting for the government to table a bill or to consult me in accordance with subsection 15(4) of the Canada Elections Act, or to seize Parliament with the matter and make it public. I decided that the best course of action was the latter.

Now, I do not believe it wise for an officer of Parliament to respond publicly, favourably or not, to a political party's media exhortations. I would have preferred that Elections Canada's comments had followed the tabling of a bill resulting from consultation with its officials rather than one arising from a reading of newspapers.

I will not return to this matter. I accept Mr. Kingsley's explanation for writing as he did. I only wish that he had waited for a government initiative before putting his views on the record, particularly on an issue that was clearly not rooted in policy.

Of course, none of this misunderstanding, not even the bill, would have arisen were members of Parliament elected to fixed terms. Whenever the subject comes up, traditionalists react in horror, asserting that the parliamentary system does not lend itself to fixed terms because they do not provide for a government defeat resulting from a confidence vote. I am one who does not accept that confidence votes have a place in today's democratic society, particularly as under the majority Chrétien government they were used primarily to keep its wavering supporters in line.

• (1450)

More to the point, what is there that is so sacred about a government budget or a government spending bill being defeated? Is not the answer simply that the government returns to the House with the appropriate amendments? A confidence vote was never intended to be a challenge to those opposed to government intentions to risk an election in case it did not carry. It is unacceptable that what traditionally was one of the few procedural advantages given to the opposition has now been turned into a weapon to keep wavering supporters in line.

The smugly — at the time — confident Martin Liberals are today in a state of near complete disarray.

Senator Forrestall: Say that again.

Senator Lynch-Staunton: So intent were they on removing a leader by the crudest of methods, they gave no thought to any post-takeover strategy, the lust for power blinding them to everything but their own excessive ambition, which had to be achieved in any manner available, including publicly humiliating a Prime Minister responsible for three election victories and for the careers of many of those who turned against him so viciously.

Some Hon. Senators: Shame!

Senator Lynch-Staunton: There is nothing more repugnant in politics than for party members to go after a party leader publicly with no holds barred, not for the sake of the party but strictly for personal ambition. It may make for fascinating theatre for outsiders, but for the party it is divisive, disruptive and serves to increase cynicism of the political process at a time when cynicism is already too high.

Senator Tkachuk: You would not catch us doing that.

Senator Lynch-Staunton: Not to a Prime Minister.

There are now reports that the Prime Minister is reconsidering last year's scenario so that Bill C-5 may not be needed after all. How ironic if this turned out to be true. Even more, it emphasizes how essential it is to remove from one person the exclusive right to fix an election date thought most advantageous to a favourable result. It may be smart politics but it is bad policy, which should have no place in a country that believes in level playing fields, no matter the area. It is also bad for those who are keen to commit to economic growth in the private sector but hesitate to do so as the "will he" or "will he not" teasing continues.

It is about time that those who decry what they call the democratic deficit stop paying lip service to their lamentations and get down to reducing it. What better way than to return to elected representatives, ministers included, responsibilities that have been taken over by the Prime Minister's Office to the point that to get anything done in Ottawa, sponsorships included, one goes to an unelected coterie in the PMO, which then gives instructions to the departments, no matter reviews of ministers.

While allowing one person complete discretion to fix an election date chosen strictly for partisan advantage, which to me is impossible to justify in today's society, is bad enough; to cajole Parliament to amend the Election Boundaries Readjustment Act makes it a party to the Prime Minister's election strategy. To me, that is reprehensible, and I hope that I am not alone in not wanting to be a part of it.

Some Hon. Senators: Hear, hear!

Hon. Lowell Murray: Honourable senators, I do congratulate Senator Lynch-Staunton on a very vigorous and pointed speech. As honourable senators know, I have always eschewed the kind of partisanship that has just been evinced by Senator Lynch-Staunton.

However, I do want to say that the government should take heed. By taking this rather extreme step of manipulating the electoral system, they have provoked an extreme reaction from Senator Lynch-Staunton, he believing that the remedy is fixed terms and other devices used in the United States. The next thing you know he will be in favour of a 3-E Senate.

I say that this is not a very edifying moment in the history of the Senate, or of this government or of the predecessor Chrétien government. We are about to pass a bill, or so it would appear, entitled "An Act respecting the effective date of the representation order of 2003." The bill would be more aptly entitled "An Act for the relief of the federal Liberal Party."

I will not repeat what I said at second reading and what Senator Lynch-Staunton said at second and third reading about the manipulation of the process beyond saying, as unfortunately I have had occasion to say two or three times in the past 10 years, that we in this place, as the only body that is disinterested — in the proper sense of that term — ought to provide a line of defence for the electors and for the country against this kind of manipulation.

The Standing Senate Committee on Legal and Constitutional Affairs, to which this bill was referred, held one meeting on it, at which they heard from the responsible minister, Mr. Saada, and from the director of Elections Canada, Mr. Kingsley. I was able to attend about half of that meeting and had to leave, unfortunately, because there was a meeting of another committee that I chair. However, I did obtain the transcript and have read it quite carefully.

