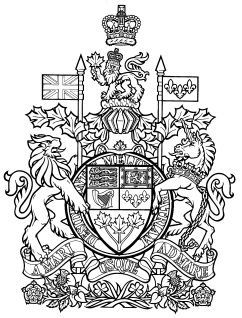

CANADA

Debates of the Senate

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OFFICIAL REPORT
(HANSARD)

Wednesday, April 21, 2004

THE HONOURABLE LUCIE PÉPIN
SPEAKER *PRO TEMPORE*

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THE SENATE

Wednesday, April 21, 2004

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

Prayers.

SENATORS' STATEMENTS

PARKINSON'S DISEASE AWARENESS MONTH

Hon. Serge Joyal: Honourable senators, I request leave to have the following message printed in today's *Debates of the Senate* under the name of Senator Michael Pitfield. Senator Pitfield is presently undergoing treatment for Parkinson's disease and feels it is very important that the following message be delivered in the Senate on his behalf. With leave, I would request permission to read the following message on behalf of Senator Pitfield.

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

Hon. Senators: Agreed.

Senator Joyal: Senator Pitfield writes:

> My message is to let colleagues in the Senate and all Canadians know that the Parkinson Society of Canada has named April "Parkinson's Disease Awareness Month."
>
> Today, nearly 100,000 Canadians, and 6.3 million people worldwide, share the experience of living with the daily debilitating effects of Parkinson's disease. Parkinson's disease is a neurodegenerative disorder that slowly robs people of their independence. It is a cruel disease that takes over entire lives — not only the persons affected by Parkinson's, but also their families. For most, their minds stay sharp while every day they witness their body's increasing limitation due to tremors, slowness and stiffness, problems with their balance, rigid muscles and pain. Some may have difficulty walking, talking or swallowing.
>
> This disease is complex, hard to diagnose and random. It can strike anyone — women and men of all ages, ethnic backgrounds and lifestyle. While the vast majority of people with Parkinson's are over 60, 10 per cent are diagnosed before the age of 50, and others in their thirties and forties, when they are busy raising children and building careers.
>
> Experts project that the number of Canadians with Parkinson's disease will double by 2016. We need to learn more about this progressive illness, heighten our awareness of the devastating impact it has on caregivers, families and society as a whole, and learn what we can do to make a difference in our community. Some researchers claim that the cure to Parkinson's can be found in the next decade, but increased public understanding and support are critical to meeting this goal.
>
> Today, April 21, the Parkinson Society of Canada will host the eighth International World Parkinson Day Celebration, bringing key stakeholders from the Canadian Parkinson's community together with government officials and representatives of the International Parkinson's Alliance.
>
> I invite the Senate to join me in welcoming these guests to Canada and wishing the Parkinson Society of Canada and its regional partners across the country success in easing the burden and finding a cure for Parkinson's disease.

On behalf of all honourable senators, I would like to add a personal note. Senator Pitfield has our support and is in our thoughts at this very moment as he fights with Parkinson's disease. He is an example to other Canadians about how important it is not to abandon hope and to continue to spend their best efforts to overcome their hardships.

Hon. Senators: Hear, hear!

THE LATE STAN DARLING

Hon. Marjory LeBreton: Honourable senators, Stan Darling, one of Canada's most colourful and dedicated parliamentarians, passed away on Easter Sunday at the age of 92. He was first elected in the general election of 1972 after a successful 30-year career in municipal politics as a councillor and a reeve in his beloved Burk's Falls, Ontario. He was re-elected in each federal election he ran in since 1972 — 1974, 1979, 1980, 1984 and 1988. He used to joke that there were more deer than Liberals in his Parry Sound—Muskoka riding.

Stan Darling fought for many causes during his 21-year parliamentary career, but the one for which he is best known is acid rain. He was the first person to push the seriousness of the acid rain problem on to the public agenda. He chaired a special parliamentary committee on acid rain and carried the fight right through to the World Summit on the Environment in Rio de Janeiro. When Prime Minister Mulroney and President George Bush signed the acid rain treaty, Stan Darling sat beaming in the front row. The Prime Minister and the President called him forth and presented him with the signing pen that they used, which he treasured to the time he died.

Stan was known for his ability to give a speech at a moment's notice. He regularly attended meetings here in Ottawa of former parliamentarians. When he was in Ottawa, he used to come to our caucus meetings and, of course, he would not miss an opportunity to make a speech. He would always say something like this: "I am really glad to be here. Really, at my age, I am glad to be anywhere, but especially on the green side of the grass." He had just moved into a retirement home and was looking forward to campaigning for the recently nominated Conservative candidate in his riding for the upcoming election. He told a visiting journalist that he would not be able to drive around the riding. He said, "I can drive; it is just that I cannot see well."

He and I had a long association in the party. One of the funniest times I ever had with Stan Darling was in 1988 or 1989 when I was in the Prime Minister's Office. There were Senate vacancies and rumours of who would fill them. There were some Ontario vacancies and his name popped up as one of the potentials. He and I used to joke about it because by that time he was two years past the Senate's mandatory retirement age.

On behalf of all honourable senators, I wish to extend to Stan Darling's family, friends and former and present day colleagues our deepest sympathy because he will be deeply missed. He was a very colourful character and a good Canadian.

Hon. Senators: Hear, hear!

• (1340)

ARCTIC WINTER GAMES 2004

Hon. Ione Christensen: Honourable senators, early last month I had the pleasure of attending the seventeenth Arctic Winter Games in Fort McMurray, Alberta. It was a wonderful time seeing young people from different communities across the circumpolar north competing together and enjoying new friendships.

The Arctic Winter Games started in 1967 as the result of an idea of Commissioners James Smith of Yukon and Stu Hodgson of the Northwest Territories. They had watched northern athletes struggling against their southern counterparts in the Canadian Winter Games and felt that an interim step was needed.

Commissioners Smith and Hodgson enticed Alaska Governor Walter Hickel to join this northern sporting and cultural event, with a goal of offering appropriate levels of competition to northern athletes who had limited access to both facilities and training opportunities.

The first games were staged in Yellowknife in 1970 and were officially opened by the Right Honourable Pierre Elliott Trudeau. The games were a huge success with 500 athletes competing from Alaska, Yukon and the Northwest Territories.

The Arctic Winter Games are held every two years and now include representation from Yukon, Alaska, northern Alberta, Northwest Territories, Nunavut, Greenland, Nunavik, the two Russian provinces of Magadan and Yamai and the Sami people of northern Europe. This year there were over 2,000 athletes.

While many of the sports played in the games are internationally recognized winter sports, the uniqueness of the games is in the historic Arctic sports and the Dene games that have been practised in northern circumpolar Aboriginal communities for many generations. The knuckle hop, the airplane, the snow snake and the one- and two-foot kick all drew crowds.

The two-foot kick, for those who are interested, is truly amazing. A little seal-skin toggle suspended on a leather thong is extended from an adjustable arm. The athlete must bring both feet up tight together with toes even and hit the toggle, returning to a controlled landing. That might not sound too difficult, but the toggle starts at six feet and the winner this year was at seven feet ten inches. They start at the six-foot height with both feet on the ground, not from a running start. They are in bare feet. As the height is increased, they start to take a few running steps. Believe me, it is not something for amateurs.

The underlying philosophy of the games is to involve as many athletes as possible either at the games or in team trials. This year, teams Alberta, Alaska and Yukon were the winners, with Team Nunavut taking home the coveted Hodgson trophy.

It was great to be there. I look forward to the next Arctic Winter Games, which are to be held in the Kenai Peninsula, Alaska, in 2006.

GREEN PARTY OF CANADA

PARTICIPATION IN ELECTION TELEVISED DEBATES

Hon. Mira Spivak: Honourable senators, the Green Party of Canada is part of an international movement that has elected members in some 30 countries and has grassroots organizations in more than 100. It embraces fiscal conservatism, progressive social programs — in fact its leader was a former Progressive Conservative — and, as its name implies, ecological values.

In Canada, the party has 5 per cent of voter support nationally and substantially more in British Columbia. In B.C., where it was founded 21 years ago, it is at 13 per cent support province-wide and fully 28 per cent of voters are in the 18 to 34 range.

Last year in the Ontario provincial election, the Green Party ran candidates in 102 of 103 ridings. Still, it was excluded from the televised leaders' debate, a decision made by TV network executives. That is the reason I am bringing this information forward today. In the last federal election, the Green Party ran 111 candidates. Today, it has 200 identified candidates and hopes to run a full slate. It is coming of age. These facts are germane to the decision those same network executives will make within a short period of time when the Prime Minister decides to take Canadians to the polls.

Some very prominent Canadians were disappointed in the Green Party's exclusion from the Ontario leaders' debate. Among them was Peter Desbarats, a former dean of journalism and a former CBC journalist who wrote in *The Globe and Mail* of the "shameful reluctance of the CRTC to cope with the issue." Others who opposed the networks' decision included Ontario Human Rights Commissioner Keith Norton, former CBC broadcaster Michael Ignatieff, Progressive Conservative strategist and organizer John Laschinger, and many more.

It is my hope that those network executives will not deny Canadians the chance to hear from Green Party leader Jim Harris in the national leaders' debate.

This is certainly an issue for the CRTC to investigate. It is important that the issues the Green Party raises should be part of the national debate, even if it appears as if they do not have a hope of becoming the government.

HUMAN RIGHTS

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

Hon. Shirley Maheu: Honourable senators, as Chair of the Standing Senate Committee on Human Rights, I would like to make a statement today about our recent deliberations on the 2002 OSCE Berlin resolution, which was referred to our committee on February 4 for study pursuant to Senator Grafstein's motion.

