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(HANSARD)

Thursday, April 29, 2004



THE HONOURABLE LUCIE PÉPIN
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, April 29, 2004

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

Prayers.

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

April 29, 2004

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified Royal Assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of April, 2004, at 9:50 a.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, April 29, 2004:

An Act to amend the Customs Tariff (*Bill C-21, Chapter 13, 2004*)

An Act to amend the Criminal Code (hate propaganda) (*Bill C-250, Chapter 14, 2004*)

[*English*]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

Hon. Anne C. Cools: Honourable senators, pursuant to rule 43(7) of the *Rules of the Senate*, I give oral notice that I will rise later this day to raise a question of privilege in respect of words spoken during Senate proceedings on Wednesday, April 28, 2004. Earlier today, in accordance with rule 43(3), I gave written notice of the same to the Clerk of the Senate.

Honourable senators, I will be asking the Speaker *pro tempore* of the Senate to make a ruling of prima facie privilege. If Her Honour so finds, I am prepared to move the necessary motion for debate.

[*Translation*]

THE LATE FATHER ANSELME CHIASSON, O.C. THE LATE LÉONE BOUDREAU-NELSON, O.C.

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with sadness that I rise to inform those who have not already heard that Acadia has lost two of its greatest citizens this week. Capuchin Father Anselme Chiasson, better known to everyone back home as "Father Anselme," died Sunday evening from a bad case of the flu. He was 93 years old. Born in Chéticamp, Nova Scotia, in 1911, Father Chiasson, a historian and ethnologist, had a profound influence on Acadian history and culture.

After classical studies in Ottawa and theological studies in Montreal, he was ordained in 1938 and became the priest in charge of Saint-François d'Assise parish on Wellington Street, here in Ottawa. After moving to Moncton in the late 1950s, he began his visits to nearly every Acadian village to collect, document and transmit their stories, legends and customs. Among his publications were eight books of Acadian songs that are still the foundation of our folklore.

He was present at the birth of the Université de Moncton and he helped to create the Centre d'études acadiennes, which he directed from 1974 to 1976. He was a co-founder of the Société historique acadienne, and the editor of its journal for ten years. He received many honours, including the Order of Canada, the Ordre des francophones d'Amérique, the Ordre national du mérite français, and the Ordre de la Pléiade; a bursary for academic merit at the Université de Moncton bears his name as well.

In a sad coincidence, one of Father Chiasson's best friends, Léone Boudreau-Nelson also died, on Monday evening following a long illness she had kept secret. With diplomas in education from the Université Saint-Joseph and in phonetics from the Université de Paris, Ms. Boudreau-Nelson was a teacher in New Brunswick's public schools for a long time before going to teach phonetics at the Université de Moncton.

In addition to her career as an educator, for 18 years she was the president of the Société historique acadienne, founded by Father Anselme. She also had received the Order of Canada, the Ordre des francophones d'Amérique, the Ordre national du mérite français, and many other decorations. She was an honorary citizen of Louisiana, and Saint Pierre and Miquelon.

Indeed, Acadians are in mourning. They have lost two great beacons this week, honourable senators, and I share their grief.

THE SENATE

CONTRACT WITH CABLE PUBLIC AFFAIRS CHANNEL

Hon. Lise Bacon: Honourable senators, it is with great pleasure that I announce today that a new agreement to broadcast the proceedings of the Senate was recently signed with the Cable Public Affairs Channel, CPAC.

The Senate and CPAC are entering into a new era of relations marked by dialogue and cooperation. The new agreement we have in hand will cover the five and half years remaining on the CPAC licence.

[*English*]

Last November, the members of the Standing Committee on Internal Economy, Budgets and Administration met with the board of directors of CPAC, including its President, Mr. Ken Stein, in order to discuss broadcasting-related issues.

• (1340)

The exchange was frank and positive for both the Senate and CPAC, and a desire to reach an agreement on broadcasting, taking into account the important work of the Senate and having in mind the other obligations CPAC is facing, was a priority for both parties. The agreement that was signed recently certainly is a solid foundation upon which we can build.

[*Translation*]

Major progress was made with the granting of 20 hours of programming a week for the Senate, which is a significant gain of five hours over the current agreement. That represents eight hours of programming in the evening and 12 hours during the day. Moreover — and this is well known — having fixed blocks in the schedule is conducive to building up a faithful audience. Now more than ever we will be able to promote the excellent work done by our committees to the Canadian public.

Television as a medium reaches many people, and we must maximize the use of our resources and capabilities. Blair Armitage, Principal Clerk at Legislative Services, will now add supervisor of broadcast activities to his list of responsibilities. An informal working group, under the authority of the Standing Committee on Internal Economy, was set up to provide advice on our strategy for television programming. It consists of Senators Jim Munson, Marie Poulin and Pat Carney. I thank them for their cooperation.

In addition to the agreement, CPAC has promised, in a letter from its President and General Manager, to continue to provide senators the opportunity to take part in CPAC public affairs programs in order to highlight on the work of the Senate. CPAC will also consider the Senate in its plan to develop continuous transmission Internet channels and will provide it with detailed data each week on the committee broadcasts.

The new agreement will certainly be very beneficial in the future. It is without a doubt the start of a new, very positive relationship with CPAC, the beginning of a period of closer cooperation, and we will reap the benefits, I am sure.

[*English*]

INTERNATIONAL DANCE DAY

Hon. Elizabeth Hubley: Honourable senators, dance is perhaps the most ancient form of human expression. It transcends all borders and generations. Through the physical language of the body, dance has a powerful connection with the emotional and spiritual worlds. As the distinguished Australian choreographer, Stephen Page, has said, "...dance represents human identity and a celebration of the human spirit..." When we dance, honourable senators, we communicate at a higher level than when we exchange words, because our soul is in flight.

For many years now, dancers throughout the world have been celebrating April 29 as International Dance Day. In her official message, Canada's Minister of Canadian Heritage, the Honourable H el ene Chalifour Scherrer, has urged all of us to get swept up in the passion, creativity and energy of our dancers. I certainly share her enthusiasm. As some of you undoubtedly know, my association with the world of dance is a very personal one. I continue to teach traditional dance in my own province of Prince Edward Island.

From one end of the country to the other, there are hundreds of festivals, ceilidhs, performances and dance-related events happening year-round. Please take the opportunity to experience the joy and freedom of dance in all its myriad forms, traditions and styles. To our Aboriginal peoples, dance has a special meaning. It is a kind of sacred medicine.

Honourable senators, in this stressful and demanding world, dance definitely is good for what ails you.

[*Translation*]

A POEM OF HOPE

Hon. Jean Lapointe: Honourable senators, when I was seven or eight years old, I loved listening to Paul- mile Corbeil recite Jean Narrache poems on the radio. I could not explain why I was attracted, at such a young age, to his poems, which touched my soul.

This morning I decided that today in the Senate I would recite a poem I dashed off while sitting on my bed. I went to my office and my assistant Ms. Charron, Pascal and my entire team told me I should share it with you. Please forgive me if I borrow Paul- mile Corbeil's voice to tell you my thoughts, but this is a message of hope for my party.

Spring has come knocking
The signs are so clear
Gone are the dead leaves
Of autumn last year

Cold winds still linger
Though May's on the way
And Martin our leader
Is man of the day

Call an election
But when, we all ask
Must get it right
To in victory bask

I would go early
Momentum is right
Sponsorship scandals
No longer cling tight

New winds are blowing
We're picking up speed
Thanks to Joe Clark now
We'll stay in the lead

All that we've done in
The last dozen years
Nix to Iraq and
Kyoto got cheers

Scholarship money
The clarity plan
Deficit wiped out
Paul Martin's our man

Bailed out the farmers
Helped fishers to sea
Seasonal workers
Were pleased, as was he

Things are not smooth now
The going is tough
Canadians like those
Who handle the rough

Voters will vote for
The right man again
Not to be tricked by
Incompetent men

Opposition divided
The landslide is nigh
None will contain us
Our ratings are high

Just a few verses
I dashed off, sincere
Heartfelt and honest
I love living here

[English]

ROUTINE PROCEEDINGS

AMENDMENTS AND CORRECTIONS BILL, 2003

REPORT OF COMMITTEE

Hon. George J. Furey, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, April 29, 2004

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

[Senator Lapointe]

SEVENTH REPORT

Your Committee, to which was referred Bill C-17, to amend certain Acts, has, in obedience to the Order of Reference of Tuesday, March 9, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GEORGE FUREY
Chair

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

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

PARLIAMENT OF CANADA ACT

BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, April 29, 2004

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

FIFTH REPORT

Your Committee, to which was referred Bill C-24, to amend the *Parliament of Canada Act*, has, in obedience to the Order of Reference of Monday, March 29, 2004, examined the said bill and now reports the same without amendment.

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

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
For the Chair

(For text of observations, see Appendix, p. 993.)

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

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

• (1350)

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

EDUCATION, COMMUNICATION AND CULTURAL AFFAIRS COMMITTEE MEETING, APRIL 15-18, 2004—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official

languages, the report of the Canadian Branch of the Assemblée parlementaire de la Francophonie (APF), as well as the related financial report. The report is on the meeting of the APF Committee on Education, Communication and Cultural Affairs held in Bucharest, Romania, from April 15 to 18, 2004.

PARLIAMENTARY AFFAIRS COMMITTEE MEETING,
APRIL 7-10, 2004—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the parliamentary delegation of the Canadian Branch of the Assemblée parlementaire de la Francophonie (APF), as well as the related financial report. The report is on the meeting of the APF Parliamentary Affairs Committee meeting held in Vientiane, Laos, from April 7 to 10, 2004.