Senator Lynch-Staunton referred to the letter that Mr. Kingsley had sent, under the circumstances he described, to the chairs of one of the House of Commons committees and one of our own committees last July 15 to inform them that Elections Canada would be able to be ready for a writ by April 1, 2004. It needs to be said even at this late date, at third reading, that Mr. Kingsley said that "the feasibility of doing so," that is of implementing the scenario by April 1, "would be dependent upon certain conditions being met." Then he says:

> A very important condition concerns the timely appointment of returning officers for the 308 electoral districts. Every electoral district that has boundary changes will require an appointment. In order to implement the new boundaries by April 1, 2004, the appointment of the returning officers needs to be completed by mid-September 2003.

That is quite an unequivocal statement. That is the first condition that he poses as a necessary precondition to being ready with the 308 riding boundaries for a writ as of April 1.

Honourable senators, that condition was not met. Senator Lynch-Staunton, at the committee, pointed out that as of mid-September there had been exactly nine returning officers appointed out of 308. When he taxed Mr. Kingsley with this question, Mr. Kingsley's response was, "Oh, well, we were able to step up the training process." Good for him, but there was more to it than the training process.

Honourable senators can read the letter because it was distributed to all senators. There was a lot of what he referred to as feedback that would be required from the returning officers about the polling districts and so on and so forth. In any case, the condition he set was quite unequivocal. The 308 returning officers were not appointed by mid-September. Nine were appointed. It is no answer to simply say, "Oh, well, I was able to step up the training process." Either that statement meant something in mid-July or it did not.

I was rather troubled by this and I asked the minister, Mr. Saada, about this. I said, "How many returning officers had been appointed by mid-September?" He said, "As of now there are only 15 or so to be appointed." I said, "No, minister, tell us about mid-September." He replied, I do not know because I was not the minister then." However, he is the minister now and he has carriage of this bill. He is bringing in a bill to bring forward the new boundaries as of April 1 on the conditions that Mr. Kingsley set, and he did not know whether that first condition was met. The whole business is rather shoddy, as I have suggested. Parliament and Canada have been left in a rather dubious and, perhaps, quite dangerous condition. If they are not ready in several ridings, then we will have a big problem in an election. It does affect people's rights to vote.

• (1500)

I wish to raise another matter that was mentioned at second reading debate and again at committee in respect of equality of voting power — the premise that one vote in one riding should be worth as much as one vote in the next riding. It has been pointed out here and in committee that in the country we have never allowed ourselves to be governed strictly by the rule of equality of voting power. We have never drawn the boundaries strictly according to that rule. Judicial decisions were quoted to this effect. In this country, "effective representation" is important and takes in a number of other considerations. I wish to clarify that and I have a reason for doing so. I would not want anyone to leave the impression that equality of voting power on the one hand and effective representation on the other hand are alternatives. Equality of voting power is a factor of effective representation. Chief Justice McLachlin has been quoted in the house and elsewhere on this subject, in particular from a judgment of the Supreme Court of Canada of 1991, the *Attorney General for Saskatchewan v. Roger Carter, Q.C.*, respondent. Chief Justice McLachlin said:

> It is my conclusion that the purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se but the right to "effective representation".
>
> Then, in the same context, she adds:
>
> What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing inadequate representation to the citizen whose vote is diluted.
>
> ...
>
> Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed.
>
> It emerges therefore that deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced.

As a layman, I derived from that statement that the rule is parity and the exceptions are to take account of community interests, history, geography and so forth. I put that on the record now to repeat a contention that I have placed on the record previously: The 25 per cent tolerance that is allowed in the current law is altogether too extravagant. You do not need to have a 25 per cent tolerance from the provincial quotient except, perhaps, in far-off northern ridings, such as Northern Labrador and others. That tolerance should be brought down to about 10 per cent. I hope that those members in the House of Commons who have announced that they will undertake a study of election law will look at this issue seriously.

I congratulate the commissions that did the most recent redistribution because in almost all cases, except for the ones that I have alluded to, they have kept the tolerance below 10 per cent and in many cases even below 5 per cent. As a result of the work of those commissions, in almost every province we have much closer to voter parity — to equality of voting power — between one citizen and another citizen than we had in previous redistributions. I take considerable satisfaction in that but remember: after the next census, new commissions will be appointed and they can avail themselves of the 25 per cent tolerance if they wish to do so.

I would not like to see that happen. The most recent commission brought the tolerance to below 10 per cent, and below 5 per cent in many cases, without any serious compromise of history, community interests, geography and so on. I would hope that that law could be changed to bring it down to at least 10 per cent so that the extravagant tolerance would not be available to future commissions. These are important issues for the Senate, as I have suggested on another occasion. There is too much actual and potential conflict of interest in these matters among those who have to be elected. The Senate should take these issues on as a special interest and responsibility.

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 Poulin, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Would those honourable senators in favour of the motion please say "yea?"

Some Hon. Senators: Yea.

The Hon. the Speaker: Would those honourable senators opposed to the motion please say "nay?"