The 2002 Berlin resolution was passed by the OSCE in recognition of the fact that incidents of anti-Jewish sentiment and violence have recently increased sharply throughout the world. The resolution asserts a clear need to recognize, address, condemn and work to eliminate anti-Semitism so as to promote human rights, democracy and security both in Europe and elsewhere.

Passed unanimously by parliamentarians, the goal of the 2002 resolution is for all OSCE parliaments to bring the resolution forward for debate in their own countries. In order to fulfil this goal in Canada, the Senate has been tasked with determining what measures and steps need to be taken to address the root causes of anti-Semitism, and to put forward our own anti-Semitism resolution following an extensive review of Canadian laws, regulations, policies and the context of anti-Semitism in Canada.

Honourable senators, on Monday of this week our committee had its first meeting on the issue and heard testimony from a variety of witnesses. Senator Grafstein explained the context of the resolution and the role that Canada has to play in the OSCE's struggle to combat anti-Semitism.

We also heard from representatives of the government, namely, the Department of Justice, Canadian Heritage and the Canadian Centre for Justice Statistics, who provided us with statistics on hate crimes and outlined Canada's anti-discrimination measures, policies and hate crimes legislation used to deal with the problem of anti-Semitism.

Finally, we heard from a number of advocacy groups. They included the Canadian Jewish Congress, the Canadian Race Relations Foundation and the League for Human Rights of B'nai Brith Canada. These groups provided us with valuable information on anti-Semitism in its broader context and its manifestations in Canada.

However, while we have only begun to hear witnesses on this matter, my colleagues and I have spoken together about the testimony that we have heard thus far and we agree that anti-Semitism is clearly a serious problem in Canada today. As noted in the B'nai Brith audit, published in the last month, the number of anti-Semitic incidents in Canada reached nearly 600 in 2003. The number has doubled since 2001.

Anti-Semitism is a serious problem that is only getting worse. The issue clearly merits deeper study. The Standing Senate Committee on Human Rights is dedicated to inquiring further into this matter and will be hearing from more witnesses in the near future.

When our study is completed, the committee will hopefully have recommendations aimed at combating the scourge of anti-Semitism in Canada so as to serve as a model to the world on how to promote dialogue and tolerance in the face of this rising level of hatred.

[*Translation*]

STAR ACADÉMIE

Hon. Jean Lapointe: Honourable senators, on Sunday I had the honour of participating in the *Star Académie* television show, hosted by Julie Snyder, for the grand finale of this artistic talent competition. The ratings for this broadcast were among the highest in our television history, with nearly 3 million viewers.

During rehearsals on Saturday and Sunday, I had the opportunity to meet 14 young participants of the show who had been competing for several weeks. I was surprised at the support and encouragement these young people gave one another. I detected no jealousy or feelings of that kind.

I also met technicians, musicians, set designers, and creators. In short, I met a tremendous and very promising team. In talking with them over two days I discovered what an asset these young people are for our culture in our country. This was one of the best shows I have ever attended or participated in. I would like to commend all those who contributed to this monumental success.

I particularly wish to thank those who thought to invite me to take part in this impressive event. Long live *Star Académie*!

[*English*]

ROUTINE PROCEEDINGS

THE SENATE

CRIMINAL CODE— NOTICE OF MOTION TO DISPOSE OF BILL C-250

Hon. Lowell Murray: Honourable senators, I give notice that on Thursday, April 22, 2004, I will move:

> That it be an Order of the Senate that on the first sitting day following the adoption of this motion, at 3:00 p.m., the Speaker shall interrupt any proceedings then underway; and all questions necessary to dispose of third reading of Bill C-250, An Act to amend the Criminal Code (hate propaganda) shall be put forthwith without further adjournment, debate or amendment; and that any vote to dispose of Bill C-250 shall not be deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for fifteen minutes, after which the Senate shall proceed to take each vote successively as required without the further ringing of the bells.

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That, notwithstanding the Order of the Senate adopted on February 19, 2004, the date for the final report by the Standing Senate Committee on Official Languages on its study of the operation of the Official Languages Act be extended from June 30, 2004, to March 31, 2005.

[*English*]

GUARANTEED INCOME SUPPLEMENT

NOTICE OF INQUIRY

Hon. Percy Downe: Honourable senators, pursuant to rule 57(2), I give notice:

That two days hence I will call the attention of the Senate to the Guaranteed Income Supplement program for low-income seniors.

[*Translation*]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Marie-P. Poulin: Honourable senators, pursuant to rule 4(h) of the *Rules of the Senate*, I have the honour to table petitions signed by 24 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to affirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[*English*]

FOREIGN AFFAIRS

APPOINTMENT OF MR. BHUPINDER LIDDAR AS CONSUL GENERAL TO CHANDIGARH, INDIA— PRESENTATION OF PETITION

Hon. J. Michael Forrestall: Honourable senators, pursuant to rule 4 of the *Rules of the Senate*, I have the honour to table petitions for the appointment of Mr. Bhupinder Singh Liddar as Canada's Consul General in Chandigarh signed by some 1,590 individuals. He is a champion of human rights and freedoms in Canada and deserves our attention.

JUSTICE

CRIMINAL CODE—BILL C-250— PRESENTATION OF PETITION

Hon. Gerry St. Germain: Honourable senators, I rise to table a petition on behalf of 5,000 residents of Canada who wish to draw the attention of the Senate to the following:

Bill C-250 aims at incorporating "sexual orientation" into the Criminal Code of Canada (section 318 and 319) and is hereby opposed for a number of reasons particularly that the Charter rights of freedom of speech and freedom of religion will be significantly eroded once the said bill becomes law.

Sexual orientation is an extremely vague term as it could include all conceivable types of sexual gratification.

With adequate legal protections for all Canadians already in place, it is unnecessary and dangerous to pass the said bill into law as its only aim is to inject fear into the public thereby shutting out all discussion on sexual orientation not favoured by a special interest group or activist.

Therefore, honourable senators, these petitioners call upon the Senate to amend Bill C-250 to ensure that all Canadians have equal protections of their individual rights; and, failing this, to defeat Bill C-250.

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—ACQUISITION OF NEW EQUIPMENT—AVAILABILITY TO TROOPS DEPLOYED ON NEXT MISSION

Hon. Michael A. Meighen: Honourable senators, last week at CFB Gagetown, the Prime Minister stated:

> The $7-billion investment we've made in the Canadian Forces since December has one aim and one aim only: to ensure that when we ask our men and women in uniform to stand in harm's way, they have the equipment they need to get the job done — safely and effectively.

In the same speech, the Prime Minister announced that, when our current military commitment to Afghanistan ends in August, Canada will be sending a further 600 members, an armoured reconnaissance squadron group, to Afghanistan.

Can the Leader of the Government in the Senate tell honourable senators how much of the $7 billion in new equipment will be in the hands of these 600 Canadian Forces members when they are sent into harm's way in Afghanistan in August?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not in a position to provide information of that character at this moment.

Is Senator Meighen asking how much of the equipment or what value of the money to be spent will be put in the hands of the Armed Forces who will actually be in Afghanistan? Perhaps the honourable senator would clarify the question for me.

Senator Meighen: Honourable senators, I was endeavouring to ask the leader: If the amount of $7 billion is being spent on new equipment, what new equipment will be in the hands of our forces when they deploy again to Afghanistan in September?

Senator Austin: Honourable senators, I will obtain the information for Senator Meighen.

• (1400)

UPGRADE TO FRIGATES—ACQUISITION OF NEW SUPPLY AND TRANSPORT SHIPS

Hon. Michael A. Meighen: Honourable senators, in the same speech in Gagetown, the Prime Minister also stated:

> Properly equipping the Forces has been very much the focus of our government.

During the 1990s, honourable senators, that same man cut the defence budget by some 23 per cent. It sounds to me as if the Prime Minister is making a feeble attempt to redress the damage he inflicted on the military when he was the Minister of Finance.

In spite of the announced and re-announced $7 billion in military expenditures, we also learned this week that, although Canada's frigates need a $2-billion mid-life improvement or upgrade, the government has no immediate plans for such improvements. To top it off, we are told by the Minister of Defence that the contract for the navy's new supply and transport ships will not be let until 2007 with delivery not beginning until 2011.

Can the leader tell us, one, whether the frigates will get their mid-life re-fit and, two, whether this government is actively investigating ways to speed up the notoriously slow military procurement process, such as in the case of a new ship, by buying at least the design off the shelf?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Meighen has posed interesting questions. Again, I will endeavour to get accurate answers for the honourable senator.

I would add, however, that if ships should be built in Canada to enhance our capacity in shipbuilding, training and the business value that comes from procuring those ships internally, it will cause delays, because the Canadian industry has to mobilize itself to prepare for the design, the bids and the delivery of the ships. An assessment needs to be made to determine our existing capacity for transport while the domestic procurement proceeds and whether there is a military reason to short-circuit the procurement process.

I have some familiarity with the process because I, in another cabinet life, was very much involved with the frigate program that was initiated by the Trudeau government in 1982-83. We attempted to fulfil many objectives, both military and industrial, as well as those related to human-capacity building. I believe that we fulfilled those objectives successfully in the end.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

POSSIBLE TERRORIST ACTIVITY—LEVEL OF SECURITY

Hon. J. Michael Forrestall: Honourable senators, I believe that, if the government had listened to us and kept that work force together, we would have no problems in having those new vessels built in Canada today.

