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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, March 31, 2004

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

Prayers.

[*Translation*]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 31, 2004

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, will proceed to the Senate Chamber today, the 31st day of March, 2004, at 3:45 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: I wish to draw the attention of honourable senators to the presence in the gallery of members of the Rwandan community visiting Parliament to help commemorate the genocide that occurred in that country in 1994. They are guests of the Honourable Senator Jaffer.

On behalf of all senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

COMMEMORATIVE NICKEL

Hon. B. Alasdair Graham: Honourable senators, last Monday, I was privileged, with the Honourable John McCallum, Minister of Veterans Affairs, to represent the Government of Canada at the

unveiling of a commemorative nickel that fittingly begins the year of remembrances marking the sixtieth anniversary of the invasion that turned the tide of the Second World War, known as D-Day and the Battle of Normandy.

The commemorative coin produced by the talented people at the Canadian Mint is modelled on the 1942 torch and V nickel, one that I remember well as a child when I was not much older than the members of the Halifax Boys Honour Choir who brought the spirit of the future of Canada to a packed house that included more than 60 Normandy veterans, heroic figures from our past.

The prominent V recaptures Winston Churchill's victory sign, a sign of courage and steadfastness to his countrymen in the face of an enormous and deadly threat to the nation. In memory of John McCrae's immortal words — "The torch; be yours to hold it high" — the torch rises from the V sign.

Fittingly, a recent portrait of Queen Elizabeth adorns the other side, the daughter of King George VI who inspired Allied nations by refusing to abandon Buckingham Palace during the Blitz and who, with his wonderful wife, Queen Elizabeth, mother of the present Queen, graced our country during the war, bringing fresh resolve to Canadians from coast to coast.

On June 6, 1944, Allied troops stormed the beaches of Normandy with Canadian airmen and sailors in the first wave. More than 359 Canadians were killed that day, a monumental sacrifice that would lead to the liberation of Europe.

I do not need to remind honourable senators that the Canadian contribution was front and centre in that historic liberation, nor of the fact that of all the divisions that formed part of Montgomery's 21st Army Group, none suffered more casualties than the 2nd and 3rd Canadian.

It was a source of great pride to me personally that the commemorative torch and V nickel ceremony was held at Pier 21 in Halifax, which has been so lovingly restored, where tens of thousands of Canadians boarded ships bound for Europe in the war years. On July 1, 1999, I had the honour, as the representative of the Government of Canada, to officially open the restored Pier 21.

Between 1928 and 1971, over one and a half million immigrants chose Canada, a promised land of peace and freedom. That they could do so was a gift from all of those immortalized in this glorious nickel — those who days ago "lived, felt dawn, saw sunset glow" — yes, all of those who passed the torch to new generations. Now it is our turn to hold it high.

THE HONOURABLE WILBERT J. KEON, O.C.

TRIBUTE ON RETIREMENT FROM UNIVERSITY OF OTTAWA HEART INSTITUTE

Hon. Marjory LeBreton: Honourable senators, I rise today to recognize a milestone in the life of one of our colleagues. As most senators may know, this is Senator Wilbert Keon's last day as President and Chief Executive Officer of the University of Ottawa Heart Institute. His life's work has been founding and building the Ottawa Heart Institute, one of the very best of its kind, not just in Canada, but in the world.

Since it was established in 1976, the Heart Institute has become a global leader in the creation of programs designed to prevent heart disease, and it is Canada's only complete cardiac centre, with the country's largest artificial heart program.

Honourable senators, it is impossible to overstate how much of the Heart Institute's great success is owed to Dr. Keon. For 30 years, he has been its guide and champion, dedicating long hours to the well-being of his patients and making sure his staff provides the highest level of care. Senator Keon has referred to the people of the Heart Institute as his second family, and I am certain they return his feelings in full measure.

The citizens of Ottawa recently acknowledged their own gratitude for all that Senator Keon has accomplished, as his last fundraising telethon as head of the Heart Institute drew pledges of almost \$4 million, a record amount. The institute he established has found its own way to pay tribute to Dr. Keon on his retirement. A monument in his honour, unveiled today at the Ottawa Heart Institute, is inscribed with the following words: "One of the greatest heart surgeons of his generation who also demonstrated extraordinary compassion throughout his remarkable career."

• (1340)

Honourable senators, although the patients, staff and volunteers of the Ottawa Heart Institute will miss him, we are fortunate that he has many more years of service before him here in the Senate of Canada. Today Senator Keon may mark the end of one part of his life, but I am sure there are many new adventures and challenges that lie ahead of him. The Ottawa Heart Institute stands as proof positive that when he meets challenges, all of us benefit. On behalf of fellow senators, caucus members and friends, we wish Senator Keon the happiest retirement from the Ottawa Heart Institute and much success and enjoyment in his future endeavours.

EIGHTIETH ANNIVERSARY OF CANADIAN AIR FORCE

Hon. Joseph A. Day: Honourable senators, I rise today to inform the house that this week marks the eightieth anniversary of an organization that is steeped in a tradition of professionalism and excellence, The Royal Canadian Air Force.

The details of the formation of Canada's air force makes for an interesting story. After the First World War, the issue of a permanent air force was hotly debated in both this chamber and in the other place. To resolve the problem, the government passed the Canadian Airborne Act in June of 1919. Under this act, there

was to be a seven-member board to oversee all air activity in Canada. The Air Board was to oversee three separate divisions: the Civil Aviation Branch, the Civil Operations Branch and the Canadian Air Force, which was primarily responsible for training rather than for defence. The Canadian Air Force was established on February 18, 1920. In April, six officers and men with temporary rank were appointed. The Canadian Air Force was to be a non-permanent organization responsible for bi-annual refresher training for former officers and airmen of the wartime Royal Air Force. On August 31 the Canadian Air Force Association was established to maintain a listing of personnel who had undergone training.

Camp Borden, north of Toronto, was the primary training facility, using hangars and other installations that had been erected by the Royal Air Force during the First World War. Those hangars are still in existence today and the efforts to preserve them as historic sites is deserving of our support. The British and American governments donated the aircraft and other equipment used at that time. At the end of the program in 1922, 550 officers and 1271 airmen had completed the course.

In the spring of 1922, it had become obvious that reorganization was necessary. It was decided to create a permanent Canadian air force by consolidating the Civil Operations Branch and the Canadian Air Force into one permanent military organization. The reorganization was completed and the prefix "Royal" was officially adopted on April 1, 1924. That date, on which Canada's Air Force became a permanent component of our armed forces, marks the birthday of the Royal Canadian Air Force.

To celebrate this event, 16 Wing and Borden's air force community will organize the majority of activities at CFB Borden from April 1 to April 3. Events will include the unveiling ceremony of a recently restored CF-100 Canuck and the naming of a historic hangar after one of Canada's World War I flying heroes. There will be other activities during the year. Funds raised from various activities will be used to preserve and promote Borden's air force heritage through the Base Borden Military Museum.

Congratulations to all CAF members and best wishes for a successful eightieth birthday celebration.

THE SENATE

SELECTION OF ETHICS OFFICER

Hon. Gérald-A. Beaudoin: Honourable senators, now that the Senate has clearly adopted the principle of Bill C-4, and because the formula enshrined in that bill is conventional in nature and of the British evolutionary type, it is possible for the Leader of the Government in the Senate, Senator Austin, in due course, to consult the leaders of the parties in the Senate to obtain their views on the choice of an ethics officer. This would mean that the Senate would be the first actor in the process of the selection of an ethics officer. This is exactly what we want. Thereafter, a short list of names could be sent to the Prime Minister for the selection of the ethics officer.

The time has now come for us to say, under the terms of Bill C-4, exactly what we want and to launch a system of selection. In my opinion, this is transparent and it will be acceptable to the public.

In the long history of the British parliamentary system, which has been adopted by Canada, many precedents and many conventions have been created. This was possible, because of the nature of the system. That is the genius of the British system.

[Translation]

Over the centuries, many conventions and precedents have been created. I truly believe that, by taking this approach, we could reach our objective.

THE HONOURABLE GÉRALD-A. BEAUDOIN, O.C., Q.C.

TRIBUTE ON RETIREMENT

Hon. Jean Lapointe: Honourable senators, I want to take advantage of the rule on tributes to salute, in my own way, a man I came to be very fond of here in this chamber.

I want to talk about an admirable man, the Honourable Gérald Beaudoin.

As Jacques Brel said in his song *Le moribond*, addressing his parish priest:

We did not set out from the same shore, but we were seeking the same port.

I have great admiration for this man, this highly competent legal expert, whose actions and presence in this chamber taught me that it is possible to be serious, very serious, with a smile on your face and a thought in the corner of your heart for the people we represent.

I do not know anyone who does not like or admire Senator Beaudoin. I am saddened at the thought of never again seeing in this chamber this man who hates no one. I think the upper house will drop a notch when he takes his leave.

Long life and good health to one of my favourite senators.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of Dr. Gail Dinter-Gottlieb, President and Vice-Chancellor of Acadia University. She is the guest of Senator Atkins.