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

[*Translation*]

ASSISTED HUMAN REPRODUCTION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Yves Morin moved the third reading of Bill C-6 respecting assisted human reproduction and related research.

He said: Honourable senators, I have the honour to present to you at third reading Bill C-6 on assisted human reproduction.

[*English*]

It comes as no surprise to honourable senators when I say that Bill C-6 is complex, controversial and emotionally charged. This was reinforced by the testimony of more than 50 witnesses who appeared before the Standing Senate Committee on Social Affairs, Science and Technology to express well-prepared, thoughtful, but often divergent, views on the bill. Dr. Robin Walker, President-elect of the Canadian Paediatric Society, told committee members that this bill is absolutely necessary to protect the health and well-being of children born through these services. He said: "We have good evidence that certain types of assisted human reproduction are associated with increased risks of birth defects to newborns."

Ms. Madeleine Boscoe, Executive Director of the Canadian Women's Health Network, was of the same opinion. She said: "This is a good and, in many ways, visionary piece of legislation that is long-awaited, urgently required and a critical turning point for the health of Canadian women."

We also heard from Ms. Irene —

• (1510)

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Morin, but it is quite noisy in the chamber. I would ask honourable senators to please conduct their conversations outside of the chamber. That would make it much easier for us to hear Senator Morin.

Senator Morin: Honourable senators, we also heard from Ms. Irene Ryll, Coordinator of the Infertility Connection of Edmonton. She is a registered nurse and the mother of three young children conceived through assisted reproductive technology. In her view, it is urgent that this legislation be put in place. She told the committee:

> Without this bill, we will continue to create families such as ours, where our children have been condemned to a lifetime of absent and incomplete health information...

Scientists such as the world-renowned stem cell researcher Dr. Ron Worton support the bill, as does Dr. Arthur Leader of the Society of Obstetricians and Gynecologists of Canada. According to Dr. Leader, Bill C-6 will "protect infertile women and their children from unsafe practices and give dignity to the professionals who are committed to alleviating the suffering of infertility."

I would like at this point to thank Dr. Leader, one of the outstanding fertility experts in Canada, for his help on this bill. He has been very generous with his time in helping other senators and myself with the technical aspects of this bill.

Finally, we heard from religious authorities. Representatives of the Jewish and Muslim faiths had reservations about the bill but urged the committee to approve it nonetheless. The Catholic Archbishop of Halifax, Monsignor Prendergast, reiterated the church's opposition to embryo research and, for that matter, to all assisted human reproduction. That being said, however, he recommended that senators consider the positive elements of the bill, which he saw as being its provisions to ensure the protection of the human embryo and to correct the current alarming absence of regulations concerning embryo research.

The committee has carefully listened to and weighed the testimony of all witnesses. What struck each of us most was the degree of consensus on such controversial legislation. More than two thirds of all witnesses recommended passage of the bill without amendment. Despite the reservations many of them had, they believed that legislation in this area is long overdue and should not be held up any further. This degree of support and consensus greatly impressed and influenced committee members in their deliberations.

Honourable senators, your committee views Bill C-6, the assisted human reproduction bill, 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. This is the reason why your committee, echoing the position of the witnesses who appeared before it, unanimously passed the bill without amendment. However, I would like to take the opportunity to make senators aware of several issues that ought to be addressed when regulations are being drafted and during the three-year review that is mandated in the bill.

First is the legislation's use of criminal prohibition. The committee heard from a number of witnesses that the government's use of its biggest regulatory hammer to enforce the provisions of the bill is excessive. Many witnesses felt that such instruments should be used only as a last resort, reserved for conduct that is culpable, seriously harmful and generally conceived of as deserving punishment.

After considering the evidence, the committee is satisfied that it is inappropriate to split the bill and that the use of criminal sanctions is acceptable in this initial piece of legislation. However, the committee notes that the considerable concern expressed over the use of criminal sanctions means that this issue should be addressed closely during the three-year review.

Second is the prohibition of nuclear transfer, also known as therapeutic cloning. Several scientists from the Canadian Stem Cell Network told us this is a promising technology that is permitted in other countries, such as the U.K. The committee believes that nuclear transfer is another issue that warrants a thorough study when this legislation is eligible for legislative review.

There was much, and often passionate, debate over a third issue, that of permissible compensation for donors. Several witnesses testified to the committee that the restrictions on compensation are excessive and will restrict the availability of donated gametes. The committee supports the non-commercialization provisions of the bill, but is nevertheless concerned about the effect that they will have on donations.

Finally, the committee recognizes and is sensitive to the issue of embryo research. This is one of the most controversial aspects of the bill, and there will never be unanimity on it. Many opponents of embryo research supported the bill, with its provisions allowing for embryo research, to put an end to the current unregulated environment for such research. In their view, if embryo research cannot be prohibited outright, at least the legislation limits what they see as the harms implicit in it.

Members of the committee decided that in the absence of any definition of the moral status of an embryo, we must defer to its definition in the legislation — that an embryo is a human organism. As such, research that involves embryos must be stringently regulated. The committee therefore concludes that there is a particular onus on the regulatory agency created by this legislation to provide exemplary oversight to all embryo research.