The author of a recent al-Qaeda manual posted on an Internet site is reportedly Saif al-Adel who is a former Egyptian Special Forces lieutenant colonel and now believed to be al-Qaeda's senior military commander. It was Adel who ranked killing Canadians as a priority. Barricades have since been placed around National Defence Headquarters.

Can the Leader of the Government tell us whether there is a credible threat of any nature against any military establishment either here in Ottawa or in any other city in Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, on the latter part of Senator Forrestall's question, I have no security information that I can provide to this chamber. Senator Forrestall will recall yesterday's answers with respect to the questions of security.

The former part of the question intrigues me greatly. Senator Meighen referred to the very significant budget and expenditure control exercise during the 1990s when the opposition, of course, asked us to spend more money, if I understand his representation, on the military and on many other things. At this stage, there is a discontinuity, as I see it, in the Conservative Party's position where senators are urging us to spend more money, while the leader of the Conservative Party tells the Canadian people that taxes should be cut below United States tax levels but is not telling us in what sectors of the Canadian economy we should not spend money.

I take it that Senator Meighen and Senator Forrestall would not include defence expenditures in Mr. Harper's expenditure-cutting regime.

Senator Forrestall: Honourable senators, I remain most concerned about Canadians' access to information regarding any credible threat against our people. That comment does not only apply to Canadian Armed Forces personnel; it applies to all Canadians.

The point we were trying to make yesterday and again today is this: Canadians want to know what to expect, what to look for, so they will not worry about how they will find out if something does happen. Would we be advised about a potentially credible threat? Is there anything we can do? There is a lot of concern out there.

Senator Austin: Honourable senators, Senator Forrestall raises an extremely important question and also a very complex one. The issue of advice to Canadians on the level of threat is constantly being assessed by the government. At this time, we are a very watchful government in a number of specific sectors. We have heard comments by some, the Chief of Police in Vancouver, for example, to the effect, "If you knew what I know about terrorist threats, you would be quite frightened," but he did not say what comprised those threats. I hope that CSIS and the RCMP are aware of any threats. It is absolutely justifiable to be concerned about security in Canada and I am advised that those who are responsible for Canadian security are very active.

One of the legislative measures that they seek is contained in Bill C-7, which is now at third reading stage in this chamber. Passage of that bill will allow for, amongst other things, information-sharing with allies regarding the apprehension of threat. That will come to specific individuals as well. It will also allow for the use of a rapid response mechanism on the part of the government where an event has taken place. I am sure that Senator Forrestall supports that bill.

Senator Forrestall: The Leader of the Government touches on a most important point. None of us wants to intervene with methodology or process. Canadians are entitled to have any information which indicates that Canada is not simply a targeted country. How will that information be conveyed? Will it be by an announcement on the floor of the House or by this chamber? Will it be by a comment at a press conference by the Prime Minister, the Minister of National Defence or others, in the event the Houses are not in session? How would they know? While I am not an alarmist, I am becoming very grateful to a benevolent God for sparing us what we have been spared thus far. Consider what happened in the southern part of Iraq late last night, and we realize that the concerns I am expressing are the same concerns expressed to me each day by e-mail and telephone. These expressions are not frivolous but are serious concerns about the need to know how Canadians would be advised.

• (1410)

Senator Austin: Honourable senators, the issues that Senator Forrestall raises are extremely important. I believe that Canadian security personnel are working diligently to understand the threat and the measures required to counter the threat. I would like to remind honourable senators that as a result of the September 11, 2001 events and others since that time, Canada has had a very active anti-terrorism plan. We have supported this plan with legislation, improved cooperation with our allies and coordinated activities with our provinces and cities. As a result of the 2001 budget, we have invested $7.7 billion for the five-year period 2002-07 to fight terrorism and to reinforce our public security.

As the honourable senator is aware, the Auditor General noted in her recent report that the vast majority of funds allocated in the 2001 budget have been channelled to priority areas. In the budget tabled this year, there was an additional sum of $605 million over five years to enhance national security and to enlarge the funding in the 2001 budget. I am not saying to Senator Forrestall that spending money alone will enhance our security because it also requires the intelligent application of those funds. However, I believe that Canada is taking adequate measures and, like Senator Forrestall, I hope and pray that no terrorism occurs in Canada.

CITIZENSHIP AND IMMIGRATION

STATUS OF ADOPTION OF BIOMETRIC IDENTIFICATION CARDS

Hon. A. Raynell Andreychuk: Honourable senators, a conference was held last October by the Department of Citizenship and Immigration on the issue of biometric national ID cards, reportedly costing taxpayers over $700,000. The conference lasted 11 hours, which works out to a cost of about $63,000 per hour. It has now been over six months since the conference took place and there have been no definitive statements from the Martin government as to whether the issue of biometric national ID cards has been abandoned or will proceed.

My question for the Leader of the Government in the Senate is: Will the government confirm that this issue of biometric national cards ID has been dropped?

Hon. Jack Austin (Leader of the Government): Honourable senators, in answering the question, I do not adopt the premise in Senator Andreychuk's representation, but I will make inquiries as to what further consideration will be given to biometric identity cards.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

BIOMETRIC IDENTIFICATION CARDS

Hon. A. Raynell Andreychuk: Honourable senators, by way of supplementary question, I would like confirmation from the Leader of the Government in the Senate that the Martin Liberal government has not dropped this issue. Also, I would like to know what the Liberal government, having paid $700,000 for a conference on biometric ID cards that has produced nothing to date, will do with the program, which is estimated to cost between $3 billion and $4 billion. Released documents have shown that the department paid Professor Alan Dershowitz of the Harvard Law School, a noted supporter of biometric identification, a stipend of $27,000 to speak at the conference. However, the Ontario Information and Privacy Commissioner, Ann Cavoukian, was not invited to speak, despite being a leading expert on the use of iris scans as security identifiers. Could the Leader of the Government in the Senate tell us why the department paid so much money to a speaker for one side of the issue while not inviting the noted critic on the other side of the issue to speak at the conference?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries for Senator Andreychuk in respect of this most interesting subject. The honourable senator's question raises some intriguing lacunae in logical steps. Spending a sum of money to investigate the issue of biometric identification is valuable, whether it results in demonstrating that the program is or is not desirable or technically feasible. It is my understanding that the honourable senator's major concerns are more in the area of privacy than in the area of national security, which was the subject of Senator Forrestall's question.

Senator Andreychuk: On the contrary, my major concern is national security. One way in which we could further our security is to ensure that our laws, including privacy, are involved. I make the point that the government, with great fanfare, announced that biometric national ID cards would be a measure of security and safety for Canadians. The government hosted a conference that cost $700,000 knowing all along that the implementation of biometric ID cards would cost $3 billion to $4 billion. Will the government spend $3 billion to $4 billion on an experiment in biometric ID cards when there are many other security issues that are currently underfunded or not funded at all? Where are the government's priorities on security beyond the broad, general statements about committees and planning? Where will the emphasis be placed with respect to the money for security?

There is a measure of false hope in the public each time the government announces an initiative, whether studying biometrics or processing data on airline passengers. Such announcements lead people to believe that they are somehow safer. However, is it feasible to implement such announced initiatives? Do they comprise a program that will work?

Senator Austin: Honourable senators, I thank Senator Andreychuk for the clarification of her interest and focus. Without engaging in further exchanges, I understand the neat point to be: What is the current assessment of this method of biometric identification? I will try to obtain that information for the honourable senator.

Senator Andreychuk: Honourable senators, the information requested is on the biometric method in respect of security issues.

FINANCE

BANK MERGERS—DELAY IN GUIDELINES

Hon. James F. Kelleher: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Governor of the Bank of Canada appeared before the Standing Senate Committee on Banking, Trade and Commerce. I raised some concerns about a delay in the guidelines for bank mergers, which are due on June 30, 2004. Mr. Dodge replied, "...business, and especially financial business, does not like uncertainty. Anything that can be done to clarify situations and to increase certainty is always welcome."

• (1420)

Honourable senators, the financial community is concerned that the Minister of Finance may not meet the government's self-imposed deadline of June 30 to produce clear guidelines on bank mergers, with the result that investments and decisions that could be made are not being made. As I understand it, about $14 billion is sitting there on hold while we await this decision.

Regardless of what those guidelines turn out to be, why is the Minister of Finance unwilling to unequivocally state that the government will meet its own deadline to release them and end the uncertainty?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not certain that the Minister of Finance is not considering meeting the government's deadline, but I will certainly look into the question. I accept from Senator Kelleher the representation that business hates uncertainty, as we all do, and at least perhaps in this sector uncertainty can be resolved sooner than in other sectors.

I would like to ask Senator Kelleher rhetorically, of course, because I cannot ask him a question, why he is not also wearing a green tie, as is the Leader of the Opposition and Senator Stratton. I note that Senator Spivak is wearing a green blouse.

Senator Stratton: It is blue.

Senator Austin: No, the shirt is blue but the tie is green. I am wondering if there is a political movement. I see Senator Gustafson is also wearing a green tie. I wonder if there is a political movement over on that side, which is being signalled by Senator Spivak.

Senator Stratton: Honourable senators, perhaps the leader should get glasses because this is a blue tie and Senator Gustafson has a grey tie on.