[English]

INEQUALITIES IN VETERANS INDEPENDENCE PROGRAM

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that on Tuesday, May 4:

I will draw the attention of my colleagues to the inequalities in the Veterans Independence Program.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITIONS

Hon. Jean Lapointe: Honourable senators, pursuant to rule 4(h) of the *Rules of the Senate*, I have the honour to table petitions signed by 25 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 French and English 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 the 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 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 confirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h) of the *Rules of the Senate*, I have the honour to table petitions signed by 169 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 French and English 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 the 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 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 confirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

STRATEGIC CAPABILITY INVESTMENT PLAN

Hon. Michael A. Meighen: Honourable senators, last week I stood in the chamber and was happy to quote from the Prime Minister. In the quote, Mr. Martin stated as follows:

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

Earlier this week, we learned that a DND plan for re-equipping the Canadian Forces had been sitting on the desk of the Minister of Defence for some 64 days with no action. In his defence, the minister stated that the document does not need his signature. If the document does not need his signature, what does it need to get it off the minister's desk and get much needed equipment into the hands of our military? An election, perhaps?

Hon. Jack Austin (Leader of the Government): Would Honourable Senator Meighen suggest that as a course of action?

Senator Meighen: I certainly would, but I would prefer that the minister act upon it before the election is called.

I think that is all I will get out of the leader. This government is known for not answering questions put during Question Period, but I will continue with a supplementary.

Some Hon. Senators: Oh, oh!

Senator Austin: That is unfair.

Senator Meighen: That is why it is not called Answer Period.

The minister has called this document an internal planning document that continues to evolve. This government is forever making plans and developing frameworks. It even makes plans to make plans, which about sums up its new national security policy. When will the government put some meat on the bones of these plans? In other words, can the Leader of the Government give the members of this chamber some idea of when or whether the Department of National Defence will be given the go-ahead to move on the equipment needs outlined in the Strategic Capability Investment Plan, otherwise known as SCIP, or is SCIP more than an acronym in this particular case?

Senator Austin: Honourable senators, the government has announced a substantial procurement program for the Canadian military, probably the most ambitious procurement program announced by a government in several years. I know that Senator Meighen is aware of the outlines of that program. They include a new search and rescue aircraft capability, a mobile gun system, the Maritime Helicopter Project and support ships. These capital equipment requirements have long lead times for a government that is planning ahead, in an appropriate way, to purchase the equipment and ensure that it is the finest we can obtain for the military.

• (1400)

I do not need to take senators into any details, but I will highlight some of the categories. Canada's two protector class ships, Preserver and Protector, were built in the 1960s and are approaching the end of their service lives. They must be replaced.

Regarding new fixed-wing search and rescue aircraft and also with respect to SCIP, the Strategic Capability Investment Plan, a comprehensive internal planning document lays out the future capital equipment priorities and sets timelines with respect to the acquisition of these capabilities.

The SCIP approval was given last fall by the Chief of the Defence Staff and the deputy minister. That document is in the public domain, as Senator Meighen knows, and the government has already acted on elements of that plan.

The mobile gun system will give the army a modern, highly deployable system. Senator Forrestall has referred to that particular aspect.

The Maritime Helicopter Project is one that the government has confirmed and acknowledges must be moved on expeditiously.

Honourable senators, I believe the government has been unfairly accused of not acting on the purchase of military equipment or in not providing to the public the information on the actions it proposes to take.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CANADIAN SECURITY INTELLIGENCE SERVICE— INTEGRATED NATIONAL SECURITY ASSESSMENT CENTRE

Hon. J. Michael Forrestall: Honourable senators, perhaps I associate with Senator Kenny too often, but in my best non-partisan manner, may I leave the subject that Senator Meighen has raised because we all wonder and pray: Was not the lead time on the Sea King project sufficient?

I want to return to a subject I opened yesterday, namely, the new national security policy. I will be non-partisan. I love to be very pure in this regard. I could be very pure if there were something tangible to support. However, I am still a little vague as to what is happening.

The Auditor General's report in March pointed out that in 2003 CSIS established the Integrated National Security Assessment Centre. Ten organizations were invited to participate in an active way in that program. Of the 10 invited, only four took up the invitation. It is probably up to six now, with four having declined any interest in participating.

Could the Leader of the Government in the Senate give us an indication as to the degree of buy-in with respect to the latest proposal from CSIS? Have all those invited to participate in the threat assessment centre agreed to do so, or is the situation somewhat similar to that of the Integrated National Security Assessment Centre?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Forrestall is very good at asking questions for which I do not have an immediate opportunity to reply, so I will take the question as notice and endeavour to give him a response soon.

I wonder whether the honourable senator saw the press release yesterday of the Conference of Defence Associations, the heading of which reads, "Conference of Defence Associations Applauds Tabling of Canada's First National Security Policy."

Senator Forrestall: Honourable senators, I have not seen it, but I will read it later this afternoon. I might say that we all join with the government's initiative.

What is troubling us, of course, is that we have no explanations. There is nothing solid to put our teeth into to say, "That is a hell of a good idea," or "Where will that take us?" I appreciate my honourable friend not having an answer at hand. However, when he looks into the matter or his staff provides him with some research, could he explain the difference between the two centres, how they fit with CSIS and how they are expected to cooperate? Will they be one and the same or will they have different tasks? How will they serve government and, through government, the people of Canada?

Senator Austin: Honourable senators, I now have a clearer idea of the question, and I will do my best to provide an answer. I think that an understanding of that functionality is important.

NATIONAL DEFENCE

SHANNON, QUEBEC—SETTLEMENT REGARDING CONTAMINATION OF DRINKING WATER

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to a recent agreement that Canada's defence department reached with the Quebec town of Shannon to give \$19 million to the town to provide clean water for its residents.

Shannon's water supply was contaminated with something called TCE, a solvent that had been used to clean munitions in a military base adjacent to Shannon. TCE causes cancer and other conditions such as headaches, nausea, dizziness, clumsiness, drowsiness, damage to facial nerves and skin rash.

In making the settlement with the town of Shannon, Minister of Defence Pratt stated that the government is "committed to sound environmental stewardship in areas in which it operates." However, when Minister Pratt made the announcement, he refused to admit that the defence department was responsible for the TCE contamination.

Could the Leader of the Government in the Senate please provide some background as to why Minister Pratt would not admit that the defence department was in fact responsible for this contamination, particularly when it provided \$19 million to provide clean water?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will ask for further information, but, as Senator Oliver is an eminent Queen's Counsel, he probably can appreciate my instinctive answer: Because the Department of Justice said that is how we should do it.

THE ENVIRONMENT

NATIONAL DRINKING WATER STANDARDS

Hon. Donald H. Oliver: The timing of the Shannon settlement is interesting in that it comes also three years to the day after Canada's House of Commons passed a motion calling for national drinking water standards in the form of a safe water act. On May 8, 2001, a majority of the House of Commons voted in favour of a motion stating:

That, in the opinion of this House, the government should act with the provinces and territories to establish enforceable national drinking water standards that would be enshrined in a Safe Water Act.

Could the Leader of the Government in the Senate tell us how committed this government is to realizing the goal of national drinking water standards in the form of a safe water act?

Hon. Jack Austin (Leader of the Government): Honourable senators, I can advise the chamber that this is a priority of the government. As Senator Oliver knows, it involves a cooperative arrangement with the provinces and, in turn, between the provinces and the municipalities.

We do have serious water problems in parts of Canada. The problems I am referring to are, of course, safe drinking water — potable water, in other words — for our citizens. The issue is being addressed.

Although he is not here, I want to acknowledge the high interest of Senator Grafstein in proposing draft legislation in this area.

• (1410)

TRANSPORT

AIR CANADA— FINANCIAL PROBLEMS— GOVERNMENT INVOLVEMENT

Hon. Terry Stratton: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the restructuring deal that Air Canada is ironing out with Deutsche Bank AG. Under the deal, the German bank has agreed to underwrite an \$850-million rights offering to Air Canada creditors.

The offer apparently depends on Ottawa ensuring that the same rules that govern Air Canada apply to its low-cost competitors, WestJet and Jetsgo, Air Canada lawyer Shawn Dunphy said on Tuesday.

Air Canada is governed by at least three sets of rules that its competitors do not face. First, it must operate in both official languages. Second, Air Canada is governed by special competition rules because of its dominant market position. Finally, foreign owners are limited as to how much Air Canada stock they can buy.

Does the Leader of the Government in the Senate have any additional information on precisely which of these three rules Air Canada wants to have applied to its low-cost competitors? Is it some or all of these three rules that Air Canada wants to see standardized?

Hon. Jack Austin (Leader of the Government): Honourable senators, my information is that Air Canada has not formally approached the Government of Canada for any regulatory or legislative changes at this time. Therefore, I am not in a position to tell the honourable senator what the government policy will be when it does so.

Senator Stratton: Honourable senators, an article about Air Canada appeared in the business section of Tuesday's *The Globe and Mail*. The article explained that there is an apparent split in cabinet over whether the government should resort to special measures to help Air Canada. There are two schools of thought in cabinet according to the article. For instance, Finance Minister Ralph Goodale and others apparently want to take a more laissez-faire approach and let the market iron out the problems in this industry. Others, led apparently by Pierre Pettigrew, want to see a more interventionist approach, including a concerted effort by the government to ease the financial load for all airlines.

When will we get some clarity from this government on how it will proceed on problems facing Canada's airlines and specifically Air Canada?

Senator Austin: Honourable senators, insofar as the Air Canada issue concerns the government, I suppose the general answer would be that all options are open. However, at this particular moment, the government is waiting for the negotiations between Air Canada and its unions to resolve the underfunded pension problem and the financial-loading costs that that pension plan has placed on Air Canada. As Senator Stratton knows, it is critical to Air Canada's future competitiveness that it put its financial house in order.

The potential investors in Air Canada have all set criteria with respect to the debt load and obligations that Air Canada is able to carry in terms of any new financing that may be made available. The pivotal issue remains the restructuring of the debt structure of Air Canada.

[Translation]

OFFICIAL LANGUAGES

POLICY OF AIR CANADA

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with Air Canada.

On Monday, we learned that Deutsche Bank would come to the rescue of Air Canada, provided that the company is subject to the same competition rules as other air carriers. As we know, Air Canada has some legal obligations. The Official Languages Act applies to Air Canada, but not to other airlines.

