



CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 82

OFFICIAL REPORT
(HANSARD)

Wednesday, July 6, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

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

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, July 6, 2005

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

Prayers.

SENATORS' STATEMENTS

ACTION AGAINST POVERTY

Hon. A. Raynell Andreychuk: Honourable senators, this year is the most significant year for world leaders. With the Gleneagles G8 Summit, there is an opportunity to give not charity but effective aid. With the backdrop of the New Partnership for Africa's Development, NEPAD, where African leaders made undertakings for good governance and new accountability in Africa, and with the Kananaskis commitments lead by former Prime Minister Chrétien, plans were begun to mobilize world opinion and government action. Our Minister of Finance signed on to the recommendations and commitments in the Blair commission. Now, we have the Gleneagles summit where G8 leaders can exercise, as Mr. Nelson Mandela said, "leadership, vision and political courage."

All these were initiatives to start an extraordinary attempt to eradicate poverty through effective aid, trade and a new form of engagement. This year, there is a three-pronged approach. The aid initiatives will be followed by the Millennium Summit in September, where each government will be measured as to how the millennium goals that they committed to will be met. The final segment of this three-pronged approach will be the round of world trade talks in December aimed at eradicating a trade regime that so disadvantages the third world.

In his speech in London's Trafalgar Square on Saturday, Nelson Mandela made these comments:

Massive poverty and obscene inequality are such terrible scourges of our time — times in which the world boasts breathtaking advances in science, technology, industry and wealth accumulation — that they have to rank alongside slavery and apartheid as social evils.

The Global Campaign for Action Against Poverty can take its place as a public movement alongside the movement to abolish slavery and the international solidarity against apartheid.

Mr. Mandela also said:

Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.

And overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life.

The Hon. the Speaker: Senator Andreychuk, I am sorry but your three minutes have expired.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

FOURTEENTH PARLIAMENTARY ASSEMBLY

Hon. Jeremiah S. Grafstein: Honourable senators, yesterday the Parliamentary Assembly of the Organization for Security and Co-operation in Europe completed its fourteenth annual session in Washington, D.C. It lasted over five days and was attended by more than 1,000 parliamentarians and staff. It was probably the largest assembly in its history. The Washington Declaration, a compendium of all resolutions adopted, will be tabled in the Senate. The OSCE Parliamentary Assembly is composed of parliamentarians from 55 member states and is the largest international organization dedicated to the advancement of democratic rights, human rights, and economic and security cooperation.

The Washington Declaration included a number of issues on which Canadian parliamentarians took the lead: trafficking in human beings; steps for cooperation in the Middle East; combating anti-Semitism; advancing the fight against corruption amongst parliamentarians and in the public service; improving democratic surveillance of election monitoring; codes of conduct for peacekeepers and international representatives; and gender issues.

I was pleased to be re-elected for a third time as a Senior Officer and Treasurer and as Leader of the Liberal, Democratic and Reformer's Political group. I extend my appreciation and congratulations to our colleague, the Honourable Senator Di Nino, for his assiduous performance as head of the Canadian delegation. I intend to have the Senate consider a number of aspects of the Washington Declaration, which each parliamentary delegation was mandated to do under the declaration.

I would like to add a special word of congratulations to Speaker Dennis Hastert, of the House of Representatives, to our Congressional American hosts and to Congressman Alcee Hastings, who was re-elected President of the OSCE Parliamentary Association and who invited us to share an outstanding visit to George Washington's home on Mount Vernon on the Potomac. Our hosts also invited us to participate in the festivities on Capitol Hill for their July 4 celebration, together with over one million Americans. It was a memorable experience for all of us.

TAX BURDEN ON YOUNG PROFESSIONALS

Hon. Wilbert J. Keon: Honourable senators, there is an article in today's *Ottawa Citizen* by Sarah Schmidt that says one third of our graduating Ph.D. students this year will move to another country. This disturbing fact has been with us for some time and,

having had personal experience in this area, I can tell honourable senators why they are leaving Canada. They move to the United States because their disposable income will be about double what it would be in Canada. They will pay about one half the tax in America that they would pay in Canada.

I believe the government must address this situation and ease the tax burden on these young people who are on the way up. It is completely unfair to continue to tax them at the current levels.

ROUTINE PROCEEDINGS

LEGAL AND CONSTITUTIONAL AFFAIRS NATIONAL FINANCE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committees on Legal and Constitutional Affairs, and National Finance, be empowered, in accordance with rule 95(3)a), to sit during the period of July 11 until July 18, 2005 inclusive, even though the Senate may then be adjourned for a period exceeding one week; and

That these committees be authorized to meet at any time during this period.

• (1340)

The Hon. the Speaker: Does Senator Rompkey wish leave to do that now?

Hon. Terry Stratton (Deputy Leader of the Opposition): Perhaps my honourable friend could review those dates again.

Senator Rompkey: My motion yesterday referred to the period of July 8 to July 15. This motion now says from July 11 to July 18, to make it clear that the committees are sitting next week.

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

Hon. Senators: Agreed.

Motion agreed to.

THE SENATE

MOTION TO EXTEND SITTING ADOPTED

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

That, notwithstanding the Order of the Senate of November 2, 2004, when the Senate sits today, Wednesday, July 6, 2005, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1).

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

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: May I make a comment?

The Hon. the Speaker: It is a debatable motion.

Senator Prud'homme: That means the committees that may have to sit may not sit.

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

Motion agreed to.

MEMBERSHIP OF STANDING SENATE COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS

Hon. Jack Austin (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Kinsella:

That pursuant to Rule 85(2.1) of the *Rules of the Senate* the membership of the Standing Senate Committee on Conflict of Interest for Senators are as follows:

The Honourable Senators: Andreychuk, Angus, Carstairs, P.C., Joyal, P.C. and Robichaud, P.C.

The Hon. the Speaker: Honourable senators, because this motion is deemed adopted upon being put in the manner that it has been put, and the rule that provides for it is not in our current rules as distributed, I will read rule 85(2.1), which states:

85(2.1) The Leader of the Government shall present a motion, seconded by the Leader of the Opposition, to the Senate on the membership of the Committee on Conflict of Interest for Senators at the beginning of each session and this motion will be deemed adopted without debate or vote when moved and a similar motion will be moved for any substitution in the membership of the Committee.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Lise Bacon: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet on Thursday, July 7, 2005, even though the Senate may then be adjourned for a period exceeding one week, in order to consider Bill C-2.

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

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Jane Cordy: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, pursuant to rule 95(3)(a) the Standing Senate Committee on Social Affairs, Science and Technology be authorized to meet Thursday, July 7, 2005, even though the Senate may then be adjourned for a period exceeding one week, for the purpose of discussing Bill C-22 and Bill C-23.

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

Hon. Senators: Agreed.

Motion agreed to.

• (1350)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joan Fraser: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet on Monday, September 26, 2005, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY EFFECT OF RELOCATING FEDERAL DEPARTMENTS

Hon. Claudette Tardif: Honourable senators, I give notice that at the next sitting I will move:

That the Standing Senate Committee on Official Languages study and report its recommendations to the Senate on the following no later than June 15, 2006:

1. The relocation of federal department head offices from bilingual to unilingual regions and its effect on the employees' ability to work in the official language of their choice;

2. The measures that can be taken to prevent such relocations from adversely affecting the application of Part V of the *Official Languages Act* in these offices, and the relocated employees' ability to work in the official language of their choice.

[*English*]

INFORMATION COMMISSIONER

NOTICE OF MOTION IN SUPPORT OF HOUSE OF COMMONS MOTION TO EXTEND TERM BY ONE YEAR

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada join with the House of Commons in recommending that the term of John Reid, the Information Commissioner of Canada, be extended by an additional year effective July 1, 2005.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would first call Bill C-48, followed by Bill C-38.

BILL TO AUTHORIZE MINISTER OF FINANCE TO MAKE CERTAIN PAYMENTS

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Baker, P.C., for the second reading of Bill C-48, to authorize the Minister of Finance to make certain payments.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I rise to speak on Bill C-48, the Liberal-NDP budget bill. With regard to the general thrust of this bill, it must be said that Bill C-48 is heavy on the public purse but very light on detail. It commits hundreds of millions of dollars in broad areas without any concrete plans for how the money will be spent.

Bill C-48 authorizes cabinet to design and implement programs under the vague policy framework of the bill and to make payments in any manner that it sees fit. Somehow, honourable senators, the idea of accountability has gone out the door in this bargain between Paul Martin and Jack Layton.

As *The Economist* pointed out in a recent article on Canada's public finances entitled "From deficit slayer to drunken spender?", Paul Martin "appears to have thrown fiscal restraint to the wind." The article also hit the nail on the head when it talked about the fact that there is a concern that this government is "giving away not money already in the kitty but future revenues."

Sadly, this trend in the government's approach is confirmed in the Liberal-NDP budget before us. Although the government has reserved the right to use the first \$2 billion in 2005-06 and 2006-07 from the federal surplus, presumably for federal debt reduction, any surplus that exceeds \$2 billion could be used to fund programs related to this bill. As a result, the government would need to post \$8.5 billion in surplus over the next two fiscal years to fully implement this bill.

While one could definitely be critical of the fiscal recklessness that this bill represents, I would like to focus my speech on areas where this bill is lacking — the complete absence of anything for rural Canada and sectors of the economy important to rural Canada. On issues related to agriculture, there is nothing in this bill. The same is true with relation to Canada's energy and mining industries. Forestry and the problems related to the softwood lumber industry were also ignored. The NDP-Liberal budget deal also does not include anything for the fisheries.

On the matter of child care for rural Canadian families and single parents, this bill is silent. Indeed, when Minister Goodale appeared before the Standing Senate Committee on National Finance to discuss Bill C-43, it was made clear that there is nothing in that bill either for child care for rural families, and Minister Goodale had no solution for dealing with this problem. How can we say that these bills look after child care for Canadians when that entire segment of our society, namely, rural families, is given nothing for child care?

On the issue of tax relief for hard-working rural Canadian workers and businesses, the Liberal-NDP bill is, yet again, silent. Bill C-48 also runs contrary to the priority of many rural Canadians that governments should be prudent in their handling of public finances by paying as they go and taking into account the need to reduce our national debt and thereby our debt servicing costs.

This lack of sensitivity to some of these fiscal priorities was cited by the Canadian Federation of Independent Business, which stated that the Paul Martin-Jack Layton deal does not complement the priorities of small businesses that favour allocating the federal surplus to debt reduction and tax relief over additional spending.

Small and medium-sized enterprises are the backbone of rural Canada, honourable senators, and the record shows that when the chips were down, when it came time for Paul Martin and Jack Layton to cut up the cash in pursuit of their own self-serving political agenda, they chose to ignore this vital segment of Canada's economy and society.

Honourable senators, during the years that this government has been in power, Canada's rural economy has declined, as has the infrastructure of small communities. To preserve the social fabric of rural Canada, the federal government and other levels of government should be doing everything in their power to encourage diversification and responsible development in small towns and villages by facilitating innovation in the development of small businesses that keep these communities alive. This is essential, for rural Canada plays an intrinsic role in our economic and social fabric. However, this fact, and the fact that rural Canada contributes approximately 50 per cent of Canada's GDP and 40 per cent of our exports, does not seem to be acknowledged in the priorities of the Liberal-NDP budget bill.

The same is true of the agricultural sector, which represents some 8 per cent of Canada's gross domestic product and employs more than 190,000 farm families. Historically, this sector of the economy has gone through good times and bad times, but the current situation facing many in this sector represents an unprecedented challenge.

For example, under this Liberal government the number of farm workers has been rapidly decreasing, and many of those workers who do remain must work off the farms, effectively working at two jobs just to make ends meet. Now, more than ever, the federal government should be working to fortify the position of producers as they confront challenges such as the BSE crisis, negative incomes, record low commodity prices, high input costs including fuel, and unpredictable weather such as we have experienced recently. Much to the chagrin of those on this side of the chamber, this need is nowhere more evident than in the calculation of the Liberal-NDP budget.

• (1400)

Energy and mining, which respectively represent roughly 6 per cent and 4 per cent of our GDP, are also important sources of employment in rural Canada. While not all jobs are concentrated in rural Canada, direct employment in the energy sector, excluding service stations and wholesale trade and petroleum products, was 225,000 people in 2002, or 1.5 per cent of total employment in Canada. As well, Canada's mining and mineral processing industries employ over 380,000 people. Approximately 113 Canadian communities, mostly in rural areas, have mining as a major source of economic activity.

Yet again, honourable senators, in the deal cooked up by Jack Layton and Paul Martin, these industries were given short shrift. For instance, nowhere did Jack Layton and Paul Martin give any thought to the heavy burden of profit-incentive taxes that have been a source of complaint by the mining industry. Such taxes include payroll taxes, capital taxes, various permit fees, licence fees and user fees. Some in the mining industry have also stated that Canada's mining tax regime has become less competitive than many foreign jurisdictions, which could lead to curtailed exploration programs, mine closures, deferred expansion plans, job losses and fewer attractive opportunities for mining investment.

The energy and mining industries also face challenges from the uncertainty and poor planning surrounding this government's approach to climate change under its Kyoto Protocol commitments, but the environmental spending in Bill C-48 does nothing to address this uncertainty.

Canada's forestry sector, which contributed 2.8 per cent to Canada's GDP in 2002, helps to create jobs for over 360,000 Canadians. Roughly 350 communities are dependent upon forestry for their economic well-being. Unfortunately, these are 350 communities and 360,000 Canadians that Jack Layton and Paul Martin did not think of when they drew up Bill C-48.

Canada's fisheries sector has also suffered from Liberal mismanagement. Total employment in Canada's commercial fishing industry declined from 58,733 in 1988, to 48,110 in 2000, an average decrease of 1 per cent per year. The industry reduced its contribution from 0.39 per cent of GDP in 1988 to 0.33 per cent in 2000.

When Paul Martin went fishing for votes with Jack Layton's New Democrats, Canadians who make their direct or indirect living from the fisheries were furthest from his mind.

On another issue that stands to improve the lot of rural and urban Canadians in Newfoundland and Nova Scotia, the fact that the Martin government took so long to reach an agreement on the Atlantic accord should also not be forgotten. They then further compounded the problem by holding the money for these accords hostage, first by tying it to a larger budget bill, Bill C-43, and then by refusing a Conservative offer to achieve quick Royal Assent for Bill C-43.

To conclude, honourable senators, the public record must take note of the fact that when the Liberals decided to work with the NDP to do something extra, to do something above and beyond what had previously been planned for rural Canada, it was totally ignored. The industries I have discussed, which represent over 21 per cent of Canada's GDP, were completely forgotten.

It remains a mystery why, when the NDP and Liberals cooked up this deal, they never even attempted to do something extra for rural Canada.

Senator Kinsella: Shame!

Senator Stratton: Maybe it is not so much of a mystery. Maybe that is just the way the Liberals and the NDP conduct their affairs when electoral necessity requires them to do business with one another. Perhaps, honourable senators, this is yet another confirmation of the priorities of these two parties. Priorities are often expressed in a general approach of issuing platitudes for rural Canadian issues and the rural Canadian way of life, but all too often fall short on actions that would reflect a sufficient sensitivity to, and engagement with, this vital component of our country.

Honourable senators, this is highly disappointing and why Bill C-48 should be rejected.

[Senator Stratton]

Hon. John Buchanan: Honourable senators, I will not take much time of the Senate this afternoon. Others have spoken, and certainly will speak about the substance of Bill C-48 — or I suppose maybe the lack of substance. After all, most of the substance that is in the bill was put together in one afternoon, or maybe one afternoon and evening, by the New Democratic Party and the leader of a major Canadian union. I will speak, however, about the process that was used in this budget.

Last week, Senator Mitchell spoke about minority governments. Senator Mitchell, like me, has no experience with minority governments. I was fortunate to lead four consecutive majority governments in Nova Scotia.

Some Hon. Senators: Hear, hear!

Senator Buchanan: People such as Senator Cordy and Senator Phalen fought against me, but we won every one of them.

In Senator Mitchell's province, the people of Alberta have been fortunate to have Conservative majority governments forever. I guess Senator Mitchell was not so fortunate, because he was the leader of the Liberal Party of Alberta.

On June 30, 2005, Senator Mitchell said:

Honourable senators, this is a democracy.

Absolutely, Canada is a democracy. He went on to state:

The people of Canada gave this Parliament very clear direction. Their direction was that they wanted this Parliament to have a minority government. They made that direction with the single most powerful statement that the electorate has with which to communicate in a democracy — their vote.

Absolutely correct, their vote. He then said:

It is inherently arrogant that after eight, nine or 10 months, the Parliament of Canada would actually begin to tell Canadians that they were wrong.

Honourable senators, if it was inherently arrogant in the year 2005, then it was equally as arrogant in the year 1980. Let us take a look at what happened in 1980, because in 1979-80 there was a minority Progressive Conservative government. Approximately 80 per cent of the people had elected a minority government, and in the early part of 1980 the people said that there should not be an election because the government had been in office only for seven months. It would have been inherently arrogant if anyone tried to kick them out, but what happened one night in the House of Commons? The inherently arrogant group did so; they defeated the Conservative government in the House of Commons. It is interesting, when I look back.

• (1410)

Senator Rompkey: A Nova Scotian called Allan MacEachen.

Senator Buchanan: The deputy leader must be a mind reader. I was just going to mention Allan MacEachen.

Honourable senators, I was on my way from Amherst after a successful Progressive Conservative annual meeting in Amherst and I heard Senator Allan J. MacEachen speaking. He was our former colleague and my dear friend of many years. He was also the Liberal house leader at the time. I asked him why he would want to defeat the Conservative government in the House of Commons and his answer was typical Allan J.: "Well, we had the opportunity to do it."

In my next question, I pointed out that over 80 per cent of the people of Canada said they did not want an election. The government had only been in power for seven months and I asked him what he had to say about that. His answer was, "Oh, they'll forget about that in two days."

The next question was: "But what if you lose the election, Mr. MacEachen?" He said, "We're not going to lose the election. That's the prize. We're going to win the election."

I repeated, "But what if you lose the election?" He replied, "Well, if there's a remote possibility that we would lose the election, we'd be right back where we are now, in opposition."

Honourable senators can see that if it is inherent arrogance now to attempt to defeat the government, it was inherently arrogant back in the 1980s. Senator Mitchell forgot that little bit of political history, and we should all take a look at history sometimes and at what has been produced in history as far as minority governments are concerned.

I will now come back to minority governments. There is no question that arrangements have been made in the past and will continue to be made in the future, as far as minority governments are concerned, to help prop up the minority government by legislation that will be supported by other parties to keep a minority government in office. That has happened many times in this country. It did not happen recently in Nova Scotia because we had four majority governments, but it did happen in 1970 when Gerry Regan formed a minority government. With the help of the NDP, they were able to stay in government, not by gutting any budgets but by making changes in legislation that were acceptable to the NDP and the opposition. There are many ways this can be done. One way, of course, is by forming a coalition. That certainly was not done here, but that kind of thing happened in Ontario with the New Democratic Party and with the Liberal Party of Ontario in 1985, so that can be done.

His Honour will remember Gumper Goss. He was at Mount Allison with me and one of his dearest friends at Mount Allison was Harry Currie. Harry Currie is probably the second greatest symphony director in Canada. Senator Banks is the first, but Harry Currie is the second.

Minority governments can be supported by coalitions. There can be minor changes in budget bills, and there can be minor changes in legislation with other bills to prop up a minority government.

The situation here, though, is unprecedented. What is unprecedented is that the budget was already introduced by the Minister of Finance and he said at the time that it could not be changed. He used the term "cherry-picked." It cannot be cherry-picked. The finance minister opposed most of the items in

Bill C-48, which of course the Minister of Finance had already said he would do, and that he would oppose any changes the NDP had proposed in the House of Commons. The finance minister said the budget could not be cherry-picked. He said it cannot be stripped away, piece by piece. He said the corporate tax relief would create thousands of jobs and must be preserved; therefore, he would not change the main thrust of the budget, which is the tax relief in the budget.