Senator Austin: Looks green to me.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

RESERVATIONS— BUILDING OF PRIVATE HEALTH CLINICS

Hon. Herbert O. Sparrow: Honourable senators, my question is for the Leader of the Government in the Senate and pertains to reports in the Saskatchewan press last week and now in the national press outlining the plan for the native community in Saskatchewan to open a private MRI clinic in Saskatoon. The provincial government has no jurisdiction over Indian reservations in that province. Under the Canada Health Act, the province has no say in what happens on an Indian reserve. If a private MRI clinic is established on an Indian reserve — and I am not taking sides on this issue — does the federal government have any control over it? What is the stance of the government if the Indian band continues with its plan to build an MRI clinic on their reservation in Saskatoon, within the city limits?

This story has triggered a number of reservations to move forward with the idea. As well, there is movement from health authorities in the United States to come into Canada to offer health care. They are interested in cooperating with an Indian reserve to service the health needs of Canadians, which gives rise to the idea of private health care as against public health care.

I believe there is a question for the leader in there somewhere.

Hon. Jack Austin (Leader of the Government): Honourable senators, there is more than a question in those remarks; there is also a very interesting issue. I have only seen the news stories this morning, so I do not have a substantive response, However, I assure honourable senators that Senator Sparrow has raised a topic of real import, one on which I would hope to develop a response in the near future.

I cannot say at the moment where the Department of Indian Affairs and the Department of Health are with respect to their assessment of this matter, but I will seek information expeditiously.

Senator Sparrow: Does the federal government have jurisdiction over reservations as far as health care is concerned?

Senator Austin: Honourable senators, it is clear that the federal government has not only jurisdiction but also long-standing responsibility for the provision of health care services to Aboriginals on their reserves. This question, however, falls beyond jurisdiction. It goes to the issue of Aboriginal enterprise and how it affects the Canadian health system. I say that it is a question of real import and I will pursue it in an effort to inform the Senate as soon as possible.

TRANSPORT

AIR CANADA—FINANCIAL PROBLEMS— GOVERNMENT INVOLVEMENT

Hon. Terry Stratton: Honourable senators, my question to the Leader of the Government in the Senate is on the priorities of this government with respect to the problems of Air Canada. Earlier this month, Prime Minister Martin was quoted as saying:

> I think we all want to see a resolution to this and (Transport Minister) Tony Valeri is very actively involved.

The source is the *Times Colonist* of April 6, 2004.

Around the same time as the Prime Minister made this statement, Transport Minister Tony Valeri was quoted by the *Winnipeg Free Press* as saying that he was "monitoring" the restructuring efforts, but was not actively involved. The source is the *Winnipeg Free Press* of April 7, 2004.

My question is about this apparent contradiction. Simply put, to what extent is the government involved in looking at solutions for the problems facing Air Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government is extremely interested in the question of Air Canada's recovery from potential bankruptcy on the basis, of course, that Air Canada provides a significant transportation service to the Canadian community. The government is extremely active in understanding the current situation, but it is not a party in any way to negotiations.

Senator Stratton: Honourable senators, it has been reported that the Canadian Auto Workers Union, which represents 7,000 customer service officers at Air Canada, wants the federal government to drop its foreign ownership restrictions on airlines, a move that the union believes will draw more U.S. investors to the insolvent carrier. The source of this report is the *Hamilton Spectator* of April 16, 2004.

As well, in a recent speech to the Metropolitan Halifax Chamber of Commerce, Transport Minister Tony Valeri mused about liberalizing Canada's air transport sector so that foreign carriers would be allowed to service Canadian airports and vice versa. The source is the *Chronicle-Herald* of April 16, 2004.

Could the Leader of the Government provide us with further insight into how seriously the government is considering these two options with respect to the air transportation sector and, if so, why it is not moving with any sense of urgency on these issues?

Senator Austin: Honourable senators, Senator Stratton has a business background. I raise that point because I know he understands that the negotiations going on between potential investors — the airlines, its unions and other stakeholders, such as air terminals — are of incredible complexity. There are deeply held interests. Changing long-standing relationships creates a cultural shock. As well, adherence to new investment standards creates pressures on existing financial arrangements. Again, these matters are enormously complex.

Given all that is taking place, which I know Senator Stratton well understands in business transactions of this kind, the role of the government is one of good offices. It is one of watching these negotiations and understanding where, if at any point, it can be of assistance within the Canadian National Transportation Policy. All sorts of people, including some in the House of Commons and here, fly kites. Sometimes, there are interesting results.

• (1430)

Senator Stratton: I appreciate the honourable senator's comments.

The one question Canadians would ask if they were here concerns the "what-if" scenario. What would the honourable senator tell Canadians? Is he planning for a what-if scenario in the case of the failure of Air Canada? Can the Leader of the Government in the Senate offer Canadians no assurance that some action would be taken? Is he prepared for the company to fail?

Think of all the Aeroplan points accumulated by families who want to take summer vacations this year. Their plans are being put in jeopardy because of this fundamental question.

Senator Austin: The pivotal point is to allow the stakeholders the opportunity to resolve the problems. Premature statements by the Government of Canada would have an impact on the way in which those negotiations might be conducted. It is not appropriate, in the view of the government, at this stage, to say anything publicly along the lines of the honourable senator's statement.

I can assure members of this chamber and the public that the Canadian government is monitoring the situation with the cooperation of all parties.

ANSWER TO ORDER PAPER QUESTION TABLED

ANTI-TERRORISM ACT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 1 on the Order Paper—by Senator Lynch-Staunton.

ORDERS OF THE DAY

PUBLIC SAFETY BILL 2002

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Léger, for the third reading of Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Hon. Terry Stratton: Honourable senators, Senator Spivak will speak first with respect to this bill. I give notice that Senator Andreychuk is the first speaker on Bill C-7 for the official opposition. Therefore, we reserve Senator Andreychuk's right, pursuant to rule 37(3), to speak for 45 minutes at a later date. However, we have agreed to hear from Senator Spivak and any other senator who wishes to speak to the bill today.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, we on this side agree.

Hon. Mira Spivak: Honourable senators, I share the opinion of a great many Canadians who believe that we should not pass Bill C-7 in its present form.

The Standing Senate Committee on Transport and Communications heard from some who believe that the bill should not be passed without amendment — notably Canada's Privacy Commissioner and representatives of the Canadian Bar Association and Air Canada — that we will face new and perhaps unmanageable requirements if we adopt this bill as it stands.

The committee also received briefs and heard testimony from many others who strongly urged us to amend this bill, including representatives of the Canadian Association of University Teachers, the British Columbia Civil Liberties Association and the International Civil Liberties Monitoring Group, which represents 29 organizations. Its supporters include Gordon Fairweather, Canada's first Human Rights Commissioner; the Honourable Flora Macdonald, a former Minister of Foreign Affairs; and our former colleague the Very Reverend the Honourable Lois Wilson.

Significantly, the committee did not want to hear from legal and constitutional experts, despite the repeated requests of some committee members and the repeated urgings in this chamber and elsewhere that the legal and constitutional implications of this bill are so critical that it should have properly been referred to our Standing Senate Committee on Legal and Constitutional Affairs.

No reasonable person suggests that the recent threat of terrorism does not demand a new response from government. Our intelligence gathering agencies, border control personnel, law enforcement officials and government officials do need new tools to try to prevent acts of terrorism and to respond quickly in the event of such acts. There is no dispute on that score.

The question is whether Parliament gives them the right set of finely honed tools or whether it gives them a sledgehammer with all of its unforeseen consequences. This bill is a sledgehammer born out of the North American impulse to prevent or deal with any recurrence of 9/11. The bill has gone through four iterations and some modifications since it was first introduced as Bill C-42 just two months after the 9/11 terrorist attacks. Its essential elements and its sledgehammer approach, however, have remained.

I would like to quote from a *Globe and Mail* editorial of November 24, 2001. The headline reads, "The Public Safety Act seeks too much power."

> The government refers to its proposed Public Safety Act as legislation, but it might as easily call it a blank cheque. Whenever their inspiration flags, the authors leave it to individual ministers to do whatever they feel is necessary whenever they feel they must...a public concerned about governmental overkill must ask: How far is too far?

The writer focused on two elements of this power grab that still remain in the bill. The first is the expansion of interim orders that give ministers, and in some cases their deputies, authority to do a host of things and make those orders last for days or weeks without cabinet oversight.

The second element was the expansion of the definition of an emergency under the National Defence Act to include armed conflict. The writer speculated that protesters of government policy could become targets under this new definition. Perhaps that is an overextension.

As lawmakers, we can have a working assumption that power will not be grossly abused. At the same time, Parliament should be frugal in its granting of powers and avoid giving them where they are not clearly needed.

In that respect, the interim order provisions of this bill are troubling. Among other things under this bill, an individual minister could shut down Canadian airspace and airports, decree any part of the country subject to an environmental emergency and dictate government's response to it, authorize health inspectors to seize any food or drug, open and close bridges, seize pesticides, halt shipping — honourable senators get the picture I am sure. The list is so long that it takes 31 pages to detail them. Some that are included are downright silly. An interim order could be made, for example, "respecting training courses and examinations for pleasure craft operators" or "respecting the design, construction or manufacture of pleasure craft." What does that have to do with fighting terrorism?

Instead of honing the tools it needs for a quick response to terrorist acts, the government wants us to agree that entire sections of the act be subject, holus-bolus, to interim orders. Not incidentally, many of those sections would permit orders generally for carrying out the purposes and provisions of their respective acts.

The 14-day lag before the Governor in Council must approve any of these orders and the 15-day lag for parliamentary oversight are other troubling aspects. As the International Civil Liberties Monitoring Group suggests, they weaken our democratic institutions. A summary comparing the time limits to those found in the Emergencies Act was given to committee members. It suggested, among other things, that from the time an emergency occurred to the tabling of orders under the Emergencies Act, more than 15 days will have passed. What is the real reason?