Could the Leader of the Government in the Senate tell us if he has the assurances of his colleagues Mr. Valeri, the Minister of Transport, and Mr. Pettigrew, the Minister responsible for Official Languages, that Air Canada will continue to be bound by the Official Languages Act? Will the company's head office remain in Montreal?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall make those representations to the minister.

FOREIGN AFFAIRS

SUDAN—UNITED NATIONS HUMAN RIGHTS COMMISSION REPORT ON CIVIL WAR

Hon. A. Raynell Andreychuk: Honourable senators, there has been considerable and horrific information coming out about Sudan. Amnesty International, Human Rights Watch and a whole host of other authorities have documented the attacks against the minority in the south and the brutal acts from Khartoum. Nevertheless, the United Nations Human Rights Commission suppressed a report that would have brought this information forward and, on that basis, many countries chose not to take action against Sudan. Alone among the nations represented in Geneva, the United States did dare to speak out, making explicit again the comparison to the Rwanda genocide, a comparison previously made explicit by the former United Nations humanitarian coordinator for Sudan, Dr. Mukesh Kapila.

American Ambassador Richard Williamson declared:

Ten years from today, the only thing that will be remembered about the 60th annual Human Rights Commission is whether we stand up on the ethnic cleansing going on in Sudan. This massive failure on the part of the United Nations Human Rights Commission, in light of so many current and previous failures, sounds the death knell for what should be one of the world's greatest forums for addressing human rights abuses.

Can the Leader of the Government in the Senate indicate what action the Government of Canada is contemplating to start addressing the issue in Sudan? It is horrific. It cannot go unaddressed. It is not on the radar screen because of so many other issues — Iran, Iraq, Afghanistan. We cannot forget Africa and Sudan. The measures that the Canadian government has taken are not sufficient. We have to be more assertive. I am getting e-mails from Canadians working in Sudan appealing to Canada to join forces with the United States to put more pressure on the Sudan government.

Will the Leader of the Government convey to the Prime Minister that this is an urgency that cannot wait?

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall draw the attention of the Prime Minister and the Minister of Foreign Affairs to these issues.

The honourable senator indirectly raises an interesting question with respect to the United Nations Human Rights Commission. I thought the honourable senator might suggest that it should be abolished, but she did not quite say that. I would be interested in her views.

In addition, as honourable senators know, Senator Jaffer has been appointed a special representative of the Government of Canada with respect to the situation in Sudan. I would be very happy to invite her to make a statement to the chamber on this subject.

Senator Andreychuk: Honourable senators, I am aware of what Senator Jaffer is doing in Sudan. However, it will take high-level

involvement by the Prime Minister and the Minister of Foreign Affairs to bring some spotlight to this disaster. Ongoing things are helpful, but this is a crisis that demands the top leadership or nothing will happen.

As to the United Nations Human Rights Commission, I would invite the government to start considering how to change the United Nations Human Rights Commission. More than 10 years ago, I was involved with it. I signalled at that time that, when human rights were not being addressed by the United Nations elsewhere, particularly the Security Council, the methodology employed in the Human Rights Commission was adequate. We are stalled there. We have not changed. It is not doing the job that it can do or should do. It is time the Canadian government addressed this concern.

• (1420)

Senator Austin: Honourable senators, I thank Senator Andreychuk for her comments, which I shall also convey. I mentioned Senator Jaffer specifically to illustrate that the Government of Canada has taken action to understand the developments in Sudan. Senator Jaffer was appointed to assist in ameliorating conflict in Sudan, and she continues in that role.

APPOINTMENT OF PARLIAMENTARIANS AS SPECIAL ENVOYS

Hon. Marcel Prud'homme: Honourable senators, I wish to add the name of someone who has highlighted the role that senators can play. We all remember that our colleague Senator Wilson was in charge of similar responsibilities.

In the future, perhaps the government could look around the Senate and choose senators, regardless of political affiliation, to be special envoys. A senator could be given similar responsibilities, as is the case for Senator Jaffer and as Senator Wilson has done, among others.

My suggestion for the reform of the Senate is similar to what takes place in France, where the President of France chooses someone who reports directly to him. He is called the *chargé de mission*. This is a good suggestion. I would ask the leader to convey to the government that this is the wish of many senators. I am not referring to myself, but I know I could be useful in some places.

I am told that in Mexico last week Senator Carstairs did an unbelievably good job as rapporteur for discussion on a most difficult situation in the Middle East. She found the right wording, with some assistance in the back room, so that we did not need to vote. That is quite unique. I would appreciate it if the government leader could convey this suggestion to the appropriate authorities.

Hon. Jack Austin (Leader of the Government): I thank Senator Prud'homme for his question because it allows me to develop the theme. Senators are actively involved in parliamentary diplomacy, and the honourable senator has been one of the leaders in that movement. We are now engaged with legislators in many other countries in discussion of social, economic and political issues.

I am delighted to hear Senator Prud'homme's reference to Senator Carstairs and the work done at the IPU meeting in Mexico. I believe that senators who travel to these interparliamentary meetings represent Canada extremely well.

With respect to the reference to Senator Lois Wilson, from time to time the Government of Canada has asked and will continue to ask senators, where their expertise applies in a specific way, to assist in both the communication and development of agreements.

I hope I am not leaving anyone out. I refer as well to Senator De Bané's very important work with respect to hostages earlier in his career and other matters in the Middle East. Senator Grafstein has had similar appointments, as has Senator Prud'homme.

Honourable senators, these are very important roles. I might also add, in a general way, as all of us have seen, that the Government of Canada has now established and just announced a secretariat within the Canadian Embassy in Washington, but independent of its operations, to facilitate interaction not only between parliamentarians here in Ottawa but also legislators and others in provincial governments, as well as members of the Congress of the United States. It has appointed a minister, a rank just below that of ambassador, to take charge. I am referring to the appointment of Colin Robertson, a professional diplomat who was in the process of retiring as our Consul General in Los Angeles.

[Translation]

THE SENATE

DEPARTURE OF PAGES

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour of introducing to you three other pages who are finishing their contract with the Senate.

[English]

Lindsay Mossman is from Winnipeg, Manitoba, and is studying political science at Carleton University. She will be accepting a position as Vice-President of Student Issues for the Carleton University Students' Association in May.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Andrea McCaffrey is from Brownsburg, Quebec. She will be completing her degree in Canadian politics in September. With the intention of eventually becoming a table clerk in the Senate, she is busy seeking further employment in the Senate. Andrea will also be busy planning her wedding, which will take place in June 2005.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker *pro tempore*: Davy Coyle is from Winchester Springs, Ontario. He is completing his third year in political science and philosophy at the University of Ottawa, his second year as a page in the Senate, and his first year as assistant senior page. We are told that we may have the pleasure of seeing him again on Parliament Hill this fall.

[English]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a response to an oral question raised in the Senate on March 24, 2004, by Senator Oliver, regarding employment insurance premiums.

FINANCE

THE BUDGET—SETTING OF EMPLOYMENT INSURANCE PREMIUMS

(Response to question raised by Hon. Donald H. Oliver on March 24, 2004)

When the EI premium rate for 2004 was set at \$1.98 in Budget 2003, it was estimated that, based on the private sector economic forecasts used in the budget and the proposed changes to the program to create a compassionate care benefit, this rate would generate premium revenues equal to projected program costs for 2004.

The *Outlook for the EI Account in 2004* document, prepared by the EI Chief Actuary in October 2003, indicated that the premium rate of \$1.98 would come very close to matching estimated premium revenues with projected program costs, i.e., benefits and administration. It showed estimated premium revenue of \$17.26 billion and projected program costs of \$16.99 billion. The annual surplus referred to in the question is almost entirely the result of forecast interest of \$1.27 billion on the EI cumulative surplus.

As Budget 2004 noted, for planning purposes, the Government is assuming a rate of \$1.98 for 2005, which is the rate expected to generate revenues sufficient to cover expected program costs in that year, using the economic assumptions of the budget, which are based on private sector economic forecasts.

ORDERS OF THE DAY

PUBLIC SAFETY BILL 2002

THIRD READING— MOTION TO DISPOSE OF BILL C-7 ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move:

That, pursuant to rule 38, in relation to 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, no later than 5:00 p.m. Tuesday, May 4, 2004, any proceedings

before the Senate shall be interrupted and all questions necessary to dispose of third reading stage of the bill shall be put forthwith without further debate or amendment, and that any votes on any of those questions be not further deferred; and

That if a standing vote is requested, the bells to call in the Senators be sounded for thirty minutes, so that the vote takes place at 5:30 p.m.

There have been discussions across the aisle on the matter, and we felt that this was the best way to proceed. Once this motion is passed, I would proceed to withdraw the time allocation motion that I set down previously.

Hon. Terry Stratton: Honourable senators, in response to Senator Rompkey's statement regarding Bill C-7, there is an agreement that we will complete our speeches and any amendments on Tuesday so that a standing vote, should there be one, can take place at 5:30 p.m. that day. The agreement is that there will be no speeches today because that would then cause a procedural problem.

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

Motion agreed to.

• (1430)

PUBLIC SAFETY BILL 2002

MOTION WITHDRAWN

Leave having been given to proceed to Motion No. 1:

On the Order:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of the third reading stage 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;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading stage of the said bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I ask for leave to withdraw this motion.

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

Hon. Senators: Agreed.

Motion withdrawn.

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in our gallery of Chief Robert Louie, LL.B., of Kitimat, B.C who is the Chief of the Westbank First Nations and the guest of the Honourable Senator Fitzpatrick.

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

Hon. Senators: Hear, hear!

PUBLIC SAFETY BILL 2002

THIRD READING—MOTION IN AMENDMENT— TIMING OF VOTE

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,

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Lynch-Staunton, that the bill be not now read a third time but that it be amended, on page 103, by adding after line 26 the following:

“Review and Report

111.2 (1) Within three years after this Act receives royal assent, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.”.