What happened then, honourable senators, is unprecedented. Yes, changes can be made, as I have said. However, the budget of the Minister of Finance in Canada was gutted in a hotel room, with the leader of the New Democratic Party and the leader of a national union in Canada, without the presence of the Minister of Finance. In other words, the Minister of Finance was not there for a budget that he said could not be changed, could not be cherry-picked, and could not be stripped away. They did it in a hotel room. Therefore, honourable senators, I am concerned about the process that was followed here, in what is supposed to be a parliamentary democracy.

We have heard that term "democratic deficit." Instead of correcting the democratic deficit, this \$4.6 billion Bill C-48, put together in a hotel room without cabinet input, without input from the Minister of Finance, extended the parliamentary democratic deficit dangerously. The process of budget-making has been dangerously fought and the Minister of Finance, the Chief Financial Officer of Canada, has been undercut by the leader of the New Democratic Party, representing 6 per cent of the members of Parliament and less than 15 per cent of the voters in the last election.

Therefore, honourable senators, that is what concerns me about this bill. The process followed here is supposed to be a parliamentary democratic process. Budgets are prepared after months of cabinet deliberation, directed by the Prime Minister or the premier and the cabinet, and the Prime Minister or premier and the Minister of Finance. These are the people who direct the budget-making process.

Here we have a two-page, \$4.6 billion budget that was not prepared with cabinet input, and not prepared with input from the Minister of Finance, but prepared in one afternoon, in a hotel room, without the input of the Chief Financial Officer of Canada in attendance. This is not the process for preparing a responsible budget and I hope it never again happens in this country.

Some Hon. Senators: Hear, hear!

Senator Robichaud: Question!

Hon. Lillian Eva Dyck: Honourable senators, I counted the number of times that the words "hotel room" were said in the previous speech and it was four times. As you all know, I am a scientist. I listened to the debates. Maybe I have a slightly different way of thinking, but, to my mind, the place where the discussion takes place is not that relevant. In fact, it could be perceived as being used as a way of discrediting the discussion that ensued.

• (1420)

There are a variety of rooms in a hotel. The insinuation is, perhaps, that the hotel room is a bedroom, which sexualizes it, and I am sure that the honourable senator had no intention of doing that. However, there are many rooms in a hotel.

Senator Tkachuk: Maybe he did.

Senator Dyck: There are some very beautiful conference rooms, some very lovely spots. There are restaurants. There are private meeting rooms. Perhaps that is where the discussion took place.

The idea of a hotel room is an irrelevant point to constantly raise, although it seems to be one that delights people because it attempts to badmouth and discredit. It seems to me that the place where the discussion occurred should not be argued as being relevant to the discussion.

The Hon. the Speaker: I see no senator rising to speak, so I will adjourn the debate. Are senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: I will put the question. It was moved by the Honourable Senator Eggleton, seconded by the Honourable Second Baker, that this bill be read the second time.

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

Hon. Senators: Agreed.

The Hon. the Speaker: On division?

Senator Stratton: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

On motion of Senator Eggleton, bill referred to the Standing Senate Committee on National Finance.

CIVIL MARRIAGE BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill C-38, respecting certain aspects of legal capacity for marriage for civil purposes.

Hon. Sharon Carstairs: Honourable senators, it is with a great deal of privilege that I rise today to speak to this very important bill. It was my original intent to dedicate this speech to some very special people in this country, but I declined to do that because I think they know in their hearts that I am speaking for them. They are those who live in this great country who ask that they be treated equally with all others who live in our very special country.

[Senator Dyck]

Honourable senators, eight federal courts at the provincial level and one territorial court have made the judgment that the present definition of marriage as “the union of two persons of different genders” is not constitutional. It is quite clear in the reading of the judgments that the concern does not relate to the part of the definition with respect to the union of two persons. The problem is with respect to the phrase “different genders.” The difficulty, then, is that the courts have identified that discrimination against persons of the same gender is contrary to the Charter of Rights and Freedoms and is, therefore, unconstitutional.

If the federal government were to insist on the present definition of marriage, it would have to do so, despite arguments to the contrary, by the use of the notwithstanding clause. The government would be required to state, in essence, that, notwithstanding the Charter of Rights and Freedoms, notwithstanding that the law is unconstitutional, the government insists on the law. What an incredible concept that image presents! A government admits that it is discriminating against some of its own citizens, but it will do it anyway. I am deeply grateful that our government has chosen not to go this route. I would have preferred that the government had acted even sooner than it has done. However, it has now happened. We have a piece of legislation before us that recognizes the equality of all Canadians.

That is why, honourable senators, I have to note that the speech by Senator Kinsella, quite frankly, left me dreadfully surprised, particularly as Senator Kinsella has a very well-deserved reputation in the field of human rights. Yet, from his speech, which I have read four or five times, the honourable senator suggests nothing less than creating a category of persons who are separate but equal. The honourable senator said that the traditional definition of marriage could subsequently be followed by a clause indicating that, notwithstanding the traditional definition of marriage, marriage for civil purposes is the union of any two persons.

Honourable senators, this separate but equal philosophy is not new. The senator is hardly innovating with what he suggested might be a proposed amendment. In fact, the separate but equal doctrine, which flows from the century-old U.S. Supreme Court ruling in *Plessy v. Ferguson* of 1896, was the very basis for racial discrimination and segregation in the United States. The separate but equal doctrine in that case could be summarized in the words of Mr. Justice Brown, writing for the majority, in which he said laws permitting — and even requiring — their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other.

This doctrine was finally overturned in the United States in *Brown v. Board of Education* in 1954, when Chief Justice Warren, writing for the majority of the Supreme Court of the United States, wrote:

We conclude that in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we

hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

In Canada, the courts have also deplored the use of the separate but equal doctrine, and they have done so in cases respecting persons in same-sex relationships. On August 14, 1998, the Federal Court of Canada, Trial Division, held in *Canada (Attorney General) v. Moore and Akerstrom*, that a separate definition of same-sex marriage is discriminatory. The case involved employment benefits. The presiding judge wrote, in part, as follows:

In my view, the scheme proposed by the employer establishes a regime of "separate but equal," one that distinguishes between relationships on the basis of the sexual orientation of the participants. Thus, this scheme remains discriminatory.

Honourable senators, separate but equal is not acceptable. Therefore, let us extend, for example, the kind of proposal that Senator Kinsella made yesterday. What if we took the issue of prohibition on the grounds of gender? How would we adapt Senator Kinsella's approach to the question of the equality of men and women? Let me attempt to draft an amendment using the same approach that Senator Kinsella proposes for marriage among persons of the same sex. Maybe it would read something like this: Notwithstanding the principles of natural law which regard that men are superior to women and that, consequently, only men have traditionally qualified to be considered as legal persons, for the purpose of civil law, women shall be considered to be equal to men.

Was that not enlightening? Let us try the same on the prohibited grounds of race, national or ethnic origin. How would that appear in an amendment to the Canadian Human Rights Act? Maybe we could say the following: Notwithstanding the superiority of the white races as ordained by God, and illustrated by his divine wisdom in the separation of the races into different continents, non-white persons for the purposes of civil law shall be considered equal to white persons.

I hope not, honourable senators.

Let us try one other example with respect to mental or physical ability. Perhaps we could write it this way: Notwithstanding the self-evident inferiority of persons with mental or physical disability, and their incapacity to function as fully normal persons, they are deemed to be equal to normal healthy persons.

Honourable senators, with the greatest of respect to Senator Kinsella, his position is simply untenable. These examples, I think, illustrate the absurdity of the logic on which his proposed amendment rests.

• (1430)

Honourable senators, we have persons in Canada who are asking to be treated equally. I look at this whole issue from the concept of what is marriage? What is marriage between two persons? Is it based, as we were told the other day, on

procreation? There are a number of persons, some even in this chamber, who have married and have found themselves unable to have children. Is their marriage any less valid because they cannot procreate? I think not.

It cannot be procreation upon which marriage is based. In my experience of 39 years of marriage, I say, what is marriage based on? For me, marriage is based on friendship and companionship. It is based on making the very most of our talents and the encouragement of the other partner in that endeavour. It is a relationship of two soulmates who understand the heart of the other person.

Honourable senators, how can I, someone who has had the glorious pleasure of 39 years of marriage, deny it to any other person? How can I do that? How can I say that two persons of the same gender have less opportunity than I have had?

Honourable senators, I often wondered what I would do if one of my daughters had come to me and said, "Mom, I have chosen a partner, and that partner is of the same gender." I hope that what I would have said to her under those circumstances is, "I want you to have the same joy in your life that I have had with your father, so, if that is your choice, that person will be accepted in my heart and will be loved."

[*Translation*]

Hon. Gerald J. Comeau: Honourable senators, in the past few days we have been hearing from the senators on the government side that debate on Bill C-38 in this place was not necessary because everything had been said in the other place. Thus, it was unnecessary for an informed debate to be held here, because it would be a waste of time.

According to the Liberals, the other place has studied the bill and any debate in the Senate would be nothing but duplication. If that reasoning is valid, we should probably be questioning the usefulness of this place, since the other one considers bills in detail and the work is finished there. Why, then, are we here?

I realize that the new senators are sometimes frustrated by the lengthy debates, and would like to pass bills as soon as they arrive here. This is simplistic reasoning. Certainly, it would be easier to do things quickly, so why did they choose to sit here rather than somewhere else?

I can understand the new senators' impatience. They have not yet understood the reason for proceeding slowly with the legislative process. They do not understand the value of debates and of public consultation. We must think carefully about the bills before we pass them.

I have less sympathy, however, for the more experienced Liberal senators who are rejecting the value of our debates. These senators know very well that the work done in the other place must never replace vigorous debate here.

Those honourable senators ought to be setting an example for their newer colleagues, showing them that it is their constitutional responsibility to examine bills in detail, regardless of what was done in the other place. Veteran senators should be making their new colleagues aware of the distinction between the government

and the Parliament. Senators are the ones who direct the debates. That is our parliamentary responsibility. I have the impression that some new senators have not grasped what their new positions are all about.

In my opinion, we could have taken this opportunity to consider people in non-conjugal relationships so that they could benefit from Bill C-38.

The government has chosen to completely ignore the fact that two people, such as a mother and her son or a father and his son, may live together without necessarily sleeping in the same bed.

Senator Carstairs said earlier that marriage, or an equivalent union, may include friendship, companionship or a relationship between two soulmates.

This bill should recognize such relationships. It completely ignores the issue of family. There are numerous such arrangements throughout Canada. People living in such arrangements are not worthy of consideration in this bill because their relationship is not a conjugal one.

Yet these individuals live together as a family in stable, calm and loving homes. Their love is as important as the love between conjugal partners.

Senator Carstairs could have told us that numerous children make great sacrifices in order to care for a mother, father, brother or sister. We have chosen to ignore their sacrifices in this bill.

One major advantage to a system of civil unions would be that such arrangements could be an option for those in non-conjugal relationships. The Liberals should understand, of course, that the state has no place in the bedrooms of Canadians.

The government insists that homosexuals have a fundamental right to use the word "marriage." I have some difficulty accepting that logic. Suppose we had legislation authorizing civil unions with all the specific rights of traditional marriage, with the exception of the rights associated with the word "marriage." Using the government's logic, homosexuals would have a fundamental and legal right under the Charter of Rights and Freedoms to use the word "marriage."

Those who insisted that the status of civil union was diminished because they were not entitled to use the word "marriage" would be forced to appeal their right to use the word "marriage" to the Supreme Court. All other rights would remain unchanged. The Charter of Rights and Freedoms protects rights, not the meaning of words.

I am not sure the Supreme Court would want to get involved in a legal proceeding over the right to use the word "marriage" under the Charter of Rights and Freedoms.

I have one last observation. The government set up the debate to give the impression that those who oppose the bill are homophobic, stupid and prejudiced. Just look at the buttons saying, "It's the Charter, stupid," that were seen when the other place was discussing this bill, suggesting that anyone opposed to this bill is stupid.

[Senator Comeau]

As a parliamentarian, I think this type of debate is insulting to Canadians and to anyone needing this kind of resource to present their arguments.

• (1440)

We deserve better from our government. I believe we are entitled to hold differing opinions. I may be wrong; if so, I can accept that. However, I find it truly insulting to treat those who disagree with the arguments from the other side of this chamber as stupid, ignorant homophobes.

Hon. Marcel Prud'homme: Honourable senators, I will not take part in the debate at this stage, but there is a question that has been on my mind for some time.

I am not afraid to speak my mind and to tell it like it is. The 1993 Liberal Party Red Book caught my attention. There is passage referring to the need to address this concern of certain individuals, namely, widows, widowers and single persons.

I was there when Treasury Board President Lucienne Robillard appeared before a Senate committee. I asked her whether she would take care of this because a Liberal senator had been kind enough to pass me the note from the Red Book. She said, "In fact, Ms. McLellan, Minister of Justice, has a committee to take care of this."

I am a Liberal. I am in favour of equity in Canada. Everyone here knows about my personal situation. My sister is 78 and I am 70, and everyone in my neighbourhood knows that she and I have always lived together. I also lived with one of my other sisters.

There are many people in my situation. Many a senator has taken care of their dying mother without having any hospital privileges. My sister is sick at this time and, if I were to leave her, my pension would go with me. This is a very personal situation and it is a conflict of interest.

[English]

It addresses the concerns of thousands of people across Canada who are affected by this. I was rising to ask Senator Carstairs, a lady whom I admire very much for her devotion, if she would join with me in taking the next step in extending equality.

This would be the last group of people who would be treated equally. A large number of siblings live with each other and take care of each other. Many women will take care of their elderly mothers because there is always one in the family who will do it. The other family members say, "We will give that duty to Marthe or Theresa. She will look after our mother."

For the moment, I am not talking about this bill; I am talking about the future. I see some honourable senators smiling. They should realize that I conducted my survey. Many people in the Senate are affected. There are many more widows than widowers who have someone to take care of them.

I am not talking about someone who says, "I live in Australia and take care of my mother in Canada." That is not what I have in mind. This phenomenon is well known in societies such as in France, for example, where there are two people who care for each other. These individuals should have the same rights that we are extending to others.

Does Senator Comeau think that this would be a good step to take in the future? Senator Kinsella understands me very clearly on this issue. Perhaps the time has come to have a committee look into this suggestion. I hope that Senators Austin and Rompkey will join with me in this endeavour. We need leadership to finish the job of creating total equality for all people.

Senator Comeau: Honourable senators, I appreciate Senator Prud'homme's question and am aware of the fact that he has been taking care of his sister for quite some time. It is very much appreciated because taking care of his sister is one of his contributions to society, but society is not thanking the honourable senator in return.

We could have recognized in this bill the contribution that the honourable senator, and others like him, make to society as a whole. I use the Honourable Senator Prud'homme as an example. I know he represents not only those in this chamber who find themselves in the same position but also those thousands of Canadians right across the country who we have failed to take into consideration in this bill.

Had we approached this bill with a little more reflection, we could have arrived at a civil union that would have helped the thousands of people who are in the position described by the honourable senator.

I mentioned Senator Carstairs' undeniable good work in palliative care and her deep commitment to it. Imagine what such a measure could have done for the work she is doing to advance the cause of palliative care.

I could not help but note the definition given to what is a loving couple. A loving couple can be a mother and her son, or a mother and her daughter, without resorting to the question of whether or not they sleep in the same bedroom. That is an entirely different matter. We could have done it under the auspices of a non-conjugal type of bill. We had the opportunity to do it this time and we could have done it.

Now we have postponed or missed a great opportunity. Senator Prud'homme's question has given me a chance this afternoon to bring this issue forward. I agree entirely with the honourable senator that it is time to look at this issue. We missed the opportunity with this bill. Let us do it.

Hon. John G. Bryden: Honourable senators, we are launched into a debate that is moot because the issue of whether persons of the same sex have a right to marry has already been decided by the courts in the affirmative. Unless someone has the temerity to invoke the notwithstanding clause, the issue is irrevocably settled.

As someone who appreciates the successful outcome of long and difficult campaigns, I congratulate the members of the gay rights movement who, over a relatively short period of time, have brought gays' right to marry not only out of the closet but through the highest courts in the land, the House of Commons, and soon this place, to Royal Assent. That is not a bad performance, not bad at all. Congratulations!

It is indeed a great leap for individual rights under the 1982 Charter of Rights and Freedoms. Why do I sense, then, among many of my friends, neighbours and acquaintances across the country, an unease, almost a foreboding? Is this just normal reluctance to accept fundamental change to an institution that has been part of the fabric of western civilizations for as long as it has existed?

• (1450)

Why have these ordinary Canadians not spoken out about their feelings? Perhaps, as some have mentioned, they do not want to appear to be against expanded rights for individuals. Others appear to be concerned that to question same-sex marriage at all, for whatever reason, is to be labelled homophobic, intolerant and discriminatory.

It has been rightly pointed out during this debate that one of the roles of a senator is to represent and defend minority interests. Indeed, there would have been no federation in 1867 if the big provinces of Upper Canada and Lower Canada had not agreed to an upper chamber that would give my region, the Atlantic, the same number of votes in that chamber as each of the bigger regions. Even back then it was recognized that my province and my region would in all probability continue to be a minority in the elected House of Commons, and New Brunswick and Nova Scotia demanded an appointed Senate with equal status to counter that imbalance. Without the agreement to that demand, there would have been no Canada — at least, not that year.

Honourable senators, with a great deal of humility, I would like to attempt to articulate some of the concerns and issues that appear to trouble some of the folk in the minority region that I and other Atlantic senators represent. First, I believe that we need to accept the fact that one can accept homosexuality and support equal treatment for gays while having reservations about changing the legal definition of marriage to include same-sex couples. Indeed, this would seem to reflect a significant proportion of Canadians' views. A survey dated September 5, 2003, found that 52 per cent of Canadians believe there is nothing wrong with homosexuality. Two in three Canadians said that gay or lesbian couples who enter into committed relationships should be treated the same as heterosexual couples who do so.

The problematic issue for many is the proposed use of the word "marriage." In that context, I should like to consider the broader implications of the issue. Is marriage just a word, or is it something more? What does it mean to be an institution, part of the fabric of Western society? Do we fully understand the role that traditional marriage has played in the evolution of our society? Why is it that no society has done this before this contemporary period? What is essential to the concept of marriage and what is not? At what point will we have changed it so that it is no longer recognizable? More important, at what point will it have been changed so that it no longer can serve the function it serves, consciously or not, in our society?

In a recent article, Sam Shulman noted that American public opinion seems to be shifting very quickly "not actually in favour of gay marriage but toward a position of slightly revolted tolerance of the idea." He observed that those passionately on the

side of traditional marriage appear to be at a loss for words to justify their passion, while for the rest, “many seem to wish gay marriage had never been proposed in the first place, but also have resigned themselves to whatever happens.”

A review of the literature about the history of marriage indicates that marriage has — with arguably one exception — always been between a man and a woman. Some people are concerned about the future consequences of changing the law to open marriage to same-sex couples. Would it be possible, for example, to resist attempts to allow polygamy? Some quite mainstream religions, for example the Church of the Latter-Day Saints, advocate and accept polygamy. Under the Charter of Rights and Freedoms, would it be a violation of the freedom of religion to refuse to accept polygamous marriages? Notably, nothing in the *Halpern* decision would seem to preclude a further change to the definition of marriage to omit the limitation of two people.

What about incest? Interestingly, according to Frances and Joseph Gies’ book *Marriage and the Family in the Middle Ages*, “the incest taboo has so far resisted attempts by psychologists, anthropologists and sociologists to develop a really convincing and generally accepted explanation” for its existence. If so, is it not arguably a matter of time before the incest taboos fall as well?