Welcome to the Senate of Canada.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I should like to introduce a visiting page from the House of Commons, Alex Telka, who is studying political science at the University of Ottawa's Faculty of Social Sciences. Alex is from Windsor, Ontario.

Welcome.

[Translation]

ROUTINE PROCEEDINGS

HUMAN RIGHTS TRIBUNAL

2003 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the 2003 annual report of the Canadian Human Rights Tribunal entitled: "Provide Canadians with an assurance of equal access to the opportunities that exist in our society through the fair-minded and equitable interpretation of the Canadian Human Rights Act and the Employment Equity Act, in accordance with section 61(3) of the Canadian Human Rights Act."

• (1350)

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE TABLED

Hon. Lise Bacon: Honourable senators, I have the honour to table the sixth report of the Standing Committee on Internal Economy, Budgets and Administration regarding the Senate's administrative rules.

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

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

AGRICULTURE AND FORESTRY

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

Hon. Donald H. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be empowered, in accordance with rule 95(3), to sit between Monday, April 5, 2004 and Thursday, April 8, 2004 inclusive, even though the Senate may be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
TABLE REPORT DURING ADJOURNMENT OF THE
SENATE

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit an interim report with the Clerk of the Senate between Monday, April 5, 2004 and Friday, April 16, 2004 inclusive, should the Senate not then be sitting; and that the report be deemed to have been tabled in the chamber.

QUESTION PERIOD

HUMAN RIGHTS

STATUS OF STUDY ON 2002 BERLIN RESOLUTION OF
ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Chair of the Standing Senate Committee on Human Rights. Can she advise as to the status of the committee's study under the order of reference given by the Senate dealing with the anti-Semitism resolution of the Parliamentary Assembly of the OSCE? Given the terrible events of the recent past in our own country and the fact that there may be a dissolution of Parliament and a general election, the matter is somewhat time sensitive.

Hon. Shirley Maheu: Honourable senators, witnesses have been scheduled to appear before the committee on the first Monday after our break.

SOLICITOR GENERAL

AUDITOR GENERAL'S REPORT—
CANADIAN SECURITY INTELLIGENCE SERVICE—
NATIONAL SECURITY ASSESSMENT CENTRE—
INVOLVEMENT OF AGENCIES

Hon. Michael A. Meighen: Honourable senators, now that 24 hours have passed since the tabling of the Auditor General's report, I assume that the Leader of the Government in the Senate has had an opportunity to glance at it, and I will ask him the same questions I asked yesterday. Can he tell us what is being done, if anything, to ensure that the various government departments participate in the Integrated National Security Assessment Centre?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have been advised that full consultation is taking place among all the agencies. While some are not members of the agency, they have a working relationship and do participate in and contribute to the work.

Senator Meighen: Honourable senators, the information communicated to us through the report of the Auditor General is that 10 agencies were invited to send representatives and four declined, including the Departments of Foreign Affairs, Citizenship and Immigration, the Solicitor General and the Privy Council. Is it the position of the Leader of the Government in the Senate that these invitations were given simply on a "come if you want" basis, not really to be taken seriously, or is the full participation of the 10 invited agencies important to the good working of the Integrated National Security Assessment Centre?

Senator Austin: Honourable senators, to add to my last answer, we are speaking about the Integrated National Security Assessment Centre that was created in February 2003 to enhance the capability of CSIS to inform the Government of Canada regarding threats to national security. INSAC provides the government with those enhanced warning capabilities. It produces assessments that are used by the Government of Canada to warn provincial and territorial partners of current threats in an effort to sharpen anticipatory and response reflexes at local levels.

The Auditor General's report incorrectly states that the former Department of the Solicitor General has not assigned a specific representative. In fact, a representative has been assigned from the department's National Security Directorate, and departmental officials are fully engaged in all functions and work initiated by the centre, although they may not have a physical presence at the centre.

Senator Meighen: If I understand the Leader of the Government in the Senate correctly, that takes care of the Department of the Solicitor General. What about the Privy Council Office, the Department of Foreign Affairs and the Department of Citizenship and Immigration?

Senator Austin: Honourable senators, they are all-pervasive.

Senator Meighen: Could the minister elaborate?

Senator Austin: Anyone familiar with the Government of Canada knows that the Privy Council Office is all-pervasive.

Senator Meighen: Ten years ago, when I was in that office, I do not think it was.

Senator Austin: Honourable senators, that is not what I heard from the then chief of staff to Prime Minister Mulroney. In any event, I know that the Mulroney government went through various phases of control of the Prime Minister's Office.

Coming back to the specific question, these departments are engaged in the work and are contributors to the overall analytical assessment.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

AUDITOR GENERAL'S REPORT—OFFICE OF CRITICAL INFRASTRUCTURE PROTECTION AND EMERGENCY PREPAREDNESS—ACCESS TO TOP SECRET MESSAGING SYSTEM

Hon. Michael A. Meighen: Finally, honourable senators, I have a question for the Leader of the Government in the Senate on the issue of lessons learned. I have just come from a committee where I learned that it appears that we do not have a bank of lessons learned, that when we go through various experiences, be they national disasters or other major events, we do not write down and communicate the lessons learned.

The Auditor General described as critical the cooperation among agencies in responding to crises. Her report pointed out that the Office of Critical Infrastructure Protection and Emergency Preparedness has only limited access to the government's top secret messaging system, and we saw how well that worked last summer during the blackout. Can the Leader of the Government in the Senate confirm whether this limited access is still the case and, if so, why?

• (1400)

Hon. Jack Austin (Leader of the Government): Honourable senators, there are always lessons to be learned. As the Honourable Senator Meighen knows, this government and the Chrétien government have invested a considerable amount of money in security. Prior to Prime Minister Paul Martin becoming prime minister, the government under Prime Minister Chrétien invested \$7.7 billion in new security measures. The budget that was brought down last week provides for another substantial sum of money in security matters.

It takes time to coordinate bureaucratic agencies and to line them up on new missions. There are gaps. Anyone who does not think so does not understand organization. However, the Auditor General's suggestions in respect of Senator Meighen's question are very helpful.

Senator Meighen: Honourable senators, I realize that perfection is, perhaps, beyond our grasp, but surely we could get to an adequate level of cooperation and coordination.

Senator Austin: We are working towards that objective.

SOLICITOR GENERAL

AUDITOR GENERAL'S REPORT— CANADIAN SECURITY INTELLIGENCE SERVICE— NATIONAL SECURITY ASSESSMENT CENTRE— INVOLVEMENT OF AGENCIES

Hon. J. Michael Forrestall: Honourable senators, I hesitate to ask any questions because we will get the same thing that we got yesterday. Perhaps I should invite the Leader of the Government in the Senate to read the proceedings of the Standing Senate Committee on National Security and Defence, so that he will have an idea of what is going on in this country.

Canada is not able to meet, to cope with or to repel any kind of meaningful incursion against it by terrorists or external armed forces. I am wondering why it took six or eight months to decide that a committee should study this issue. I am wondering why we are coming up to the third anniversary of 9/11 but have not yet got our act together. The fact that Secretary Ridge in the United States does not have his act together is not an excuse for Canada not to have its act together.

I do not find this matter to be a humorous topic. I am wondering why the honourable senator is posing with a grin on his face.

Hon. Jack Austin (Leader of the Government): Honourable senators, I have an answer for the honourable senator.

Senator Forrestall: I am sure the leader does.

In her most recent report, the Auditor General noted — I will carry on from Senator Meighen — that the government as a whole failed to adequately assess intelligence lessons learned from the September 11, 2001, terrorist attacks in the United States. As I have indicated, most of us find this to be rather startling.

More shocking, however, is the Auditor General's finding that when the Interdepartmental Committee on Security and Intelligence proposed a meeting of heads of agencies to discuss the response to September 11, as Senator Meighen has indicated, the RCMP, CSIS, and Finance Canada did not attend.

Would the Leader of the Government in the Senate explain why these agencies, including the man who was the head of Finance at the time, currently the Prime Minister, did not ensure that these agencies were well represented at those meetings?

Senator Austin: Honourable senators, in response to the first part of Senator Forrestall's question, I recall that, as Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament two or three years ago, I placed before that committee a recommendation that two new committees of this chamber be created — the Standing Senate Committee on National Security and Defence and the Standing Senate Committee on Human Rights.

There was some discussion and a considerable delay as members of Senator Forrestall's side considered whether they could properly support the creation of two new committees. Eventually, somehow, agreement was obtained from the opposition with respect to the formation of those committees, which had been eagerly sought for a long time by this side.

I think all honourable senators would agree that, in establishing the Standing Senate Committee on National Security and Defence, we did a good thing. The work of that committee has been outstanding and, as such, has raised dramatically the credibility of this chamber.

Some Hon. Senators: Hear, hear!

Senator Austin: It is part of our role, of course, to point to matters of public policy that could be improved — and that committee has done that. It is not its job to always accommodate the government. I can assure honourable senators that the government does not always feel accommodated by the Standing Senate Committee on National Security and Defence.