[*Translation*]

In conclusion, I would like to thank the witnesses for their contribution to the work of the committee, particularly the representatives of volunteer patient advocacy groups, some of whom were severely disabled.

As I have said, honourable senators, your committee recommends unanimously that you support this bill. I am sure this will be done for the benefit of all Canadians.

[*English*]

The Hon. the Speaker: Honourable senators, I will see Senator Roche, who wishes to speak to this bill. In the normal course, it would be spoken to next by a member from the opposition. This is important because of the 45-minute allocation.

Is it understood, honourable senators, that if I see Senator Roche now, the 45 minutes will be preserved for Senator Keon, who I believe will be the first speaker for the opposition?

Hon. Senators: Agreed.

The Hon. the Speaker: Senator Roche, 15 minutes.

Hon. Douglas Roche: Honourable senators, I should like to point out that if Senator Keon wishes to speak now, I would gladly yield to him. I do not want to pre-empt Senator Keon. However, if I get a signal that he wants me to speak, I will go ahead.

Honourable senators, grappling with Bill C-6 has been a great challenge for me, as I have sought to defend the interests of all Canadians, including those who are yet to be born. In fact, I must say that this has been the most difficult bill that I have faced in my years in the Senate.

Bill C-6 is a comprehensive bill that regulates assisted human reproduction practices and related research. It is also a very controversial bill that will have a profound impact on many segments of Canadian society, including infertile couples seeking children, the doctors and fertility practitioners who assist them in having these children, the children who are themselves born using these procedures, the scientists who conduct research on, and are using, embryos and Canadians who are committed to protecting the right to life of these human organisms.

The committee heard from many groups. While almost everyone believed that this bill could benefit from substantive amendments, most witnesses believed that passing the bill without amendment was preferable to postponing the legislation yet again by amending it and sending it back to the House of Commons to a likely death. I share this view.

• (1520)

There are many positive aspects to this legislation. The bill will provide urgently needed regulation for assisted human reproduction — known as AHR. AHR providers will be licensed and overseen by a regulatory agency. Practices such as commercial surrogacy and human cloning will be prohibited, whereas now the interests of the research and industry communities are given free reign. People born using AHR procedures will now have access to vital medical information on their biological parents to make possible the recognition and treatment of inherited diseases.

The AHR agency can facilitate improvements in the fertility industry by identifying and addressing risks to couples and children and ensuring that best practices are recognized and duplicated. These are all important contributions to improving the lives of those directly affected by AHR practices, and I support them.

Honourable senators, despite these positive elements of the legislation, I am at the same time deeply troubled by this bill. The focus of my concern is the lack of protection given to the embryo. The bill allows for the creation of embryos for the specific purpose of research to improve fertility procedures. It also allows for research on embryonic stem cells. This research necessarily involves the death of the embryo and, as such, the bill explicitly permits the destruction of this human organism. This is a very grave matter.

The controversy over embryonic research centres on beliefs about when life begins and what constitutes a human person possessing rights worth defending. I want to make my view clear.

Human life as we know it begins with conception, and every life so created is as worthy of protection as is the life of you and me. Indeed, the embryo is necessary for human life to develop. Even this bill recognizes that the embryo is a human organism. The bill should have stipulated the right of the embryo to continue development. The embryo should be fully protected under Canadian law.

Honourable senators, I can only hope that eventually the practice of conducting research on and discarding the embryo will come to an end. Countries such as Germany, Austria and Ireland have already prohibited research involving human embryos. However, in Canada, this is simply not possible in the current federal political environment, although there is nothing in this bill to prevent a province from adopting more stringent guidelines, including the prohibition of embryonic research within its jurisdiction, and Quebec once tried to do this.

Those who defend the dignity of the embryo have spared no effort in fighting to strengthen the limitations on embryonic research offered in the legislation. Many people, myself among them, propose that the bill be split so that the less controversial provisions banning human cloning and regulating AHR could go ahead without approving embryonic stem cell research. Their efforts were rejected by the government. When the Minister of Health appeared before the committee, I asked him if he would accept an amendment to the bill to ban such research. His answer was an unequivocal no.

The long legislative history of this bill is indicative of what would happen if the Senate insisted on an amendment. The bill would return to the House of Commons where it would likely remain until an election is called later this year. While the bill could be reintroduced in the next Parliament, it is unlikely that significant improvements would be made before it found itself once again before the Senate.

In deciding whether or not to support the bill, I had to weigh the alternative of no bill against that of passing this bill. Currently, we have a legislative void.

Suzanne Scorsone, a former commissioner on the Royal Commission on New Reproductive Technologies and an opponent of embryonic research, summed it up well in her testimony before the committee: She said:

> We have an existing law now, and that is that there is no law. Under the Canadian system of law...that which is not prohibited is permitted. He who is silent gives consent.... Anything we do now will, in my view, enable good practice and prevent harm so far as it goes. It may not go far enough, but at least it will be something....