Perhaps that is as it should be, but these potential consequences should be examined and considered. I want to make it perfectly clear that the issue here is not whether homosexuality leads to incest or polygamy. There is absolutely nothing to suggest that it does, or would. The issue is whether, under the law, especially in view of the Charter and the court decisions thus far, there would then be pressure to change and to accept polygamous and incestuous marriage as well.

Polyamory, loving more than one person, is now a way of life for many people. Indeed, there are websites devoted to polyamory. Unlike same-sex marriage, if one canvasses history for precedents, there are long traditions of multiple marriages. Indeed, there are prominent examples in the Bible, notably that of Abraham with wives Sara and Hagar, and Jacob with wives Leah, Rachel and the maid servants of each, to name just two.

It would appear that there are many forms of relationships in which people are engaged that they consider like marriage, or would like to consider marriage. Would opening the door to same-sex marriage be the thin edge of the wedge? Is this desirable? If it is not, why not? Just as proponents of traditional marriage are having difficulty articulating the reasons for their opposition to same-sex marriage, will opponents to these other forms of relationships have similar difficulties?

Honourable senators, this review of some of the literature, and I have only touched the surface, in trying to argue against gay marriage demonstrates the difficulty of the task. They all believe there is a problem but cannot articulate what it is or why it exists. Us ordinary folk should take some comfort in the fact that experts on marriage and family, legal scholars and others, appear to have no definitive answers to our concerns, either.

Perhaps that relates to the fact that marriage between a man and a woman has existed in this form since the beginning of our written history. One of the most difficult tasks is to see outside one’s world and to understand it fully and clearly. This definition of marriage has been true for each one of us all of our lives, and is inculcated into our consciousness from the womb. Alternate forms of relationships, including committed lifelong relationships, have developed but they have, for the most part, developed in opposition to marriage as an attempt to create something unique that is not marriage; they have never attempted to transform marriage itself until the current era.

The challenge presented today is overwhelming in its scope and in its import. We are being asked to transform a fundamental part of our human world. Do we know enough of the potential consequences for our society? Honourable senators, I do not know the answers to these questions, but I believe it is important to have asked them. Much of this discussion is based on an analysis of the past traditions of Western civilization, and how traditional marriage brought us to where we are.

• (1500)

It is now time for me, at least, to consider the implications of this bill into the future. It is surely possible that one reason that so many people who believe there is a problem with changing the definition of “marriage” to include same-sex couples cannot say what that problem is or why it exists is that there is no evidence that there is a real problem. It may be that we will only determine that with the passage of time.

Honourable senators, I am a father, a grandfather and I am 68 years old. This bill will affect my children and their children more than it will affect me. Certainly, I have no evidence that would lead me to attempt to deny rights to present and future generations of Canadians. I have no crystal ball, and I do not know what lies ahead. We have a saying where I come from: “If you cannot see where you are going, go as far as you can see and, when you get there, you’ll be able to see a bit farther.” Honourable senators, I can see far enough today to choose to support this bill.

Hon. David Tkachuk: Honourable senators, I rise today to try to articulate why I am opposed to Bill C-38. There has been much written and much debated on the subject, and none of that has changed my mind. I am not sure whether anything I say, or others will say, will change the minds of those who support the concept. However, much still needs to be said and examined. This is at the heart of the question and it is the heart of my reluctance to deal with this bill in a hurried way.

Honourable senators, we are fooling with something, and we cannot predict the consequences of our actions for our children and for our country’s future. Change is not always good, and change to the institutions that have made us such a civilized and decent society should be made with great reluctance. I want for my children, and for their children, at least the same opportunities that I have had. People from all over the world want to come here, not to live as they have lived but to live the way we live. They come here to be given opportunity for their children and to practice their faith in freedom.

One of the very foundations of our social and cultural success has been the family unit and the marriage bond between men and women. As a society, we have used this institution that existed well before we, as a country, were here. We have adopted it to raise the next generation. We have given that institution state protection and benefits, not so that people could simply live together, because they chose to do that in the 19th century when marriage was not such a great institution, but so that they could raise the next generation. It is a civilized and decent way in which to reproduce ourselves.

We do not talk about that very much but, in reality, that is what we are talking about. Marriage is not by itself Christian, but Christianity and other religions have given it sanctification and the honoured place that it rightly deserves. Having children is important to our survival, which one would deem self-evident, yet single people are heard to say that paying school taxes is discriminatory.

Much of the argument against the Conservative position has been made on the premise that we are against homosexual rights, and that we do not understand the Charter. Let me point out that the court did not say that traditional marriage was unconstitutional. Rather, it said that the current bill was not unconstitutional. That is a big difference.

Honourable senators, as we contemplate a bill that will overthrow the traditional definition of “marriage,” we would do well to remember that the Senate is considered by many to be an out-of-step-with-the-times institution. Perhaps those who would dispose of the Senate should be asked whether they truly understand what the Senate does, what role it plays in our system of government and why the Senate was created in the first place.

I would raise the same question about Bill C-38. Have the proponents of the bill thought through the implications of what it will mean to do away with the definition of “marriage” as we know it? Have they thought about what Bill C-38 will mean for the concept of parents and family? This bill takes a historic concept of natural parent and replaces it with the notion of legal parent.

People such as Professor Cere of McGill University have pondered this issue and asked why this is so when all the court cases arguing for the redefinition of “marriage” have insisted that marriage was not about parenthood. The crux of the argument was that marriage is not about parenthood, so why are all these changes in the bill on parenting? What is the need to change the definition of “marriage” with this bill?

Bill C-38 is not about marriage for gays and equal rights but it is about overturning the very notion of family. The Minister of Justice, departmental officials and the government have not explained adequately why the amendments defining family matters such as children are in Bill C-38. Clauses 10 to 12 of Bill C-38 propose to replace “natural parent” with “legal parent” in the Income Tax Act. Given that Canada has had provisions for adoption for many years without needing to make these changes, this signals a more profound change. The definition of “parent”

would no longer be “biological mother or father” but “either of two persons who are married to one another.” This could have implications far beyond the Income Tax Act, including the way parenting is understood in schools.

We know, from years of history and scientific data, that, where possible, children should be raised by their biological parents. A recent academic study shows how this change will affect family law provisions meant to protect children. The website containing that information is available through me.

This bill may put Canada in breach of international obligations under the UN Convention on the Rights of the Child. Article 3 of that convention requires that the best interests of the child be the primary consideration on all decisions regarding the child. Article 7 guarantees that the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, so far as possible, the right to know and be cared for by his or her parents. It has other implications that I will speak to in a moment. Adopted children in Canada have the right to locate their biological parents, and Bill C-38 will take away that right.

Honourable senators, what is the purpose of marriage and what is the role of the family unit? I would argue that marriage is a man-made institution designed to take account of certain biological and evolutionary principles. Senator Bryden talked about why people have a difficult time articulating their opposition to this bill. I do not have a difficult time articulating my opposition to this bill because I know the intent of the bill — to redefine how we govern ourselves and raise our children in society.

• (1510)

I think we all want a chance to talk about the fact — and we often do not talk about it — that this is how we procreate in a civilized way. We do not do it in laboratories. We do not do it like in science fiction movies where we raise children in institutions. We tried that in Romania. We try and do it in family units, and family units are composed of men and women. That is the ultimate purpose of marriage and that is why there is marriage. Everyone is obligated to fulfil their responsibilities not only to each other but also to their families and their children.

You may ask: Why does Bill C-38 change that? That is not the point. Bill C-38 misses the point of marriage. Same-sex couples do not bring to the situation varying biological needs that need to be fulfilled in marriage. They may adopt children. They do not have children unless through extraordinary means. That means that all of the needs of same-sex couples can be met through civil unions without doing away with the traditional notion of marriage.

Our society does not condemn people deciding to live together. Our society does not say you have to be married to have children. We do not do that. It is a voluntary act. People can live together and build a stable home relationship, and our society says that is okay. Many people do, and many people have healthy families and fulfil all of society’s obligations through their relationship of living together.

However, for greater certainty, the state says that after one year, you are a family unit. Therefore, they cannot escape the obligations of parenthood that recognizes them as having a contractual obligation with the same rights and privileges of a married couple. Certain tax and pension benefits kick in as a result of that one-year relationship. Again, these benefits and obligations do not come about because people are married. They come about because these people are expected to have children. There are tax benefits to the mom or to the dad, depending on who is staying home and who is working. There are pension benefits because many times one of the spouses is staying home and, therefore, the pension sharing takes place. It does not take place because they have conjugal relationships. It takes place because they have children and are expected to have children.

Proponents of this bill have said that with marriage, there is divorce. That is true; there are imperfections in every institution in a civilized society. There are imperfections in this place, although we do not want to admit them. There are imperfections in the other place. There are imperfections in the court. We do not say that we should destroy these institutions because of their imperfections. We do not say that we would change their very definition because there are imperfections, but we seem to be saying that about marriage.

I spoke earlier about the articles in the bill that change the definition of “parents.” To me, this means that children who are adopted will not be able to seek out their biological parents; or at least it can be interpreted that way, because parenting is described differently in the act and there has been no reason as to why that particular description has taken place.

If we thought long and hard about what we are doing, we could conclude that all the needs of same-sex couples can be met through our party’s notion of a civil union. This, by itself, is not discriminatory. It is a common-sense solution that recognizes traditional marriage without detracting from the rights and benefits of people in same-sex relationships. What is the harm in that? Whose rights would such a solution infringe upon? Are we saying that the human rights of people who are different — and there is no denying that homosexuals and heterosexuals are different — have to be met exactly the same way? We cannot legislate away our differences and we are foolish to think that we can.

What we can do is accept the fact that people are different and find ways to accommodate those differences that are mutually acceptable to everyone. Bill C-38 does not do that. It tries to pretend that we are all the same when we are not.

Honourable senators, I look forward to more of this debate in committee. I am opposed to this bill not only in its substance, but I am opposed to this bill from the start.

Senator Prud’homme: Would Senator Tkachuk take a question?

Senator Tkachuk: Sure.

[Senator Tkachuk]

Senator Prud’homme: Does my honourable friend think that it is the duty of the Minister of Justice to appear before the committee in person and not via video conference because he is busy with other occupations? Should it be his duty to attend the committee as the minister responsible to show his respect for Parliament?

Senator Tkachuk: After all that has been made of Bill C-38; after all that we have gone through with this bill, including closure; and given how important this bill is for the government in the other place, how important this bill is said to be, such that the Senate is debating it in July and not in September; I cannot imagine that the minister will not be here in person to defend this bill. That is the only way that we get to talk to him. I do not think we will be able to properly talk to him in a video conference. We will not know who is behind him or who is there in the room with him. We will have no idea.

I want the minister in front of senators, debating and answering questions as to why we should pass this bill. He must be in front of us justifying why he wants this bill passed. His priority is to be here in Ottawa and not in France.

The Hon. the Speaker: Senator Tkachuk’s time has expired.

Hon. Marilyn Trenholme Counsell: Honourable senators, the privilege of speaking to Bill C-38 today has given me a reason to reflect on the human condition, on human nature and on human desires and hopes. After all, we share our earthly lives as fellow human beings and we share, to a very large extent, our basic needs and ultimate dreams. Yet, no two human beings are exactly alike. Even identical twins are shaped by their environment, perhaps becoming different in subtle or not so subtle ways.

In the debate on Bill C-38, I have listened to eloquent interpretations of the Charter of Rights and Freedoms, and I have wondered what Pierre Elliott Trudeau would say to us today; yet, he speaks to us through the Charter.

Other politicians, scholars, jurists, religious leaders and many of our fellow Canadians have spoken on Bill C-38. Rights — human rights, Canadian rights — as defined by our Charter have been central to much of what has been said and written.

Today, I preface my remarks by a very personal statement and personal belief. It is this. In supporting Bill C-38, I believe it is the right thing to do. All my life, I was taught to ask myself in decisions like this one, is it the right thing to do or is it wrong? My fellow senators, for me, this is the right thing to do. As a Christian, I often ask myself what would Jesus do? In this case, in this time, I believe he would say yes.

After all, we have come a long way from Old Testament days, when adulterers were put to death; and we have come a long way in our understanding of human sexuality. We have travelled with our young people as they form relationships and share their lives. They have much to teach us since we have often failed them in our own attempts to make family ties strong and meaningful, in and out of marriage. Our young women and men are frequently more tolerant than my generation. They may even be more honest.

Bill C-38 will take Canada and Canadians into a new era of tolerance. It will help us build a more open society and, in the words of our former Prime Minister, a more just society.

• (1520)

As senators and parliamentarians, we have our individual backgrounds and life experiences. Mine is fundamentally that of a physician, and I will speak on this bill today from that perspective.

Bill C-38 speaks to who we are and what we have become, and that begins at conception. I have held many newborn babies in my hands. Each time, I felt a sense of awe, and wondered what life had in store for this child. Certain things were obvious; others were a mystery. The hopes and desires of the parents were embodied in that infant, but what ultimately would be the hopes and desires of that new creation? What would be that child's potential? Would the child be happy? Would the child find fulfillment?

Honourable senators, we now know that a child may be born with a learning disability, with mental illness or with a sexual orientation different from its parents and many others in the world around them. It is the old nature-versus-nurture debate. The environment of each child will be a factor, but much that a child is born with remains for life.

In 2005, we can treat learning disabilities and we can treat mental illness, although all too often we cannot take away either a learning disability or a mental illness. Sadly, sexual orientation does not fit into this picture. One's sexuality is as fundamental to whom we are as the colour of our eyes and the shape of our hands.

Walls of silence are breaking down around mental illness, learning disability, sexual orientation and, of course, other things such as family violence. Very slowly — too slowly — stigma is lessening. Yet, pain persists for too many — too often — and, sadly, the pain may be so severe that a life is lost. All the hope, all the potential in that human being is lost.

Doctors deal with the pain of others on a daily basis. Many heterosexuals have pain in and out of marriage. Many homosexuals have pain out of marriage. They hope that marriage will lessen, perhaps even take away, this pain. Theirs is a pain based on closed doors, walls of silence, on not feeling equal and not being accepted. For no reasons of their own making, they believe that their fellow human beings see them as not equal in society, not equal in family life and, quite simply, not equal.

Is this right? I believe the answer is no. Marriage represents the affirmation of love, the affirmation of family, and the affirmation of a place in society on which much of our community life is built. The World Health Organization talks about "family" in a broad sense as a group of people caring for each other and supporting each other. Nearly every human being, regardless of sexual orientation, seeks love and family. Yet, marriage is a choice for many, although not all, heterosexuals. In the past, it could not be a choice for any homosexual. They were isolated and barred from one of the most precious institutions in society. They felt unequal and they felt pain.

In response, some would say that marriage is for the procreation of the human race. Yet, many delete this reference in their marriage vows, and in civil marriage it is unlikely to be included. Today, couples often write their own vows, and these marriage vows are as diverse as the women and men who write them. This, too, is the evolution of marriage and of society. Our young people believe this is their right.

Canada remains a beacon of rights — not perfectly so, but a country struggling with determination and vision to allow each citizen the dignity he or she deserves to reach his or her potential in life. Diversity is a hallmark of this great nation. Acceptance of individual differences is our mantra.

With this historic bill, we join Belgium, the Netherlands and, very soon, Spain, in opening the doors to marriage to all who love and seek to be loved; that is, all consenting adults, with the inherent limitations within law pertaining to consanguinity.

Honourable senators, whenever one amongst us is accepted, loved and treated as an equal, we all benefit. In 2005, Canada will benefit — will be a greater nation. Again, we will lead by example as a modern, welcoming nation where tolerance, diversity and compassion define who we are and what we will yet become. Bill C-38 is the right thing to do. There will be less pain for a greater number of our fellow human beings. More will grow in love and more of us will contribute more fully to Canadian society within the structure of family and marriage.

Honourable senators, it will remain for us, as leaders in Canada, to take many of our fellow human beings by the hand to help them understand Bill C-38, to accept that it is right, that each and every member of this great land may have the choice to marry, or not, in a civil ceremony. Canada has a bold history of doing the right thing. Bill C-38 is our most recent effort to be inclusive, tolerant and generous, one to the other. I believe historians will look kindly on Canada and Canadians for embracing heterosexuals and homosexuals as equals in the context of civil marriage and in our communities.

May each couple who enters into this legal union be enriched through the joys and comfort of love and family.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I want to speak very briefly to this bill, which is extremely important. First, I support Bill C-38.

It is extremely important to note that, in terms of public opinion in Canada, the concept of marriage has an unquestionable and eminently respectable religious dimension. In my opinion, the bill fully respects freedom of religion and the religious beliefs of Canadians with regard to the institution of marriage. For those who believe in it — and the vast majority of Canadians do — it protects family or so-called traditional values. Nothing in this bill denigrates in any way either the sociological and cultural concept of marriage or its religious dimension.

In my view, the bill seeks to do only one thing: ensure the equality of all Canadians. It has never been easy for a society to ensure and reinforce the equality of all its citizens. For example, the acquisition of women's rights in our society was — and still is — the subject of a very protracted debate and very long-winded discussions. Each time, various conventions are shaken up but, nevertheless, all Canadians share the ambitions and principles set out in the Charter of Rights and Freedoms.

Speaking more specifically of Quebec, Quebec's Charter of Human Rights and Freedoms, adopted in 1974, was amended at the end of the 1970s to exclude discrimination on the basis of sexual orientation.

In the Civil Code of Quebec, the institution of marriage does not benefit from any specific protections or distinctions setting it apart from all the other institutions in the Civil Code. It is one institution, albeit an important one, among many others. In my opinion, we could not discuss discrimination with regard to any institution in Quebec's civil code. Guardianship, curatorship, the family, legal capacity and juridical personality are all institutions set out in Quebec's civil code. Could we imagine a society or a legal system that would, in any way, restrict access to an institution fully recognized by the civil code?

• (1530)

In the early 1960s, for example, women in Quebec did not have the same legal capacity as men. An amendment adopted by the Lesage government abolished that situation.

There were discussions at that time like the ones we are having now, but marriage under the Civil Code of Quebec is an institution like any other. I feel it is totally legitimate, and in keeping with the values not only of Quebec society but also of Canadian society, to move toward the elimination of any and all discrimination regarding access to any of the institutions covered by the Civil Code of Quebec.

In my opinion, this bill addresses civil society only, and shows total respect for the religious and moral convictions of all Canadians. It takes nothing away from anyone; it merely recognizes that a minority of Canadian citizens may have access, particularly in Quebec, to one of the institutions under Quebec civil law, the one known as marriage. This is the only change the bill makes.

I am perfectly comfortable with this, honourable senators. I respect, and clearly understand, the reluctance of all those colleagues who do not agree with this bill for reasons that are absolutely noble and legitimate, and shared by a large segment of Quebec and Canadian opinion. Nevertheless, this is an opportunity for Quebec and Canada to take a step forward, a step toward equality for all citizens of this country.

[English]

Hon. Consiglio Di Nino: Honourable senators, I rise today to add some comments to what I believe is a difficult debate for all of us: an issue that divides not only fellow Canadians but also those of us in this chamber.

[Senator Rivest]

First, I wish to comment on some of the issues that have been raised in this debate. There seems to be an opinion expressed by some of our colleagues that those of us who respect and would like to maintain the traditional definition of marriage are abandoning the concept that two people can love each other, that two people can respect each other and that two people can live as individuals in a relationship of love and acceptance. Such opinions confuse the debate.

Those of us who propose the traditional definition of marriage have not suggested — at least for my part and based on most of the comments I have heard — that two people cannot live in friendship, love, admiration and respect. I urge my colleagues not to be swayed by those arguments, because they are false.

I will now go to my text. At the outset, I wish to distance myself from the extremes on both sides of this debate. This is a difficult debate that should be held in a fair, balanced and reasoned manner. It should not seed hatred or misconceptions, and should not be overly divisive.