By having said that, I have in part responded to the honourable senator's question. The Government of Canada is happy to have the report of the Auditor General with respect to national security, and happy to have the Auditor General's comments, because they come on the basis of a very useful consideration. However, at the same time, it must be appreciated that the government has moved very quickly in the security field. I mentioned the expenditure of over \$7.7 billion in the last three years in this area and the new money in the existing budget.

One can point to areas addressed by the Auditor General, such as the need for more integrated analysis and more dialogue is required. That is accepted. There are, however, statements of fact here and they may not exactly reflect current practice. I mentioned one of those to Senator Meighen.

Senator Forrestall: The government leader seems to miss the point. The work of the committee is not to enhance the reputation of the chamber; the purpose of the committee's work is to enhance the safety of Canadians from one end of this country to the other.

In almost three years, we still have no firm understanding of how we are to control our ports and our extensive seacoast. Our airports are shockingly underprotected. An individual cannot get in the front door, but he or she can walk in the back door. It is the same in the United States and on the Great Lakes. In every respect, we are falling further and further behind. In spite of the money Canada has spent, Canadians cannot see falling into place those mechanisms and that capacity that would allow them to rest a bit more comfortably.

Following the terrorist incident in Madrid, Spain, I would suggest to the Leader of the Government in the Senate that there is a far greater urgency among Canadians than has existed for the past two years.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—IMPLEMENTATION OF RECOMMENDATIONS

Hon. J. Michael Forrestall: Honourable senators, could the Leader of the Government in the Senate give some indication of when the government might take a look at the report that the Standing Senate Committee on National Security and Defence tabled yesterday, as well as the two reports that preceded it? When will the government give some indication as to why some of the first-class recommendations in that report have not been implemented?

I am not talking about using some of that \$3 million to replace Sea Kings. I am talking about putting in place something that allows us to say that if we are to live by intelligence, let us make certain that that intelligence is accurate and reflects the nature of the problem.

• (1410)

Hon. Jack Austin (Leader of the Government): Honourable senators, of course I agree with Senator Forrestall that, by enhancing the safety and security of Canadians through its work, the Standing Senate Committee on National Security and Defence raises the regard in which this chamber is held by Canadians. I think we all agree on that point.

I should like to give a substantive answer to Senator Forrestall's question. It should be appreciated that the bulk of the work done by the Auditor General and reported yesterday was performed prior to major organizational changes that the government announced shortly after it took office.

I should like to refer to some of those changes. First, the government established the portfolio of Public Safety and Emergency Preparedness, which brings together the core functions of crime prevention, policing and enforcement, security and intelligence, corrections, border services and integrity, and emergency management. With this pooling of resources and capabilities under one minister, the government can operate more effectively and strategically to protect Canadians.

Second, the Prime Minister established a Cabinet Committee on Security, Public Health and Emergencies. This new committee is the manager of national security and intelligence issues and activities. It coordinates government-wide responses to emergencies.

Third, the government announced its intention to develop and implement Canada's first comprehensive national security policy. That policy is intended to set out Canada's national security interests and set a blueprint for protecting Canadians against current and emerging threats.

Finally, as the Auditor General asserts in her report:

The new position of National Security Advisor to the Prime Minister...will co-ordinate integrated threat assessments, help strengthen interagency co-operation, and assist in the development of an integrated policy framework for national security and emergencies.

As I suggested in an earlier answer, on March 23, 2004, the government announced a further investment of \$605 million over the next five years for priorities such as intelligence, border protection, marine and cyber security, and an enhanced coordination of systems, information, threat assessments and emergency response.

The government takes the question of national security and its obligation to protect Canadian citizens extremely seriously.

PARLIAMENTARY OVERSIGHT COMMITTEE
ON NATIONAL SECURITY

Hon. J. Michael Forrestall: Honourable senators, shortly before Christmas there was an indication from the Prime Minister that it might be useful to look at advantages that might flow from the establishment of an oversight committee, or perhaps two such committees, one in each chamber, or a joint oversight committee whose responsibility would be to look at information that is not accessible to us so that we might better reflect the pace at which we are proceeding toward a more secure Canada.

Three or four weeks ago we were privileged to receive a communication from Minister McLellan in which she expressed her views on this idea and invited the views of members of this chamber and, I presume, the other chamber. Could the Leader of the Government in the Senate indicate whether or not anything further has been done in this regard?

Hon. Jack Austin (Leader of the Government): Honourable senators, the last report I had from Senator Kenny was that he and other members of the committee were meeting with their opposite members in the other place. I have received advice from Senator Kenny that the committees of both Houses are setting up the criteria for their respective studies. It would appear from the budget that has been put in front of me that the committee believes it needs a view of the practices of parliamentary oversight committees in other jurisdictions, in particular in the United Kingdom, New Zealand and Australia. If that is their conclusion, I am sure it will be supported. However, that would suggest that a report of this committee would not be available to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness for three or four months.

However, I would tell the chamber what every one of us knows, that is, this is a very meaningful policy. It is a policy departure to ask parliamentarians to act as a secure oversight committee. I believe it is a desirable policy. From what I have seen thus far, that seems to be the conclusion of the members of the committees being consulted.

TRANSPORT

SECURITY OF PORTS AND AIRPORTS

Hon. Gerry St. Germain: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

The minister makes reference to Senator Kenny's committee, its members and the excellent work they have done. We know from the reports of the committee and from others — something that was reinforced in the Auditor General's report — that organized crime and motorcycle gangs have infiltrated the operations of the Vancouver Port Authority as well as the airport.

It was months ago that Senator Kenny reported this. It was not accommodating to the government. This is not about accommodating the government; it is about the safety of all Canadians. I can cite as an example for all senators a situation at the Port of Vancouver where a development was anticipated and people backed off because of threats by organized crime.

What tangible steps has the government taken as a result of the excellent work that senators have done and as a result of the recent information of the Auditor General? What has the government done to change the situation in our port authorities across this country and now, obviously, at our airports?

I understand this is sensitive because of the nature of police work. However, I think Canadians should get some comfort from the leadership of this country as to exactly what is happening.

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

I can advise the chamber that the Minister of Transport has authorized a file-by-file review of 131,000 employees who are involved in ports and airports and who have access to Canada's other facilities.

The question of organized crime in the ports was pointed out by our own standing committee. It alerted Canadians to an issue of real concern. As Senator St. Germain knows, the issue has two aspects, internal or domestic crime, as well as external crime, terrorism.

As a part of the study, it is also important that individual Canadians not be subjected to a witch hunt. Someone who may have committed a crime and is now an honest citizen working in an honest job does not deserve to be stigmatized. I am not suggesting that Senator St. Germain said that that person should be subjected to a witch hunt or stigmatized. It will take time to get balance into the task, and it needs to be assessed. However, it needs to be done and it is being undertaken.

• (1420)

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

AUDITOR GENERAL'S REPORT—BORDER CONTROL
WATCH LISTS—EFFICACY OF AUTOMATED
SYSTEM FOR FINGER AND PALM PRINTS

Hon. Donald H. Oliver: Honourable senators, my supplementary question is about national security as well, and is addressed to the Leader of the Government in the Senate.

The Auditor General's report was especially critical of what is called "border control watch lists." These are lists used by various government departments and agencies overseeing Canada's border entry points. Among the egregious gaps and errors, she found that 25,000 Canadian passports that are lost or stolen each year do not appear on border control watch lists.

Can the Leader of the Government in the Senate explain why these missing passports are not included in border control watch lists, and what is being done to rectify this situation?

Hon. Jack Austin (Leader of the Government): Honourable senators, all I can report on that subject at this time is that the situation is being treated as a matter of urgency. I shall not be able to report until I receive further information as to what steps are being taken.

Senator Oliver: Honourable senators, as a further supplementary, the Auditor General makes reference to Live Scan, an automated system for taking fingerprints and palm prints. She notes that Live Scan was seen as a major initiative for fighting terrorism and increasing security at ports of entry to Canada. However, it seems to be nothing of the sort.

The agreed-upon turnaround time for processing fingerprints is still six to eight weeks, the same as it was before. Moreover, there is an increasing backlog of work that the Auditor General estimates will take over two and a half months to clear. The cost of Live Scan is \$238 million.

Can the Leader of the Government in the Senate explain why Live Scan was approved when, as the Auditor General states, “the poor business case was made for it in the first place”?

Senator Austin: Honourable senators, there is a fingerprint backlog and a solution is being sought.

Senator Stratton: That is your answer to everything.

Senator Austin: The Minister of Public Security made an address in which she referred to Live Scan equipment, which is in use by the RCMP, CBSA and Transport Canada. It has been very helpful. However, what is lacking, as Senator Oliver indicates, is real time identification — which is a problem that is being worked on.

HEALTH

AUDITOR GENERAL'S REPORT— MEDICAL DEVICES PROGRAM

Hon. Marjory LeBreton: Honourable senators, I, too, should like to ask the Leader of the Government in the Senate a question on the Auditor General's report, as I asked yesterday.

With the Auditor General being so current in the news, I would hope that someone in the government leader's office has now briefed him on this latest report.