> If we choose not to take the incomplete but constructive steps realistically available to us, we choose to take responsibility for the consequences of not having taken them.

Honourable senators, I want to take that last sentence from Dr. Scorsone and make it my own. If we do not choose to take the incomplete but constructive steps realistically available to us, we choose to take responsibility for the consequences of not having taken them. I think that is a very important point that we should dwell on.

There is currently no limitation regarding research on or the use of the embryo in Canada. However, Bill C-6 will limit research to the improvement of fertility practices and stem cell research. Research on embryos that have developed past 14 days will be prohibited. Embryonic stem cell research will be done only when necessary and will require the prior consent of gamete donors. Unlike in the United States, where public funding for stem cell research is banned but private research is unregulated, Canadian regulations will apply to both the public and private domains.

While I would prefer a prohibition on all embryonic research, these provisions of the bill do represent distinct and significant improvements over the current legislative vacuum. The committee has attached observations to the bill to offer advice and suggestions on enhancing the legislation without risking its defeat by insisting on an amendment. In the formulation of these observations, I proposed, and the committee endorsed, the creation of a permanent embryo research advisory panel under the provisions of clause 33 that would include in its membership representation from the faith communities to ensure that their views are taken into account as this research goes forward. The advisory panel would oversee and advise the agency on all aspects of embryonic research, and its reports would be made public, allowing for informed input from Canadians on this controversial issue. The panel would help ensure that the agency adheres to the committee's call for — and I quote from the observations — "exemplary oversight to all embryo research," certifying that "research that involves embryos" is "dealt with in a stringently regulated manner."

This continual observation should include holding the agency to strict standards for defining when or whether embryonic research is deemed necessary. If research using adult stem cells shows significant progress, it may be that embryonic research will eventually become superfluous. I call upon the government to ensure that this advisory panel is struck.

• (1530)

The committee also used the observations to call for strict adherence to conflict of interest guidelines to ensure that no agency board member has a financial interest in the agency's work. Since AHR regulations will have a disproportionate impact on women, the committee has observed that the board should be composed of at least 50 per cent women. I strongly support both of these necessary improvements to the bill, improvements that can be made without resorting to a formal amendment.

Finally, honourable senators, the committee noted several areas in which the effects of the bill must be carefully monitored in preparation for a comprehensive review of the legislation in three years. One such area is donor anonymity, under which the identity of gamete donors remains confidential, preventing donor offspring from knowing their biological parents. Another area is the need to better understand the impact of surrogacy on the physical and emotional well-being of the child, his or her family and the surrogate mother. The committee intends to re-examine these issues when the bill is reviewed.

I hope that all our observations are taken very seriously by the government and the Department of Health as they design the regulations that will substantiate the goals of this bill.

Honourable senators, with Bill C-6, as has been the case with many other pieces of legislation, we are confronted with a difficult choice. Do we approve this bill as it is, or do we reject it in the hope that improvements can be made and passed, ensuring that the legislative void is filled? In this case, it is my judgment that, in the political circumstances that we are now in, the prospects for an improved bill are dim, while the risks of continuing in the absence of any regulation of AHR or regulated research are unacceptable.

Unregulated embryonic research has been going on in Canada since 1987. The Canadian Institutes for Health Research has repeatedly stated its intention to move ahead with embryonic stem cell research if Parliament does not succeed in passing legislation. This bill will provide limits on how embryonic research is conducted. Furthermore, it will provide a regulatory framework for AHR, ensuring the best interests of children and parents are respected and leaving open the possibility that embryonic research can be further restricted in the future.

Honourable senators, let there be no mistaking my unflinching support for the right to life of the embryo. In considering this bill, I have had to ask myself how I could best further the interests of Canadians, including human embryos. I was guided in this respect by the testimony of Suzanne Scorsone, who noted:

> ...it is possible to be so desirous of the perfect...to the point that we cannot even bring about the good. What would we then accomplish other than our own purity of intent?

Archbishop Terrence Prendergast, on behalf the Canadian Conference of Catholic Bishops, also picked up on this argument when he stated before the committee:

> ...de facto, we have a legislative circumstance that is not protective of an embryo. Therefore, anything that a senator can do to protect an embryo, protect life from its origins, is potentially the best...they can do.

For these reasons, honourable senators, I have decided to support the passage of this bill without amendment, while using every opportunity available to me to enhance protection for embryos through the committee observations. I hope that the Senate will further these efforts and take seriously its role as a chamber of review when the government tables the regulations before the Senate committee and when the legislation is reviewed in three years' time.

On motion of Senator Keon, debate adjourned.

PUBLIC SAFETY BILL 2002

SECOND READING—DEBATE SUSPENDED

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. Lowell Murray: Honourable senators, I am not a member of the committee to which this bill will likely be sent if it receives second reading.

Senator Kinsella: Which committee is that?