• (1440)

Under questioning before the committee, a Transport Canada director general gave this response:

> We had to have a period of time before we had to go to the Governor in Council with all the argumentation written down and all the proper formats, et cetera. Therefore, 14 days was the chosen period. Fifteen days to Parliament was the next period chosen.

In other words, it is the paperwork. Are the fundamentals of responsible government — parliamentary supremacy, government's accountability to Parliament and decision making by the cabinet collective — not worth more than that?

I respectfully suggest that, if the demands are too onerous in a crisis situation, then an alternate process for informing both the Governor in Council and Parliament is the solution. Better to have oral briefings, interim arguments and interim papers in support of interim orders than to toss aside the fundamentals of our democracy.

Much has been said in recent months about the democratic deficit. In this bill, the government is making an implicit admission that, in its view, not only Parliament, but also the Governor in Council is incapable of addressing an act of terrorism for up to 14 days. What greater deficit could a democracy have?

The briefing paper and testimony also noted that interim orders would be referred within two days to the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations. Senators familiar with that committee will know that its oversight capacity is limited. Traditionally, it has reviewed regulations to determine only whether they are intra vires of the enabling legislation, in contravention of the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights, or imposing a charge or tax without express authority. The committee has long maintained that it cannot delve into the merits of a regulation or the policy it implements for the simple reason that its members are not experts in all aspects of transportation, national defence, foreign affairs, health, environment or other matters.

When the Deputy Prime Minister appeared before the committee, she said the government intends to create a new joint parliamentary committee whose members will be sworn in as Privy Councillors, have access to privileged information and exercise oversight on this bill and other bills related to national security. If the Governor in Council and Parliament as a whole is to be denied oversight of interim orders for two weeks, why not refer them within two days to this committee?

The privacy problems in this bill were clearly presented to the committee by Privacy Commissioner Jennifer Stoddart, who, not incidentally, said that seven provincial information and privacy commissioners share her concerns. She spoke of the bill's excessive reach that goes beyond fighting terrorism. She spoke of the danger in making private sector airlines and travel agents extended arms of the state by requiring them to provide passenger information. She spoke of its violation of the basic fair information principle, that information collected for one purpose should not be used for another, and of the principle of consent in gathering personal information, which this bill would ignore. Ms. Stoddart proposed reasonable amendments, none of which have so far been included.

In response to her concerns that the warrant provisions of the bill go beyond fighting terrorism, the Deputy Prime Minister agreed that they do. Referring to data matching by the RCMP with the information airlines must provide, she said:

> ...if a name came up of a person being on a plane and it was apparent that there was a warrant for that individual for murder, rape, child molestation or child pornography, it would be very hard to justify to Canadians that you could not share that information with local law enforcement authorities where that person got off the plane.

Draft regulations for the so-called serious crimes of which people may be suspected and detained also include mischief, assault, a wide range of firearms offences, unauthorized computer use and many more.

Witnesses repeatedly warned committee members about unintended consequences of this bill, from negatively impacting donations to charities to making last-minute flight switches virtually impossible for business travellers and parliamentarians — things that could touch home for many of us.

Most critical, however, was lack of probing on legal and constitutional issues surrounding this bill. Suffice to say that the B.C. Civil Liberties Association identified several areas where Charter violations are likely, including provisions that sidestep the normal warrant requirements for search and seizure. They resemble the writs of assistance that Parliament eliminated before the Supreme Court required it to do so.

I would close with a quote from the 2003 Sir William Dale Memorial Lecture in Chancellor's Hall at the University of London. The speaker, the Right Honourable The Lord Hope of Craighead, said:

> The question is whether the second chamber can add value to the process of legislative scrutiny. That is the starting point for an examination of its constitutional legitimacy and its utility.

Can this second chamber add value? Can it hear the many compelling reasons why this bill needs further refinement, further honing and further crafting of the sledgehammer into a better tool?

I sincerely hope so. I hope the Senate will do its work.

On motion of Senator Andreychuk, debate adjourned.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Adams, for the third reading of Bill C-14, to amend the Criminal Code and other Acts.

[Senator Spivak]

Hon. Pierre Claude Nolin: Honourable senators, I think it appropriate to tell you about the consideration by the Standing Senate Committee on Legal and Constitutional Affairs of Bill C-14. First, I want to say that senators on all sides agree with the proposed legislation.

Now I will move on to what this legislation proposes. This omnibus legislation seeks to amend the Criminal Code of Canada in a number of ways. I will go over the various amendments proposed in this bill.

First, the bill seeks to increase the penalties for any person placing traps or devices likely to cause death or bodily harm to a person; such penalties have been significantly increased.

Second, the bill makes it an offence to use such traps or devices for the purpose of protecting a place used to commit other offences. I presume that, like me, you are all picturing cannabis cultivation within Canada. The maximum penalty for this new offence will be 10 years.

This legislation seeks to create an exemption to the offence of intercepting private communications in order to protect government and private computer systems from cyber attacks.

The bill would also amend the criminal procedure dealing with the provision of information on oath in relation to weapons, in order to bring it in line with the provisions of the Charter of Rights and Freedoms. A number of Canadian court rulings have prompted various government authorities to re-examine these provisions, and the purpose of the bill is to amend the Criminal Code accordingly.

As well, the bill clarifies application of the defence relating to the use of force on board an aircraft in order to ensure the safety of Canadians travelling within Canada or outside the country.

The bill also improves the Criminal Code provisions relating to compensating victims of crime. Unfortunately, there is too often a tendency to neglect the consequences of criminal acts on the victims. The bill addresses this. Finally, it includes a series of technical amendments to a number of laws corollary to the implementation of Bill C-14.

• (1450)

Honourable senators, I would like to draw to your attention two particular areas addressed by this bill. The first is the matter of traps set for criminal purposes. I repeat, we support the changes called for by the Canadian Professional Police Association and the Canadian division of the International Association of Firefighters. These effective measures are consistent with our responsibility in this area.

The individuals responsible for enforcing the laws we enact need not have to ask whether these are legitimate and appropriate. It is our responsibility to ensure that they have sufficient protection while enforcing the law.

Those involved in certain criminal activities such as growing cannabis in concealed grow ops make sure they are protected from police intrusion. Unfortunately, the police are not protected against such traps. It is our responsibility to see that they have protection.

We will be called upon to examine, in another bill, the appropriateness of maintaining the prohibition of cannabis.

Bill C-10 will go through certain stages in the other place during May. When this bill arrives before us, we will have to study the question of prohibition. Today, the law prohibits the sale of cannabis. That is primarily what the matter of traps and other devices is about.

This is not the time to ask whether or not such a prohibition should be maintained. We must ask whether we can better protect the police officers and firefighters whose jobs take them into such risky places. That is why we should accept the proposed measures.

The second point I am worried about, and which I raised in my speech at second reading, is the interception of private communications. We support this principle with some reservations. We must evaluate the public interest in protecting public or private computer networks, in the light of Canadians' rights to privacy.

Senator Joyal and I have discussed these concerns. In committee, we looked at the implementation of this bill. We questioned various administrative officials on the measures they intended to take to maintain the often delicate balance between these two objectives.

We should thank the Treasury Board Secretariat for providing us with the guidelines for the implementation of Bill C-14. These guidelines were written with particular reference to the provisions of the Criminal Code regarding the interception of private communications. They took into account Bill C-14, the Privacy Act, the Canadian Charter of Rights and Freedoms and government policy on security.

It is not always easy to maintain this balance. Still, we concluded that the appropriate measures would be put in place in order to ensure that both these objectives — too often at odds with each other — could be met.

These guidelines state that the powers granted under Bill C-14 should be implemented according to the proper risk management procedures. Permanent threat and risk assessment mechanisms must be used to determine if it is necessary to supersede basic federal safety measures currently in place to prevent cyber attacks. Among other things, these guidelines state that the interception of private communications must be restricted only to what is necessary for legitimate threat management. They also set out the measures essential for retaining or destroying intercepted data and providing notification to users of computer networks.

I am talking about Bill C-14, and I am thinking about Bill C-7, which was just debated. There are similar concerns about both bills. We are right to wonder if, on the one hand, the federal government is in a position to implement measures to protect and maintain this delicate balance. Based on Bill C-14, it is extremely difficult to ensure that Bill C-7 will receive identical treatment. Those charged with the future consideration of Bill C-7 will have to tell us. Among other things, employees responsible for implementing these guidelines will be required to attend training sessions. If they have not started already, these training sessions will begin in a matter of days.

Although there are still some questions about the definition of what information must be intercepted, we must, as I said at second reading, support the provisions proposed in Bill C-14. We took the precaution of consulting the Office of the Privacy Commissioner on this. Even though we did not gain its official endorsement of the draft guidelines, it did indicate satisfaction with the marked improvements that have been made recently to certain aspects of this administrative policy.

Honourable senators, we can support this bill with relative peace of mind. As I said earlier, this is not the time to ask ourselves whether or not we did the right thing when we passed the laws on prohibition. That we will do when examining Bill C-10, and I will be one of those who feel we did not.

For the moment, what we need to do is protect our firefighters and police officers. That is the problem and that is what we are concerned about. This must be done properly, and this is why we must support Bill C-14.

[*English*]

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak to Bill C-14, to amend the Criminal Code and other acts, which will make a number of technical and some more substantive changes to the Criminal Code and several other acts.