The Hon. the Speaker *pro tempore*: Honourable senators, the vote on the amendment will be dealt with at 5:30 p.m. today.

WESTBANK FIRST NATION SELF-GOVERNMENT BILL

SECOND READING

Hon. Ross Fitzpatrick moved second reading of Bill C-11, to give effect to the Westbank First Nation Self-Government Agreement.

He said: Honourable senators, I rise today to speak to Bill C-11 and to encourage you to support this important bill.

Bill C-11 provides for the implementation of legislation for a long-awaited self-government agreement for the Westbank First Nation whose reserve lands and traditional territory lies on both sides of Kelowna and the Okanagan Lake in the beautiful Okanagan Valley in my home province of British Columbia.

At the outset, let me compliment the members of the Westbank First Nation on achieving this self-government agreement, which is a remarkable milestone in their long history, and to congratulate the government for proceeding to implement the required legislation.

I would thank John Duncan, the member for Vancouver Island North, an opposition critic for Aboriginal affairs in the other place, for his thorough analysis of the agreement and legislation, which has been very helpful to me in my preparation to sponsor this important bill.

I should also like to compliment Stockwell Day, the member for Okanagan-Coquihalla, for his constructive approach and support of this bill.

Without being presumptuous or, of course, speaking on his behalf, I should like in advance to extend my appreciation to Senator St. Germain, who will be speaking to this bill later this afternoon, and for his valuable input and accommodation.

If I may, honourable senators, I would like to say I believe I have a very special honour to fulfil here today, having been born in Kelowna, growing up in the Okanagan Valley, and now living directly across the lake from the Westbank First Nation. To be part of this historic journey of the Westbank First Nation, a member of the proud Okanagan Nation, is indeed a cherished experience for me. I want to say to Chief Robert Louie and his council who are here in the gallery today, you are true and courageous pathfinders for your nation. I am sure the chief would join me in also complimenting his immediate predecessors, Chief Ron Derrickson and Chief Brian Eli and their councils, for carrying the torch during their terms in office to reach this destination that Chief Robert Louie began in his first term of office over 14 years ago. It is fitting, and I am sure very satisfying, for Chief Louie to be here today with his council to witness this historic event.

Honourable senators, the process followed by the Westbank First Nation is, in itself, a model of democracy. From the self-government task force committee, to the community working group that developed the constitution, to the Elders whose wise guidance was sought, to the youth who participated in presenting their ideas for the future of their community, all are to be congratulated.

Honourable senators, the Westbank First Nation has a well-earned reputation as one of the most progressive Indian bands in the country and its self-government agreement is the first stand-alone, self-government agreement ever negotiated under the federal government's Inherent Right Policy to be presented to

Parliament. Implementation of this agreement will modify the relationship between Canada and Westbank First Nation, whereby Westbank First Nation will assume increased responsibilities and develop governance structures outside of the Indian Act, governance structures that will reflect the needs and aspirations of Westbank First Nation.

The self-government agreement reflects Canada's legal structure and is within the Canadian constitutional framework. The Charter of Rights and Freedoms will apply to all decisions and actions of the Westbank First Nation government. This means the Charter rights of non-band members on Westbank lands are unaffected, whether Westbank First Nation operates under the Indian Act or under Bill C-11.

Further, section 221 of the agreement provides that the Canadian Human Rights Act will operate without limitation with respect to Westbank First Nation government and lands.

Westbank First Nation will establish a government primarily accountable to its members. Decisions will be made locally by the Westbank First Nation government, not in Ottawa by the Minister of Indian Affairs and Northern Development. Westbank First Nation will have better tools of governance to promote social and economic development for the benefit of all those who live on Westbank First Nation lands.

As Chief Robert Louie has articulated so well, the self-government agreement will provide Westbank First Nation with "the tools of government that most people take for granted, unless you live on an Indian reserve under the Indian Act."

Concerns have been raised that Westbank band laws will take precedence over provincial and federal legislation. Under the self-government agreement, Westbank band laws will prevail over only some federal laws. To be specific, band officials will be able to address social issues on the reserve; they will have priority when it comes to Okanagan language and culture, kindergarten to Grade 12 education, the practice of traditional medicine, enforcement procedures, business licensing, traffic and transportation, public works, and wills and estates. I believe these are matters that should be dealt with by the First Nation government locally and not by bureaucrats in Ottawa.

• (1440)

The Westbank First Nation Self-Government Agreement also creates a government that can sue or be sued in contrast to the Indian Act that shields band chiefs and councils from legal liability. This provides for both transparency and accountability. The self-government agreement requires the Westbank First Nation to establish a constitution providing for democratic and legitimate elections and government, an appeal mechanism, internal financial management and accountability, conflict of interest rules for officials, clear procedures for the passage and amendment of Westbank First Nation laws, and public notification of these laws.

The Westbank First Nation standards of financial accountability are required to be at least comparable to those of other public governments providing similar public services.

[Senator Fitzpatrick]

It is important to note that the Westbank First Nation has been collecting property taxes since 1990. Non-band members are given full access to the financial reporting of these property tax accounts. There is also a system of independent property assessment and appeal mechanisms similar to off-reserve municipalities and managed by the British Columbia Assessment Authority.

The implementation of this taxation policy in 1990, under section 83 of the Indian Act, and the subsequent opting in to the First Nations Land Management Act were important steps in the rapid growth of non-band members on band land. This property tax regime will not change with the passage of Bill C-11.

In an important step toward self-government and in collaboration with a group of dedicated community members, Westbank First Nations developed a constitution, which was ratified by Westbank First Nations in May 2003 at the same time and in the same manner as the self-government agreement. Upon the effective date of the self-government agreement, the constitution will become a law of Westbank First Nation. Implementation of the Westbank First Nation Constitution will result in clearer decision-making processes, which will increase confidence in Westbank First Nations governance structures. In providing the structures for increased political and financial accountability, the self-government agreement and the Westbank First Nation constitution will, in turn, foster economic growth in the community.

In addition to the Westbank First Nation constitution, a significant element of the self-government agreement is section 54 that requires Westbank First Nation to formally establish in Westbank First Nation law a mechanism through which non-members residing on or having an interest in Westbank lands may have input into the Westbank First Nation laws that directly affect them.

This requirement was made voluntarily by the Westbank First Nation and represents a significant improvement for non-members residing on Westbank lands, as there is no such requirement under the Indian Act nor under any other federal legislation. This law respecting the non-member input mechanism must be in place within 30 days of the self-government agreement coming into force and before any new Westbank First Nation law under self-government may be passed. The self-government agreement stipulates that this law may not be amended without the consent of the non-members.

In 1999, Westbank First Nation established an interim advisory council to represent the interests of non-members residing on Westbank lands. This council has been functioning since that time and is currently involved with the Westbank First Nation council in the development of the Westbank First Nation law to formally establish a non-member input mechanism.

The Westbank First Nation bylaw creating formal non-member representation will provide for an elected advisory council to serve for a three-year term. For the purpose of the election, the reserves will be divided into five neighbourhood constituencies, each having one elected representative. Among its duties, the advisory

council shall be responsible for planning the servicing program for the Westbank First Nation lands, estimating the costs of the servicing program, recommending implementation of a servicing program, including the proposed financing for it to the chief and council, and receiving and considering petitions relating to the provision of service on the Westbank First Nation lands.

Honourable senators, the movement toward self-government was conducted with transparency and comes as no surprise to those who live on Westbank First Nation lands or in the surrounding municipalities. Currently, about 8,000 non-band members live on Westbank land, representing about 25 per cent of the non-member residents living on Canadian reserves. These residents, along with 200 businesses, chose to locate there because they consider the Westbank government to be competent, predictable and stable. The area is seen as a safe place for investment and is situated in the heart of the Okanagan region, which is concentrating on green, sustainable economic development, and the Westbank First Nation is participating in the Okanagan Partnership for economic opportunities.

A recent poll of non-member residents commissioned by the Westbank First Nation and conducted by CGT Research International of Vancouver, British Columbia, found that 92 per cent of those surveyed were aware of Westbank First Nation's move toward self-government, and 65 per cent were aware of the existence of the Interim Advisory Council established to represent their interests.

Since negotiations began in 1989, Canada and Westbank First Nation participated together and separately in numerous consultation meetings. There have been open houses, community forums, meetings with the provincial government, regional treaty advisory bodies, local governments, chambers of commerce, businesses, and there have been numerous media interviews. Honourable senators, I have attended some of these consultation meetings and I have witnessed the thorough, cooperative process undertaken by the band council.

Following its signing in 1998, 7,000 copies of the agreement in principle were distributed in the Okanagan Valley. Throughout the negotiation process, Westbank First Nation worked hard to develop a good working relationship with the surrounding municipalities based upon collaboration and mutual respect. Westbank First Nation has signed statements of political relationship with both the City of Kelowna and the Central Okanagan Regional District. Representatives from both the City of Kelowna and the Central Okanagan Regional District have spoken in favour of the self-government agreement.

The Westbank First Nation kept local governments aware of the progress of the self-government negotiations throughout the entire process, and worked to find creative ways to bring together the interests of Westbank First Nation and local governments.

In this regard, the self-government agreement will not only work to improve the quality of governance on Westbank First Nation land, but also it will contribute to a strengthened relationship between Westbank First Nation and the surrounding municipalities.

While speaking of the good relations between Westbank First Nation and the surrounding municipalities, I should like to address some of the concerns that have recently been raised with respect to section 102 of the agreement regarding the federal government's additions to reserve policy. Honourable senators, upon implementation of the agreement, nothing will change in that regard. At present, Westbank First Nation, like all other First Nations in Canada, can act under this policy. In fact, and Westbank First Nation accessed the additions to reserve policy in the past to add what are known as the Gallagher Canyon lands to its reserve lands on the east side of Okanagan Lake.