Senator Murray: I understood it is the Standing Senate Committee on Transport and Communications, but my honourable friend may have more recent and better knowledge. In any case, unless it is referred to the Standing Senate Committee on National Finance or the Standing Committee on Rules, Procedures and the Rights of Parliament, I am not a member of the committee to which the bill would be referred. It is unlikely that I will be able to attend meetings if they conflict with meetings of other committees of which I am a member. Therefore, I would like to say a few words on an issue that I hope may be canvassed by the committee, assuming the bill is referred there.

I want to speak about the need for oversight. I think it needs to be said that, in our system of government, oversight of the police and security services begins with a minister of the Crown. She may often be Parliament's first line of defence when it comes to protecting civil liberties against incursions by the police or security agencies.

In this respect, we should take note of the fact that when the RCMP obtained a search warrant and descended, a posse of more than 10 of them, on the home and office of journalist Juliet O'Neill, trying to identify the source of an alleged leak of security information related to Mr. Maher Arar, there was no prior advice or consultation with the responsible cabinet minister.

The minister, the Honourable Anne McLellan, seems to find nothing untoward in this. She was quoted in media reports to the effect that she had no prior knowledge of the police raid. "I didn't," she said, "and it wouldn't have been appropriate in my opinion for me to know."

Honourable senators, consider the circumstances of this raid. The Maher Arar case, once it became public knowledge, was a serious political and parliamentary controversy. It involved ministers and officials of at least three foreign governments. The Prime Minister of Canada was engaged. So were several other ministers, including the Minister of Foreign Affairs and his U.S. counterpart, the Secretary of State. It was a national security issue. If an offence was committed, it was under the Security of Information Act, once known as the Official Secrets Act.

With that background, is it not ludicrous to portray the raid as a routine police action undertaken in the course of an ordinary criminal investigation?

I believe a good argument could be made that Ms. McLellan should have been advised and consulted. The minister is not a cipher. She is not a figurehead. Her relationship to the RCMP, on the one hand, and to Parliament, on the other, is not analogous to that of a minister who "reports to Parliament" on behalf of an autonomous agency or Crown corporation such as the CBC.

The minister, in this case Ms. McLellan, is invested with real authority. With that authority goes real responsibility — responsibility to Parliament. Nobody expects the minister to micromanage the police, and we would all be shocked to learn that a minister had exercised improper political interference with the police or security services. However, there is a difference between micromanagement or political interference on the one hand and the exercise of proper ministerial authority and responsibility on the other. Reasonable, experienced people in Parliament, in the cabinet, in the bureaucracy and in the police are quite able to discern the difference in any given set of circumstances. Responsible ministers must not be allowed and should not seek the luxury of what is called "plausible deniability." Plausible deniability is the antithesis of ministerial authority, ministerial responsibility and ministerial accountability.

We should ask ourselves and, if the opportunity arises, ask the minister, whether there are guidelines as to the circumstances in which the police and security services are expected to advise and consult with the responsible minister. Absent such guidelines, the police are on their own. They will run rings around her, as they have done with several of her predecessors.

Parliamentarians struggling with the questions of balance between security and civil rights need to be reassured that there is real political, ministerial oversight of the police and security agencies. If we cannot depend on the minister, who can we depend on?

• (1540)

This brings me back to December 2001, when Parliament approved Bill C-36, the Anti-terrorism Act. That bill gave extraordinary new powers to the police, security services and to federal cabinet ministers. The bill that is before us today, Bill C-7, is the son of Bill C-36. It gives still more power to the police security services and to ministers and their officials.

The bill that is before us now will amend 23 other pieces of legislation, just as Bill C-36 had amended 20 other pieces of legislation. Various ministers under this bill would be given discretionary power to issue interim orders without consulting Parliament under eight different acts. The Minister of Citizenship and Immigration, for example, would be authorized, with cabinet approval, to enter into "agreements" with foreign governments with regard to "the collection, use and disclosure of information." It also adds a provision permitting the minister to enter into "arrangements" to do exactly the same things. The difference between agreements and arrangements is that arrangements do not even need cabinet approval. She can or he can go and do them on her own or his own. Government agencies will be able to trawl through the personal information of Canadians and share the information with others, including foreign governments, not just for reasons of national security and defence, but also for the conduct of international relations. The discretion granted to government officials by the wording of such provisions is almost unlimited.

On Thursday, February 26, we heard in this debate a powerful and powerfully moving speech by Senator Jaffer. After hearing her, I went back to the speech she delivered in this chamber on December 13, 2001, in the debate on third reading of Bill C-36. Then, as now, Senator Jaffer lent her strong support to government measures that would be effective against terrorism. Then, as now, she expressed her concern about the possibility of racial profiling. In her speech on Bill C-36, she quoted assurances in this matter that had been given in committee by RCMP Commissioner Zaccardelli, by CISIS Director Ward Elcock and by the then Solicitor General Lawrence MacAulay. She quoted the then finance minister's commitment to increased funding for programs that would foster respect and promote our values as an antidote to intolerance and division in our communities.