The nature of this bill's provisions range from uncontroversial amendments to absolutely necessary ones, such as the new sentencing rules that will be introduced respecting the use of deadly traps, as Senator Nolin has explained, to protect places that are utilized to commit other offences, such as growing marijuana.

• (1500)

However, certain amendments proposed in this bill have a broader implication than might initially be apparent. I will focus on some of these implications so that all honourable senators will be aware of them. I make it clear that it is not my intention to speak against any of these amendments, but only to point out how they might fit into the broader picture.

While this bill was being reviewed by the Standing Senate Committee on Legal and Constitutional affairs, we had the opportunity to hear from the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada. During those hearings, the minister was questioned about the changes that Bill C-14 will make to the Canada Evidence Act.

Specifically, Bill C-14 will repeal section 37.21 of the Canada Evidence Act, which honourable senators will recall was first introduced in this place in October of 2001 as part of what was then known as Bill C-36, the Anti-terrorism Act. It was part of a section of that law that dealt with the power of ministers of the Crown or an official to object to the disclosure of information in courts that had the power to compel information on the grounds of a specified public interest. The provision in question, section 37.21, made it mandatory for a judge to conduct hearings to determine if such an objection was warranted, or the appeal of such a decision, in private. The amendment proposed in Bill C-14 will remove this requirement, putting discretion as to whether or not secret hearings are warranted back in the hands of the judges.

Honourable senators, while this may not seem to be the most ground-shaking amendment, we can see how it is part of a broader picture. This amendment was originally introduced as part of the anti-terrorist strategy, and it shows how, in our desire to ensure security and secrecy when dealing with issues of national security, we have at times gone to lengths beyond what is necessary.

During our committee hearings, the Minister of Justice had the following to say about this amendment:

> This is basically a corrective measure with regard to something that we inadvertently overreached in the enactment of Bill C-36, by way of almost anticipating the review that is taking place, both with regard to section 4 of the Security of Information Act, formerly the Official Secrets Act, and the overall review in the fall. This is kind of a corrective along the way.

Honourable senators, this not only shows the importance of the three-year review of the Anti-terrorism Act, but it also shows us that this review has, in effect, already begun.

As the practical implications of this law become clearer, we realize that there are some areas in which we have struck an inappropriate balance. In this case, we had infringed on the discretion of judges. While security is, of course, a serious concern, the greater concern is that we may have also infringed on the rights and liberties of Canadians in general, and specifically that we may have been targeting minority groups.

Honourable senators, I have told you before that I have witnessed the chilling effect that powers granted in the Anti-terrorism Act have had in communities across Canada. The amendment contained in clause 18 of Bill C-14 only further demonstrates that the time has come to review this law.

Even more, it demonstrates that we should not be too quick to take new action before the review takes place. If this review is to be an instrumental tool in reviewing Canada's anti-terrorism strategy to date, surely we can wait until it is completed and we have a more complete picture of the risks, both to security and to civil liberties, before we proceed in adding more provisions that run the risk of tipping the delicate balance between the two.

[*Translation*]

Senator Nolin: Honourable senators, Senator Plamondon had indicated that she wished to speak. It might therefore be appropriate to move the adjournment in her name.

The Hon. the Speaker *pro tempore*: I did inquire as to whether she wanted to speak on third reading and she indicated that she did not.

[*English*]

Some Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Senator Nolin: On division.

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

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO HOLD JOINT SESSION WITH HOUSE OF COMMONS STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE TO MEET WITH DALAI LAMA

Leave having been given to proceed to Order No. 74:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Keon:
>
> That the Standing Senate Committee on Foreign Affairs be authorized to join the Standing Committee on Foreign Affairs and International Trade of the House of Commons for a joint meeting in order to meet with His Holiness the Dalai Lama and his delegation; and
>
> That the Committee be authorized to meet at 3:30 p.m. on Thursday, April 22, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.—(*Honourable Senator Corbin*).

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

Motion agreed to.

STUDY ON QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

REPORT OF FISHERIES AND OCEANS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Fisheries and Oceans entitled: *Nunavut Fisheries: Quota Allocations and Benefits*, tabled in the Senate on April 1, 2004.—(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, I rise to make a few remarks concerning the fourth report of the Standing Senate Committee on Fisheries and Oceans presented in this chamber on April 1, 2004.

In the fall of 2003, your committee undertook a study of matters relating to quota allocations and benefits to northern fishers. Selected witnesses from Nunavut and Nunavik were invited to appear before the committee between mid-September and early November 2003, and February 2004. A call for submissions was sent out in September, inviting individuals and groups to submit written briefs. Our hearings were televised, and live audio recordings of our public hearings were made available on the World Wide Web. The committee heard from a cross-section of stakeholders and potential stakeholders, including Inuit organizations, government officials and business interests.

• (1510)

Entitled, "Nunavut Fisheries: Quota Allocations and Benefits," the report focuses mainly on turbot, also commonly known as Greenland halibut or northern turbot. At the outset, it is important to provide some background.

In Canada's North, the programs of the Department of Fisheries and Oceans, or DFO, are conducted mainly in conjunction with co-management boards established by comprehensive land claims settlements. With respect to Nunavut, many of the provisions of the Nunavut Lands Claims Agreement relate directly to marine matters. This should come as no surprise. The people of Nunavut are a maritime people who are dependant on the sea and its resources. Indeed, all but one of Nunavut's 26 communities are located along its extensive coastline. Nunavut, Canada's newest political jurisdiction, has a population of approximately 29,000 people, of whom 85 per cent are Inuit.

Like their Nunavut neighbours, Nunavik Inuit in northern Quebec also have an important socio-economic stake in the marine resources of the region. Approximately 10,000 Nunavik Inuit live in 15 communities situated along the coast of Hudson Bay, Hudson Strait, Ungava Bay and the Quebec/Labrador Peninsula north of the 55th parallel.

In the North, fish has had a significant role in the subsistence diets of Inuit. With respect to commercial fishing, the territorial Government of Nunavut has targeted commercial fisheries as a means of stimulating economic development. The fishery is very much a priority because it represents one of the limited ways of providing economic opportunities.

Nunavut faces a number of economic and social challenges. Demographically, the most startling feature of its population is its youth. With a medium age of 22.1 years, Nunavut's population is the youngest in Canada. This sets the stage for an increasing need to create jobs in the region where the largest employer is the government, and where unemployment and the cost of living are significantly higher than the rest of the country. In 1999, the overall unemployment rate in Nunavut was over 20 per cent as compared with 8.5 per cent for Canada overall. For Inuit, the rate was 28 per cent as compared to under 3 per cent for non-Inuit. In simple terms, in Nunavut, the fishery means future jobs, particularly for Inuit.

In our meetings, witnesses from Nunavut all agreed that employment for Inuit was the main goal in developing the turbot fishery. There was also agreement that the fisheries should or would in future be owned and operated by Inuit. At present, Nunavut's involvement in commercial fishing remains quite limited. Nunavummiut do not own their own fishing vessels, so that boats from elsewhere are offered the opportunity to fish in offshore areas in exchange for seasonal employment for Inuit and royalties. Royalty income, the proceeds of selling fish in the water, is much less than what could be obtained if the catch were directly harvested, processed and marketed.

Presently, a $98.5-million commercial fishery takes place in Nunavut's adjacent waters. However, it is one that generates only $9 million in direct economic benefits for Nunavut when both royalties and wages are combined. The remaining benefits go south or elsewhere. However, if Nunavut were to develop its own harvesting capacity and obtain a percentage share of its adjacent resources comparable to that which is the case in the Atlantic provinces, around 80 or 90 per cent, we heard that the values of landings in Nunavut could be as high as $80 to $90 million, not including the potential economic benefits of value-added shore-based processing. Put differently, Nunavut currently realizes only 10 per cent of the potential benefits of commercial fishing.

A number of developments have taken place since the committee last visited the territory in the year 2000. For instance, in April 2002, the Independent Panel on Access Criteria reported to the Minister of Fisheries and Oceans. A five-year management plan for turbot expired in 2002, and a three-year plan began in January 2003. More significant has been a rapidly expanding exploratory turbot fishery in the region known as NAFO division 0A that is off the northeast coast of Baffin Island.

While the global fisheries picture is bleak, the exploratory turbot fishery in 0A appears to be an exception. In 0A, we heard that nowhere else in Canada is the potential for emerging fisheries development greater.

Since 2001, the Nunavut Wildlife Management Board, the territory's main instrument of wildlife management, has allocated the entire quota division of 0A turbot to one organization, the Baffin Fisheries Coalition, or BFC, a federally incorporated not-for-profit corporation consisting of 11 Inuit organizations. In deliberations, we learned that the BFC was planning to purchase, at considerable cost, a large factory freezer trawler to further develop Inuit fishers' experience and expertise by training and employing them as crew. In contrast, we heard that Inuit typically do not wish to be away from home and family for extended periods of time. On occasion, they must spend up to two months on these factory ships.

The testimony of community representatives from hunters and trappers organizations suggested that communities were planning to develop the fishery resource off their shores quite independently of the BFC. Their clear preference was for small-boat fishing, which differs considerably from the BFC strategy of acquiring factory freezer trawlers to create employment. What committee members found perplexing was that the community representatives who expressed these views, were in fact coalition members of the BFC, the very organization that was supposed to be acting on their behalf.