Westbank's experience with the Gallagher Canyon addition to its reserve is a clear indication of the cooperation between the First Nation and the surrounding communities. The addition of the Gallagher Canyon lands in 2000 came as a result of extensive consultation between Westbank First Nation and the local area authorities, including the City of Kelowna, the Central Okanagan Regional District, the Southeast Kelowna Irrigation District and the Black Mountain Irrigation District. These consultations led to a master agreement among these parties, addressing such local government interests as land use, municipal services, access to water and rights of way. Westbank First Nation clearly demonstrated the importance of its relationship with local authorities in the addition of the Gallagher Canyon lands to its reserves, which ensured that the surrounding communities also benefited, including providing a public park.

• (1450)

I am convinced that in implementing the self-government agreement Westbank First Nation will continue to demonstrate this cooperative approach to its relationship with surrounding communities. Westbank First Nation is, and I strongly believe will continue to be, a fundamental and very important member of the Okanagan community.

Honourable senators, it is absolutely essential that we facilitate First Nations to build their capacity so that they and the members of their communities can participate fully in the economic and social structures of Canada. It is also imperative that we work in a collaborative manner to develop and implement solutions that respect the principles of accountability, transparency and good governance, and that respond to the particular needs and aspirations of individual First Nation communities.

The Westbank First Nation Self-government Agreement achieves this. It improves accountability and transparency of the Westbank First Nation government to its members; it implements an input mechanism for non-members, enabling them to more fully participate in and influence decisions that affect them; and it vests decision-making power locally, enabling the Westbank First Nation to develop and improve its political and economic relationships with surrounding local governments under terms suitable to the local environment.

I believe this self-government agreement will be regarded as a model of self-government and economic development for the First Nations of Canada to build on. It is for all of these reasons that I support the Westbank self-government agreement's implementing

legislation, Bill C-11, and I encourage all senators to support this legislation as it is not only important for the Westbank First Nation. By adopting the self-government agreement, I believe that the Westbank First Nation will become a true pathfinder for all First Nations in Canada to find their way toward good governance and capacity building.

Wai Lim Lim, Kulen Chuten. Thank you, and Godspeed.

Hon. Gerry St. Germain: Honourable senators, it is hard to follow an act like that. My colleague from British Columbia has put forward an excellent presentation on a very important piece of legislation. As I look at Senator Fitzpatrick, Senator Lawson and Senator Austin, I am reminded that these are the issues I like to tackle, where government can benefit a group in our society that it has often failed to deal with properly.

I think back to 1985 and Prime Minister Brian Mulroney. I was his caucus chairman, and he said to me that he would offer all natives the right to self-government. Unfortunately, it was not to be, as what was presented was not accepted at the time. However, failing that, we are moving ahead. There has been progress with the Sechelt First Nation and others.

I want to thank all honourable senators and I look forward to working with Senator Fitzpatrick on this initiative. As a Metis, as a section 35 person, I am pleased to rise today to continue the debate at second reading of Bill C-11. Most everything has been said, and very succinctly. John Duncan, Stockwell Day and other MPs have put forward forceful arguments and have been forthcoming in working together on this initiative.

I must begin by giving real credit to the people of the Westbank First Nation who have been grappling with and seeking a solution to their accountability and local governance concerns for most of the last 20 years.

Bill C-11 builds upon the basic idea first implemented by the Conservative government in the 1980s, when the Sechelt Band of British Columbia implemented a style of self-government that addressed their needs and wants, legislation that responded to their Aboriginal right of self-determination. While their solution was not the answer for other Aboriginal groups, it was, in fact, the solution determined by the Sechelt people.

Honourable senators, I will speak briefly on Bill C-11, but before I make any further remarks in response to the government's speech on the bill, I want to comment briefly on self-government in general. Self-government is a concept most Aboriginal peoples in Canada consider a key foundation to building a better future for themselves. However, there are few concrete models of what self-government means in practice.

The debate about self-government really began around 1969 in response to the federal Liberal government's white paper that proposed to assimilate Aboriginal peoples into the rest of society. It was not until the 1982 Constitution that the rights of Aboriginal Canadians became entrenched — one of these rights being the right to become self-governing within the Canadian context.

[Senator Fitzpatrick]

Aboriginal people have always asserted that their right to self-government is inherent. There is a growing body of legal and political support for this position. An inherent right is a right founded to some degree in historical fact. In reviewing the history of our land one finds that, with the arrival of the Europeans to North America, they encountered a variety of self-governing societies, which were really self-governing nations.

Historical documents, such as the Royal Proclamation of 1763, confirmed this reality, but implementing self-government must be determined through consultation and negotiation. The basic reasons for recognizing and implementing self-government are, I believe, these: Aboriginals have never, I repeat never, given up the right to govern themselves; our government institutions have not met the needs of the Aboriginal peoples; and Aboriginal aspirations may only ever be realized through their own efforts of self-determination by way of self-government.

Now I come to the balance of my comments on Bill C-11, to give effect to the Westbank First Nation Self-government Agreement. Bill C-11 is the solution the Westbank First Nation people have arrived at today. It is a result of their discussions with their stakeholders.

Honourable senators, the government sponsor of the bill has very properly described the merits of this bill, and he has done an excellent job. I will not repeat the many good things I believe this bill will bring to the people of Westbank. Rather, I make reference to what a Conservative member in the other place said about Bill C-11, and I refer to John Duncan.

The Westbank First Nation, adjacent to the City of Kelowna in the Okanagan Valley, has rightfully gained a reputation as one of the most progressive bands in the country.

The Westbank agreement creates a democratic and accountable government, provides checks and balances on power, removes the impediments of the Indian Act and provides for the strongest individual property rights for members and lease holders on reserve anywhere in Canada.

The agreement is not constitutionally protected and there is no land claim, cash or resources involved other than those on existing reserve lands.

Honourable senators, Bill C-11 is an important bill for the people of Westbank. It is their blueprint for responsibility, accountability and transparency. It is now Parliament's time to be responsible, accountable and transparent.

• (1500)

During examination by the other place, some important questions were raised. While it appears that the answers provided resolved the concerns of most members, the situation remains where there are some in the public domain who continue to have important concerns. Aboriginal and non-Aboriginal individuals are concerned about losing their protections provided under the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act. Some believe that Bill C-11 will

create a third order of government and that perhaps this is the slippery slope to creating several sovereign states within Canada and that the Constitutions will be in conflict. Others are concerned that the bill eliminates any accountability for the federal tax dollars that are transferred to the Westbank each year.

The question of having no mechanisms to ensure fairness, equity, openness and transparency at the local level has been raised. Some non-Aboriginal residents of Westbank believe that they will be prohibited from participating in a real and meaningful way in those aspects of the Westbank government that will affect them.

Some of these questions may be unresolvable to the satisfaction of all and may require further study in the future. Even the Minister of Indian Affairs and Northern Development went so far as to say or suggest that there is a growing problem of protecting the rights of Aboriginals living on reserves and that possibly their section 25 Charter rights were being used to shield abuse from outside challenges under the Charter.

The Standing Senate Committee on Aboriginal Peoples must determine whether these issues should stand in the way of Westbank effecting its plan for self-government in the near term. In the future, can their constitution, their system of government, be amended to take advantage of the answers to the unresolved questions of today?

Honourable senators, there are lingering questions that are perhaps characterized as local and specific, and there are those that are more philosophical and broader in scope. Every question has answers, honourable senators, and it is our responsibility to find the better answers. It is our responsibility to examine Bill C-11 in a timely manner so the people of Westbank can get on with the task of building their lives.

Honourable senators, the official opposition in the other place, whom some Canadians are now referring to as the government in waiting, supported Bill C-11 at third reading, but the Conservative opposition did say that the Liberal government erred by not listening to the people's wishes that there be public meetings held by the standing committee in the communities affected and that sincerely proposed improvements to the bill by non-Aboriginal and neighbouring communities not be rejected out of hand. Therefore, honourable senators, it is our duty to consider these questions, to listen to these Canadians and to provide the appropriate direction to the federal government in the interests of the people this legislation affects and in the interests of Canada.

This is important legislation for the communities of Westbank, and Canada must provide for peace, order and good government. Hence, I propose — providing there are no others who wish to speak at this time, because I want to be respectful of other senators — that Bill C-11 be sent to the Aboriginal Peoples Committee and that the committee call for all those individuals who have something relevant to say on both sides of the issue to speak forward and provide their testimony.

I wish to thank Chief Louie and his support people for their openness and for their candid and sincere way of responding to questions in this place, in the other place and before our caucus. I also wish to thank, in advance, as Senator Fitzpatrick has, all of you who have worked on this. I look forward to dealing with this issue under the chairmanship of Senator Sibbeston. Senators Gill, Watt and all our Aboriginal peoples, it is hoped, will participate in working toward something positive and, if there are any risks at all, taking whatever slight risks there may be in dealing with the plight of our Aboriginal peoples.

These people are the epitome of success in the way they have built their nation. Let us give them a chance to get out from under that vicious Indian Act, because I think it is detrimental to the well-being of our Indian nations and all our Aboriginal peoples.

Hon. Anne C. Cools: Honourable senators, I was listening with some care to what Senator Fitzpatrick had to say. Knowing that the Westbank peoples are upstairs, including their chief, I wanted to rise and thank Senator Fitzpatrick in a very profound way for his words and for his work with the Westbank First Nation. I was very struck when Senator Fitzpatrick was speaking by his great sensitivity on the issue, and I was also deeply moved by his sense of caring, which became very manifest as he was speaking.

I do not know enough about First Nations questions, and I keep wanting to find more time to study them. However, I am one of the many millions of Canadians who is desirous of seeing the First Nations situation put right. I am hoping that this bill will go some way to putting things right for the Westbank First Nation.

Senator Fitzpatrick is from British Columbia and obviously well acquainted with these peoples. I thank him, and I thank them. I am a royalist, and when we have a First Nations chief in our gallery observing, that to me is akin to having a king, and some of these people should be treated as what they are, which is very significant and important people in those communities. I wanted to put those few words on the record, and I hope and pray that this bill will go a long way to putting these matters right.