The honourable senator is no less supportive now than she was then of the need and the duty of government and Parliament to try to ensure national security. However, as she said on February 26, "I must say that I have seen the results of Bill C-36 firsthand." She related what she has been told by people, including her own husband, who have been dealt with unfairly and unjustly, made to feel like second class citizens, made to feel "less Canadian and as if they do not have a right to belong here." Then she added a comment that all of us should be ashamed to hear: "Honourable senators, if you walk in the shoes of people who look like me, the impacts of Bill C-36 have been chilling."

Senator Jaffer reminds us in her speech on this bill that Bill C-36 is due for review by the end of this year and that the inquiry into the Arar case has already been established. She recommends that at least some of the provisions of Bill C-7 should not be enacted until we have had the results of the Arar inquiry.

I suppose it might be possible to amend the bill to hold back proclamation of certain sections until a later date or pending a later resolution by Parliament; or, in the extreme, to delay the coming into force of the entire bill. These are matters the committee will want to consider.

Today, I want to impress upon the committee, and indeed upon all honourable senators, the need to take the occasion of this bill to revisit the question of parliamentary oversight of the exercise of the additional powers we have given and are being asked to give to the police and security services as well as to ministers of the Crown.

On October 17, 2001, when she was Minister of Justice, Ms. McLellan came to the special Senate committee that did a pre-study of Bill C-36. Speaking of the new powers being granted to ministers, she reminded us that "ultimate political accountability will lie with each of those ministers, including myself." We did engage her on the need for other oversight mechanisms and she seemed to understand our concern. We considered various alternatives: enlarging the mandates of the existing oversight agencies; creating a parliamentary committee to oversee the new powers granted in Bill C-36; and Senator Grafstein's proposal to create a parliamentary commissioner. However, at the end of the day, we were unable to persuade the government and its majority in the Senate of the need for additional oversight.

The government had argued repeatedly that the existing oversight agencies were perfectly adequate to meet concerns expressed by honourable senators. Of course, we now know that the existing oversight provisions are inadequate. Listen to the words of Shirley Heafey, Chairman of the Commission for Public Complaints Against the RCMP, delivered last October:

> We have received five complaints involving RCMP activities under the anti-terrorism legislation. This is probably the tip of the iceberg.
>
> We have heard from Raja Khouri, the national president of the Canadian Arab Federation that the Arab Canadian community fears that the expanding security powers are being used disproportionately against its members.
>
> But how do we monitor the way the RCMP uses its new power? Now, this is a real challenge.
>
> I can tell you that the Commission is not being given access to vital information that we need in order to fulfil our mandate in this area. The RCMP may have greater powers, but the agency with oversight responsibility does not.
>
> I can tell you that the Commission is not being given access to judicial warrants or the affidavits upon which the warrants are based....
>
> The RCMP...go as far as saying that they should be the ones deciding what is relevant, not the Commission. In my view, that is a bit like letting the fox guard the chicken coop....
>
> I hope that Parliament will take the time to review our situation when they undertake the statutory review of the anti-terrorism legislation. Without proper tools, they are asking us to perform oversight with partial vision.

CSIS, the Canadian Security and Intelligence Service, comes under the purview of the Security Intelligence and Review Committee, a group of Privy Councillors appointed by the government in consultation with leaders of opposition parties in the Commons. Last December 22, this review committee announced their intention to examine all aspects of CSIS involvement in the Arar case. They also issued a media backgrounder outlining SIRC's role and responsibilities in which the following paragraph appears:

> It is important to note that the committee examines CSIS performance on a retrospective basis, that is to say it examines the past activities of the Service. Its work is not intended to provide oversight of current CSIS activities.

Honourable senators, this is not the oversight we discussed when Bill C-36 was before us. It is not the oversight we should have had these past two years.

I urge the committee to which this bill will be referred not to take refuge in the statutory review of Bill C-36, which is coming up by the end of the present calendar year; nor should the committee depend on the process announced by the Prime Minister and Ms. McLellan regarding a proposed national security committee of parliamentarians "to review national security matters."

It is clear from a reading of the letters sent by Ms. McLellan last month to the leaders of the government and of the opposition in the Senate that this will be quite a long, drawn out process. She intends to table "within a few weeks, a consultation paper to assist parliamentarians in their consideration of the new committee." She asks that the Commons Subcommittee on National Security and the Standing Senate Committee on National Security and Defence jointly create "an interim bicameral subcommittee" to consider what kind of committee we eventually want to have and "to report to the House and Senate in an integrated manner." Well, of course. Given the likelihood of an early dissolution, this bill would be enacted and there would be ample time and opportunity for numerous abuses to take place before any new committee is in operation or before anything is heard from the statutory review of Bill C-36.

In any event, Ms. McLellan's letters to Senator Austin and Senator Lynch-Staunton are clear as to how the government sees the role of the proposed national security committee. The committee will "provide advice and guidance in relation to national security matters."

• (1550)

No doubt the government needs advice and guidance, and this is a proper role for a parliamentary committee. However, this is not oversight. We need oversight, not a retrospective audit of the exercise of powers by the police and security agencies and by ministers and officials. Surely, we have learned enough from the past two years to see where our duty lies and to realize that we should act now where we failed to act two years ago.