My question was with regard to a health matter. The Auditor General's report outlines serious problems found with Health Canada's medical devices program, which regulates everything from MRI and ultrasound equipment to pacemakers and defibrillators. The Auditor General found that, in its current form, this program is not sustainable and is in need of adequate human financial resources or a complete redesign.

The audit stated that, in 1992, a medical devices review committee found that Health Canada did not have enough resources at that time and recommended an increase. Since then, budget cuts and problems in setting fees have meant the funds going to the program are less than they were in 1992.

Why did the government not follow through with the committee's recommendations made 12 years ago, and why has it allowed this program to become so seriously understaffed and underfunded?

While I am on my feet, I will also ask the question, as I did yesterday, as to whether this program will be receiving any attention when the first ministers meet with the, perhaps, new Prime Minister — and you then, therefore, cannot answer that question — in August or July of this year?

Hon. Jack Austin (Leader of the Government): Honourable senators, since Senator LeBreton asked the question with respect to the first ministers meeting, I can only give her the same response as I gave yesterday, which is that I will forward her suggestion to the Prime Minister's Office.

With respect to medical devices, I can tell the honourable senator that Health Canada advises that it accepts the findings and recommendations of the report of the Auditor General and, as such, intends to move to improve its regulatory program for medical devices.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, earlier today we gave a very warm welcome to the Rwandans in the gallery. I wish to bring to the attention of the chamber that Senator Jaffer has a motion on the Order Paper dealing with Rwanda. As such, honourable senators, could we get consent to interrupt proceedings at 3:30 p.m. and move directly to Senator Jaffer's motion at that time?

Some Hon. Senators: Agreed.

The Hon. the Speaker: I wish to draw to honourable senators attention that we have a letter from Her Excellency that she will be here at 3:45 p.m.

I know from my discussions with the Table that there will be a request that we suspend to await her arrival so that the television cameras can be warmed up. There is a very short period of time available there. I simply draw that to your attention.

Hon. Anne C. Cools: Honourable senators, I have a particular issue with the question at hand. I am prepared to give leave to let it come forward, but is it the deputy leader's intention that the question be put? It is my intention to take the adjournment on that question, because it is the first debate we have had on the issue and I think it should proceed with more than just an undebated motion.

Could someone reveal the plan to me?

Senator Rompkey: Honourable senators, it would be like any other motion on the Order Paper; it would be open to debate. I am sure we would welcome contributions from both sides of the chamber.

Senator Cools: Why must we bring it forward, then?

Senator LeBreton: Because there are guests in the gallery.

The Hon. the Speaker: Obviously it is because we have guests from Rwanda here and we would like to deal with it at that time.

Senator Cools: I am making this quite clear. I am prepared to give leave to allow it to come forward so that Senator Jaffer can speak to it. I wish very much to speak to this issue; however, it is not possible to speak to it today. I intend to take the adjournment, to speak tomorrow or at another time.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. At 3:30 p.m., we will move to item No. 68 on our Order Paper, in the name of Senator Jaffer. We will have approximately 10 minutes at that point, which I hope will be enough time. In any event, that is all the time that we will have.

SEX OFFENDER INFORMATION REGISTRATION BILL

THIRD READING—DEBATE SUSPENDED

Hon. Landon Pearson moved the third reading of Bill C-16, respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

She said: Honourable senators, it is my pleasure today to speak on third reading of Bill C-16, the proposed sex offender registration information act, and to ask you to support it.

We examined the bill carefully in committee, and I should like to use this opportunity to address some of the issues that were raised there.

First, let me clarify the purpose of this bill. Bill C-16 provides a new and hopefully useful tool to Canadian law enforcement in dealing with criminals convicted of sex offences. Over the last decade, we have seen a range of programs initiated across the country aimed at deterrence, investigation and prevention of repeat sex offending, all within the broader and fundamental goal of protecting children and the general public. For example, since 1994, a national screening system has been in operation, whereby employees and volunteers in positions of trust with children and other vulnerable groups can be screened using the databases maintained by the RCMP. Organizations that work with children can access criminal history information contained in the Canadian Police Information Centre (CPIC) database in order to determine whether prospective employees or volunteers have criminal offences in their background.

In recent years, we have also seen the establishment of community notification programs in most provinces. There are cases where offenders, having fully served their sentence in a federal penitentiary or provincial prison, emerge from the prison gate into society but still pose a degree of risk to the public. In these instances, provinces may consider a number of measures,

including applying for a peace bond or giving notice to neighbourhoods that certain offenders have been released. These are but two examples of preventive measures in relation to sex offenders and other serious offenders.

Where does this proposed national sex offender registry fit in the larger picture of sex offender controls?

• (1430)

In order to understand precisely what the Sex Offender Information Registration Act, SOIRA, does, I urge all senators to examine the bill closely. I am referring to its practical operation “on the street,” if you will.

Honourable colleagues, Bill C-16 is designed as a new investigative tool for Canadian police forces. It is not a system for screening employees and employers. We already have a method of doing that. It is not a supervision or monitoring regime since probation, parole and peace bonds accomplish those goals.

When a sex crime occurs, the burden is upon the police to respond quickly. In addition to evidence that may be gathered at the scene of the offence, the investigating officer will make use of CPIC. As we know, CPIC provides extensive information on all persons convicted of criminal offences and it is available as a database to all police officers in Canada. These data searches take time, and time is often of the essence in these cases. The thinking behind the National Sex Offender Registry is to provide the investigating officer with access to a specific sex offender database that contains the most recent address of sex offenders living in the area of the crime.

The RCMP has already established a separate sex offender category within the broader CPIC data banks that, in effect, will allow investigators quicker access to the information they need, but we must ensure that the profile of the offenders in this database are kept up to date, and this is precisely what Bill C-16 does.

Clause 4 of the bill provides that a person convicted of certain offences must report to a registration centre within 15 days of being released from custody. This includes situations where the person has been released pending an appeal, or is on the street on parole, having served the custodial part of his sentence.

Clause 5 lays out the information that the individual must provide when he visits the registration centre. The most important piece of data in the system is the offender's current address. Offenders must provide their home address, any secondary address, and the address of the place where they are employed or attend school. This is critical information and I note that the bill goes on to require the individual to furnish an update whenever he or she moves to a new residence.

To complete the link between the offender providing this information and the new CPIC database, the bill provides for the designation of registration centres. In effect, this is likely to mean a police station, and the authorities entering the data into the CPIC system will be police officers. Thus, the connection is made between the obligation on the offender to provide accurate data and the police agencies that will be using the information.

Honourable senators, the sexual abuse of children and other vulnerable groups carries with it a particular harm and often deeply personal and devastating consequences. The trauma that children suffer as a result of sexual abuse may be immediately reflected in their emotional health. Indeed, adult survivors of sexual violence often suffer depression, poor self-esteem and substance abuse. It is precisely because of the devastating and lasting impact on their victims that sex offenders have been singled out. This is why the government decided to create a registry of sex offenders, as opposed to other groups of offenders. The offences designated include sexual exploitation, sexual interference, child pornography, incest, and various levels of sexual assault.

Honourable senators, I should like to underline that the development of Bill C-16 was a cooperative effort between federal and provincial governments. Provinces will be involved in the designation of registration sites, and in most instances it will be provincial or municipal police officers or RCMP officers operating under contract with the province who will enter the data into the new sex offender category database.

Of course, provincially administered police agencies will conduct the sex crime investigations and provincial prosecutors will handle both the initial prosecution of sex offences and the later prosecution of any breaches of the Sex Offender Information Registration Act. Bill C-16 sets up a consistent national system for sex offender registration and it thus avoids a patchwork of provincial systems but, at the same time, it respects the provincial role in the administration of the system.

In committee, members paid great attention to possible violations of the Charter of Rights and Freedoms. One issue raised was whether or not the retrospective inclusion of offenders in Bill C-16 would be a violation of the Charter.

Honourable senators, any section 11(h) Charter obligation — the right not to be tried or punished twice — would first have to establish that the registry was in fact punitive. The retrospective provisions in this bill are not a punishment, but were designed in a minimally intrusive manner and they are fully proportional to the purposes of the proposed legislation.

Consistent with the procedural safeguards already contained in Bill C-16, we have introduced a number of additional provisions to ensure the Charter rights of affected offenders are fully protected. For example, agreement was reached among the provinces to allow inclusion of all previously convicted offenders under sentence as of the date of the coming into force, provided such offenders are served with notice of the requirement to register and given the opportunity of having a judicial hearing. Bill C-16, as it now stands, reflects the agreement of all provinces and territories on this issue.

Another issue raised was whether or not provisions of the bill with respect to registration and relocation offended the Charter regarding mobility rights. There is no prohibition in Bill C-16 against an offender relocating to any location or jurisdiction. Bill C-16 attempts to ensure that relocation in itself does not lead

to a Charter challenge by minimizing the impact of relocation, that is, they have 15 days to notify police in a new jurisdiction, temporary relocations only require notification by mail, international travel requires no notice until 15 days after return to Canadian soil, and so on.