I will vote against Bill C-38 and I will attempt to articulate the reasons. First, I am hugely disappointed at the government's handling of this issue. It has been disingenuous in its messaging in a number of ways, particularly in suggesting that members of the House of Commons would be free to vote their conscience while denying a large number of them, certainly more than half the Liberals, being cabinet ministers and parliamentary secretaries, this right on such a controversial and difficult issue.

The government message has also suggested that the issue is about rights. As has been stated repeatedly, the right to join two people of the same sex in legal union exists now; that is a fact.

As well, people of the same sex have been extended full rights and privileges, the same as accorded to all Canadians, and I support this. I believe the government has inflamed the debate unnecessarily. I am concerned about the long-term effect on society.

An argument can be made that extreme positions on both sides have also been inflammatory. However, the Government of Canada represents all Canadians, and should not be disingenuous and misrepresent issues on behalf of one side or the other.

As an aside, I would like to extend my congratulations to Joe Comuzzi for having the courage to vote his conscience, and to do so, giving up his cabinet seat.

Honourable senators, the fast-tracking of this issue by the Martin government is deplorable. This law will have a major impact on all Canadians, not only legally but, more important, socially, culturally, emotionally and financially.

Polls show Canadians are very divided on this matter. Instead of seeking a legislative compromise, the Martin government rammed this legislation through the House, once again disregarding democratic principles and, I may add, another

broken promise. I am also concerned that, as time passes, religious organizations will be attacked and forced to perform marriages of same-sex couples, or at least chastised for not doing so.

I am also concerned that a Charter challenge against religious entities will not protect their right to refuse to perform marriage ceremonies of same-sex couples. That remains to be seen.

Honourable senators, this law will directly affect a relatively small number of Canadians, but indirectly it will influence all of society. We could have done it better had the Martin government not been so inflexible.

As for my personal position, I am disturbed that the compromise to describe a civil union between people of the same sex was not even considered. Words describe and define something. Marriage traditionally has meant the union of a man and a woman, and the union of two men or the union of two women is not the same as the union of a man and a woman.

Languages go to great lengths to distinguish the clear meaning of a word. As an example, the Inuit have, I think, 12 or 14 words to describe snow. Words are a critical human tool to define something clearly. This imposition of an unequal definition of marriage is both divisive and wrong.

Honourable senators, each of us is a product of our environment. We are influenced by our teachings and our beliefs, as well as the beliefs of our families and our communities. In my religion, Roman Catholicism, marriage is a sacrament, meaning it is something sacred, something not easily discarded.

My mother, my father, my family and friends have held strong views all their lives about the definition of marriage as the union of one man and one woman. This definition was shared by most members of the other place not so many months ago. We should not forget that.

• (1540)

Before her death, my wife Sheila and I had been married for over 40 years. Her very tolerant views did not include changing the definition of marriage. Therefore, I find it impossible to abandon that which I have been taught, and find it difficult to abandon my beliefs. I really feel that I would be unfaithful to the memories of my wife and father if I did not support the traditional definition of marriage. It is for these reasons that I will be voting against Bill C-38.

Hon. Francis William Mahovlich: Would the Honourable Senator Di Nino take a question?

Senator Di Nino: Yes.

Senator Mahovlich: Senator Trenholme Counsell mentioned if Jesus were here today, he would vote for this bill. Does the honourable senator feel that way?

Senator Di Nino: Obviously, I do not have the same relationship with Jesus as does Senator Trenholme Counsell.

Hon. Grant Mitchell: Honourable senators, I would like to take a few more moments of your time to establish my position on this bill and why I hold it. I am very supportive of Bill C-38. I am supportive in a general sense because I believe that it will further the fairness, the understanding and the justice of Canadian society.

As I listened to the arguments today, and for many months, I came to believe that they can be categorized into two parts: One is the question of how to reconcile competing values in a society such as ours; and the second — and this relates in large part to how we do the reconciliation, how we prioritize values — is a discussion of the effects that that public policy decision will have on Canadian society.

First, it is obvious that this is a debate unlike many other debates because it is almost fundamentally based upon competing values. In fact, some of the greatest and most important political debates are debates that are based upon competing values. Not only are they important but they are usually extremely difficult.

On the one hand, those who oppose Bill C-38 do uphold many important, significant, passionately held values. Perhaps the most significant one on their side in this debate is a definition of marriage as somehow being solely between a man and a woman. However, on the other side there are many important values that compete with that value. In this case one of them, and one of the most significant ones for me, is the question of equality for all Canadians under the law.

When looking at both of these sets of values, it seems to me that it is very difficult to come to the conclusion and say that one set of values should somehow trump the other set of values. I believe that, in true, wonderful Canadian style, we have actually come up with a significant balance in this debate through Bill C-38.

On the one hand, the state will not be telling the church and the religious groups whom they must marry. On the other hand, the state will not be telling individuals whom they can marry. I believe that is a balance which has been difficult to strike, but it, in fact, is a balance that works. No one will be forced to act or to accept in a certain way the other side's vision of marriage but, at the same time, people who have been denied that right will be extended that right, and that, I believe, underlines the fairness, justice and understanding of our society.

There has been a great deal of discussion about the effect of gay marriage on society. I would say that the largest part of that discussion has come from those who are opposed, and they would argue two negative effects, it seems to me. One is the question of religious freedom. Will freedom of religion be abused as part of a slippery slope if Bill C-38 is passed? I would argue on three grounds that religious freedom is not in jeopardy. The first ground is constitutional; it is protected in the Constitution. The second ground is experiential. If it were so that religious freedoms would be threatened because of this bill, then the Catholic Church, long ago, would have been forced to marry divorcees and would have been forced to hire women priests. That simply has not happened. The third ground, and the foundation of my belief that religious freedoms are not in jeopardy, is logical. It seems to

me that a great deal of comfort should come to those who believe in religious freedoms and want them defended. A great deal of comfort should come from the fact that the people who are most likely to defend religious freedoms — one set of freedoms — are the people who are sticking their necks out a long way in order to defend another set of freedoms. I gain great comfort from that.

The second potentially negative impact raised by those who oppose the bill, and it has been raised articulately and often, is that this will somehow have a negative effect on the family. As Senator Austin pointed out the other day, as have others, there really is no proof or no reason empirically to believe that that would be the case. However, let us accept for a minute that that is a potential risk.

What we have not heard debated very much are the potential risks in not passing Bill C-38 and extending marriage rights to this group of people. I believe that there are potential risks if we do not extend that right. There is, of course, the strong rights argument that if anyone's rights are in jeopardy, then everyone's rights are in jeopardy. If we are not careful with this group of rights, then every set of rights could, in fact, be vulnerable.

There is also another argument and another effect that is powerful and meaningful to me, and it is not empirical. However, it seems to me that the one place where everyone agrees, the one argument or the one idea that everyone agrees on in this debate, is that marriage is a fundamentally important part of our society. Everyone thinks that. If something that is fundamentally important in our society is denied a certain group of people, then that is a very meaningful denial of something that would be fundamentally important to them.

What effect does that have on that group of people? What effect does that have on us, as a society that strives to be and prides itself on being inclusive and understanding and just? We may think that we are not having an impact on those people when we talk in the ways that we talk about this issue. There is a group of people who, I am sure, take that very strongly and it is very meaningful to them. There is simply very little way in which they can feel the same connection, the same inclusion and the same comfort in this society as heterosexuals do because they are defined as different implicitly in this kind of debate.

If ever that is a serious problem and a significant problem for people, I expect that it is a profoundly significant problem for young people who are gay. I can only imagine what it must be like to be 16 in this society and gay, and to wake up every day to debate like this, which de facto, implicitly and explicitly, defines them as different and must surely make them feel less comfortable in our society.

It seems to me that there could be a risk — although I do not accept it — in extending the rights embodied in Bill C-38, but I believe profoundly that there are risks if we do not extend these rights to gay people. Honourable senators, that is why I am supporting Bill C-38.

Hon. Tommy Banks: Honourable senators, I agree with everything my Alberta colleague has said, except the conclusion at which he has arrived.

[Senator Mitchell]

There is no doubt about the rights. There is a doubt in my mind as to whether those rights can only be obtained by the use of a particular word, and I do not think that that is so. Therefore, honourable senators, I will be voting against Bill C-38, and I want to take a few minutes to tell you why. In doing so, I am likely to offend the beliefs of some and the sensibilities of others. I am sorry for that, but we must speak plainly when it comes to our beliefs, and it is one of the great glories of this country and this place that we can do that.

• (1550)

The first thing I want to do is distance myself, as Senator Di Nino did, and to make clear that my objections to this bill have nothing to do with arguments against it that are based on religion or morality. I regard those arguments as being wrong or ill-informed at best and reprehensible at worst. Many of the letters that I have received, and many of us have received, from across the country arguing against the bill fall into the category of reprehensible.

Nothing is more important in a democracy than the protection of its minorities because democracy does not consist of simply the rule of the majority. The best measurement of the success of a democracy is the way in which it treats its minorities. It is generally accepted that homosexuals — gays and lesbians — transsexuals and bisexuals, constitute a minority in our country. If that is so, it is a minority that is determined on the basis of sexual preference. Sexual preference is a physical characteristic. It is a genetically determined physical characteristic. It is the same as having brown hair or green eyes, being particularly tall, having an exquisite sense of rhythm or being tone deaf. We do not choose those physical characteristics. We cannot decide that we will be shorter, that we will have a natural, beautiful singing voice or that we will have olive-coloured skin. Those things are genetically determined. We cannot decide which gender we will come to love. I believe that we are born with those genetically determined characteristics and we cannot change them.

A person having overcome sexual stereotypes and having come to the realization that his or her sexual disposition is towards persons of the same gender can no more choose to be heterosexual than the person can choose to be Black or very tall. Nor can a heterosexual simply decide to become a homosexual: You either are or you are not. Therefore, nothing is more important than fully protecting the rights of this minority, if it is a minority.

Senator Joyal reminded us of the wisdom of the open-minded and flexible nature of section 15 of the Charter. It is perfectly clear, as he said, that the rights of homosexuals must be read into section 15, and I believe they are. The exact same rights enjoyed by the majority should be enjoyed by the minority, as is the case in every minority or majority, however determined, whether it is of opinion, race, colour, creed, religion or physical characteristics. The exact same obligations which are required of the majority should also be required of the minority.

That is the noble end to which we should aspire, honourable senators, but, with this bill, we are going about it the wrong way. We are taking a shortcut. We are taking the easy and expedient route.

Senator Joyal also reminded us of the wonderful characterization of the Canadian Constitution as a living tree, but it is a tree with many branches. The Constitution does not demand, require or even request that those branches be exactly the same or that the leaves on them be the same colour or shape. In fact, we want them not to be. We even want some of those branches to point in different directions.

This bill purports to end discrimination by changing the definition of a word. We might just as well pretend and prescribe in law that all synagogues, temples or mosques are to be called "churches" from now on in order to obviate religious bigotry. If we had, for whatever absurd reasons, such prescriptions in law, they would not for a moment change the fact that everyone would know, whatever the law might say, that that is a temple, that is a mosque and that is a synagogue. They are not churches. They are described separately and named separately. They are separate, and they are equal.

The foundation of the purpose of this bill, with which I profoundly disagree, is that by the disallowance of the term "marriage" to describe homosexual couples who form permanent, loving, exclusive, valuable relationships, those persons, merely by that disallowance, are denied a right. They are thereby degraded.

In other words, in order that its rights be fully executed, exercised and enjoyed, any minority and its institutions must be described in the same terms that describe the majority and its institutions.

Honourable senators, the rights which are properly those of homosexual couples in such relationships must include, if they do not already, all the rights of succession, of property, of inheritance, of access and pensions. They must include rights and obligations of every kind, exactly the same rights and obligations that are found in relationships between persons of opposite genders. To the extent that those rights and obligations are not now precisely the same, it is our business to make them exactly the same. That is the business that we should pursue avidly, if any such shortcomings still exist.

However, achieving that end by this proposed shortcut method does a disservice to our society, including, as I believe we will see some years down the road, the homosexual parts of our society.

Homosexuals are proud. They are proud of the difference between them and others. This bill, if it were to become law in its present form, would require that homosexuals deny their identity, their right to distinct institutions and that there is a difference or a distinction.

There is, honourable senators, a difference and a distinction. It is one of which homosexuals are rightly proud, and no amount of semantic legerdemain can change that mortal fact. We cannot end discrimination against minorities by proclaiming that institutions for their specific purpose cannot exist. If we accept the argument that in order to protect their rights, minorities and their institutions must be referred to only in terms that apply to the majority, and if we set out to do that by passing laws that proclaim that black is white, we will be deluding ourselves. We will wreak havoc on our languages because black will remain

resolutely and irrevocably black, and white will be undeniably and unchangeably white, whatever else the law might require us to call them. We will have political correctness gone mad, as a substitute for meaningful and substantive rights protection.

If it is required by law to refer to homosexual couples as "married" to protect their rights, then it follows that in order to protect the rights of individual gays and lesbians, we will need to pass a law requiring that they be referred to as "heterosexual," or "straight."

I note, by the way, that "straight" is a perfectly good new common usage of a word to describe sexual preference, which derived from common usage and was not prescribed by law. Honourable senators, gays and lesbians do not wish to be referred to as "heterosexual" or as "straight."

If homosexuals wanted to hide under a semantic bushel, we would not have homosexual organizations. We would not have gay pride proclamations or gay pride parades. Homosexuals would not be proud, as they are rightfully proud, and as we all should be rightfully proud, of whom and what we are.

• (1600)

It is the business of Parliament to protect rights, not to be lexicographers. In any case, the authors of dictionaries do not coin words, nor do they determine what the new usage of words will be. Dictionaries reflect, in their definitions, common and widely accepted and understood usage of words. Nor has the Supreme Court, in replying to the government's reference to them, answered the fourth question; that is, whether the definition of marriage as a union between a woman and a man would, in itself, offend against the Constitution.

Lexicography, honourable senators, is not our business. The protection of rights is our business. Denial of the meaning of words is not how to do it. Changing the meaning of words by fiat, by prescription, is not how to do it because that denigrates our languages. Changed usage of words should come from the people, not from governments, just as "gay" and "straight" have come, in their new usages, from the people. Those meanings are now in dictionaries, but they are not there because they were prescribed by governments. They are there because they became common usage by the people.

When I made this argument to Senator Mitchell, he responded quite correctly that we have had, in the past, a very salutary example of a legal decision which had the effect of changing the meaning of a word in law, the Persons Case, that righted a wrong, namely, that women are, for the purpose of being named to this place, persons. However, there is a very important difference between that case and the present one. In the Persons Case, the decision was one which had the effect of making the law conform to the general, popular and universally held understanding of the word "person," which was said by the dictionaries at that time, to quote from *The Oxford English Dictionary*, to be "an individual, human being; a man, woman or child." A 1913 dictionary described "person" as "a living, self-conscious being, as distinct from an animal or a thing; a moral agent; a human being; a man, woman or child."

In 1913, everybody knew what “person” meant. It was only in an arcane and obscure and outdated English law that, for specific and clearly defined purposes, female persons were excluded. The Judicial Council of the Privy Council of England took care of fixing that in six weeks.

The judicial decision in that case made the law conform to the generally held meaning of a word. The present bill seeks to change the generally held meaning of a word by proclamation, by parliamentary practice of lexicography, by edict. It is exactly backwards, senators. We need to find — society needs to find, as I said in a speech in this place in October 2001 — a word or set of words to properly describe the union of “woman and woman,” and “man and man.” These unions are no less valuable, no less long lasting and no less important to society than marriage. A term must be found to properly describe them, but the term is not “marriage.”

As in the case of the rechristening of the words “gay” and “straight,” the term will not be found by politicians or judges. We would fail. We would come up with something like the dismal and clinical alternative terms that have been touted around in the last few months. The right term will be found by the people. People are demonstrably creative when it comes to the coinage and re-designation of the use of words. When those words are found, we can recognize them as we should. We can then properly apply that term or those terms to the provision of rights of homosexual couples which are now, or should be, in place by law, by regulation or by any other means at our disposal.

In the meantime, honourable senators, the present bill is an unsatisfactory shortcut. It is, if I may revert to the colloquial, a chickening-out on the question of rights protection. It is hard to believe, given all the rhetoric of the past few weeks, that it is the path of least resistance. It is the easy way out. We should not, here in this place, honourable senators, take the easy way out. We can do better than this. We should do better than this. It is in the hope that we will bring ourselves and that we will bring Parliament to do better than this, honourable senators, that I urge you to join me in voting against this bill or at least in modifying this well-intended but mistakenly devised measure.

Senator Mahovlich: Honourable senators, I have a question for Senator Banks.

The Hon. the Speaker: Honourable senators, there is some confusion. Senator Cools will be recognized as the next speaker. However, Senator Mahovlich has a question he would like to put to Senator Banks. That is why I am recognizing him before Senator Cools.

Senator Mahovlich: I want to commend the honourable senator on his speech. He took the words right out of my mouth.

The Hon. the Speaker: I have just been advised by the table that Senator Banks’ time has expired.

Senator Banks: I would ask permission of the house to accept Senator Mahovlich’s question.

[Senator Banks]

Hon. Senators: Agreed.

Senator Mahovlich: Years ago, I was a roommate of Leonard “Red” Kelly. We used to go to New York. At that time, the Americans were starting to head for the moon and outer space. We used to have breakfast with Mr. Kelly’s father-in-law. I often wondered what he did. His job was to build a dictionary containing the new terms that the Americans would need when they reached the moon. I am wondering if we should appoint someone to develop some new terms in this instance. I do not know who it would be, but something like this could be possible.

I received a number of calls this past week. I was approached by someone today who wanted to speak about it. I do not know why it has not been done. Perhaps two gentlemen living together would be known as a union, whereas two ladies living together would be unionized. I do not think there is anything wrong with that. Perhaps those are not the words, but I am sure there are gentlemen around here who do those things. I want to know your thoughts on that suggestion.

Senator Banks: I will rely, as I said, on the people who are involved to come up with the appropriate terms because I think they have so far and I believe they always will.

Senator Mahovlich: I am sure that they will not lose any of their human rights because of a different term. By so doing, I do not think we are offending any homosexuals or lesbians.

I read in the newspaper that one of the priests up in Northern Ontario had approached one of his parishioners, who is a member of Parliament, and denied him the right to receive Holy Communion. A lot of religious leaders will look at this bill. I do not know all religions, but I am sure that our committee will do a thorough study on this bill. I do not quite know how either the Muslims or the Protestants will treat this bill. I am a Catholic. Here, already, we have a problem in Northern Ontario. I am concerned myself. If I vote for this bill, will I be denied my right as a Catholic to receive Holy Communion? Where do I go from here?

Senator Banks: You will have to speak to your parish priest.

The Hon. the Speaker: Senator Spivak would like to ask a question, but leave was not granted. Senator Banks will have to request leave.

Senator Banks: If the house wishes, I would be happy to hear additional questions.

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

Hon. Senators: Agreed.

Hon. Mira Spivak: That was an interesting speech. However, even if we accept Senator Banks’ premise that the union of two women or two men is not marriage, does the honourable senator not think that if two women or two men wish to have that title and are denied, it is a denial of their fundamental rights under the Charter?

• (1610)

Senator Banks: No.

Hon. Anne C. Cools: Honourable senators, I join this second reading debate to articulate my strenuous opposition to Bill C-38, respecting certain aspects of legal capacity for civil purposes.

Before going too much further, I would like to say that Senator Mahovlich has articulated an interesting question. He has asked: Are sacraments of the church rights? Senator Mahovlich, no sacrament of the church is a right. That is why marriage is not a right. Marriage has its historical origins in canon law as a sacrament of the church.