I also thank Senator St. Germain and the First Nations peoples for coming today, because, honourable senators, there is a great feeling among millions of Canadians that our situations with these peoples must be put right.

Hon. Edward M. Lawson: Honourable senators, I want to identify with the remarks of Senator St. Germain and his offering of support for this bill. In addition to being my golf partner, he is also my consultant on Aboriginal affairs because he has greater knowledge and experience in those matters, and so I respect his judgment.

I particularly want to acknowledge the outstanding work by Senator Fitzpatrick. He has shown tremendous leadership and hard work on this issue and his relationship with the Westbank First Nation. He has lobbied all of us for support on this, and we are quick to give it to him. He is very modest. He would simply

say, "I was just looking after the people in my area." Well, he does that, but he does it better than most. In that area, he does outstanding work. We are proud to support Senator Fitzpatrick in this position because he has done a fine, fine job.

Hon. Senators: Hear, hear!

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

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by Honourable Senator Fitzpatrick, seconded by the Honourable Senator Bacon, that this bill be read the second time.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (1510)

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY PRIVATE MEMBERS' BUSINESS—ORDER STANDS

On the Order:

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

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

Hon. Fernand Robichaud: Honourable senators, if I understand correctly, we have now come to Motion No. 40, which concerns resumption of debate on the motion by the Honourable Senator Carstairs.

Honourable senators, I believe this motion to be an extremely important one meriting every consideration by honourable senators, and as promptly as possible. I therefore move that the initial question be put to a vote at this time.

[Senator Lawson]

[*English*]

Hon. Anne C. Cools: Honourable senators, I find this procedure very questionable.

The Hon. the Speaker pro tempore: I must put the motion first. It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator Rompkey, that the original question be now put.

Senator Cools: Honourable senators, I am holding that adjournment. The proper way to have proceeded was for Her Honour not to have acknowledged or recognized Senator Robichaud. The debate was standing in my name. I should have been the person who was called upon, Your Honour. I should have been called upon because when a motion stands adjourned as it does, it is under a previous order of the Senate.

Honourable senators, you could say in the past week or so that I have been a little busy and a little preoccupied. However, I am almost ready to speak to that motion and can do so at the next sitting of the Senate. There is no need to use these kinds of tactics.

We keep degrading this institution on a daily basis. I have been very busy on a number of files. I have been here every day, and I have been on my feet a lot, so it is pretty obvious that I am not delaying anything. I do not like those kinds of negative, pejorative thoughts being imputed to me, and Your Honour should not allow that sort of thing.

Senator Robichaud has shown no interest in the motion from what I can see. His sole role seems to be just to rise to block me. Senator Robichaud has not risen to speak to it.

All I am saying to Your Honour and to honourable senators is that I will speak next Tuesday, and if that is what the chamber wanted me to do, I should have been asked. I have been a little busy. Honourable senators know that I work very hard in this place; I rarely miss a sitting. Therefore, I would suggest that I be given the opportunity to speak next Tuesday.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this is the second time in less than a week we have had an honourable senator get up and, not even bothering to speak to the item on the Order Paper, move the previous question. I find that discourteous, to say the least.

There may be frustration among certain members that some items are not moving as fast as they would like, but I would prefer that they had the courtesy first to consult whoever is "holding up the order" to find out whether that "holding up" is deliberately obstructive or whether it is based on the fact that the senator in question is not quite ready to speak. However, I gather that this was not done in the case of Senator Joyal and Senator Robichaud.

If honourable senators intend to set a pattern of expressing frustration and annoyance by getting up whenever they feel like it and saying, "I move the previous question," what would be the point of debating here?

This used to be — and I hope the past tense will not last too long — a place where proper functioning was based on understanding how one wanted orders to proceed, and if there was a deadline that the person supporting one wanted to see met, he or she would go to opponents and discuss the problem.

This was not done in the case of Senator Joyal and it obviously was not done in the case of Senator Robichaud. I object to this overly aggressive approach to orders.

Senator Cools has in effect said, “All right, I am ready to speak on Tuesday,” or I think she may have said “at the next sitting.” Surely, we can take her at her word, Senator Robichaud should drop his motion, and Senator Cools will speak next week. Should the occasion arise again where, as we approach a certain day when we are supposed to have a dissolution of Parliament, and everyone is a little antsy and wants a bill or motion expedited, may he or she have the courtesy to speak to the person in whose name it stands and say, “What are your intentions because I should like to see this done by a certain date?” That is the minimum one can do to allow this place to function a little more smoothly than it has in last few days.

Hon. Sharon Carstairs: Honourable senators, with the greatest respect to the comments of Senator Lynch-Staunton, that is exactly what I tried to do yesterday. I stood and indicated that I had hoped to ask — it is on the record — the Honourable Senator Cools when she was going speak; unfortunately, she was not here at that time, and I indicated that I would be prepared to move the previous question.

I could not do that, as Senator Lynch-Staunton pointed out to me correctly, and therefore I asked a fellow senator to do it on my behalf, but not until we waited and gave ample time for Senator Cools to rise today. If Senator Cools had risen and not just said “stand” from her seat, but had risen and said, “I am prepared to speak to this at the next session,” Senator Robichaud would not have put down his motion.

We are quite prepared to accept Senator Cools’ word that she will speak on Tuesday, and I am sure Senator Robichaud will be quite prepared to withdraw his motion to put the question on the basis that she will speak on Tuesday.

• (1520)

[*Translation*]

Senator Robichaud: Honourable senators, there is nothing in the procedure to prevent Senator Cools from calling for adjournment of this motion today and then saying whatever she wanted to say on it at the next sitting. That would be entirely in order, and I have no objection to her asking for this motion to be adjourned.

[*English*]

Senator Cools: Honourable senators, I have already indicated that I was planning to speak and that I had every intention to speak. If one were to look at the record, one would see that I have done a fair amount of speaking this week. I have been very busy. I am waiting for Her Honour to call a certain item right now. If

Senator Carstairs did that yesterday on the floor of the chamber, I was unaware of it. You could say that I have been very busy this week. I have also done quite a few press interviews. I would have preferred it if Senator Carstairs had communicated with me directly and given me some notice or some indication of what she was about to do.

I would remind Senator Carstairs that, in the past I have been most cooperative and very loyal in doing what is required and what is proper. I had no intention of delaying any matter. The motion has not even been on the Order Paper for a long time. We have been preoccupied in this chamber with the ethics bill and with Bill C-250. My position is quite clear. Had anyone spoken to me, I would have been pleased to respond.

I am sorry that I was not here yesterday when Senator Carstairs made that statement. I would appeal to you to ensure that the person, who is the subject of the remarks, is here or that he or she be notified in some form or fashion.

Honourable senators, I am not in the habit of delaying matters just for the sake of delaying them. I have some real concerns. The kinds of speeches I give need some time to prepare. I would ask honourable senators — not Senator Carstairs — to allow me to speak at the next sitting of the Senate.

Some Hon. Senators: Agreed.

[*Translation*]

Senator Robichaud: Honourable senators, if it will facilitate today’s debate, I would ask for leave for my motion on the original question to be withdrawn.

Order stands.

[*English*]

QUESTION OF PRIVILEGE

The Hon. the Speaker *pro tempore*: Honourable senators, is it agreed that we proceed with the question of privilege of Senator Cools at this time?

Some Hon. Senators: Agreed.

Hon. Anne C. Cools: Are you asking for agreement, Your Honour?

The Hon. the Speaker *pro tempore*: Your microphone is not on.

Senator Cools: I cannot hear what is going on. I did not hear. Did Her Honour ask for agreement that we proceed? My understanding is that, at this point in the Order Paper, I should be called upon to proceed. I did not think agreement was needed.

Honourable senators, my question of privilege will not take much time. I will refer to words that were spoken by the Speaker *pro tempore* yesterday during her ruling. In her ruling, she attributed statements to a senator who did not make those statements. In fact, what the senator said was closer to the opposite.

I take the position, honourable senators, that that mistake or that misrepresentation or that misstatement, whichever, of the senator's position is egregious and fundamental and founds a new breach of the senator's privilege. It could even be viewed as being important enough as to impugn the original ruling. However, that is not my issue. The subject matter I would raise today relates to the particular wrong or erroneous statements that were made by Her Honour.

Honourable senators, yesterday, it was stated in the ruling of the Speaker *pro tempore* at page 965 of the *Debates of the Senate* of April 28, 2004:

It is the senator's position that the *Rules of the Senate* do not provide any opportunity for any closure or guillotine motion to be moved by a private member or on a private member's bill.

Honourable senators, those words were not said. I am the senator in question, obviously. I did not make that statement. As a matter of fact, I said something remarkably opposite and different from that.

Her Honour stated, in other words, that I said a guillotine motion or a closure motion may not be moved by a private member. Honourable senators, I did not say that. As a matter of fact, I went to enormous trouble to explain very clearly that there is a difference between a guillotine motion and a closure motion called "the previous question." I was crystal clear to say that one of those motions could be moved by a private member but not the other one, and that the other was the exclusive preserve of a minister of the Crown.

Honourable senators, if you look to the debates of Tuesday, April 27, at page 933, I state:

I should like to say to honourable senators that there is no power either in the *Rules of the Senate* or in the House of Commons for a private member to move a guillotine motion.

I continue in the same paragraph:

...it is the preserve of the Crown in dealing with such matters as the financial initiatives of the Crown, a Royal Recommendation and so on. The power of private members to move a guillotine motion or time allocation motion is just not there.

Farther down page 933 it is clarified again when I say:

...a previous question can be moved by a private member but not a guillotine motion.

They are two different motions. It seems that this is not clear to the authors of this particular ruling. They say that I say something quite different and quite opposite of what I actually said. It seems to me that Her Honour should have the opportunity to clarify that. I am of the opinion that that forms a new breach of privilege. I must be very clear. I did not say what Her Honour said I said; neither did I adopt that position. I can see nothing that was said in my speech that could possibly communicate that I did.