Finally, honourable colleagues, I will address another question that was raised in debate on this bill. Why does the registration of a sex offender require an order by the court? Why can they not be registered through an administrative procedure? As legislators, we have an obligation to respect the Charter of Rights and Freedoms, and there are certainly Charter values in play in this bill.

We examined the American experience with sex offender registries. The American courts have ruled that such registration has an impact on the rights of the individual offender. After all, we are targeting individuals who are serving a sentence for a criminal offence, and we as legislators must provide the justification for imposing additional obligations, namely, registration, on them. It is evident that Bill C-16, in establishing the procedure for adding someone to the national registry, was designed with an eye to due process. Note how and when the registration order is imposed.

When an offender is convicted and appears before the court for sentencing, the prosecutor makes an application to the sentencing judge for an order requiring the offender to register. The judge shall make this order, unless he or she concludes that the impact on the offender, including on their privacy or liberty, would be grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature to be achieved by the registration of information relating to sex offenders.

In my view, the act includes sufficient due process for the individual while setting the proper benchmark for the court in deciding whether registration is appropriate, namely, the standard that I have just quoted. This is a national system, unlike the United States, which suffers the confusion of many different state level registration regimes. Bill C-16 sets out a common national approach both through federal enabling legislation and the nationally available CPIC system. This registry is well focused on the needs of the police, it is well balanced in terms of the due process and privacy rights of the individual, and it is built on federal-provincial consensus.

Honourable senators, I have always considered it a privilege to serve on the Standing Senate Committee on Legal and Constitutional Affairs. I have learned a great deal during the years that I have been a member. I have developed enormous respect for my committee colleagues — not the least of which is Senator Beaudoin, who will be greatly missed — and for their collective knowledge and experience. Every bill that comes before us receives intense scrutiny from a whole variety of perspectives. Bill C-16 has come back to you without amendment. However, the transcripts of our meetings will indicate that among the

concerns raised was the concern that the tool created by the passage of this bill will be evaluated for its effectiveness within a reasonable time. Since the bill requires a parliamentary review in two years, we will soon be able to look at what use it has been.

Reassured by this mandatory review, I now urge all senators to support Bill C-16.

• (1440)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator take a question for clarification?

Senator Pearson: Certainly.

Senator Kinsella: Honourable senators, we are fortunate to have in Senator Pearson one of the leading Canadians in the area of children's rights. Given her tremendous knowledge of the United Nations Convention on the Rights of the Child, could she share with us the committee's results as it filtered the bill through that convention?

Senator Pearson: I feel that the bill enhances the protection of children. The reason I mention the mandatory review is because I always like to see, from a practical perspective, whether a bill does what it says it will do or what the police think it will do. If it does and if we are able to protect or rapidly find the molester or killer of even one child, we will have achieved something of great importance.

I know there are costs involved in this kind of registration. We were assured that in fact the provinces will be picking it up because partly it was the provinces that really wanted to have this done. In addition, the two-year review was an important concept.

The question of a conflict of rights would arise only if we get a case where one of the sex offenders is, in fact, a child. We know that under the Youth Criminal Justice Act there are crimes of sexual assault and there will be some young people who will have been convicted. That whole regime will follow the same regime as any other thing that has to do with the Youth Criminal Justice Act. That was one of the questions that I posed in committee. I was satisfied with the answer, but I am very glad the honourable senator asked the question.

Hon. Gérard-A. Beaudoin: Honourable senators, my question is on the Charter. Senator Pearson referred to the Charter of Rights and Freedoms and to the criterion of proportionality. I could not agree with her more, but there is one thing that worries me a little bit, and that is the presumption of innocence. I am not too satisfied with the fact that the name of the person is in the registry and that person has the burden of evidence, because it is up to the Crown to prove beyond a reasonable doubt that someone is guilty of a crime. Now the burden of evidence is on the person who is in the registry. This is a debatable subject, of course, but I would like my honourable friend's opinion. I am uncertain whether the presumption of innocence is violated.

Senator Pearson: This is an important question, and I remember the honourable senator raising it in committee as well. As I read the legislation, my understanding is that since the order to become

part of the registry only comes after the individual has been sentenced and therefore has been found guilty, then I am not sure that the presumption of innocence comes into play. This is not a punishment. It is an administrative order for them to have their names placed on the registry. We know that, for example, the Canadian Police Information Centre, CPIC, already has a lot of offenders on the registry. I do not know whether the same question would arise with them. Within the bill, there is the possibility that an offender can apply for a judicial review and have his or her name — there are not many "hers," but there always are some — removed from the registry.

I do not have the same concern expressed by Senator Beaudoin, but he is the expert. I am hoping that, as we review the legislation, if this question comes up again, neither he nor I will be here, but we will make sure someone else asks the question.

Senator Beaudoin: Senator Pearson has more experience than I in this field. For example, if a child is involved, the burden of evidence is on the person.

I am very pleased with the system we have in place whereby the Crown must prove that someone is guilty beyond a reasonable doubt.

Is the mere fact that a person's name is already in the registry book an indication that they have two strikes against them and that the presumption of innocence must be displaced? Probably, under section 1, it is acceptable in a free and democratic society. If it is, the bill is perfect on this respect, but I have some doubts.

Hon. Gerry St. Germain: Honourable senators, my question is for Senator Pearson. She said that that there is a review and evaluation period of two years. Certain police forces are telling me that the provisions of this bill are unenforceable the way the bill is written. They hope they are wrong. Is there any possibility that if it is unenforceable before the two-year evaluation the system could act to remedy this shortfall?

Senator Pearson: When this question arose before, I never did quite get the answer from the police as to why they think the provisions are unenforceable. I do not know, really, what they meant because so many of the other police were asking us for a registry and thought it would be useful, so perhaps my colleague could explain to me why they thought it would be unenforceable.

In terms of changing the legislation, two years is not a very long time. I would think we would need to give at least two years for anything to run out before we could figure out what really needed changing. We would then have a very strong case for change. I do not think it would happen in that case. I do not think we would do it before. I never understood why some people would have brought this concern to the honourable senator about why the provisions would be unenforceable. If it has been ordered, I presume it is enforceable.

Senator St. Germain: I will try to cover this area of concern in my speech later.

Hon. Anne C. Cools: Honourable senators, I have two questions. The first follows on Senator Beaudoin's question in respect of the presumption of innocence of offenders in future offences. It is a presumption that seems to have been altered.

The bill has a clause in it that does the same sort of thing in respect of pardons. The bill amends the Criminal Records Act in respect to pardons, to apparently leave some elements intact. The notion of a pardon under this act is a different pardon from those under the Governor General's Royal Prerogative of Mercy.

If the notion of a pardon under the Criminal Records Act is a vacation of the offence, how on earth can any clause in this bill propose to "unvacate" the offence to set up new conditions of the Criminal Records Act? I do not understand it. I was given an explanation in committee, but it made no sense. Perhaps the honourable senator can help me.

Senator Pearson: I am not sure that I can help because I am a bit puzzled myself. I am not sure whether the officials answered the question. I understood there to be a full pardon as opposed to the other kind of pardon. It seemed to me that there were two.

• (1450)

Senator Cools: It was a few weeks ago, but I believe they treated it in the same way, and the previous answer is what triggered my memory. When my honourable friend responded to Senator Beaudoin, she talked about the officials describing this as an administrative matter. I am not sure now. I would have to look it up, but I believe that they said this was not an attempt to limit the power of the pardon or the consequences of the pardon. It would be an administrative element, a detail carried forward, something like how parole is granted with conditions, such as abstaining from alcohol. I do remember that committee members were a little puzzled, and for some reason we did not get back to it. I did not get to it and have not thought of it since. If the honourable senator is not clear, I understand.

Senator Pearson: This point is tied to the other question that was raised, the question of the onus of the offender to rebut a presumption. This bill places on the offender the onus to rebut the presumption of registration as being unconstitutional.

I understand from the bill that the important distinction here is that there is no finding of guilt. At trial, the Crown has the full burden to prove the charge beyond a reasonable doubt. That disposition would already have been made before the application. This particular application is the application for the person to register. It occurs after the finding of guilt and after the sentence has been imposed, so, strictly speaking, it is not part of the sentence. By design, it is an administrative consequence of the conviction and is proportional to the objects of the legislation.

I understood — I am sure this is true — that the police told us that one of the good things about the proposed system is that it would rapidly eliminate a number of people who might otherwise be under suspicion. They probably thought that the benefit for those who had registered would probably outweigh the disadvantage.

Senator Cools: What the honourable senator has been struggling with is difficult. It is a very difficult subject. I wanted to show as well that it is time for Parliament to take a good look at major acts like the Parole Act, the Criminal Records Act and major bills that deal with the treatment of inmates post-sentencing, parole and remission.

I think we asked this next question many times in committee: How was this group of offenders chosen to be the subject of an offender registry? I have read a lot of these cases. I could say that there are many violent offenders or robbers out there in the community who could be part of a registry, especially those offenders who commit more than one murder. Remember that a homicide quite often can pass in court as manslaughter. It is very complicated. Can the honourable senator give us some insight as to the rationale for an offender registry for this set of offences alone and not for any others? Why was this set of offences chosen for an offender registry and not the others? I could easily choose several, I suppose.