Honourable senators, it is not often in this place that I refer to skin colour, or that I speak very much about being a Black person, descended as I am from a group of people who were legally called free coloured people. In the history of the British Caribbean, they became very quickly the leading citizens of the British Caribbean. On behalf of Black people in Canada who are too powerless to have much of a voice in any formulation of public policy, it is an enormous mistake to compare the condition of homosexual people regarding marriage to the situation of the desegregation or lack of integration in the United States of America. As we know, the whole phenomenon of segregation of Black people grew as a historical development out of the condition of slavery. As we know, slavery was a condition of estate, property in human flesh.

The wondrous thing about the abolition of slavery, as it originated in William Wilberforce and others, is that for the African and Black peoples the result of that movement was that it ended slavery not only for the Black peoples but also for all the peoples of the world. If I could use the words of John Wesley, the founder of the Methodist Church, slavery was the scandal of religion and a scandal of the human race. It was an execrable villainy.

All of that is en passant. It is something I know a lot about. One of these days I will talk about it in this place.

Honourable senators, as I said before, I wish to register my strenuous opposition to Bill C-38. I believe that the issues have been falsely framed as Charter rights issues and equality issues. Marriage is not now, and never has been, a right. It has always been a grand privilege, with its origins as a sacrament of the church, governed by the canon law, received from the civil law into the common law. No sacrament of the church is now, or has ever been, a right.

I believe that the judgments of the lower courts finding marriage between a man and a woman as unconstitutional are themselves unconstitutional. In fact, the full weight of the Constitution of Canada for 140 years has been to defend and to protect marriage as the foundational unit of the family.

The Confederation debates show this weight of the law, as the BNA Act developed from the 72 resolutions framed at the Quebec conference, 44 of which were authored by Sir John A. Macdonald himself. A simple reading of those debates and resolutions as they

developed at the London conference and as they ended up in the separation of marriage and divorce from one solemnization of marriage reveal very quickly that the entire constitutional scheme was intended to protect marriage. Most important, it was to protect Quebecers' rights to marriage in the rites of their own churches.

Marriage has been thought to be that institution which governs the heterosexual sexual union between a man and a woman. This sexual union is driven by the natural human and organic instinct towards reproduction. It is to this specific sexual union that nature and God have entrusted the grand mystery of life called procreation and the bringing forth of issue.

Honourable senators, I have been a defender of homosexual people all my life. I will also add that the public interest in marriage is the phenomenon of procreation. Other than that, there is no public interest. In fact, there is no public interest whatsoever in anyone's sexual happiness or in anyone's sexual gratification.

I was an adherent to Mr. Trudeau's notion that there is no place for the state in the bedrooms of the nation. I would add that he based his statement and his work at the time on the Wolfenden report and on the notion of the rights of privacy in sexual behaviour and in sexual morality. The bill before us does the opposite. The Liberal Party has, once again, abandoned Mr. Trudeau's view.

I believe that the conclusions of the Attorney General of Canada and a tiny minority of judges in the country are not only wrong and contrary to our Constitution, but their arrival at these conclusions were based in what I would describe as constitutional deconstruction, constitutional vandalism and, quite frankly, even some social engineering, because their result was not to extend rights to anyone. The result is to alter the fundamental nature and character of the institution of marriage.

Honourable senators, in any society where there were Black people, descendants of the African slaves, no institution was fundamentally altered to be able to accommodate those Black people.

Senator Joyal, the sponsor of Bill C-38 here in the Senate, gave us a wide review of the history of the development of the Charter, in particular section 15. However, I note that he presented very little evidence to support the reasoning behind the application of section 15 to marriage. I understand the reason for the application of section 15 to employment and all those kinds of issues, but not to marriage. He also mentioned in passing the question of abortion and its current legal status in Canada as achieved under the Charter.

Senator Joyal also mentioned en passant the fact that I sought and obtained intervenor status in the marriage reference in the Supreme Court. My reasons for seeking intervenor status were inspired by two things: The first was my abiding concern for the proper constitutional relationship between the constituent parts of the Constitution, being the cabinet, the courts and Parliament. The maxim is that there is to be constitutional comity between these three in the exercise of their proper constitutional roles and their proper constitutional jurisdiction. My second reason for

seeking intervenor status was the inspiration I received from Mr. Pierre Elliott Trudeau and his response to the 1980 repatriation decision. As we will recall, Mr. Trudeau put this reference to the Supreme Court of Canada, pressured by the then leader of Her Majesty's Loyal Opposition, Mr. Joe Clark.

Honourable senators, as we know, Mr. Trudeau was the progenitor of the Charter of Rights. In 1991, Mr. Trudeau spoke about the Supreme Court of Canada at the opening of the Bora Laskin Library in Toronto, named after the late Chief Justice of the Supreme Court. Mr. Trudeau spoke candidly, introspectively and reflectively about the Supreme Court's treatment of the 1980 repatriation reference. He also spoke sternly about the Supreme Court of Canada's role in this opinion decision, wherein he said:

... it is not a role to which a court of law, striving to remain above the day-to-day currents of political life, should aspire.

About the Supreme Court's conclusion he said:

... they blatantly manipulated the evidence before them so as to arrive at the desired result. They then wrote a judgment which tried to lend a fig-leaf of legality to their preconceived conclusion.

These are the words of a former prime minister, speaking about his experience as a prime minister in sending a reference to the Supreme Court for its advisory opinion.

About the court's manifest political role in that reference, he said:

Courts had often in the past refused to answer questions deemed unsuitable for judicial determination.... In choosing to answer the question there is little doubt that the Supreme Court allowed itself — in Professor P.W. Hogg's words — “to be manipulated into a purely political role” going beyond the lawmaking functions that modern jurisprudence agrees the Court must necessarily exercise.

• (1620)

Honourable senators, Mr. Trudeau's speech on the Supreme Court's opinion, its politics and its legal, constitutional and political consequences for Canada is must reading for all those interested in Canada, in limited government and in constitutional balance. I drew my inspiration to intervene from Mr. Trudeau's response to that reference and from his opinion that the better legal reasoning of the court members was not the reasoning of the majority but that of the minority, being Justice Laskin, Justice McIntyre and Justice Estey.

En passant, honourable senators, I wish to record here a statement made by Mr. Justice McIntyre in the abortion case mentioned by Senator Joyal, *R. v. Morgentaler*, 1988 Supreme Court Reports. I do this, honourable senators, because two days ago Senator Joyal talked about the achievement of the Charter on abortion. Mr. Justice McIntyre, in a dissenting judgment, cited American case law that the courts should be careful not to extend laws beyond their obvious meanings by reading into them a conception of public policy that the particular court may happen

to entertain. He further cited case law showing that the court's criteria for constitutionality should not be the judge's beliefs. He also cited case law that upheld the original constitutional position that courts should not substitute their social and economic beliefs for the judgment of legislative bodies that are elected to pass laws. Mr. Justice McIntyre said in that very judgment, dissenting:

The Court must not resolve an issue such as that of abortion on the basis of how many judges may favour “pro-choice” or “pro-life.” To do so would be contrary to sound principle and the rule of law affirmed in the preamble to the Charter which must mean that no discretion, including a judicial discretion, can be unlimited.

Honourable senators, I truly believe that many judges in the lower courts arrived at their decisions on marriage and homosexual marriage, not based on sound legal reasoning, not based on the constitutional history of marriage, but, rather, based upon the private opinions of judges: which judges were for gay marriage and which judges were against gay marriage. As we watched the appointments of new judges, days before the marriage reference was heard in the court in October, there was a lot of editorial commentary on the personal private positions of the judges on homosexual rights.

Honourable senators, I intervened in the Supreme Court on the marriage reference under the provision of section 53 of the Supreme Court Act. I asked the Supreme Court to include the constitutional interests of members of Parliament in its considerations on the marriage reference.

Senator Rompkey has said this debate has been interminable; therefore there should be closure. Nothing has been said in the Senate, but it is interminable. I knew that one of the reasons that this reference was sent off to the Supreme Court was to be able to use those results as a big stick to beat many members of Parliament.

Honourable senators, all members of Parliament are empowered by the Constitution Act, particularly section 18 of the BNA Act, to perform a constitutionally defined representative, deliberative, legislative and parliamentary role. This includes our rights to debate, determine and vote on all major questions of Canadian public policy. I sought intervenor status to ask the court to decline to answer the reference questions, because to answer those questions would be to involve the court in politics, particularly partisan politics, particularly in the Liberal Party caucus: a role, to my mind, that is not consistent with our constitution nor in the public interest.

I took the position that the lower court's action to redefine marriage was contrary to the constitutional design of Canada because such redefinition of marriage could be achieved only by a formal constitutional amendment requiring the collective action of the Parliament of Canada and the legislative assemblies of the provinces. Incidentally, honourable senators, that was the opinion that prevailed in the very first marriage case in the court in British Columbia, rendered by Mr. Justice Pitfield. I took the position that it is not the role of the Supreme Court to amend the constitution or to act as representatives of the citizens of Canada because the courts have no representative role in the body politic —

[Senator Cools]

The Hon. the Speaker: Senator Cools, I regret to advise that your 15 minutes have expired.

Senator Cools: Could I have two minutes to finish?

Hon. Senators: Agreed.

Senator Cools: As members of Parliament, I acknowledge that we are bound by the Constitution, but so are the courts. The Constitution and its design assert the doctrine that is known as the supremacy and the sovereignty of Parliament. This doctrine holds that the courts and the judges are subject to the Constitution and constitutional order.

Further, as a member of Parliament, I asserted that the power of Canada's courts under the Charter of Rights and Freedoms does not and cannot amend our constitutional rights as members of Parliament under section 18 of the BNA Act. The Constitution is a totality. It is a design for government, for limited government, which places important limits on the judicial, executive and parliamentary lawmaking. Constitutions are about the exercise of power and the relations between the institutions of power. Constitutions are designs for governance. The Constitution of Canada consists not only of the Charter of Rights and Freedoms but also includes all those provisions about the institutional framework for governments that make up the Constitution Acts 1867 and 1982.

Honourable senators, I would like to point out wherein the confusion rests. The Constitution Act, 1982, section 52, states clearly that the Constitution of Canada is the supreme law of Canada. It is very clear, and I want to put it on the record:

52(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Honourable senators, the public has been misled, and so have many senators, to believe that the language of the Charter says that the Charter of Rights and Freedoms is the supreme law of Canada. It does not say that. Section 52 of the Constitution Act, 1982 says the Constitution of Canada, the whole constitution, including Parliament, is the supreme law of Canada.

Honourable senators, in closing, section 24(1) of the Charter says:

24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just under the circumstances.

Honourable senators, section 24 of the Charter of Rights and Freedoms honours and includes the high court of Parliament in the words "court of competent jurisdiction." This Parliament, the highest court of the land, also has the responsibility and power to declare and determine that the laws of Canada are consistent with the Constitution. As I said before, honourable senators, there is no constitutional hierarchy with the Supreme Court at the top. The high court of Parliament is fully qualified, per section 24,

as well to make determinations as to the constitutionality of any issue.

In closing, again, —

The Hon. the Speaker: Senator Cools, I regret once again to advise that the extended time has expired.

Senator Cools: Honourable senators, I have one quotation left. May I read that for the record?

Hon. Senators: Agreed.

Senator Cools: Honourable senators, I appreciate this. Thank you.

The phenomenon of buttressing the principles and the constitutional balance have been articulated by many great jurors, including the United Kingdom's Justice Fletcher Moulton. The guiding principle in the exercise of power should always be restraint. About a particular need in a particular case for curial restraint and for judicial self-restraint, Lord Justice Fletcher Moulton, in a 1912 Court of Appeal decision called *Scott v. Scott*, said:

The courts are the guardians of the liberties of the public and should be the bulwark against all encroachments on those liberties from whatsoever side they may come. It is their duty therefore to be vigilant. But they must be doubly vigilant against encroachment by the courts themselves. In that case it is their own actions which they must bring into judgment and it is against themselves that they must protect the public.

Honourable senators, I asked the court to decline to answer the questions, as I thought the Government of Canada would invariably use the court's opinion to compel votes and proceedings in the Houses of Parliament. I am pleased to say that the Supreme Court accepted my submissions in at least one of the four questions and declined to answer one question, which I believed to be the most important one, so I felt honoured and justified.

• (1630)

Honourable senators, I had not intended to speak to the intervener status, but Senator Joyal inspired me in a way when he raised the issue of my factum. The documents include several affidavits that are available for all senators to read. I am honoured and pleased that Senator Joyal read my factum because I have deep respect for him. It meant a great deal to me that he read the document. I thank honourable senators for the extended time.

Hon. Joan Fraser: Honourable senators, I will not take the time of the chamber to explain the long and sometimes difficult process by which I arrived at my decision in strong support of Bill C-38. During that process, I reviewed some of the concerns touched upon by Senator Banks. Although I had not intended to speak to the bill, I rise to respond to his comments in respect of minority rights because one enormous responsibility of the Senate is to consider and protect minority rights.

I have spent a fair amount of my life thinking about minority rights, not just as a citizen of Canada whose duty it is to honour those principles, but as a member of one true minority, English Quebecers, and of another group, women, who, while a statistical majority, have some of the characteristics of a minority. It had a very great impact on me when 30 judges told me that I could not take what to me had been the attractive and honourable route of supporting a civil union that would be equal in every way to marriage but would not share the name. Had it been two, three, four, five, six or seven judges, I might have continued to disagree with them. However, 30 judges from coast to coast across Canada is a mighty weight of judges. Serious, renowned legal scholars have assured me in personal conversation that the only way past the judgment of those 30 judges would be to use the notwithstanding clause.

Honourable senators, think for a moment about the notwithstanding clause and about Canada's Charter, which includes in section 1 all the flexibility that a decent society could ever want to take exceptional measures where they are socially desirable. Section 1 of the Charter states:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

If it meets that test, we can do it. The notwithstanding clause gives us a way to make exceptions that are not justified in a free and democratic society, but I do not want to go there, ever. I certainly do not want to go there for matters concerning relationships of love between adult Canadians.

Senator Banks made one point, which I share to a degree, and it is important that we pay attention to it. He noted something that I had always understood to be one of the glories of Canada: Unlike the United States, part of the foundation of Canadian society is that we have many arrangements, legal and others, that recognize distinctions in which different groups or different conditions are separate and equal. For example, French and English are equal, although they are not the same. Anglophones and francophones, by extension, are equal, although they are not the same. They have constitutional recognition of their differences and of their adamantly equal rights, with a few exceptions for English Quebecers, but we will not go there.

In a society that believes in, supports and upholds minority rights, it is key, when going down the tricky road of recognizing distinctions, that we recognize the distinctions that the minority wishes to have recognized. It is not for a majority to tell a minority what should matter to it. It is not for a majority to tell a minority how it should feel. For example, it is not for an anglophone to say to a francophone, "Speaking French does not matter to me so why should it matter to you?" It does matter profoundly, and vice versa. We acknowledge, recognize, legitimize, honour and are proud of those distinctions, but they must be based upon the needs and wishes of the minority.

In this case, I have been moved by the degree to which gay and lesbian people across this country have made it clear that the distinction between marriage and civil union is, to them, one that is degrading. As someone said to me the other day, it is akin to sending them to the back of the bus. Certainly, that would not

have been my intention and I know it would not have been Senator Banks' intention. However, if that is how it will be perceived by the minority that we are sending to the back of the bus, we do not do that in this country. We just do not do that. We honour all of our citizens equally and, because we believe in minority rights, our society embraces the distinctions that those who are distinguished choose. We do not accept distinctions that those who are distinguished by the distinctions reject or feel hurt by. To that extent, we reject the separate but equal charade that existed for so long in the United States.

Honourable senators, my point is that in Canada we celebrate and enshrine distinctions only when those distinctions are sought by the minority in question. The minority Catholics and Protestants in Upper Canada and Lower Canada at the time of Confederation sought guarantees of their educational rights and were given those guarantees. However, we would not have imposed confessional separation on any group. We would not impose on any group the kind of ghettoization that labels them as being different. If the distinction springs naturally from the group itself, that is different and we honour it. Our country has a wonderful history, and much to teach the world about how to go about building a society that does that. We do not impose distinctions. We do not impose apartheid. We no longer impose distinctions as between men and women, which end up discriminating against the men or the women.

• (1640)

I think the 30 judges in these cases were not doing what judges did do for so long in the case of women. They were not lagging behind society. They were moving with society. To some extent, we do not know — as has been suggested here — what the final consequences of the legislation in question will be. We do not know that about any law we pass. Any law we pass is a leap of faith. We try as best we can to do the right thing. In this case, because of my profound belief in Canada's proud history of supporting minority rights, I believe it is the right thing to do to support this bill.

The Hon. the Speaker: Are you rising to ask a question, Senator Banks?

Senator Banks: I am. Is there time?

The Hon. the Speaker: There is some time but it is up to Senator Fraser whether or not she accepts it.

Senator Banks: Will you accept a question?

Senator Fraser: One.

Senator Banks: I have a number but I will limit myself to one. As I said in respect to what Senator Mitchell said, I agree with everything you said except the conclusion at which you arrived.

I will refer to the question you raised about Upper Canada and Lower Canada and the religious minorities, in respect of my contention that, in this country, while it has never worked anywhere else, we do have successful "separate and equal." The point that I wish to make — and my question will be what is your response to it — is that when we said to the Protestant minority in Quebec and to the Catholic minority in Ontario, whatever they were then called, "Your rights are protected," we did not do so by

saying to the Protestants in Quebec, "You can practice whatever you want inside that church, but you must call it a Catholic church." We did not say to the Catholics in Ontario, "You can practice whatever version of religion you wish in your church, but you must call it a Protestant church," which is what the present bill sets out to do.

Can the honourable senator answer my question?

Senator Fraser: I believe they were called Her Majesty's Roman Catholic subjects in the Province of Ontario, but you will have to check that one out.

In this case, the minority in question is seeking to use the word "marriage" to indicate that they are fully honoured and recognized in our country. In my view, it is not for you and me, Senator Banks, as members — I am assuming in your case — of the heterosexual majority, to tell them that that wish is wrong.

Let me use a parallel, if I may, which is perhaps appropriate in this chamber. Go back to the Persons case and, as Senator Joyal so beautifully reminded us in his speech on this bill, in the days before women were granted equal rights in Canada, men used to tell us how terrible it would be to give us these things that were being talked about, such as the vote, or equal property rights or equal rights of any kind. It would be terrible. We would not like it. We would be happier barefoot, pregnant and in the kitchen. They knew what we wanted and what was good for us, so they were able to say "This is our field, not yours."

An Hon. Senator: Who said that?

Senator Fraser: Lots of men said that. We are faced with a similar situation today, and I do not want to go there. I know I have not persuaded you, but I thought you spoke with such passion and eloquence that I would try to respond.

Hon. Marjory LeBreton: Honourable senators, I was not intending to speak for very long on this bill. I had taken a few quotes that I thought, if I had an occasion to speak, I would read into the record. However, sitting here this afternoon listening to the debate, I find myself wondering what percentage of the Canadian population think like I do and where do I fit, in all of this?

Personally, I seriously question the validity of this issue. The courts have spoken in all but two provinces and one of the territories. The government makes the argument that the bill is required for the two provinces and one territory, but in my view, and in the view of many, this is a matter that would be resolved in any event in a very short period of time.

Honourable senators, I think it is important to remind this chamber that the government has come to this point in direct conflict to what they said in the recent past. I will quote the Deputy Prime Minister in the House of Commons when she was the Minister of Justice, and she said this, on behalf of the government:

We on this side agree that the institution of marriage is a central and important institution in the lives of many Canadians. It plays an important part in all societies worldwide, second only to the fundamental importance of family to all of us. The institution of marriage is of great importance to large numbers of Canadians, and the definition of marriage as found in the honourable member's motion is clear in law. As stated in the motion, the definition of marriage is already clear in law. It is not found in a statute, but then not all law exists in statutes, and a law is no less binding and no less the law because it is found in the common law instead of statute.