[Senator Cools]

I said that four times in my speech on Tuesday, April 27. Again, at page 934, I said:

Outside of that, there is no power within any rule of the Senate for a private member to move a guillotine motion.

I never said that no private member could move either or both of those. I said very clearly that they could move one but not the other, the previous question but not the guillotine motion. That is the opposite. Therefore, I am asking Her Honour take a look at that because I contend that that misstatement is so fundamental as to form a new breach because, on my reading of Her Honour's ruling, she based her entire ruling on her misinterpretation or her misapprehension of what I actually said. I thought that I should raise that because, if Her Honour, in her ruling, relied on erroneous statements or on a misunderstanding or misapprehension of my statement, then certainly that constitutes a breach.

• (1530)

Rulings in this place should be treated with a high degree of respect and a deference to knowledge and to the law of Parliament and to the grand tradition. Honourable senators, I did not make those statements. I do not understand why Her Honour would say that I made those statements. I do not understand how Her Honour could found a ruling on such a misunderstanding of what I said. I will not go to the trouble of repeating what I said, but I provided in my speech Tuesday substantial precedent, substantial authority in the law of Parliament and substantial evidence.

What I got back from Her Honour was some statements of her thoughts, unsupported by any precedents and by any authority, but, more important than that, not founded on what I actually said. I should like Her Honour to address those misstatements about what I said.

The Hon. the Speaker *pro tempore*: Thank you, Honourable Senator Cools. I shall review the transcript and, if I have made a mistake, then I will be happy to correct it. I will take this matter under advisement.

[*Translation*]

SOCIO-ECONOMIC IMPLICATIONS OF DECREASING POPULATION

INQUIRY—DEBATE ADJOURNED

Hon. Marie-P. Poulin rose pursuant to notice of February 23, 2004:

That she will call the attention of the Senate to the fact that the 2001 census results, published in 2003, show that the Canadian population is decreasing in many regions across Canada and that this trend has short- and long-term socio-economic implications.

She said: Honourable senators, I would like to draw your attention to an increasingly serious problem in Canada: the depopulation of our regions, that is, the widening gap between our regional communities and certain large cities.

Statistics Canada has published the 2001 census data, which not only confirm the expected exodus, but also show that Canada's situation is worse than was thought; that is, the population of the very large cities is growing and the population in other regions is shrinking. For example, according to the census, the population of Ontario increased by 6.1 per cent between 1996 and 2001, while that of the province's north decreased by 4.1 per cent.

The repercussions of this exodus on communities are, of course, enormous. The economy in such communities is threatened, as is people's quality of life, both in the very large cities and in the small communities, for different reasons.

Shortly after the publication of the census data, parliamentarians in Northern Ontario responded to an initiative by the secretary of state for regional economic development. This initiative emphasized the growing importance of issues affecting the regions and complemented the study that had already been approved by the parliamentarians from Northern Ontario.

Honourable senators, the report entitled "Dimensions: A socio-economic analysis of Northern Ontario" was published in 2003, and I would like to take this opportunity to table it as an official document. It contains nearly 40 recommendations. I encourage everyone who is interested in the fate of the regions outside the country's major centres to read it.

Canada is a vast land with one of the lowest population densities in the world. Yet, the largest part of its population — 79.4 per cent in 2001 — lives in urban areas. This proportion, which stood at 54 per cent in 1931 and at 78 per cent in 1996, has increased significantly. There is a very definite trend and it deserves some serious consideration.

While the study on Northern Ontario provides a snapshot for a specific region, this does not necessarily mean that the situation is the same in all remote regions of the country. However, there is every indication that the situation in Northern Ontario is not the exception but, rather, a symptom of a much more serious problem.

[*English*]

Honourable senators, the out-migration issue is clearly multifaceted. First, we must identify and respond to the needs and aspirations of regions; second, we must provide a dialogue for change with the inhabitants, including the indigenous peoples and those engaged in the resource sectors; and, third, we must facilitate solutions to the infrastructure problems of the large centres.

Canada is rich with potential, both in human capacity and in the bounty of the earth. In order to fulfil that potential, we need policies that help regions outside the major centres to grow and to flourish; where families can prosper and remain united without the need for uprooting in order to make do; where businesses are not threatened with extinction solely because of their geography; where the spirit of community creates healthy, rewarding lives; where infrastructure is built up, not eroded from disuse and lack of investment; and where health care, education and social services are not undermined by distance.

The alternative to vibrant regions is depressed zones between crowded, unmanageable mega-cities. I believe that quality of life is respected when a diversity of communities can thrive outside the pressure-cooker environment of vast urban areas, which themselves create enormous problems in terms of transportation, social behaviours, overcrowding, and the ability of governments to deliver services effectively.

How can the regions survive and grow? The study I mentioned made a number of suggestions, including value-added processing and the manufacturing of goods from natural resources which are too often shipped out in their raw state for processing to major centres abroad. Well-paying jobs would be a boon to struggling communities.

Tourism development is another sector ripe for investment.

We need new immigration policies that would attract newcomers to Canada to areas outside the principal venues of Montreal, Toronto and Vancouver.

There is also the amazing potential of the Internet, which allows projects and services to be marketed far beyond the confines of a geographic location.

It is with these thoughts in mind that I submit for your consideration, honourable senators, a proposal to engage this chamber in launching its own pan-Canada study at the appropriate time that would focus on the social and economic implications of regional out-migration and the impact it has on the diverse communities across the land.

I would welcome your views and be pleased to consider ways in which we could serve the broader interests of the country by examining the growing dichotomy between rural and urban Canada.

[*Translation*]

Indeed, honourable senators, it is our duty as representatives of all the regions of Canada to identify the foundations of a new human, economic, social and environmental dynamic.

On motion of Senator Losier-Cool, debate adjourned.

• (1540)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY
REGULATIONS, PRACTICES, CUSTOMS AND
CONVENTIONS OF OTHER LEGISLATURES—
DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of February 12, 2004, moved:

That the Standing Committee on Rules, Procedure and the Rights of Parliament examine the rules, practices, customs and conventions of other legislatures in order to prepare a draft of modern and democratic rules thereby following up responsibly on petitions to the Senate.

Hon. Marcel Prud'homme: Honourable senators, I see that this is day 15 of this motion. With your consent, I would like to move that the debate on this motion be adjourned so that it remains on the Order Paper.

Unless I am mistaken, this motion would be dropped from the Order Paper, since we are at day 15 of its debate. The fact that I am speaking to the importance of the motion at this point constitutes a speech, meaning that it will revert to square one.

Consequently, I am happy to indicate my intention to continue this debate. Pursuant to the *Rules of the Senate*, my speech means that the motion will revert to square one.

On motion of Senator Prud'homme, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY BILINGUAL STATUS OF CITY OF OTTAWA

Hon. Jean-Robert Gauthier, pursuant to notice of April 1, 2004, moved:

That the petitions calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

That the Committee consider the merits of amending section 16 of the Constitution Act, 1867; and

That the Committee report to the Senate no later than October 21, 2004.

He said: Honourable senators, I need not explain to you the motion that has been before us for several months now. More than 25,000 people have signed this petition calling on the Standing Senate Committee on Legal and Constitutional Affairs to consider the matter of declaring the City of Ottawa, Canada's capital, a bilingual city. I have nothing to add since everything has been said.

Municipalities, in Ontario as in other provinces, are provincial creations. Ottawa is unique because it is the only city in Canada that was mentioned in the Constitution, in section 16.

Section 16 clearly states:

Until the Queen otherwise directs, the Seat of the Government of Canada shall be Ottawa.

In the context of 1867, this was a decision of Her Majesty the Queen of England. The City of Ottawa, which was then called Bytown, is now a major city. It now has a population of about 750,000 people and, in my opinion, it is a good reflection of Canada.

The city has representatives from both founding nations. It also has a significant number of Canadians who recently came to our country, immigrants who have adopted our lifestyle and who are now part of a multicultural heritage that makes us proud.

My riding of Ottawa-Vanier, where I was born, used to be a riding where minorities lived, including Portuguese, Italians and Jews. Everyone spoke French in Ottawa's Lowertown. It was the language spoken. Sometimes, we would have diverging views. When we played hockey or lacrosse, we would sometimes argue over the rules. However, we never fought over linguistic issues.

We did not always agree on religious issues. Protestants lived in a neighbourhood that was on the other side of the Rideau Canal, in the upper part of the city. As for us, we were Catholics. In fact, my best friend was Jewish, even though he was thought to be a Catholic. Even back then, we would defend our minority rights.

I have spent a good part of my life trying to make the majority understand that we want no more and no less than the equality of both official languages.

I find it perfectly normal that the capital of my country would be a city that represents all Canadians, in both official languages, and with a profound respect for other cultures. There is a cultural diversity that must be respected. If we respect bilingualism, we respect multiculturalism. These are interdependent. We cannot be tolerant toward the principle of two official languages and intolerant toward newcomers. We must be respectful of the differences. It enriches us.

Honourable senators, I do not want to make a long speech. Still, I would like to have the Standing Committee on Legal and Constitutional Affairs examine this issue, because it worries me.

I have obtained certain undertakings from the province, saying, "Do not worry, Mr. Gauthier; we will make sure Ottawa is declared bilingual."

It still has not been done. I have received letters and I have had conversations, but one day someone will have to make a decision.

The City of Ottawa has recently been restructured and expanded. This important city should also reflect the Canada we want.

I want to be as proud of my city as the French are of Paris or the English of London. Symbols are important and a national capital ought to reflect its country. That is why I want the Standing Committee on Legal and Constitutional Affairs to consider the question. The committee would have to hear witnesses and make a report, eventually, on the possibility of amending the Constitution and including the fact that linguistic duality is a Canadian reality that distinguishes us from others and to which we are attached.

• (1550)

[English]

Hon. Joan Fraser: Honourable senators, with this motion, Senator Gauthier is raising two important issues. The first issue that continues to bedevil us, but about which we do not get around to doing anything, is what we should do with petitions once they have been presented in this chamber. At the moment, nothing much happens to them and our rules do not address the

question adequately. Yet, thousands of people put their names to those petitions and they deserve some assurance that we will do more than just listen with half an ear when a senator presents them.