Senator Pearson: In my speech, I spoke to the particularly terrible effects of sexual assault on children and other vulnerable peoples. Sexual assault is of a different order from all the experiences I have had working with young people who are exploited in the sex trade. There is a whole different order of impact. I suppose there is no difference in impact one way or another if someone is murdered, but it is if that person is assaulted.

The purpose of this legislation is to state clearly to society that sex offences, particularly against vulnerable children and other vulnerable people, are heinous and have a qualitatively different order of impact on their victims. We know that there has been a good deal of public interest in it. We must respond to public concern and do so in a way that does not violate the Charter but still enables us to keep track of what is going on. I am concerned that this kind of crime has been increasing rather than decreasing.

Senator Cools: I would like to thank the honourable senator for what she just said, particularly in respect to the new deviances that seem to be increasing in these areas. I also wish to underscore the thought expressed by myself a few minutes ago that it is time for this chamber, for Parliament, to take a good look at sex offenders and their treatment possibilities. It is a difficult subject matter.

Hon. A. Raynell Andreychuk: Honourable senators, given Senator Pearson's experiences, I have a practical question to ask.

The Canadian Bar Association indicated in their brief — and I am paraphrasing, so I apologize if I do not say it quite in the manner that they did — that there is great reliance on this registry and that people will think that we have solved the problem of repeated sexual offences. They cautioned that the comfort level of relying on the registry will deflect attention away from doing the other things that should be done.

The Canadian Bar Association pointed out very strongly that sexual offences involving children are generally perpetrated by a family member or someone acquainted with the child. It is not a question of identity. There may be all those problems of putting a child through testifying or fear of pointing the finger at someone. Therefore, they said that the registry was of limited use. They referred to statistics from Massachusetts, where people are beginning to awaken to the limited use of this registry. How should the government present this to the public? How do we ensure that other tools are available to work with sexual offenders, to work with those who could be vulnerable, and not to simply say that we have a registry of sexual offenders? This is what appears to have happened over the last number of years. We have a debate between those who say we should have a registry and those who say we should not. I rather like the Canadian Bar Association saying that the registry was of some benefit but it was a limited benefit. How do we actually start working on the real problems?

Senator Pearson: That is an issue on which I spend a lot of time. The committee had the opportunity to work on a number of pieces of legislation that have increased the protection of children, such as the exploitation of children on the Internet. There is another bill coming soon, I hope, another protection for children.

As legislators, there is a limited amount that we can do. I take the Canadian Bar Association's comments seriously. Mind you, if the police know that someone in a child's family has been a sex offender and they can eliminate him or her quickly, that is to that person's advantage. I do not think the fact that the offender is not always a stranger, or rarely a stranger, makes the registry more or less useful. An offender is someone who should be known to the police when they are trying to solve a case, especially if that person is related to the child.

• (1500)

The other kind of work is the work on which we need to be expending much more effort, that is, reducing the number of sex offenders. The new provision in the Youth Criminal Justice Act, where a young person who has committed a particularly bad crime will be able to get specialized psychological help as part of his or her sentence, may help to transform some of those who might go on as adults to become sex offenders. The other thing we know is that it is within the family that sex offenders are created, to some extent, as well as found. Therefore, we must work strongly with families to make it very clear that this is totally unacceptable behaviour and that the child is a person with a right to be protected from this kind of thing.

Senator St. Germain: Honourable senators, I rise as well today to speak on Bill C-16.

I should like to start today by informing honourable senators that some of us believe that this bill was not conceived necessarily in the House of Commons. It derived from the Ontario legislature, from the efforts of Jim and Ann Stephenson, whose

son Christopher was murdered by a sex offender. Many years have gone by, and Mr. and Ms. Stephenson have lobbied the Ontario government successfully enough to get legislation in place. From there, a member of Parliament, Randy White, took over and wrote the legislation, which was tabled as Bill C-333 on April 4, 2001.

Thanks to the efforts of Randy White and many other people, the government was convinced that there had to be a registry — and, thank goodness, it is here today.

Let me speak a bit about the area that Randy White is from. For some odd reason, honourable senators, it has witnessed some of the most horrific crimes with regard to children. When I was in the House of Commons, Clifford Robert Olson was arrested in my constituency. He killed 13 children, sexually abused them and literally crucified them. They were horrific crimes.

This perpetrator had the audacity to write me letters when I was a member of Parliament, making reference to the fact that I was an advocate of capital punishment and that I had lost and he had won.

It hits a bit deeper that these horrific crimes against children have been so prevalent in British Columbia.

Honourable senators, consider the rash of murders of women from the east end of Vancouver — and we do not yet know how many have been murdered. A neighbour of the accused — I knew this neighbour because I had my businesses in Port Coquitlam — said to me, “Gerry, if there is one, there could be 150.”

As a former police officer, having spent four years as a police officer in Central Canada and one on West Coast, I can tell honourable senators that there is a need for this type of legislation. I compliment the government, and hope that all of us here can bring this proposed legislation to a reality.

Honourable senators, Canadians were hoping that the committee would spend the time necessary to ensure that the necessary changes were made to make this bill a better statutory device, and that these amendments would be reported back to the Senate. For some odd reason, that has not been the case completely — but I am not here to be critical. Better half a loaf than no loaf. It is my intention to be constructive, as opposed to obstructive, with respect to this bill.

Honourable senators, there are pros and cons to this proposed legislation. It is the cons that I will speak to right now. We still have time as lawmakers to make it better, if we so desire.

Honourable senators, Conservatives have long advocated for a national sex offender registry. After the 1988 murder of an 11-year-old by a convicted pedophile on a statutory release, the coroner's jury recommended the creation of a national registry for sex offenders. Because the federal government refused to act at the time, the official opposition moved, on March 13, 2001, a supply day motion, and it was passed unanimously, decreeing a national sex offender registry by January 30, 2002. The motion read as follows:

That the government establish a national sex offender registry by January 1, 2002.

Even though the Liberal government voted for the motion, they failed to implement the registry within the time frame specified.

On April 4, 2001, Randy White, the Member of Parliament for Langley-Abbotsford, introduced Bill C-333, which I referred to earlier, to create a national sex offender registry using the current Ontario registry as a model.

On February 5, 2002, the official opposition again introduced the motion to create a national sex offender registry. Since the original deadline had passed, the government used its majority to defeat that particular motion. After much pressure from the opposition, parents, police forces, and provincial and territorial governments, the government finally succumbed to doing what was right, and I congratulate them today.

On February 13, 2002, the Solicitor General introduced Bill C-23, to create a sex offender registry. However, the bill had numerous flaws. It would not be retroactive to include the names of all sex offenders currently serving sentences. On May 31, 2002, Mr. White's Bill C-333 was defeated. Then, in October 2003, at the request of the official opposition, the government brought in amendments to make Bill C-23 retroactive — a good, positive move. While there were remaining reservations for other areas of the bill that could have been fixed, the current Bill C-16 was passed with a unanimous vote in the other place.

Honourable senators, this brings me to my comments on the remaining areas of concern that I and others have with the bill. As I say, nothing is perfect; better something than nothing.

Honourable senators, as I pointed out, as someone who served as a police officer for five years in two different police forces in two different regions of this country, I must say that this legislation is long overdue. As a former police officer, I can honestly say that, in the case of young children, there is no more empty feeling in the world than going to a murder scene or a scene where a child has been abused. The emptiness is there because, as a human being, you want to get something done quickly.

If the police in the Brampton case had had this kind of tool, they would have had a chance, as the child had been held for two days.

I want to cite to honourable senators the example of a case I was involved in as a police officer in the centre of the nation. I was dispatched one afternoon with another constable, one who had served in Korea, incidentally. We were dispatched to a domestic call. When we arrived at the house, we were informed of the problem by a young girl, the daughter in the house. A male came storming into the house; he happened to be in the military. He had been sexually assaulting his daughter on a continual basis from the time she was 10 until she was 12. We went to effect the arrest immediately.

[Senator St. Germain]

• (1510)

We were told that this was a family matter. I do not want to go into great detail, but the consequence was that this man was very nearly released from custody. If we, the police officers who had been at the scene of the crime, had not insisted that we call in the magistrate and explain the situation to him, this man would have been released on his own recognizance. If this registry deals with any of that, this will be a giant step forward in protecting children.

Honourable senators, as we conclude debate at third reading, I would ask you to really dig deep and think of the children. They are the greatest victims in these types of crimes. Bill C-16 falls short of the mark in some areas and amendments will be necessary. I am flexible as to whether we amend the bill now or later. I wish to do something positive.

I will outline some of my concerns about Bill C-16. The Vancouver Chief of Police has expressed his concern that the law as written is unenforceable. I have also heard that the Toronto Chief of Police shares this view. If I have the time, I will read some of the amendments that these people propose. I also hope to answer some of the questions asked by Senator Pearson.