In its report, the committee recommended that the DFO continue its policy of assigning 100 per cent of the 0A turbot allocation to Nunavut. However, we strongly suggested that the Nunavut Wildlife Management Board, in planning the future of the Nunavut fishing industry, consider the benefits of small-boat community fisheries. In waters south of division 0A, that is, in division 0B, the situation is quite different. There the fishery has a longer history and is considered to be oversubscribed. In 1990, the DFO instituted the Northern Turbot Developmental Program that allowed Canadian offshore companies to charter foreign vessels to fish. The federal program was designed to assist the Atlantic fishing industry in adjusting to the loss of the northern cod fishery.

Currently in 0B, there is a Nunavut quota where the fish is sold in the water in exchange for royalties and the hiring of Inuit crews. This is the only means available for Inuit communities to generate economic income.

The DFO also allocates a portion of the total allowable catch in the form of company quotas to southern interests, none of which is owned by Nunavut. In addition, there is a competition fishery in which none of Nunavut residents is permitted to fish.

For 0B, the recurring theme in our meetings was adjacency. Generally this is understood to mean that priority of access should be given to those who are closest to the resource. In this respect, the committee's 2004 report is a follow-up to the committee's February 2002 study entitled "Selected Themes on Canada's Freshwater and Northern Fisheries." That study reported on the territory's disproportionately small share of the turbot in the Davis Strait fishery.

In our 2004 report, the current one, we concluded that Nunavut's involvement in the 0B turbot fishery was unacceptably limited. We therefore recommended that the DFO continue its policy that no new access to turbot is given to non-Nunavut or southern interests until Nunavut has achieved a major share of the fishery. Committee members also recommended that DFO make funding available to Nunavut for the purchase of one or more company quotas and/or groundfish licences held by southern fishing interests.

While the committee felt that Nunavut should have more 0B turbot, more fish will not automatically result in an economically sustainable fishery. Other very important matters need to be addressed. For instance, one message that emerged loud and clear in all our discussions was the need for more exploratory research on marine resources adjacent to Nunavut. Participants in our inquiry were of the view that the DFO had conducted far too few stock assessments in northern waters and stressed the importance of having a sound information base to avoid the risk of overharvesting.

Scientific study activity was also considered essential to identify and develop new and emerging fisheries. Witnesses from the North stated that they hoped to develop new and emerging fisheries — for example, clams, scallops and sea urchins — in order to generate the much-needed economic benefits to the local economies and, as noted earlier, to create jobs for young people in the North.

• (1520)

Infrastructure was another major and recurring theme in our hearings. Without fisheries-related infrastructure, the royalty feature of Nunavut's fishery — selling "fish in the water" — will continue to be the main method of conducting the fishery. The resource will therefore generate fewer economic benefits than if it were directly harvested and processed.

Broadly speaking, witnesses expressed their deep frustration about what they viewed as a lack of federal commitment to the region. Their dissatisfaction was particularly evident on the subject of infrastructure. We heard that very little had been done over the years to address what was called Nunavut's infrastructure deficit.

In their report, committee members viewed greater federal support and a more sizeable federal commitment as a form of nation building. Sooner or later, the federal government will have to commit itself financially to the North. A delay in this investment will prove costlier in the long run in terms of lost economic opportunities.

To make a very long story short, the committee called on the Government of Canada to act on the memorandum of understanding on emerging fisheries it signed with the Government of Nunavut in August 2002. More specifically, the committee called on the federal government to provide funding to a first-ever federal-territorial cost-shared fisheries development agreement, an agreement that should also include a multi-year fisheries research program.

In addition, the committee called for at least two harbour developments in Nunavut. Can you imagine not being able to land the fish that you collect right off your shores because you have no wharf facilities? I think these recommendations are abundantly reasonable.

In closing, honourable senators, fisheries management in the North presents many unique challenges. Our hope is that the committee's recommendations will make a difference and will help ensure that the fishery develops in a way that is compatible with northern cultural values. On behalf of committee members, I thank all those who submitted briefs and those who so generously took their time to meet with us in Ottawa.

MOTION TO ADOPT REPORT OF FISHERIES AND OCEANS COMMITTEE AND REQUEST GOVERNMENT RESPONSE

Hon. Gerald J. Comeau: Before I sit down, honourable senators, I move:

> That the fourth report of the Standing Senate Committee on Fisheries and Oceans tabled in the Senate on April 1, 2004, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government with the Minister of Fisheries and Oceans being identified as Minister responsible for responding to the report.

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

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I want to say a few words. I know that Senator Watt has an interest in this matter as well, but my interest was attracted by the number of issues that are similar to those in Labrador. The committee might as well have been conducting the study there. That is not unusual because we share the same sea with the people of Nunavut, who are our northern neighbours. Indeed, the Inuit share with each other, not simply in the circumpolar conference but in other ways, too. They share co-ops, for example.

I think it is worth underlining the point that co-ops are the only mechanisms that have worked on that coast. There is no capital. That underlines the point Senator Comeau made about infrastructure. In the South, capital is available to build infrastructure. Companies build infrastructure. They build plants. Governments build some wharves and companies build wharves, too. In the North, that capital is not available for infrastructure. The government has a fiduciary responsibility there and has some additional responsibility, it seems to me, to provide that infrastructure in the absence of the usual means.

I support the issue on infrastructure. I also support the issue on royalties. In the late 1970s, when Roméo LeBlanc was the Minister of Fisheries, we allocated deep-sea shrimp licences to that portion of the Labrador coast, some of them going right up into Baffin. There were 13 licences originally out of roughly 1,000 tons each. The same thing has happened. We are collecting royalties and getting some jobs on the boats, but the value-added component is not there. We do not own the boats. There is no processing on shore. There is a minimum return. The intentions were good in that the quotas were allocated, but the return is minimal simply because there is no value-added. Factory-freezer trawlers are either rented or there is a joint venture. They process the product at sea and sell it in Europe. It is great to have that European connection, but we do not have the jobs on shore. Only a minimum of the money is coming to the people who are adjacent to the resource, and that principle I support as well.

I wanted to quickly make reference to the small-boat fisheries and the dichotomy that seems to have occurred in the testimony the committee heard between the organization and some of the individuals who made up the organization.

I sympathize with the idea that the Inuit people perhaps do not want to go to sea using advanced technology for extended periods of time. Indeed, a small-boat fishery perhaps should be contemplated. By "small-boat" we do not simply mean punts and skiffs. We can talk about longliners of 45 feet or even 60 feet. I know Inuit who have gone to sea and have captained those ships. They can go a fair distance from land. A former student of mine, Martin Sillitt from Nain, went to the Marine College in St. John's and got his deep-sea licence and became the captain of a ship roughly around that size. He was very successful.

In terms of the catching capability, I support the idea of examining the benefits of small boats. We do not really mean small boats but rather intermediate boats.

I congratulate the committee for the work it has done. This area of Canada too often receives too little attention. It is the marine resource that is important. That is where the future benefits will be. The seal, for example, is the mainstay of the Inuit culture. Inuit have been harvesting seals for thousands of years, not simply to provide sustenance but to provide comfort and, more recently, to provide dollars.

Senator Graham was recently overseas. I had a call from him on the weekend telling me about the protests in Britain regarding the seal hunt. That is nothing new to us. We have experienced it for a decade; it is still there. People do not understand that the Inuit are a marine people, a coastal people, who exist on a marine resource. The mainstay of that marine resource has been the seal, but there are other species. They have been involved in whaling over the years, and there is a possibility of developing that marine resource for their benefit.

I congratulate the committee for bringing forward this report and I certainly support the motion.

Hon. Colin Kenny: Honourable senators, may I ask a question of the chair of the committee? It is a process question as much as anything. Does he and does the committee think that the concept of a 150-day report back from the government is a worthwhile exercise? My own instincts tell me that it is a waste of time. I do not say that in a partisan sense. I say that in an institutional sense. If honourable senators had taken the time to read the responses that came back 150 days later, they would worry more for the trees that were cut down and the paper that was wasted than about anything else.

• (1530)

When reports are tabled in the house, would it not be more effective if we were to set deadlines for government action and indicate that if we did not see a response by a certain date, we would recommence hearings on the subject matter and invite officials to appear before us to explain why the government had not taken action? Did the committee give any consideration to this approach rather than asking for the 150-day response that inevitably is canned, pureed, strained, filtered and mashed?

Senator Comeau: I understand the basis of the question. In 2000, the committee prepared a report on the northern fisheries. Parts of the current study, four years later, referred to the previous study. I think the honourable senator will note that we were not satisfied with the lack of progress during that time.

We decided to include it as part of the motion, although we have been quite satisfied with ministers' responses in the past, generally speaking, and the way in which they dealt with the questions on most subjects. We have not always been satisfied with the actual answer but certainly satisfied that we received a response.

In this case, we decided to use a slightly different approach, and we will see how it works. We hope that it will not take government 150 days to respond, but if it does, we will assess the quality of the response and evaluate whether the process is good.

On motion of Senator Watt, debate adjourned.