If we fail to act, and further abuses happen, as they surely will, the finger can justly be pointed at us as parliamentarians for failing to institute, with these extraordinary measures, proper oversight agencies and processes.

Honourable senators, I simply say to you, if we do not provide for oversight, who will?

The Hon. the Speaker: Senator Day, do you wish to speak?

Hon. Joseph A. Day: Honourable senators —

The Hon. the Speaker: I should caution honourable senators that if the Honourable Senator Day speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Hon. A. Raynell Andreychuk: Honourable senators, I have a question for the Honourable Senator Murray.

The Hon. the Speaker: Honourable senators, I must first advise that Senator Murray's time is expired.

Is the Honourable Senator requesting leave?

Senator Murray: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Andreychuk: Honourable senators, I understand my honourable friend's very thoughtful and comprehensive review of both Bill C-36 and the public safety bill with which we are dealing today. The honourable senator's point seems to be that there has to be oversight to have the proper checks and balances in the system.

With Bill C-36, we struggled with the issue of proportionality for the right to security and the government's responsibility to carry that out, as opposed to minimal intrusions into our other rights and capabilities. Therefore, are we not dealing here with constitutional, Charter and human rights issues as well as the balance of proportionality? Would these not be questions that the Standing Senate Committee on Legal and Constitutional Affairs has been set up to examine?

Senator Murray: The honourable senator is making the case that the bill should be referred to the Standing Senate Committee on Legal and Constitutional Affairs. I thought that is where it was going until yesterday morning when I received a communication, as I presume other honourable senators did, from the Canadian Association of University Teachers protesting that it would be referred to a nuts and bolts committee rather than to the Legal and Constitutional Affairs Committee. The short answer to my friend's question is yes.

I intend to give the authorities a lot of slack on these matters. Most of us are not specialists in security and police work. If we are in government or in Parliament, we must have confidence in the authorities and their judgment and the information that they give us.

That being said, they express a need for extraordinary powers. My inclination is to assist and to, within reason, grant them those powers. In exchange for that, I insist that there should be very effective oversight by Parliament. I also made the point that some of us would sleep a lot easier if we thought the particular ministers involved, be they the Minister of Justice or the Solicitor General, were not shy about asserting their authority and responsibility for the police and security services.

Hon. Tommy Banks: Will the honourable senator take another question?

Senator Murray: Yes.

Senator Banks: The honourable senator said in his speech that he hoped the committee would not take refuge in the review provisions that pertain to Bill C-36. That brings to mind a question that I asked the Honourable Senator Day a couple weeks ago about the review. Senator Day assured us that the orders that can be taken by ministers under the present bill have, if I recall correctly, a fairly short expiry time by comparison with some of the things that can be done under Bill C-36.

However, the authority of the ministers to make those orders, some of which go across lines that in happier days we never allowed ourselves to cross, does not have a sunset provision to it. Does the honourable senator think that it would be a good idea, in addition to the oversight he has talked about, to suggest to the committee that it consider, if not sunset provisions, that review provisions be put into the present bill?

Senator Murray: Honourable senators, I have never been a great fan of sunset provisions. I would accept them as alternative. I prefer effective oversight.

However, in a bill of this kind, I believe it would be necessary for us to insert a proper review provision as well. Nothing will take the place of effective oversight. We have learned enough in the last couple years to see how much it is needed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the principle of the bill is before us and the question will be called shortly. In our process, the bill is not read the third time but is referred to a committee. There have been sufficient views adduced in the debate on second reading of the bill.

Since the predecessor bill was in Parliament, there has been consideration in some quarters that the Standing Senate Committee on National Security and Defence would be the appropriate committee to examine this bill. Indeed, I had seen a few months ago some preparatory work done by that committee. I think I saw a list of witnesses that were tentatively identified as a preparatory piece of work by that particular committee.

There has been also the suggestion that the Standing Senate Committee on Transport and Communications would be the committee to which this bill would be referred. Today, and a previous day, an argument was made that the more appropriate committee would be the Legal and Constitutional Affairs Committee.

When the motion is made to refer the bill to committee, it is not debatable. Therefore, I must seize the opportunity to enter this debate at this point. That is why I am focusing on the issue of which would be, in the minds of the house, the better committee to receive the bill.

The Honourable Senator Murray alluded to a letter from the Canadian Association of University Teachers. Some honourable senators might have received a communication from a group called the International Civil Liberties Monitoring Group. That group includes such organizations as Amnesty International, l'Association québécoise des organismes de coopération internationale, CAUT, which I just mentioned, the Canadian Arab Federation, the Canadian Bar Association, the Canadian Auto Workers Union, the Canadian Centre for Philanthropy, the Canadian Council for International Cooperation, the Canadian Council for Refugees —

The Hon. the Speaker: Honourable senators, it being four o'clock, pursuant to the order adopted by the Senate on February 23, 2004, I am obliged to rise and interrupt the proceedings for the adjournment of today's sitting.

Debate suspended.

The Senate adjourned until Thursday, March 11, 2004, at 1:30 p.m.

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