The definition of marriage, which has been consistently applied in Canada, comes from an 1866 British case which holds that marriage is the "union of one man and one woman to the exclusion of all others." That case and that definition are considered clear law by ordinary Canadians, by academics and the courts. The courts have upheld the constitutionality of that definition...

That was the then Minister of Justice, Anne McLellan, the present Deputy Prime Minister.

Following an Ontario Court decision, Layland and Beaulne, the Deputy Prime Minister and then Minister of Justice, emphatically said:

Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same-sex marriages. I fundamentally do not believe it is necessary to change the definition of marriage in order to accommodate the equality issues around same-sex partners which now face us as Canadians. The courts have ruled that some recognition must be given to the realities of unmarried cohabitation in terms of both opposite sex and same-sex partners. I strongly believe that the message to the government and to all Canadian governments from the Canadian public is a message of tolerance, fairness and respect for others. Marriage has fundamental value and importance to Canadians and we do not believe on this side of the house...

— and she was referring to the government side —

...that importance and value is in any way threatened or undermined by others seeking to have their long-term relationships recognized. I support the motion for maintaining the clear legal definition of marriage in Canada as the union of one man and one woman to the exclusion of all others.

I remind honourable senators that those are the words of a senior member of the Liberal government, the Deputy Prime Minister of Canada, who was speaking as Minister of Justice.

Today, honourable senators, we have members in the government attack people who make identical statements for identical reasons. Terms like "bigot," "reactionaries" and "human rights violators" are resorted to. This is hypocrisy and intellectual dishonesty on the part of the government.

• (1650)

You can see, honourable senators, why I am having difficulty understanding the motives behind Bill C-38. As I said at the beginning of my remarks, I personally believe that the matter has already been settled by many of the courts in the land.

Many good and logical arguments have been made on both sides of the debate. One that struck me as particularly cogent was that of Stanley Hartt which appeared in *Maclean's* magazine in April. Mr. Hartt later appeared before the Justice Committee in the other place. The constitutional expertise and knowledge of Mr. Hartt in this area is not questioned by anyone. As a matter of fact, he was part of the Supreme Court challenge with Professor Henry Monaghan that senators intervened in on the health care issue.

Mr. Hartt wrote, in an article in *Maclean's* in April:

Paul Martin and his government have contrived to present to the country the proposition that the matter of same-sex marriage is settled and that the Supreme Court has upheld the view that anything less than making marriage equally available to persons of the same gender is a violation of the Charter of Rights and Freedoms and therefore unconstitutional. This simply isn't so, and if the Prime Minister doesn't understand it, then his justice minister, Irwin Cotler, certainly knows it. Cotler is among the best lawyers in Canada. He knows that the Supreme Court (or any other court, for that matter) has never been asked and has never answered a question about the constitutionality of the alternative proposed by Stephen Harper: that gays be allowed the same rights, benefits and obligations as any married couple, but without the title of marriage...

If Canada were to adopt a regime of civil unions for gays and lesbians, it is virtually certain that this would be found to be constitutional, and that it would be so without the need for governments to invoke the notwithstanding clause in the Charter of Rights and Freedoms. The idea would be that, from this form of union, would flow all of the rights that attach to marriage under our laws, federal or provincial. Persons in that form of permanent and exclusive relationship could adopt children, seek to separate from their partners or to terminate the union, be entitled to alimentary support, including for any children in their custody, give or withhold consent for their partners' medical treatment when the individual was unable to do so, inherit even in the case of intestacy, receive social benefit entitlements and enjoy, without limitation, every other benefit our legal system offers to married people.

In this long article, Mr. Hartt made a very cogent point. He said:

The Charter protects rights, not words, so Canada's legislators have already appropriately acted to ensure that particular civil consequences of marriage are available to people in other forms of unions, including gays.

Honourable senators, I have seen the hypocrisy of the government and heard the arguments of people like Stanley Hartt. All this debate swirls around in my mind, but I have great difficulty getting too worked up about this subject. As I have told

many of you personally, I am not a religiously motivated person. I was raised in the United Church of Canada. I grew up in a very happy family on a farm in rural Ontario. I attended church and Sunday school regularly. I was presented with hymn books and bibles for perfect attendance, and I sang in the church choir. However, given all that background, I am not religiously motivated. Yet, I consider myself a Christian in the dictionary definition of the word which, according to Webster's is "commendably decent or generous." I do not believe that, in order to be a good Christian, you have to walk through the doors of a church, synagogue or edifice of any other religious organization.

I have much respect for those who feel strongly about the traditional definition of marriage. I may not agree with them, but I would fight to the death for their right to those beliefs. None of us should deplore these comments, or say that people have no right to have their say. They have that right, just as we do on all issues.

I do not accept the argument that the purpose of marriage is solely procreation. Many people marry and make the conscious decision not to have children. Many members of my own family have done so. I believe that when people who are not religiously motivated fall in love and decide to marry, they do not immediately think about how many children they will have.

I am a live-and-let-live person. I am a married, heterosexual woman, but I feel in no way threatened by other people of other sexual orientations and other unions. I do not believe that what other people do has any effect on me, and I have no right to judge them as they have no right to judge me.

I have many friends who are gays and lesbians, and some of them do not like the term "marriage" either. Many of them have told me that all they want are all the rights that come with marriage.

I believe that this issue should be decided by Parliament and that we should then move on, because there are far more important issues facing Canadians, including waiting times for health care, the state of our education system, productivity issues, children living in poverty and many more.

Honourable senators, many people other than I must wonder why Parliament is so consumed with this issue. I believe this is a classic case in which church and state should be separated. I do not want this issue intruding on the lives of Canadians in a reactionary and hurtful way. I am sure that most families do not want to spend their summers arguing about this. This debate has reached a high level of intolerance, and there must be a great number of Canadians who want it off the public agenda. That is certainly my position.

Being the strong individuals that we are in the Conservative Party, we are free to vote as we choose, as was the case in the other place. I treasure that we in the Conservative Party are always encouraged to speak our mind. I appreciate the courage of the senators on the other side who spoke against the government. I think a number of senators opposite who are opposed to this bill, but they will not be here for the vote.

[Senator LeBreton]

Hon. Terry M. Mercer: Honourable senators, I am pleased to speak in this debate. First, I want to solve a problem raised by Senator Banks and Senator Mahovlich. I asked my office to look up “marriage” in the online version of the Merriam-Webster dictionary, which must be up to date since it is online. The definition of “marriage” there, under 1 a (2) is:

...the state of being united to a person of the same sex in a relationship like that of a traditional marriage <same-sex marriage > ...

That is my service to Senator Banks and Senator Mahovlich.

Many of our colleagues have spoken of how difficult it was for them to reach a decision on this bill.

• (1700)

I have to tell honourable senators that this decision has not been difficult at all for me because of my long-standing commitment to the rights of people in the gay and lesbian community.

I continue to ask Canadians who talk to me about this issue how their lives will change if Bill C-38 passes. For those of us who are heterosexual and in a traditional relationship, I suggest that our lives will change very little. However, I suggest for those members of the gay and lesbian community that their lives will change a great deal because they will finally feel that they are equal to the rest of us.

I was quite impressed with some of the comments of Senator Mitchell. In particular, he said that if anyone’s rights are in jeopardy, everyone’s rights are in jeopardy. What a phrase to remember; what a phrase to live by. It is one we should all consider as we debate many other issues in this chamber.

Honourable senators, I was somewhat disturbed by one honourable senator today who spoke about people in the gay and lesbian community having children and that it was only by extraordinary means that they could have children. He spoke at some length about adoption. As the founding vice-president of the Adoptive Parents Association of Nova Scotia, there is nothing unusual about adoption. It is an extremely special way to have children. Those of us who are parents of adopted children are very proud of that fact. We want to separate our discussion of this bill from any discussion about adoption. The adoption of children and the nurturing of those children is a wonderful experience. My 24-year-old son is the pride of my life. All of those other people who I know in the Adoptive Parents Association will tell you the same thing about their children.

I have been a practising Catholic all my life, having grown up in St. Joseph’s Parish in the north end of Halifax and then moving to St. Stephen’s Parish. I was married in St. Michael’s Parish down the street from Senator Buchanan, and then moved over to St. Lawrence Parish, in Fairview. I have always been an active member of a parish. When I moved to Toronto for a few years, I was an active member with Joan of Arc Parish. When I was in Ottawa for a short period of time, I was a member of the

Resurrection of Our Lord Parish. When I returned to Halifax, I was at St. Pius X, and I am now at St. Francis of Assisi in Mount Uniacke.

As I say, I have always been an active member of my church. Interestingly enough, I have never hidden my support of the gay and lesbian community. I have never hidden my support of legislation such as this. As honourable senators will know, I am not a quiet person.

Some Hon. Senators: Oh, oh!

Senator Mercer: I thought I would acknowledge that fact.

It is interesting to note that in expressing my support of this type of legislation, not once in all of my years has anyone in the church, whether it be a parishioner or a member of the pastoral team, ever spoken to me about my support. We mix up the membership of the church with some of the leadership of the church.

When I lived in Toronto, Senator Eggleton and I were members of the same parish. There is a great difference between the parishioners and the members of the church and its leadership. Again, I am very proud to be part of this.

I support Bill C-38 in honour of a number of friends and relatives. I do so in honour of my nephew, Michael. I do so in honour of my friends Cathy and Judy. I do so in honour of my friend Jay. I do so in honour of my friends Laurier and Harvey. I stand very proud in support of Bill C-38.

Some Hon. Senators: Hear, hear!

Hon. Terry Stratton (Deputy Leader of the Opposition): As honourable senators know, when a bill comes along, the first question we should ask and always try to ask is whether it is needed. I fundamentally believe that if it has already been dealt with somewhere else, then why would we deal with a bill such as this? I believe that and continue to believe that on any bill we examine.

I am not here to give my opinion today. What I have decided to do is to listen to the witnesses we hope to hear next week. I have real questions. I want to find out why this bill is needed because I honestly do not believe it is required. As honourable senators know, the lower courts across the land have and are already deciding what will take place in this country.

I am more concerned today about the committee having a balance and hearing from witnesses on both sides of the issue so that there is a full and complete discussion. This chamber is renowned for its ability to conduct full and complete discussions in committee. That is the essence of how we work. This must and should happen with respect to the study of Bill C-38 in committee.

I want to thank the Steering Committee of the Finance Committee. It met this week to structure how the Finance Committee can properly hear witnesses on Bill C-48 so that there is a balanced representation and a full discussion.

I am not suggesting that we line up 20 witnesses who all say the same thing. That is not the issue here. The issue here is to have a full and balanced discussion. If it takes two days, it takes two days. If it takes three days, it takes three days. It does not at all mean that we will have token representation. We cannot do that. We must have a full discussion.

Senator Kinsella: Hear, hear!

Senator Stratton: I wish to emphasize that this be done with regard to the Legal Committee, to which Bill C-38 will be referred. I feel confident that it is being done with the Finance Committee. I wish to thank Senator Oliver, Senator Day and Senator Downe, the members of the steering committee, for putting this together.

I would ask honourable senators to consider that if and when they invite witnesses to give evidence on Bill C-38 that be a balance of views. Balance does not just mean balance from one side or the other. I am also referring to a regional balance across the country. That must take place. If it does not, we are not doing our jobs.

I thought about going through the list for the Legal and Constitutional Affairs Committee, but I decided that it would not be inappropriate. I am asking of the Chair of the Standing Senate Committee on Legal and Constitutional Affairs to work with our representative on this side of the chamber.

An Hon. Senator: That has been done.

Senator Stratton: I have not seen evidence that this has been done. If I see evidence showing that, I will be quite happy. I do not want to see a token hearing where, bang, bang, we get it done in a day or a day and a half.

• (1710)

This is an area that is so critical to this chamber and to the country as a whole. Rather than looking at it selfishly we should look at the bill in detail, as well as other issues that derive from our discussions, and then come to our conclusions. That is absolutely critical. I would ask that that be done.

Some Hon. Senators: Hear, hear!

Hon. Lise Bacon: Honourable senators, I feel I should reply to what I have just heard.

[*Translation*]

Honourable senators, I will respond in my mother tongue because I feel attacked and somewhat emotional. Had a deputy chair been present — and I requested several times that a replacement be appointed — it would have been much easier to work with a list and another member of the steering committee.

A balance was established among the different regions in question and on the basis of calls to various individuals who accepted or refused our invitation. Fortunately, the members of

[Senator Stratton]

the opposition party decided today to replace the deputy chair of the committee. We have already held one working session, and calls have been made, too. So I do not accept any blame from the Deputy Leader of the Opposition.

[*English*]

Senator Stratton: Honourable senators, I was not attempting to apportion blame. That is not why I was standing here. I was not standing and pointing. I said I could have gone that route and I chose not to. I simply asked.

I understand the extenuating circumstances. I am not apportioning blame. What I am asking for on behalf of this side is that that be done.

Some Hon. Senators: Question!

The Hon. the Speaker: Some senators are calling for the question, and I see no senator rising to speak.

I remind honourable senators that we are proceeding under our rules that relate to time allocation, and it is now the obligation of the chair to put the question.

The question having been put, if a standing vote is called for, it takes place at 5:30 today under these circumstances. I will put the question.

It is your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Those honourable senators in favour of the motion will please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say “nay”?

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: By operation of our rules, the vote will be held at 5:30 today and I will ask that the bells ring now.

Honourable senators, perhaps there is an agreement for a different time?

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I thought we had agreed not to consider the rule that the vote be held at the conclusion of the debate, at 5:30 p.m., so there could be a 30-minute bell in order to give all the honourable senators the opportunity to vote.

If the honourable senators are agreed, I believe a 30-minute bell would be in order.

[English]

Senator LeBreton: That is agreeable.

The Hon. the Speaker: It has been proposed by the whips that we have a 30-minute bell, which I will call at a quarter to 6:00.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

The vote will be at 5:45.

• (1740)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|-------------|-----------------------|
| Austin | Lapointe |
| Bacon | Lavigne |
| Baker | Maheu |
| Biron | Mahovlich |
| Bryden | McCoy |
| Callbeck | Mercer |
| Carstairs | Milne |
| Chaput | Mitchell |
| Christensen | Pearson |
| Cook | Pépin |
| Cordy | Peterson |
| Cowan | Poulin |
| Day | Poy |
| Dyck | Ringuette |
| Eggleton | Rivest |
| Fitzpatrick | Robichaud |
| Fraser | Rompkey |
| Grafstein | Spivak |
| Harb | Stollery |
| Hubley | Tardif |
| Johnson | Trenholme Counsell—43 |
| Joyal | |

NAYS
THE HONOURABLE SENATORS

| | |
|----------|------------|
| Banks | Kelleher |
| Buchanan | Keon |
| Cochrane | Kinsella |
| Comeau | Phalen |
| Cools | Stratton |
| Di Nino | Tkachuk—12 |

ABSTENTIONS
THE HONOURABLE SENATORS

| | |
|------------------|--------------|
| Andreychuk | LeBreton |
| Corbin | Plamondon |
| Hervieux-Payette | Prud'homme—6 |

REFERRED TO COMMITTEE

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

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

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of our former colleague the Honourable Al Graham. Welcome back.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would now like to call Motion No. 85, by Senator Andreychuk.

The Hon. the Speaker: If I could, our practice would be to deal with Government Business before we go to other items on the Order Paper.

Senator Rompkey: There is a consensus, honourable senators, to stand other items of Government Business and, in fact, to stand all other items of business in their place on the Order Paper as they stand, with the exception of Motion No. 85.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

INTERNATIONAL DEVELOPMENT ASSISTANCE

MOTION URGING GOVERNMENT TO MEET
COMMITMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That the Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at latest by the year 2015, beginning, with an immediate 100 per cent increase in official development assistance in the next fiscal year.
—(Honourable Senator Austin, P.C.)

Hon. Jack Austin (Leader of the Government): Honourable senators, I undertook to speak to this motion by today, and I appreciate that the house is here to hear me out.

Honourable senators, today begins a three-day meeting of G8 leaders at Gleneagles, Scotland, with British Prime Minister Tony Blair as the host. The G8 is an informal group of eight countries — Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States of America. The European Union, China and other non-members will be present as invited guests.

Canada is represented by Prime Minister Paul Martin, but among senior officials are Peter Harder, Deputy Minister of Foreign Affairs and Ambassador Robert Fowler, who leads the Prime Minister's special advisory team on Darfur and represents Canada at the New Partnership for Africa's Development, NEPAD.

The Gleneagles summit priorities include the global economic outlook, trade, climate change, development aid, clean energy initiatives, combating terrorism, nuclear non-proliferation and issues of national and international security. Also to be discussed is the world response to the Indian Ocean disaster, reform and modernization in the Middle East and North Africa, and, as an outcome of the support expressed by Canada at and since the 2002 Kananaskis G8 summit chaired by Prime Minister Jean Chrétien, the human security, health, and economic development of Africa.

Host Prime Minister Tony Blair has placed Africa at the top of his agenda. NEPAD leaders from Algeria, Egypt, Nigeria, Senegal, South Africa, Ghana, Tanzania and Ethiopia will join with G8 leaders to discuss relevant topics.

NEPAD was created in 2001 by African leaders to address in a cooperative way a pan-Africa development plan. Its plain goal is to promote accelerated growth and sustainable development, to eradicate Africa's widespread and severe poverty, and to promote economic self reliance. NEPAD has been fully endorsed by the 54-member African union. The UN is also backing the NEPAD program by adopting General Assembly Resolution 57/2 on September 16, 2002.

Canada led the G8 response to NEPAD, as chair of the G8 in 2002. At Kananaskis, the G8 Africa Action Plan was adopted. Simply put, it set out commitments to NEPAD in such sectors as security, governance, education, health, economic growth, debt reduction, agriculture and water. For countries in Africa that implement the NEPAD program, half or more of G8 official development assistance was announced at a 2002 UN conference on financing and development amounting to U.S. \$60 billion, and that is to be dedicated to Africa over the 10 years which begins in 2006. This is in addition to G8 programs underway that currently account for three-quarters of the total aid to Africa.

At the G8 meeting at Evian, France, in 2003, the leaders agreed to the Canadian proposal to expand the G8 NEPAD partnership to include other key development partners such as the World Bank, the International Monetary Fund, the Organization for Economic Co-operation and Development and the World Trade Organization. This larger grouping is known as the Africa Partnership Forum, and it now accounts for some 98 per cent of overseas development assistance to Africa.

[Senator Austin]

It should be noted that in preparation for the Gleneagles G8 session, the British government, in February 2004, established the Commission for Africa. Its final report on March 11, 2005, advised that African leadership was essential to change conditions on that continent. G8 and other support for Africa was essential, and there was an immediate need to remove the burdens of debt. The growth of an indigenous private economic sector was vital, and a key priority was the focus on a dramatic reduction on infectious diseases of many types.

The Honourable Ralph Goodale, Minister of Finance, co-chaired the working group on the economy. In support of the Africa Action Plan, Canada has committed \$6 billion in new and existing resources, beginning in 2002 for a five-year term. At Kananaskis, Canada also undertook to increase its assistance by 8 per cent a year and to direct half or more of these additional resources to Africa. The 2005 budget has provided an increase of \$3.4 billion over five years to the year 2010, and aid to Africa will double 2003-04 levels by 2008-09.

Canada has also created the \$100 million Canada Fund for Africa. While there are many other vital programs funded by Canada, special mention should be made of Canada's leading role in supporting the African Union peacekeeping efforts in Darfur. Until now, Canada has been a leading donor, with \$190 million committed.

I have mentioned the special advisory team on Darfur headed by Ambassador Fowler. As is well known in the Senate, the other members are Senator Dallaire and Senator Jaffer.