The second issue addressed in this motion is the subject matter of petitions, which is extremely important. I believe this chamber is already on record as supporting the concept that the capital of Canada should be a city that is officially bilingual. I personally support that idea with every fibre of my being. That is what Canada is about, and it is what our capital city should reflect in all ways, particularly in law. Nonetheless, there are constitutional questions about the status of the national capital and in what ways it can be affected.

I would suggest that Senator Gauthier's motion is a most fitting proposal, that is, we take petitions that have been signed by thousands of Canadians on a subject of serious importance and send them for serious consideration to the appropriate committee of this place. I would urge all honourable senators to accept the proposal.

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

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE—MOTION WITHDRAWN

On Motion No. 79:

That the Standing Senate Committee on National Security and Defence have power to sit at 5:00 p.m. on Monday, May 3, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Colin Kenny: Honourable senators, I understand that this motion is superfluous, as the Senate will not sit on Monday. Therefore, I request permission to withdraw the motion.

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

Hon. Senators: Agreed.

Motion withdrawn.

The Hon. the Speaker *pro tempore*: We are at the end of the Orders of the Day. Is it agreed that we suspend the sitting until 5:15 p.m.?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1710)

[*Translation*]

The sitting of the Senate resumed.

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;

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Lynch-Staunton, that the bill be not now read a third time but that it be amended, on page 103, by adding after line 26 the following:

“Review and Report

111.2 (1) Within three years after this Act receives royal assent, a comprehensive review of the provisions and operation of this Act shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Senate or the House of Commons, or by both Houses of Parliament, as the case may be, for that purpose.

(2) The committee referred to in subsection (1) shall, within a year after a review is undertaken pursuant to that subsection or within such further time as may be authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committee recommends.”.

The Hon. the Speaker *pro tempore*: The bells to call in the senators will be sounded for fifteen minutes in order for the vote to be taken at 5:30 p.m.

Please call in the senators.

• (1730)

[*English*]

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Atkins
Forrestall
LeBreton
Lynch-Staunton

Murray
Nolin
Plamondon
Prud'homme
Stratton—10

NAYS
THE HONOURABLE SENATORS

Adams	Harb
Austin	Jaffer
Baker	Kenny
Banks	LaPierre
Biron	Léger
Callbeck	Losier-Cool
Carstairs	Mercer
Cook	Moore
Corbin	Munson
Day	Phalen
Fairbairn	Poulin
Ferretti Barth	Ringuette
Finnerty	Robichaud
Fitzpatrick	Rompkey
Fraser	Sibbeston
Gauthier	Smith—33
Graham	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

On motion of Senator Rompkey, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 4, 2004, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 4, 2004, at 2 p.m.

APPENDIX

(See page 974)

OBSERVATIONS

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

Bill C-24, *An Act to amend the Parliament of Canada Act*, is intended to allow retired parliamentarians aged between 50 and 55 to continue receiving health, dental and life insurance benefits, even though they are not entitled to their pension during that period as the Act specifies that MP pensions cannot be paid until the retiree has reached age 55.

To justify this amendment, it was argued before the Committee that the benefits for retired Parliamentarians are essentially identical to the benefits provided to retired public servants. In actual fact, public servants have an option to retire as early as age 50, suffering a penalty in the form of a reduced pension but continuing their benefit plan coverage. This option is not available to Parliamentarians due to the terms of the *Members of Parliament Retiring Allowances Act*.

Proponents of Bill C-24 suggest that it fills a gap in coverage and brings retirement benefits for Parliamentarians in line with those of public servants. Witnesses appearing before the Committee, however, disagreed. Individuals who have left the public service do not have the option of benefit plan coverage between the ages of 50 and 55 prior to receiving their pensions. In essence, it was argued that the government is legislating a double standard: one for former Parliamentarians and one for retired public servants. The Committee was also informed that the vast majority of private plans require that retirees be in receipt of their pension before any health or dental benefits become available.

The Committee understands that the impetus for this Bill lay in the circumstances of one particular Member of Parliament, but that others are also affected. While we are supportive of the specific case, the Committee does have concerns about the process followed; in particular, the use of legislation that amends legislation of general application and impacts a broad policy area, with little debate or public input, when other means may have been available to address an individual situation.

Unfortunately, the Bill's underlying objectives and overall impact were not addressed in any detail in the House of Commons, where it was passed pursuant to the terms of a House Order at all stages in less than one hour, with minimal debate and without committee review. At the very least, other non-legislative options should have been considered to accommodate a unique situation, such as an Order in Council

or through internal administrative means. If there is a legislative oversight or gap, it ought to be addressed in the regular legislative course. The amendments contemplated in this Bill could be presented as part of omnibus legislation or in the context of future revisions to the *Parliament of Canada Act*, or to the *Members of Parliament Retiring Allowances Act*, thereby ensuring that they are analyzed and debated in a thorough manner with greater public participation and input.

The long-term ramifications of this bill are also unclear. Witnesses suggested that it might, for example, set a precedent that could impact future public service collective bargaining. The extension of these benefits to Parliamentarians could result in nearly half a million federal employees requesting similar pension health and dental benefits.

The Committee is particularly concerned about public perception of legislation that is "fast-tracked," a concern that is amplified when a bill addresses compensation or benefits for Parliamentarians. It is even more troublesome in this instance, as we are asked to approve increased healthcare benefits for Parliamentarians at a time when broader public healthcare issues desperately need to be addressed by government. While such bills may be eminently defensible and necessary, we must be more sensitive to the added cynicism they may engender among Canadians.

The dilemma facing the Committee was that we sympathize with the situation of the individual retiring Parliamentarian, who wishes to have continuous coverage and appears to have been caught in an inadvertently created gap, but at the same time the Committee is concerned that this legislation appears to be providing Parliamentarians with benefits which are superior to those available to civil servants when that was not the stated intention.

A better approach might have been to amend the *Members of Parliament Retiring Allowances Act* to permit former Parliamentarians to take a reduced pension prior to age 55 and receive plan coverage, making the system and choices more comparable to those available to former civil servants.

That was not an option open to the Committee, but is one, which we suggest for future consideration.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(3rd Session, 37th Parliament)
Thursday, April 29, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act to amend the Canada Elections Act and the Income Tax Act	04/04/01	04/04/22	Legal and Constitutional Affairs					
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11	04/02/26	Rules, Procedures and the Rights of Parliament	04/03/23	0	04/03/30	04/03/31	7/04
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11	04/02/20	Legal and Constitutional Affairs	04/02/26	0	04/03/10	04/03/11	1/04
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology	04/03/09	0	04/03/11	04/03/29	2/04
C-7	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	04/02/11	04/03/11	Transport and Communications	04/04/01	0			
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11	04/02/18	Social Affairs, Science and Technology	04/03/11	3	04/03/29	04/04/22	11/04
C-11	An Act to give effect to the Westbank First Nation Self-Government Agreement	04/04/27	04/04/29	Aboriginal Peoples					
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12	04/02/24	Banking, Trade and Commerce	04/03/11	0	04/03/22	04/03/29	3/04
C-14	An Act to amend the Criminal Code and other Acts	04/02/12	04/02/25	Legal and Constitutional Affairs	04/04/01	0	04/04/21	04/04/22	12/04
C-15	An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences	04/04/27							
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12	04/02/19	Legal and Constitutional Affairs	04/03/25	0	04/04/01	04/04/01	10/04

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-17	An Act to amend certain Acts	04/02/12	04/03/09	Legal and Constitutional Affairs	04/04/29	0			
C-18	An Act respecting equalization and authorizing the Minister of Finance to make certain payments related to health	04/03/10	04/03/22	National Finance	04/03/23	0	04/03/25	04/03/29	4/04
C-20	An Act to change the names of certain electoral districts	04/02/23	04/03/09	Legal and Constitutional Affairs					
C-21	An Act to amend the Customs Tariff	04/03/24	04/04/01	Banking, Trade and Commerce	04/04/22	0	04/04/28	04/04/29	13/04
C-22	An Act to amend the Criminal Code (cruelty to animals)	04/03/09	04/04/20	Legal and Constitutional Affairs					
C-24	An Act to amend the Parliament of Canada Act	04/03/22	04/03/29	Social Affairs, Science and Technology	04/04/29	0			
C-26	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	04/03/22	04/03/25	—	—	—	04/03/26	04/03/31	5/04
C-27	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005	04/03/22	04/03/25	National Finance	04/03/30	0	04/03/30	04/03/31	8/04

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03	04/02/11	National Finance	04/02/26	10	04/03/11	04/03/31	6/04
C-249	An Act to amend the Competition Act	04/02/03	04/04/01	Banking, Trade and Commerce					
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03	04/02/20	Legal and Constitutional Affairs	04/03/25	0	04/04/28	04/04/29	14/04
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03	04/02/23	Energy, the Environment and Natural Resources	04/03/10	0	04/03/30	04/03/31	9/04
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03	04/03/23	Transport and Communications					
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03		subject-matter 04/03/11 Legal and Constitutional Affairs					
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03	04/02/26	Official Languages	04/03/09	0	04/03/11		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-5	An Act to protect heritage lighthouses (Sen. Forrestall)	04/02/03	04/02/05	—	—	—	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04	Bill withdrawn pursuant to Speaker's Ruling 04/03/23						
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources	04/03/10	0	04/03/11		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11	04/03/09	Legal and Constitutional Affairs					
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12	04/04/28	National Finance					
S-13	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/02/19							
S-14	An Act to amend the Agreement on Internal Trade Implementation Act (Sen. Kelleher, P.C.)	04/03/10		subject-matter 04/03/22 Banking, Trade and Commerce					
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S-17	An Act to amend the Citizenship Act (Sen. Kinsella)	04/03/25	04/04/01	Social Affairs, Science and Technology					

PRIVATE BILLS

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