PROTECTION OF NAHANNI WATERSHED

MOTION URGING GOVERNMENT TO TAKE ACTION—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver:
>
> That the Senate call upon the Government of Canada:
>
> (*a*) to expand the Nahanni National Park Reserve to include the entire South Nahanni Watershed including the Nahanni karstlands;
>
> (*b*) to stop all industrial activity within the watershed, including:
>
> (i) stopping the proposed Prairie Creek Mine and rehabilitating the mine site,
>
> (ii) ensuring complete restoration of the Cantung mine site,
>
> (iii) immediately instituting an interim land withdrawal of the entire South Nahanni Watershed to prevent new industrial development within the watershed; and
>
> (*c*) to work with First Nations in the Deh Cho and Sahtu regions of the Northwest Territories to achieve these goals,
>
> And on the motion in amendment of the Honourable Senator Sibbeston, seconded by the Honourable Senator Christensen, that the motion be amended as follows:
>
> (*a*) in paragraph (*a*),
>
> (i) by adding the word "possibly" after the word "Reserve", and
>
> (ii) by adding after the word "karstlands" the following:
>
> "at an appropriate time and consistent with the cultural, social and economic interests of the people of the region, the Northwest Territories and Canada";
>
> (*b*) in paragraph (*b*), by replacing the words "to stop" with the following,
>
> "to protect the environmental integrity of the South Nahanni watershed by reviewing";
>
> (*c*) in subparagraph (*b*)(i), by deleting the word "stopping" and the words "and rehabilitating the mine site";
>
> (*d*) in subparagraph (*b*)(ii), by deleting the words "ensuring complete restoration of";
>
> (*e*) in subparagraph (*b*)(iii),
>
> (i) by deleting the words "immediately instituting an interim land withdrawal of the entire South Nahanni Watershed to prevent",
>
> (ii) by deleting the word "and" at the end; and
>
> (*f*) by adding, after paragraph (*b*),
>
> (i) a new paragraph (*c*) to read as follows:
>
> "(*c*) to include as part of the review:
>
> (i) a response to the Senate report, *Northern Parks — A New Way* that indicates the government's policy to ensure employment and economic benefits from the creation of northern parks will flow to local aboriginal people, and
>
> (ii) a complete assessment of mineral and energy resources in the area", and
>
> (ii) by re-lettering the current paragraph (*c*) as (*d*).—(*Honourable Senator Christensen*).

Hon. Ione Christensen: Honourable senators, I rise to speak briefly to the amendment to the motion of Senator Di Nino in respect of the inclusion of the entire South Nahanni Watershed and the Nahanni karstlands in the Nahanni National Park Reserve.

I am in favour of national parks and reserves. In this world, where human impact spills out and swallows up every vestige of wilderness, national parks are often the only way to preserve something that is unique and one of a kind.

National parks are established to protect a very special piece of real estate, a land formation or a body of water. Although our tax dollars pay for such parks, some are so fragile that very limited or no access should be allowed. With every road, or even with each human footprint, a little more of that wilderness is diminished. The knowledge that that natural space is there at times is often all that is necessary.

I live in a part of Canada where we have 480,000 square kilometres of land and only 29,000 people. With a population like that, it is safe to say that most of our land is untamed wilderness. Yukon is blessed with many wilderness rivers — the Yukon, Teslin, Nisutlin, Pelly, Snake, Bonnet Plume, Stewart and the list goes on. Each river is a jewel, attracting dozens of ecotours from southern Canada, the United States and Europe each year. These people come for 10 days to enjoy the pristine beauty and then declare that it must be saved for posterity. They can no longer have such experiences in the areas where they live and work. They have no wish to reinstate what they have destroyed in order to make a living. However, they are very willing to support the saving of such wilderness far from home — a place where they can visit in future years.

What about the people who live in these areas year-round? Ecotourism is a legitimate industry and it is growing, but it is not the bread and butter of an economy. A region must have a diversified economy; in the North, that means not only tourism but also mining and silviculture. There are always trade-offs and sustainable development at times can truly be an oxymoron. Parks and mining do not mix and yet both are needed. Through careful planning and good social and economic evaluations, the necessary balance can be provided. We can and are doing a much better job than we have done in the past. With today's technology, environmental awareness practised by industry and stronger legislation to back it all up, we will succeed where we did not in the past.

Through all of this, it is the people living in the area affected who must make the decisions. The governments of the affected regions must provide for the needs of their people; and they should set the planning goals.

In the North, we are inundated by conscience money from southern lobby groups for more protected areas. We see this over and over. They have lost their virginity and believe that they should protect everyone else's.

Honourable senators, this pile of letters represents only a fraction of those I have received in the past week on this issue. Multiply this by four and imagine how many trees were felled for this letter-writing endeavour. It is not the most environmentally friendly approach. I think CPAWS encouraged this effort.

Even with the best of intentions, the land does not stay the same. Landscapes and watersheds are always changing. A major forest fire changes the climate, the watershed, the fish stocks, wildlife and habitat. Certainly, in the boreal forests of the North, forest fires are a common occurrence. Glaciers totally decimate the valley it chooses to flow through. With its heavily silted waters, it blocks off rivers and floods hundreds of square kilometres of lush valleys. A mountain fault line collapses and fills a valley, changing the land. Drought, flood and melting permafrost all effect change that will be felt for hundreds of years.

I congratulate Senator Di Nino for bringing this motion forward to raise awareness for a wonderful river. While I have not canoed the river, I have been to Virginia Falls and can attest to its splendour. I support Senator Sibbeston's amendments, which would be a more reasoned approach. I know that I would be upset if such a motion came forward for the Yukon without first having input from the Yukon government, the Yukon First Nation governments and all others in the territory who would be affected directly or indirectly.

In one way, we are affected in the Yukon. The CanTung Mine on the headwaters of the Nahanni is part of one of the world's largest tungsten deposits, but it is staffed and serviced by road from Watson Lake in the Yukon. When in operation, this mine is the mainstay of the community.

I am not saying that the Nahanni National Park Reserve should not be expanded. Whatever is finally decided, it must not be imposed but rather developed with the full participation and agreement of the government and people who live there. The Northwest Territories is currently negotiating its devolution agreement, as we in the Yukon have already done. This will mean more responsibility for land development, and this motion would be an important part of that development.

On motion of Senator LeBreton, for Senator Di Nino, debate adjourned.

• (1540)

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF NEED FOR NATIONAL SECURITY POLICY—DEBATE ADJOURNED

Hon. Colin Kenny, pursuant to notice of April 20, 2004, moved:

> That, notwithstanding the Order of the Senate adopted on February 13, 2004, the date for the final report by the Standing Senate Committee on National Security and Defence on the need for a national security policy for Canada be extended from June 30, 2004, to September 30, 2005.

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

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, could we have an explanation for this request?

Senator Kenny: Honourable senators, I would be pleased to provide an explanation. It is in essence an insurance policy. We do not have a clue when the election will be called. In the absence of that, we ask the house to consider extending the order of reference.

On motion of Senator Lynch-Staunton, debate adjourned.

MOTION TO AUTHORIZE SUBCOMMITTEE ON VETERANS AFFAIRS TO EXTEND DATE OF FINAL REPORT ON STUDY OF VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER—DEBATE ADJOURNED

Hon. Joseph A. Day, pursuant to notice of April 20, 2004, moved:

That, notwithstanding the Order of the Senate adopted on February 26, 2004, the date for the final report by the Standing Senate Committee on National Security and Defence on Veterans' Services and Benefits, Commemorative Activities and Charter be extended from June 30, 2004, to September 30, 2005.

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

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I would ask if Senator Day could give an explanation for this unusual request.

Senator Day: Honourable senators, the Subcommittee on Veterans Affairs of the Standing Senate Committee on National Security and Defence has been working in respect to this reference for some time. We should like to continue with this particular reference for the extended period of time that we are requesting. We do not believe that we should be speculating on when a general election may be called. However, we do believe that we should continue the mandate the Senate has given us. We are, therefore, asking for more time to do that work.

Senator Lynch-Staunton: Why does it suddenly take 15 additional months to complete a study?

Senator Day: The Subcommittee on Veterans Affairs felt that this was a reasonable time. If the honourable senator wishes to suggest a shorter period of time to complete our study, I am sure that will be considered.

This is a reference from this body. The committee believes that this proposal is reasonable. If, however, this chamber believes that some other time frame is more reasonable, then we would certainly follow the directions of the chamber.

On motion of Senator Lynch-Staunton, debate adjourned.

The Hon. the Speaker *pro tempore*: Honourable senators, pursuant to the order adopted by the Senate on April 1, 2004, the sitting is suspended until 5:15 p.m.

The sitting of the Senate was suspended.

• (1730)

The sitting of the Senate resumed.

CRIMINAL CODE

BILL TO AMEND—THIRD READING—MOTION IN SUBAMENDMENT NEGATIVED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator LaPierre, for the third reading of Bill C-250, to amend the Criminal Code (hate propaganda),

And on the motion in amendment of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Stratton, that the bill be not now read a third time but that it be amended, on page 1, in clause 1, by replacing lines 8 and 9 with the following:

"by colour, race, religion, ethnic origin or sex.".

On the subamendment of the Honourable Senator Angus, seconded by the Honourable Senator Stratton, that the motion in amendment be amended by adding, before the words "ethnic origin", the words "pardoned convicts,".

Motion in subamendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Angus	Keon
Cochrane	Lawson
Comeau	Lynch-Staunton
Cools	Plamondon
Di Nino	Rivest
Eyton	St. Germain
Forrestall	Stratton
Gustafson	Tkachuk—17
Kelleher	

NAYS
THE HONOURABLE SENATORS

Atkins	Jaffer
Austin	Joyal
Bacon	Kenny
Banks	Lapointe
Biron	Losier-Cool
Callbeck	Maheu
Chaput	Mahovlich
Christensen	Massicotte
Cook	Moore
Day	Morin
Fairbairn	Munson
Finnerty	Murray
Furey	Phalen
Gauthier	Robichaud
Gill	Rompkey
Harb	Spivak
Hervieux-Payette	Watt—34

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The Senate adjourned until Thursday, April 22, 2004, at 1:30 p.m.

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