Against all this background, there is always the need to be realistic about the challenges. While there is a sense of timeliness in addressing the key problems of governance, health, the economy and security of the person in Africa raised at the Gleneagles summit of the G8 in Scotland, and some parts of Africa are making measurable progress, there remains a substantial part of Africa where the challenge to such progress is enormous.

In areas of fighting terrorism, the UN, the African Union or other organizations, given the right military capability, can deal with the terrorist militias and bring fighting to a halt, but a key concern remains. How does any such effort proceed to deal with a social and political culture which gives no value and social responsibility to its citizens, is exploitive in its essence, and is fundamentally corrupt and self-perpetuating? How do we deal with a controlling group if it uses the forms of a state government simply to plunder the country for its own self-aggrandizement?

However, the challenge is there, and it is being taken up at Gleneagles. The host of this year's G8 meeting, Prime Minister Tony Blair, laid out the case: "There can be no excuse, no defence, no justification for the plight of millions of our fellow human beings in Africa today. And there should be nothing that stands in our way of changing it."

His conviction is solidly founded on the facts and recommendations contained in the report early this year of the Commission for Africa.

Most of the G8 nations have promised substantial increases in direct aid, with the target of doubling those percentages by 2010. Other recommendations of the Commission for Africa focus on African access to G8 markets for their agricultural production, and also for textiles and other manufactured products. Money and effort must be contributed to both peacemaking and peacekeeping. Corruption must be dealt with by close monitoring of fund transfers and by embargoes on trade in diamonds, oil and other commodities that support terrorism and corruption.

• (1800)

Increased funding and financial support to Africa, while desirable, are not the sole answer to African progress.

The Hon. the Speaker: Senator Austin, I am sorry to interrupt, but it is six o'clock.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, there is a consensus to not see the clock.

The Hon. the Speaker: It is agreed, honourable senators?

Hon. Senators: Agreed.

Senator Austin: From 1960 to 2003, the developed world spent U.S. \$568 billion in today's dollars to end poverty in Africa, and yet the problems of poverty today are greater than they were in 1960. Whether Professor Jeffery Sacks and the United Nations Millennium Project he has fostered is the right way to go remains to be seen. It is a big plan that is backed by the World Bank and the International Monetary Fund. How will accountability and transparency be assured? How will results be measured? Will any one agency or entity be responsible, or, as in the past, will so many be responsible that none will be?

Is the Millennium Project itself in jeopardy? Even with the support of President George W. Bush, the U.S. Congress is in the process of cutting in half the \$3 billion he requested in the current budget. How seriously can the world community take U.S. intentions in respect of their millennium goals if Congress cannot see the priority?

Senator Andreychuk's motion points specifically to establishing a timetable for Canada to meet a goal of 0.7 per cent of its GDP to be contributed to Official Development Assistance. The timetable she proposes is that the goal be met by 2015. The goal of 0.7 per cent was first proposed in 1969 by a commission headed by the late former Prime Minister Lester Pearson. It was a goal to which the Trudeau government subscribed, as did subsequent governments. It is a goal that is supported today by the Martin government. However, none of those governments has at any time set a specific timetable by which that goal was to be reached. In the mid-1970s, the Trudeau government reached 0.5 per cent, but then shocks to our economy began a downward spiral. Today, Canada contributes nearly 0.3 per cent to Official Development Assistance, which is up from 0.23 per cent a few years ago.

The government headed by Prime Minister Martin remains committed to the 0.7 per cent goal, as I have said, but it is not prepared to adhere to any timetable. There are a number of good reasons for this. The 0.7 per cent goal is of Official Development Assistance that is specifically defined by the OECD. Canada takes the position, as do the majority of ODA contributors, that the definition is too narrow by today's demands for international assistance. Since the OECD set its definition, a wide variety of new factors have come into play in the international system. Canada's role in responding should also be taken into account. This government believes that Canada's development assistance should never be dictated by what is or is not included as a part of ODA. Rather, it should be allocated by what is needed, what is effective and what is right.

On May 12, Prime Minister Martin announced close to \$200 million to support the peace process in Sudan. I have mentioned this item. Much of this spending will help the African Union to build peace and save innocent lives, yet little of this assistance counts toward ODA. Should we have turned our backs on Darfur because this spending does not count toward our ODA target? I urge senators to avoid a single-minded focus on ODA, which could push us away from spending on other kinds of non-eligible activities and could blind us to new, innovative means for fighting poverty. Such proposals included the Tobin Tax — an excellent suggestion that would be imposed on the movement of currency markets and would produce a substantial fund to help to alleviate world poverty. I hope proposals of that type have not been forgotten.

Peacekeeping is also one of the non-ODA eligible activities. Is peacekeeping any less important to Canadians or to impoverished nations than the OECD's 0.7 per cent target? Arguably, sustaining peace and security is the most important first step toward alleviating poverty around the world. Canada contributes \$100 million to \$300 million annually to support these peace and security operations and \$100 million to \$200 million annually through the UN to finance other countries in their peacekeeping operations. Should Canada scale back its commitments in Afghanistan and Haiti because much of this spending does not count toward ODA? Should it matter that \$1 billion over 10 years to the Global Partnership Program does not count as Official Development Assistance or that Canada's peacekeeping dues to the UN, which could amount to \$500 million annually, also does not count? Those dues alone could equal up to another 10 to 15 per cent toward our existing ODA, if they did apply.

It is the view of the Government of Canada that it should not matter what the ODA amount is but what Canada's per capita total contribution is to a wide variety of international goals. Canada believes that peacekeeping and crisis intervention are equally important tools for alleviating poverty. It will continue to support these activities whether they count toward reaching 0.7 per cent ODA.

Senator Andreychuk believes the government should follow the example set by Norway, Denmark, Sweden, Luxembourg and the Netherlands, all of whom have exceeded the 0.7 per cent goal. As well, a few European nations have established specific timetables for meeting this goal.

I congratulate these countries on their achievements but, as I have illustrated, this is not an easy goal for Canada to achieve. Of the countries that have met the 0.7 per cent goal, all of them count ODA as the bulk of their commitment to fighting poverty abroad. They do not contribute significant military resources to peacekeeping and crisis prevention, an area in which Canada is punching well above its weight. In fiscal 2004-05, Canada's operations abroad cost more than \$1 billion, none of which is captured in ODA, but then one cannot have development without peace. Canada is not interested in dramatically back-loading its foreign aid or making aid conditional on our economic growth, as some of the European plans propose. We will do our part today, using whatever resources we can.

I want to reiterate that Canada is committed to reaching 0.7 per cent ODA, but not at the expense of other forms of aid that are equally important, if not more important, to impoverished countries. The war on poverty must be fought on multiple fronts. ODA must be balanced with adequate funds for peacekeeping, education, debt relief and improving market access for developing countries.

We also cannot effectively foster sustainable development without targeted and focused efforts. That is why Canada has taken concrete steps to focus aid in countries and sectors where we know we have the expertise and resources to have a lasting and effective impact and in countries where they have the governance capacity to make sure our resources are put to good use.

We are also refining our sectoral focus to four priority areas: health, particularly the fight against HIV/AIDS; basic education; governance; and private sector development. As I carefully noted earlier in this presentation, Africa, the continent where the needs are clearly the greatest, has been placed at the centre of the government's development efforts. Since 2002, Canada has allocated at least half of each increase to the aid budget to that continent. Budget 2005 promises to deepen that commitment by doubling our overall development assistance to Africa in just five years. The international policy statement issued in April 2005 will provide an opportunity to deepen and carry forward the government's resolve to take a focused and coherent approach to Canada's role in the world. It will solidify an integrated approach to international policy, positioning Canada to meet the challenges of a complex global environment and providing a blueprint for action to strengthen our diplomatic, development, defence and trade capabilities.

• (1810)

Roy Culpeper, President of the North-South Institute, has criticisms of Canada's international policy statement, which he says:

...falls short of providing either anything like a vision of a better world or a coherent and integrated policy framework...

[Senator Austin]

He also adds that,

The statement does contain much that is positive, however, including some of the Institute's principal recommendations. In particular the development chapter, which actually puts forward a vision of an equitable and sustainable world, makes a strong case about the links between human security, equity and peace. It embraces the agenda of the Millennium goals and commits to measuring Canada's contribution toward them. The chapter calls for a whole government approach to development, covering both aid and non-aid channels such as trade, investment and debt relief. Moreover, the chapter recommends the bilateral aid program be divided among 25 recipients.

Let me continue with Canada's actions, not just words. We will spend \$3.4 billion in international assistance in 2005-06, an increase of 21 per cent over the previous year. In addition, Canada will spend \$343 million to combat infectious diseases, including polio; \$265 million for tsunami relief, and, when we pass Bill C-48, we will have the authority to spend an additional \$500 million over the two coming fiscal years.

On the issue of debt owed to Canada by developing countries, to date over \$680 million of the \$1.16 billion owed to Canada has been forgiven and it is our intention to forgive it all. Canada is a leader in pressing G7 countries and the World Bank and International Monetary Fund to forgive debt and give Africa and other parts of the developing world a fresh start. We are paying 100 per cent of interest owed to the African Development Fund, and the International Development Association Budget 2005 earmarks \$174 million for this initiative.

Prime Minister Paul Martin has led the pressure on creditor nations and organizations to forgive debt, starting in 1997 as Canada's finance minister. This has resulted in the recent announcement of G7 finance ministers that \$40 billion is being forgiven; a notable achievement.

An important part of Budget 2005 is the financial commitment which is being put behind Canada's April international policy review. The budget supports more trade assistance to developing countries and a higher capacity for Canada's international military role, as well as diplomatic initiatives.

This budget represents a major investment in Canada's international capacity. Of special note is the increase over five years of \$12.8 billion in military preparedness, which will add 5,000 full-time troops and 3,000 reservists. This is a key investment in human security, where needed.

Honourable senators, I was happy to learn that the Conservative foreign affairs critic in the House of Commons, Stockwell Day, was quoted in the press as saying that he is largely supportive of Budget 2005's international pledges. He said:

These are the priorities we asked for and worked for.

Honourable senators, trade is a crucial issue for the developing countries. Rich countries spent \$280 billion in 2004 subsidizing farmers and agri-business, according to a *New York Times* report on Saturday, June 19, 2005. This is more than triple the spending on aid. If all trade barriers were removed and agricultural subsidies eliminated, the World Bank estimates that developing countries would benefit by \$100 billion.

President George W. Bush last week invited the G8 summit to reduce agricultural subsidies. He said that the United States would abandon its massive subsidies if Europe would do the same. It is a welcome initiative, but would Congress support the President? Is Europe interested? How long should we keep our fingers crossed?

To move Canada into compliance with the 0.7 per cent goal set narrowly many years ago by the OECD on top of the assistance Canada is already committed to, according to the Honourable Ralph Goodale, Minister of Finance, would cost Canada an additional \$28 billion to \$48 billion by 2015. To do so, in the view of the government, would be to bet on the outcome of many factors well into the future. As Prime Minister Martin has made clear, Canada will not make a commitment it will not absolutely keep.

Without detracting from the efforts of Denmark, Norway, Sweden, the Netherlands and Luxembourg, who have met the 0.7 per cent goal, they are small populations, small geography countries without the enormous costs of Canada's geography in transportation, communication and other infrastructure. They also do not have the non-ODA commitments of Canada.

Countries such as Germany and France have made their undertakings based on various conditions' precedent, such as economic performance. However, what is the difference between "Yes, but" and "No, but"? As Finance Minister Goodale commented:

...that kind of conditionality renders the immediate usefulness of the promise a bit less useful.

As *The Globe and Mail* for July 5, 2005 reports, there is a growing consensus among anti-poverty organizers and prominent Africans that the 0.7 per cent pledge is not the best idea. This is the case with a number of Africans who sat on the Commission for Africa. One executive from the Ivory Coast is quoted as saying:

There has been too much emphasis on aid. It is insulting to suggest we are sitting here with a begging bowl. We know how to have an economy and if we could only operate on a level playing field, we could take care of ourselves.

Honourable senators, Lester B. Pearson's goal should not be lost sight of, nor should a variety of approaches from clean water in a village to a major millennium project. There are many means of helping impoverished nations, and Canada will remain a leader in reaching toward that essential goal.

I ask all senators to support the government's stated position, as opposed to a fixed deadline at this time, by voting against this motion.

The Hon. the Speaker: I have two senators rising. Do any of you want to ask a question?

Hon. Peter A. Stollery: No, I would like to speak.

Honourable senators, I want to say a few words to endorse what the Leader of the Government in the Senate has just said. I support very strongly the Prime Minister's position on the 0.7 per cent.

As an observer of Africa and the Spanish-speaking countries for nearly 50 years, and one who has lived an important part of his life in the developing countries and has watched the disaster unfold over the last nearly 50 years, I have a very strong view that this kind of placebo, this kind of statement committing the government to a timetable on the 0.7 per cent, is a formula that was devised in the post-colonial period in the 1960s. Forty years have gone by since then. Africa has been destroyed by the agricultural policies of the Western nations more than anything else.

If we are to talk about things that are important, let us talk about things that are important, not giving people aid in all of its complexities. We all want Africa and the Spanish-speaking countries to succeed. However, the very countries that say "We give more than 0.7 per cent in aid," Sweden, for example, pay eight times the world's price for their domestically produced sugar. The United States spends billions upon billions of dollars every year to support 20,000 people who are employed in cotton production, and destroys the livelihoods of 5 million Africans.

It is dreadful that we should get caught up in the polemics of whether it should be 2 per cent, 3 per cent, 5 per cent or 7 per cent and not talk about the real issue, which is that in Africa, where 85 per cent of the people work in agriculture, the real issue is agriculture, and the debates that are going on in the WTO under the auspices of the Doha Round, trying to get rid of the subsidies which have wreaked enormous havoc on the peasant societies of Africa and the Spanish-speaking countries — and I am sure others that I could name.

Being tied up in this kind of a debate is actually damaging because it removes the discussion from the real thing — in particular, agriculture — which has wrecked lives, created poverty and destroyed hundreds of millions of people, and that is not an exaggeration.

• (1820)

I have watched this happen for nearly 50 years. Africa, which was self-sufficient in food only 40 years ago, today spends as much money importing food as it receives in aid. What use is that aid when all we do is subsidize exports from the developed countries to Africa and, in the process, destroy their societies?

This kind of polemic is bad for Africa and the Spanish countries. The Prime Minister was absolutely right in what he said about making these pronouncements and everyone then going home and forgetting what the pronouncements were. He is to be complimented for that insight. In the atmosphere that exists

today, it sounds as if we are against progress and against people improving themselves. We are not. We are in favour of people improving themselves, and using an antiquated formula from another time is damaging to the developing countries.

Hon. Jeremiah S. Grafstein: Honourable senators, I laud Mr. Pearson's visionary goal of 0.7 per cent, as senators on all sides do. I fully support the statement of Senator Austin. He has set out a very compelling case. I support the Prime Minister, who has been very careful to point out that we have increased our commitment along the path to 0.7 per cent. We are progressing smartly along that path.

I support the thrust of the comments made by the Chairman of our Foreign Affairs Committee, Senator Stollery. I serve on that committee as well, as does Senator Andreychuk, and I would have hoped that this vote would not have taken place today. I believe it is premature because a committee of the Senate is seized with the mandate of studying a substantial recipient of aid — Africa. We are grappling with the issue. As the chairman pointed out, the hearings started in February and we have heard over 100 witnesses. I believe it is premature for us to opine on this issue before hearing from our Foreign Affairs Committee.

The senator puts us in a very difficult position. The leadership has agreed to a vote, but I hope that we can postpone it. Absent that, I will regretfully vote against the motion at this time because we will not have an informed debate until we have heard from our own Foreign Affairs Committee, to which the Senate unanimously referred the substantive question of Africa.

Hon. Consiglio Di Nino: Honourable senators, no more than months ago the Prime Minister stood beside Bono and made pronouncements that led people to believe he would adopt, support and try to achieve in a reasonable time frame the promise we made of 0.7 per cent. Bono did not tell Mr. Martin that he thought the Prime Minister had not been truthful with him, but he basically said that he did not think the Prime Minister was keeping his promise.

I would urge honourable senators to read the public record of Prime Minister Martin's pronouncements on this issue over the last two to five years. When did he change his mind? I agree that this will not solve the problems of Africa. Our colleague said that Africa spends all the aid money it receives on importing food. If they did not receive that aid, they would all starve to death because we have destroyed their agriculture, as we know very well from the witnesses we have recently heard. Does the honourable senator want to cut back on aid?

We have heard as well that aid is pity, which is wrong in itself. We also heard from the minister herself before our committee that two thirds of our aid is tied aid, that it has strings attached to it. It is not aid necessarily given solely to help another nation. This aid is contingent on being able to dump product of equal value that no one else wants.

We are being disingenuous on this issue as it relates to Africa. No one is wrong and no one is right. We should be discussing whether we are serious about keeping the commitments we make

to the world, including the Canadian public, with regard to Africa. A Liberal prime minister made a commitment some years ago, and successive prime ministers, including Paul Martin, have, as recently as a year ago, supported it.

We have made a lot of mistakes. We can and must do much more. I fully expect that the Foreign Affairs Committee will make some recommendations soon, but we must try to fulfil the commitment that we made to the world. Considering the billions of dollars that we have lost through boondoggles in the last five years of this government's administration, we should at least attempt to keep that promise.

There is some progress being made in Africa today. We have heard some marvellous stories of improvement, but many people are still dying, many of them of hunger. We should be keeping our promise to them of meeting the 0.7 per cent target by 2015.

Hon. Terry M. Mercer: Honourable senators, I rise to do something that I have not done since I have been in this chamber, and that is to speak in favour of an opposition motion. I will be voting with Senator Andreychuk on this issue.

Honourable senators, we are an extremely rich country. We have unlimited potential. We have, indeed, contributed great things to the world, but simply because we have done that in the past does not mean that we cannot go the extra mile. Senator Stollery is correct that the aid is used to pay for food. However, we cannot fix all the problems. This is step one. We need to fix the problems with subsidies in the EU, the United States and other parts of the world. There is no simple solution.

However, this is a very important symbolic step, which can hold this up as a beacon against which we can measure ourselves. We as Canadians can stretch to try to reach this goal that we have set. Is it obtainable? Maybe not, but if we do not set the goal and say, "This is our target," we will never get anywhere. We need to stop talking the talk and we need to start walking the walk.

• (1830)

As a member of the left-wing of the Liberal Party, I am proud to support Senator Andreychuk and I consider in doing so that I am honouring the memory of Mr. Pearson and Mr. Trudeau.

Hon. Joan Fraser: Honourable senators, I grew up in the Third World and my heart is 150 per cent with Senator Andreychuk and, indeed, with Senator Mercer; however, my head is not quite there.

People who live in those countries are not stupid. They are tired of promises that end up being broken or being kept in ways that are ineffective, that do not meet the real needs of the people on the ground.

I am grateful to Senator Andreychuk for putting this subject on the agenda. I hope that she and all of us will keep the question of Canada's aid on the agenda of Parliament this year, next year and for years to come. We are talking about a very long-term project. It is true that we are, ounce for ounce, the most blessed country in the world. If we do not move mountains to help, who will? To use a phrase that is often used in political debate, to just dump money on problems is not the way to solve the problems. In many cases it makes things worse.

Let me tell you one story about my family. We were living in a small mining town that had been carved out of the bush in the wee South American country of Guyana. There was no arable land in that region. The topsoil there was sand, basically, on which many trees grew, but nothing else. There were lots of rivers and creeks. There were many piranhas but not large quantities of edible fish. There was no road. As a result, almost all the food that people ate, apart from what they got by keeping a chicken in the front yard, had to be brought in, so it was expensive.