The proposed legislation provides a loophole for sex offenders who can show that being added to the registry would cause them greater harm than the public good that would be served by them being on the list.

Many offenders will certainly make a case to be excluded from the registry pursuant to this exception. There is no doubt that judges across the country will allow offenders in certain cases to be exempted. Instead of having a sex offender automatically placed on the registry upon conviction, this bill would force the Crown to apply to the courts to have the offender added at the time of sentencing. In addition, offenders will also have the right to appeal a registration order. This is not felt to be acceptable.

Another concern that I raised at committee was that individuals in the military serving time in military penal institutions for these types of crimes were not included in the bill. There is a concern that, if offenders are to register, then every sex offender must register. A registered sex offender does not include military persons who have been convicted under the military judicial system. A sex offender registry does not include someone convicted under the Code of Military Discipline. If they are serving time for a sex offence, they are eligible and should be included in the RSO. Committee witnesses told us that the registry should include everyone who is sentenced. Honourable senators, this important group of offenders has been overlooked once again.

In 1998, our Standing Senate Committee on Legal and Constitutional Affairs was studying Bill C-3, dealing with DNA identification, the purpose of which was to establish a DNA identification bank. During committee deliberations, members raised this important flaw, following which the Solicitor General undertook that he would come forward with a new bill that would bring military offenders within the ambit of the DNA data bank.

Six years later we are establishing another registry and the government is doing something similar. This group of individuals should be taken into consideration now or in the near future.

There were several police concerns. One issue was that standards are too high to determine whether a person is to become a registered sex offender in the registry. This RSO requires that the Crown must apply to the court for a registration order to be made for a convicted sex offender. This must be done each and every time. The process needs to be corrected so that the RSO would be automatic at the sentencing stage.

The other place amended this bill to be retroactive. Thank goodness for that. As I mentioned earlier, without such amendments, persons such as Clifford Robert Olson might one day be able to freely walk the streets of our communities. I do not believe this should ever be allowed to happen.

Another technical issue that must be fully considered when the regulations are drawn concerns border security immigration, the simple movement of registered sex offenders within and without Canada.

Honourable senators, we must be concerned that the regulations are carefully drawn. Therefore, the process must include, at the very least, police forces from across the country, since they are the ones on the front line of enforcement.

I will highlight this point by posing the following questions: Where is border technology headed? How and when will we be able to better track registered sex offenders leaving Canada? Without this, we have no real means of enforcing parts of the bill. Would landing applicants be rejected if they had convictions for the offences similar to our designated list? If not, what is the process to get them on the list?

What about refugee applicants? Immigration needs to ask: "Are you a registered sex offender?" They may have been pardoned, but they would still be required to register, as is the case in this bill. Offenders who travel and commit offences are unlikely to inform us after the fact of where they were. This is a theoretical argument, and attempts to have this changed have failed. We would likely have to demonstrate with experience that this is a problem.

Honourable senators, one of the national police forces put forth suggested amendments that I will now address. This force undertook a detailed review of the bill after it passed third reading in the other place. They suggested that it is apparent that the proposed legislation could be improved to be more effective in both its purpose and administration. Potential amendments were put forward to enable a more effective registry rather than awaiting the review after two years.

The bill defines the purpose of the act to help police investigate crimes of a sexual nature. Notably absent in the purpose and subsequent clauses of the bill are provisions for the use of the registry as a means of preventing crimes. Specifically, there are

strict restrictions on the use of information without any provision to disclose information when it would be in the public interest to prevent crime.

As well, the bill requires registered sex offenders to report temporary absences from their main or secondary residences, which are in excess of 15 days and only within 15 days after departure. Both the number of days and the timing of the reporting are considered ineffective. Under these conditions, an offender would only have to be at his residence one day every two weeks to be compliant. Even if the 15-day time frame remains, the fact that an offender only has to report his absence within 15 days after is extremely problematic. For example, if an offender registered in Vancouver and travels to Toronto and commits one or more sexual assaults while there, it is highly unlikely he would return to Vancouver and report his presence in Toronto. Reporting in advance of the travel makes it far more likely that his presence in Toronto will be known. The deterrence value of the registry, whatever that may be to individual offenders, is there with advance reporting but completely absent under the present rules.

Turning to the next subject, while elements of the bill require an offender to inform the registry of all the addresses he stayed at while out of the country, there is no authority for the collector or others administering the registry to inform the authorities in that country of the offender's presence unless those authorities are aware of our registry and call. This is highly unlikely. Therefore, the registry will be ineffective at prevention or in bringing to justice Canadians who commit sex offences while outside of Canada. This is inconsistent with Canada's stated positions in support of various UN conventions regarding the protection of women and children.

Another concern outlines that the bill requires the offender to provide all addresses or locations where he is employed. It does not require him to provide his duties or the name of the employer. For the stated purpose of the proposed act, there is a remarkable difference in opportunity and, therefore, potential for being included as a person of interest in an investigation, between a person employed at 123 Main Street as a bookkeeper for Loomis Courier Service and a person working at the same location for the same company as the delivery driver. In both cases, the offender meets his obligation by reporting his work address as 123 Main Street.

• (1520)

As I mentioned earlier, honourable senators, the bill fails to consider individuals who may have been convicted under the DND Code of Military Discipline of acts that constitute designated offences under the Criminal Code. Presently, there is no provision or method for these individuals to become registered sex offenders.

There is no requirement for sex offenders who are registered sex offenders in their own country to inform Canadian authorities of their presence in Canada. This would apply to visitors, convention refugees and refugee claimants.

From the perspective of certain of our police forces, a variety of amendments are required for the effective administration of the act.

First, there should be clarification of the offences for which a person can be ordered to register. Presently, the bill includes offences committed outside of Canada that are not included if committed in Canada and excludes offences committed in Canada that are included if committed outside of Canada.

There is a request for clarification of the language regarding the authority of the LGIC to make the regulations regarding the acceptable methods of reporting temporary absences. The present language states that the LGIC may not require the offender to report in person. It is unclear whether the drafter intended the permissive option of "may" or the restrictive option of "shall not." Given that the act will impose a duty on the collector of information to confirm the identity of the person reporting to be the registered sex offender, the permissive option is required.

Third, this prohibits entry of any data other than that which can be collected under certain clauses of Bill C-16. The effect of this is a prohibition of including data required to effectively administer the system, specifically: release dates of the offender; the annual update date; the date subject returned to incarceration; dates he left and returned from temporary absences or left the country; reporting date, if there are multiple orders; date notice was served; administrative records regarding the provisions of copies of the information as required under the bill; making or refusing requests for correction; dates information was received or validated; administrative records of changes under the act; history of compliance or noncompliance; disposition of charges; and a record of which province has jurisdiction in the event an offender fails to report upon release, that is, which provincial centre takes responsibility for locating the offender and laying charges. Those who have administrated this type of work are cognizant of other administrative challenges.

Fourth, the bill imposes a requirement that the offender be informed of his obligations under the act at the time he receives the order. There is no location for the name and the signature of the person fulfilling that obligation. These are all administrative details.

In conclusion, they say that they look forward to the implementation of this proposed legislation. It is not perfect, but there is much good in it. We should seek to make it workable and effective to the fullest extent.

I reiterate for those of you who have not been in law enforcement that law enforcement is a strange business. Everyone figures that when police solve a crime something mysterious has happened. When police go to the scene of a crime, generally they know nothing. Their greatest allies are informants or witnesses. They now also have the advantage of DNA testing and access to that data bank.

I can tell you, honourable senators, that there is a feeling of sheer emptiness and frustration and the wish to do something quickly when a child is victimized, sexually abused or murdered.

[Senator St. Germain]

Let us do what we can. I am pleading with you. I am asking you to consider what the police are requesting. I know that some in here would say we should not give them too much power. There is a delicate balance under the Charter, but if we are to err, let us err on the side of our children and women in society.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Do you have a question, Senator Cools?

Senator Cools: Yes, I do.

I should like to thank Senator St. Germain for a splendid statement and speech and for clearly articulating the concerns that are widely shared for the vulnerable, particularly children.

Senator St. Germain talked about Clifford Olson writing to members of Parliament and ridiculing them and so on. I received such a letter some years ago. Does the honourable senator have that letter with him or nearby? If so, perhaps he would put it on the record so that senators can comprehend what really goes on out there in what I would call a pathological, deviant, psychopathic mind. What he wrote to Senator St. Germain and me clearly reveals that type of mind.

I served on the parole board and I was a social worker. I helped apprehend many children to protect them from danger. I physically took children from parents who were hurting those children. The honourable senator is a former policeman. As senators, we rarely get first-hand experience in this chamber. I knew some of Toronto's finest policemen. One of the things I have always been struck by within the business of law enforcement when dealing with policemen was the enormous sorrow and helplessness they felt when they had to deal with injured, damaged or murdered children.

Honourable senators, when I say that it is time for us to study some of these issues in great detail, I mean just that.

Could Senator St. Germain tell us a bit more about the frontline, on-the-job experience that policemen have in dealing with these offences and these offenders? In our study in committee, we did not go into any of the deeper or more profound issues around these deviances. Could he tell us more about his frontline experience and why this bill was so wanted by the police and why, with any and all doubts that we had, we decided to report the bill without amendment?

• (1530)

The Hon. the Speaker: Honourable senators, I am sorry to interrupt but we will return to this item at the next sitting so that Senator St. Germain may proceed with his response.

Honourable senators agreed earlier today to a house order that, at 3:30 p.m., we would proceed to Item No. 68 under Motions so that Senator Jaffer might speak to that motion.

I would remind honourable senators that we have only 10 minutes because I will rise at 3:40 p.m. to adjourn the sitting to await the arrival of Her Excellency.

RWANDA

MOTION TO RECOGNIZE GENOCIDE ADOPTED

Hon. Mobina S. B. Jaffer, pursuant to notice of March 29, 2004, moved:

That this House call upon the Government of Canada to recognize the genocide of the Rwandan people and to condemn any attempt to deny or distort a historical truth as being less than genocide, a crime against humanity.

She said: Honourable senators, today the Canada-Africa Parliamentary Association and Women, Peace and Security commemorated the 10th anniversary of the genocide in Rwanda, wherein Senator Andreychuk spoke to the Rwandan community to say that the Rwandan genocide was not only of the Rwandan people but also of all people of the world.

Mr. Gasana, the President of Humura Association spoke eloquently to the next steps to be taken for the survivors. Mr. Philibert Muzima was courageous enough to share with us his personal account of the genocide. He ended by saying, "Quand est-ce-que sera justice pour nous?"

Ms. Gertrude Murekatete spoke to the role of mothers and said that she wants to teach young Canadian children that you do not kill someone because he or she is blonde or brunette; that is wrong.

Honourable senators, we heard very moving testimonies today, and I encourage you to go to the Humura Association Web site, to read the numerous testimonies of Canadian Rwandans who have shared their terrible stories with us.

Honourable senators, few events since World War II can be compared with what transpired in Rwanda just 10 years ago. In just 100 days, as many as our new Prime Minister has been in power, over 800,000 men, women and children were raped and murdered — a number that equates to the population of Ottawa-Gatineau. It was the worst genocide that the world has witnessed since the Holocaust.

According to the report of Human Rights Watch, shattering the bonds between Hutu and Tutsi was not easy. For centuries, they shared a single language, a common history and cultural practices.

Honourable senators, as a young child I used to spend my holidays in Rwanda. I have very fond memories of Rwanda. I used to visit my uncle and play with other children in his garden for hours. I remember children of all ethnic origins playing together. From a child's eye, I do not remember the divisions. We were just playing together in a very peaceful country.

The Rwandan genocide was one of the most defining moments of the 20th century. For Rwandans, whether inside the country or abroad, the consequences of the genocide were direct and tangible. By the time the killing had stopped, three quarters of the Tutsi population had been decimated. Many Canadians were not even aware that such a horror was taking place.

However, one Canadian witnessed the events unfold and desperately tried to help with what little he had. He has come back from the edge of self-destruction and suicide to become a voice for the Rwandan people. In an interview with Ted Koppel, Retired General Roméo Dallaire said this: "Your mind with time, in fact doesn't erase things that are traumas. It makes them clearer."

I have fond memories of General Dallaire, who has offered to help the Canadian women's peace and security committee with its work. I am in awe of his energy and determination.

People such as General Dallaire have voiced anger over the way in which the western world acted during those three and one half months. It has been pointed out in papers that there was more coverage of Tonya Harding kneecapping her competition than there was coverage of the genocide. General Dallaire has so eloquently asked: "Are all humans human, or are some more human than others?"

Why did the western world not focus more attention on Rwanda and its people? General Dallaire said that the level of consideration for human life and raising western countries to that level above the level of self-interest is, I believe, an achievable objective in the years to come. He is a hero for us, not only because of what he witnessed but also for the deep impact it has had on him and how he continues to work on the issue. Honourable senators, it would have been a great pleasure to have General Dallaire here today, but he has returned to Rwanda to share his experience with the Rwandan people.

Rwandans are grappling with the challenge of rebuilding lives and their communities. Many came to Canada during or shortly after the genocide, and they have many memories they want to share with you. Honourable senators, the world forgot about Rwanda once; let us not do it again. Let us acknowledge, by this commemoration, the tenth anniversary of this horror.

I should like to read a poem found on the Humura Association's Web site. It reads, as follows:

The mass and majesty of this world, all
That carries weight and always weighs the same
Lay in the hands of others; they were small
And could not hope for help and no help came:
What their foes liked to do was done, their shame
Was all the worst could wish; they lost their pride
And died as men before their bodies died.

Hon. A. Raynell Andreychuk: Honourable senators, in consideration of our time constraint, I shall condense my comments.

I should like to second and support this motion acknowledging the Rwandan genocide. Members of the United Nations in New York signed the Convention on the Prevention and Punishment of the Crimes of Genocide in 1948. The convention declares that genocide is a crime under international law. It defines what genocide is and condemns this crime, whether it is committed in peacetime or in wartime. The convention was a response to the atrocities of World War II and the Holocaust. By agreeing to the convention, the world was essentially saying “never again.”

Honourable senators, it has occurred time and time again, and the most horrific event constituting genocide occurred in Rwanda 10 years ago. General Dallaire, on the ground in Rwanda, warned the United Nations and the world community about the impending disaster. As he stated on April 8 to the United Nations, there was a very well-planned, organized, deliberate campaign of terror taking place. He said that it was a ruthless campaign of ethnic cleansing and terror. Was the Security Council told of that? The deputy to Kofi Annan, when Annan was the head of peacekeeping, stated: “Now, as I told you in the month leading up to this horrible event, everybody was concentrating on the political aspects, including the special representative. I have looked at his cables. I have looked at the records of his telephone conversation. There was no reference to a pending genocide, or at least killings.” This term of “ethnic killings” and “ethnic cleansing” had been there for a long time, and it was adopted, of course, from Bosnia. Ethnic cleansing does not necessarily mean genocide; it means “terror to drive people away.”

Honourable senators, despite knowing what we knew, a ruthless campaign of ethnic cleansing and terror turned into genocide, and we did not or could not realize that this was an unfolding genocide. Kofi Annan’s deputy further stated that, to his recall, genocide did not emerge until May. Honourable senators, we should have known that it was impending and we should have acted.

Honourable senators, the time is short today, and so I will not talk about General Dallaire, except to say that he personally acted, first to protect his soldiers and then to protect civilian lives. They did not need orders. They did not need conventions. They acted automatically, as did others in the Red Cross and elsewhere, including other Rwandans.

• (1540)

Honourable senators, the world was graphically and horrifically reminded that genocide is a concern for all. We must all take responsibility. Those in Rwanda must come to terms with their fellow man and adapt to build a society that will never forget the mistakes of the past, but also build a society where all citizens will have dignity and respect. The country struggles with this, as it does with the usual challenges of a country in Africa. For the international community, genocide has continued to happen, and we must take responsibility for that, despite repeated promises that it would not happen again.

In part, the International Criminal Court is the answer. However, the Rwandan genocide will serve to remind us to all act with personal commitment as General Dallaire did, and also to act with political will, as our office demands.

Hon. Senators: Hear, hear!

[Senator Andreychuk]

Senator Kinsella: Question!

Some Hon. Senators: Question!

Hon. Anne C. Cools: Honourable senators, I move the adjournment of the debate. I clearly said earlier that I wanted to speak on this debate and that I was unable to speak to it today. Honourable senators, something is very wrong here.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Cools, seconded by Honourable Senator Watt, that debate be adjourned to the next setting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker: Will those honourable senators in favour of the motion to adjourn the debate please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion to adjourn the debate, please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the “nays” have it.

Some Hon. Senators: Question!

Senator Cools: Honourable senators, I want to record that I agreed to have the order move forward so that I could take the adjournment. There is not time for me to speak today.

The Hon. the Speaker: Honourable senators, I am sorry, but we have disposed of the motion to adjourn the debate. The record shows what Senator Cools said earlier. I will put the question.

It was moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Andreychuk:

That this house call upon the Government of Canada to recognize the genocide of the Rwandan people and to condemn any attempt to deny or distort historical truth as being less than genocide, a crime against humanity.

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

Some Hon. Senators: Agreed.

Senator Cools: No.

Motion agreed to, on division.

The Hon. the Speaker: Honourable senators, it now being 3:40 p.m., is it the pleasure of the house to suspend the sitting to await the arrival of the Governor General?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

[*Translation*]

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting user fees (*Bill C-212, Chapter 6, 2004*)

An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence (*Bill C-4, Chapter 7, 2004*)

An Act to amend the Hazardous Products Act (fire-safe cigarettes) (*Bill C-260, Chapter 9, 2004*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed Her Excellency, the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bills:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004 (*Bill C-26, Chapter 5, 2004*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (*Bill C-27, Chapter 8, 2004*)

To which bills I humbly request Your Excellency's assent.

Her Excellency, the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

Her Excellency, the Governor General was pleased to retire.

The sitting of the Senate was resumed.

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

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