My father thought, “Wouldn’t it be a great thing if we had a local source of protein?” He arranged to have a large, perfect, modern fish pond built and stocked with fish. Then, the fish would grow and we would have a nice source of cheap, local protein. The pond was built and flooded with lovely fresh creek water and appropriate fish for the environment were brought in from I do not know where. The pond was stocked. Everyone waited the appropriate period of time and then went to see if they could catch the first fish. There were no fish. My father thought something had gone wrong. He had the water tested. Everything was fine. He brought in another lot of fish and stocked the pond. Everyone waited the appropriate amount of time, then tried to catch the first fish and, again, no fish. My father had the pond drained. In the bottom of the pond was the biggest, fattest, happiest alligator anyone had ever seen. The moral is that we do not want to feed just the alligators.

My parents obviously tried to do various things, but I think perhaps the major project that my mother engaged in was the one that was of most lasting benefit to the country. She was highly instrumental in the creation of a nursing school in our remote little town. My mother had taught nursing in Canada, and knew how to run nursing schools and how to make them work. That was a long-term project. It was not just finding the money; it was being sure that the hospital where they would train was properly equipped, and that there were local instructors who were properly trained not only in nursing but also in teaching. It was necessary that the education network that fed in the students was properly geared to provide the right kind of encouragement. As well, it was fundamental to persuade the fathers of all those marriageable daughters that they ought to send their daughters to nursing school instead of marrying them off at the age of 16. This was a long-term project, but the school did work. For that whole region of the country, it made an enormous difference. However, that took a long time, a significant amount of local work and the dedication of humans and human intelligence, not just dollars. Canada should be doing that in modern terms, not just feeding the alligators.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to close the debate.

Some Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The bell is a one-hour bell, unless otherwise agreed to.

Some Hon. Senators: Now!

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I believe you would find there is agreement for the vote to take place now.

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

Hon. Senators: Agreed.

• (1840)

[*English*]

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|------------------|------------|
| Andreychuk | Kinsella |
| Chaput | LeBreton |
| Cochrane | Mercer |
| Di Nino | Nolin |
| Dyck | Plamondon |
| Hervieux-Payette | Spivak |
| Johnson | Stratton |
| Keon | Tkachuk—16 |

NAYS
THE HONOURABLE SENATORS

| | |
|-------------|-----------------------|
| Austin | Grafstein |
| Bacon | Hubley |
| Baker | Joyal |
| Banks | Mahovlich |
| Carstairs | McCoy |
| Christensen | Milne |
| Cook | Pépin |
| Cordy | Peterson |
| Cowan | Poulin |
| Dallaire | Robichaud |
| Day | Rompkey |
| Eggleton | Stollery |
| Fitzpatrick | Trenholme Counsell—27 |
| Fraser | |

ABSTENTIONS
THE HONOURABLE SENATORS

Corbin—1

Hon. Marcel Prud'homme: Honourable senators, I wish to speak on a point of order.

I realize that there was no bell, but I was in a conference call with Senator Comeau, to which he will attest. We did not hear any bells. We both missed the vote, which I regret. I was about to say that I want to prove to my electors that I am still here. However, I ask honourable senators not to laugh too much because I will run again for the House of Commons. What else would you want me to do at 75? My only problem is, I do not know which party I will run for.

Honourable senators, I want to show that I was here but there was no bell and I rushed to get here. You can see I am out of breath. I was not far away but it was too late. We were on a conference call in my office.

Hon. Gerald J. Comeau: Honourable senators, I also wish to put on the record that had I been advised that there was a vote, and generally we have a bell to call in the senators, I would have certainly voted according to my conscience. Obviously, there seems to be a new way of doing things in this chamber, so I will try to find out what the new process is by which senators are excluded from being able to vote if they are outside the chamber. I will not raise it as a point of order at this time, but it is out of the ordinary for senators not to be called for a vote.

The Hon. the Speaker: Honourable senators, the practice is as described by Senator Prud'homme and Senator Comeau. However, as we all know, we are able, by unanimous consent, to circumscribe the rules and that is what happened in this case. The unanimous agreement of honourable senators was to take the vote immediately. Unfortunately, I cannot make any further comment, so there is no point of order.

THE HONOURABLE ISOBEL FINNERTY

TRIBUTE ON RETIREMENT

Hon. Marcel Prud'homme: Honourable senators, I wish to bring to the attention of the Senate that it is too bad that Senator Finnerty is absent, but it is our last chance to say goodbye to our good friend. By the time we come back she will no longer be a senator. In her absence, I want to join with all those who said so many nice things about her. I regret that I could not join in at that time, but we will have a chance to salute her in the gallery when we come back. I wish to advise honourable senators that she is retiring July 16.

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 Monday, July 18, 2005, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, July 18, 2005, at 6 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*
(1st Session, 38th Parliament)

Wednesday, July 6, 2005

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|--|---|----------|----------------|-----------------|-----------|-------|
| S-10 | A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law | 04/10/19 | 04/10/26 | Legal and Constitutional Affairs | 04/11/25 | 0 observations | 04/12/02 | 04/12/15 | 25/04 |
| S-17 | An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion | 04/10/28 | 04/11/17 | Banking, Trade and Commerce | 04/11/25 | 0 | 04/12/08 | 05/03/23* | 8/05 |
| S-18 | An Act to amend the Statistics Act | 04/11/02 | 05/02/02 | Social Affairs, Science and Technology | 05/03/07 | 0 | 05/04/20 | 05/06/29* | 31/05 |
| S-31 | An Act to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30 | 05/05/12 | 05/06/07 | Transport and Communications | 05/06/16 | 0 | 05/06/21 | | |
| S-33 | An Act to amend the Aeronautics Act and to make consequential amendments to other Acts | 05/05/16 | Bill withdrawn pursuant to Speaker's Ruling 05/06/14 | | | | | | |
| S-36 | An Act to amend the Export and Import of Rough Diamonds Act | 05/05/19 | 05/06/09 | Energy, the Environment and Natural Resources | 05/06/16 | 0 | 05/06/20 | | |
| S-37 | An Act to amend the Criminal Code and the Cultural Property Export and Import Act | 05/05/19 | 05/06/15 | Foreign Affairs | 05/06/29 | 0 | | | |
| S-38 | An Act respecting the implementation of international trade commitments by Canada regarding spirit drinks of foreign countries | 05/05/31 | 05/06/15 | Agriculture and Forestry | 05/06/23 | 3 | | | |
| S-39 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 05/06/07 | 05/06/15 | Legal and Constitutional Affairs | | | | | |
| S-40 | An Act to amend the Hazardous Materials Information Review Act | 05/06/09 | 05/06/30 | Social Affairs, Science and Technology | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|----------|----------------|-----------------|-----------|-------|
| C-2 | An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act | 05/06/14 | 05/06/20 | Legal and Constitutional Affairs | | | | | |
| C-3 | An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act | 05/03/21 | 05/04/14 | Transport and Communications | 05/06/09 | 0 observations | 05/06/22 | 05/06/23* | 29/05 |
| C-4 | An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment | 04/11/16 | 04/12/09 | Transport and Communications | 05/02/15 | 0 | 05/02/22 | 05/02/24* | 3/05 |
| C-5 | An Act to provide financial assistance for post-secondary education savings | 04/12/07 | 04/12/08 | Banking, Trade and Commerce | 04/12/09 | 0 observations | 04/12/13 | 04/12/15 | 26/04 |
| C-6 | An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts | 04/11/18 | 04/12/07 | National Security and Defence | 05/02/22 | 0 | 05/03/21 | 05/03/23* | 10/05 |
| C-7 | An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts | 04/11/30 | 04/12/09 | Energy, the Environment and Natural Resources | 05/02/10 | 0 | 05/02/16 | 05/02/24* | 2/05 |
| C-8 | An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act | 05/03/07 | 05/03/21 | National Finance | 05/04/14 | 0 | 05/04/19 | 05/04/21* | 15/05 |
| C-9 | An Act to establish the Economic Development Agency of Canada for the Regions of Quebec | 05/06/02 | 05/06/08 | National Finance | 05/06/16 | 0 | 05/06/21 | 05/06/23* | 26/05 |
| C-10 | An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts | 05/02/08 | 05/02/22 | Legal and Constitutional Affairs | 05/05/12 | 0 observations | 05/05/16 | 05/05/19* | 22/05 |
| C-12 | An Act to prevent the introduction and spread of communicable diseases | 05/02/10 | 05/03/09 | Social Affairs, Science and Technology | 05/04/12 | 2 | 05/04/14 | 05/05/13* | 20/05 |
| C-13 | An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act | 05/05/12 | 05/05/16 | Legal and Constitutional Affairs | 05/05/18 | 0 | 05/05/19 | 05/05/19* | 25/05 |
| C-14 | An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts | 04/12/07 | 04/12/13 | Aboriginal Peoples | 05/02/10 | 0 | 05/02/10 | 05/02/15* | 1/05 |
| C-15 | An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999 | 04/12/14 | 05/02/02 | Energy, the Environment and Natural Resources | 05/05/17 | 0 observations | 05/05/18 | 05/05/19* | 23/05 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|----------------|-----------------|-----------|-------|
| C-18 | An Act to amend the Telefilm Canada Act and another Act | 04/12/13 | 05/02/23 | Transport and Communications | 05/03/22 | 0 observations | 05/03/23 | 05/03/23* | 14/05 |
| C-20 | An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts | 04/12/13 | 05/02/16 | Aboriginal Peoples | 05/03/10 | 0 | 05/03/21 | 05/03/23* | 9/05 |
| C-22 | An Act to establish the Department of Social Development and to amend and repeal certain related Acts | 05/06/09 | 05/06/21 | Social Affairs, Science and Technology | | | | | |
| C-23 | An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts | 05/06/02 | 05/06/14 | Social Affairs, Science and Technology | | | | | |
| C-24 | An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories) | 05/02/16 | 05/02/22 | National Finance | 05/03/08 | 0 | 05/03/09 | 05/03/10* | 7/05 |
| C-26 | An Act to establish the Canada Border Services Agency | 05/06/14 | 05/06/29 | National Security and Defence | | | | | |
| C-29 | An Act to amend the Patent Act | 05/02/15 | 05/03/07 | Banking, Trade and Commerce | 05/04/12 | 2 | 05/04/14 | 05/05/05* | 18/05 |
| C-30 | An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts | 05/04/13 | 05/04/14 | National Finance | 05/04/21 | 0 | 05/04/21 | 05/04/21* | 16/05 |
| C-33 | A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004 | 05/03/07 | 05/04/20 | National Finance | 05/05/03 | 0 | 05/05/10 | 05/05/13* | 19/05 |
| C-34 | 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 (<i>Appropriation Act No. 2, 2004-2005</i>) | 04/12/13 | 04/12/14 | — | — | — | 04/12/15 | 04/12/15 | 27/04 |
| C-35 | 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 (<i>Appropriation Act No. 3, 2004-2005</i>) | 04/12/13 | 04/12/14 | — | — | — | 04/12/15 | 04/12/15 | 28/04 |
| C-36 | An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts | 04/12/13 | 05/02/01 | Legal and Constitutional Affairs | 05/02/22 | 0 observations | 05/02/23 | 05/02/24* | 6/05 |
| C-38 | An Act respecting certain aspects of legal capacity for marriage for civil purposes | 05/06/29 | 05/07/06 | Legal and Constitutional Affairs | | | | | |
| C-39 | An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment | 05/02/22 | 05/03/08 | Social Affairs, Science and Technology | 05/03/10 | 0 | 05/03/22 | 05/03/23* | 11/05 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|--------------------------|----------|-------|-----------------|-----------|-------|
| C-40 | An Act to amend the Canada Grain Act and the Canada Transportation Act | 05/05/12 | 05/05/16 | Agriculture and Forestry | 05/05/18 | 0 | 05/05/19 | 05/05/19* | 24/05 |
| C-41 | 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 (<i>Appropriation Act No. 4, 2004-2005</i>) | 05/03/22 | 05/03/23 | — | — | — | 05/03/23 | 05/03/23* | 12/05 |
| C-42 | An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 (<i>Appropriation Act No. 1, 2005-2006</i>) | 05/03/22 | 05/03/23 | — | — | — | 05/03/23 | 05/03/23* | 13/05 |
| C-43 | An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005 | 05/06/16 | 05/06/21 | National Finance | 05/06/28 | 0 | 05/06/28 | 05/06/29* | 30/05 |
| C-45 | An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts | 05/05/10 | 05/05/10 | National Finance | 05/05/12 | 0 | 05/05/12 | 05/05/13* | 21/05 |
| C-48 | An Act to authorize the Minister of Finance to make certain payments | 05/06/28 | 05/07/06 | National Finance | | | | | |
| C-56 | An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement | 05/06/16 | 05/06/20 | Aboriginal Peoples | 05/06/21 | 0 | 05/06/22 | 05/06/23* | 27/05 |
| C-58 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2006 (<i>Appropriation Act No. 2, 2005-2006</i>) | 05/06/15 | 05/06/21 | — | — | — | 05/06/22 | 05/06/23* | 28/05 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|----------------------------------|----------|----------------|-----------------|-----------|-------|
| C-259 | An Act to amend the Excise Tax Act (elimination of excise tax on jewellery) | 05/06/16 | | | | | | | |
| C-302 | An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich | 04/12/02 | 04/12/07 | Legal and Constitutional Affairs | 05/02/17 | 0 observations | 05/02/22 | 05/02/24* | 4/05 |
| C-304 | An Act to change the name of the electoral district of Battle River | 04/12/02 | 04/12/07 | Legal and Constitutional Affairs | 05/02/17 | 0 observations | 05/02/22 | 05/02/24* | 5/05 |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|----------|-------|-----------------|-----------|-------|
| S-2 | An Act to amend the Citizenship Act (Sen. Kinsella) | 04/10/06 | 04/10/20 | Social Affairs, Science and Technology | 04/10/28 | 0 | 04/11/02 | 05/05/05* | 17/05 |
| S-3 | An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier) | 04/10/06 | 04/10/07 | Official Languages | 04/10/21 | 0 | 04/10/26 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|--|---|----------|----------------|-----------------|------|-------|
| S-4 | An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools) | 04/10/06 | Dropped from Order Paper pursuant to Rule 27(3) 05/02/22 | | | | | | |
| S-5 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 04/10/07 | 04/10/26 | Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs | | | | | |
| S-6 | An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks) | 04/10/07 | | | | | | | |
| S-7 | An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools) | 04/10/07 | Dropped from Order Paper pursuant to Rule 27(3) 05/02/22 | | | | | | |
| S-8 | An Act to amend the Judges Act (Sen. Cools) | 04/10/07 | Dropped from Order Paper pursuant to Rule 27(3) 05/06/16 | | | | | | |
| S-9 | An Act to amend the Copyright Act (Sen. Day) | 04/10/07 | 04/10/20 | Social Affairs, Science and Technology | | | | | |
| S-11 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 04/10/19 | 04/10/26 | Legal and Constitutional Affairs | 05/04/12 | 2 observations | 05/05/17 | | |
| S-12 | An Act concerning personal watercraft in navigable waters (Sen. Spivak) | 04/10/19 | 05/06/01 | Energy, the Environment and Natural Resources | 05/06/29 | 0 | | | |
| S-13 | An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver) | 04/10/19 | 04/11/17 | Legal and Constitutional Affairs | | | | | |
| S-14 | An Act to protect heritage lighthouses (Sen. Forrestall) | 04/10/20 | 04/11/02 | Social Affairs, Science and Technology | 05/03/21 | 0 | 05/03/23 | | |
| S-15 | An Act to prevent unsolicited messages on the Internet (Sen. Oliver) | 04/10/20 | | Subject-matter 05/02/10 Transport and Communications | | | | | |
| S-16 | An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.) | 04/10/27 | | Subject-matter 05/02/22 Aboriginal Peoples | | | | | |
| S-19 | An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon) | 04/11/04 | 04/12/07 | Banking, Trade and Commerce | 05/06/23 | 1 | 05/06/28 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|---|--------|-------|-----------------|------|-------|
| S-20 | 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) | 04/11/30 | | Subject-matter 05/02/02 Legal and Constitutional Affairs | | | | | |
| S-21 | An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 04/12/02 | 05/03/10 | Legal and Constitutional Affairs | | | | | |
| S-22 | An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb) | 04/12/09 | | | | | | | |
| S-23 | An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin) | 05/02/01 | | | | | | | |
| S-24 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 05/02/03 | 05/03/10 | Legal and Constitutional Affairs | | | | | |
| S-26 | An Act to provide for a national cancer strategy (Sen. Forrestall) | 05/02/16 | 05/06/01 | Social Affairs, Science and Technology | | | | | |
| S-28 | An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore) | 05/03/23 | 05/06/01 | Banking, Trade and Commerce | | | | | |
| S-29 | An Act respecting a National Blood Donor Week (Sen. Mercer) | 05/05/05 | 05/06/01 | Social Affairs, Science and Technology | | | | | |
| S-30 | An Act to amend the Bankruptcy and Insolvency Act (RRSP and RESP) (Sen. Biron) | 05/05/10 | | | | | | | |
| S-32 | An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools) | 05/05/12 | | | | | | | |
| S-34 | An Act to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament (Sen. Cools) | 05/05/16 | | | | | | | |
| S-35 | An Act to amend the State Immunity Act and the Criminal Code (terrorist activity) (Sen. Tkachuk) | 05/05/18 | | | | | | | |
| S-41 | An Act to amend the Department of Foreign Affairs and International Trade Act (human rights reports) (Sen. Kinsella) | 05/06/21 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1st | 2nd | Committee | Report | Amend | 3rd | R.A. | Chap. |
|------------|---|-----------------------|-----------------------|----------------------------------|---------------|----------------|-----------------------|-------------|--------------|
| S-25 | An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.) | 05/02/10 | 05/03/23 | Banking, Trade and Commerce | 05/05/05 | 0 observations | 05/05/10 | 05/05/19* | |
| S-27 | An Act respecting Scouts Canada (Sen. Di Nino) | 05/02/17 | 05/04/19 | Legal and Constitutional Affairs | | | | | |

CONTENTS

Wednesday, July 6, 2005

| | PAGE | | PAGE |
|--|------|---|------|
| SENATORS' STATEMENTS | | Bill to Authorize Minister of Finance to Make Certain Payments (Bill C-48) | |
| Action Against Poverty | | Second Reading. | |
| Hon. A. Raynell Andreychuk | 1718 | Hon. Terry Stratton | 1720 |
| Organization for Security and Co-operation in Europe | | Hon. John Buchanan | 1722 |
| Fourteenth Parliamentary Assembly. | | Hon. Lillian Eva Dyck | 1723 |
| Hon. Jerahmiel S. Grafstein | 1718 | Referred to Committee | 1724 |
| Tax Burden on Young Professionals | | Civil Marriage Bill (Bill C-38) | |
| Hon. Wilbert J. Keon | 1718 | Second Reading. | |
| <hr/> | | Hon. Sharon Carstairs | 1724 |
| ROUTINE PROCEEDINGS | | Hon. Gerald J. Comeau | 1725 |
| Legal and Constitutional Affairs | | Hon. Marcel Prud'homme | 1726 |
| National Finance | | Hon. John G. Bryden | 1727 |
| Committees Authorized to Meet During Adjournment | | Hon. David Tkachuk | 1728 |
| of the Senate. | | Hon. Marilyn Trenholme Counsell | 1730 |
| Hon. Bill Rompkey | 1719 | Hon. Jean-Claude Rivest | 1731 |
| Hon. Terry Stratton | 1719 | Hon. Consiglio Di Nino | 1732 |
| The Senate | | Hon. Francis William Mahovlich | 1733 |
| Motion to Extend Sitting Adopted. | | Hon. Grant Mitchell | 1733 |
| Hon. Bill Rompkey | 1719 | Hon. Tommy Banks | 1734 |
| Hon. Marcel Prud'homme | 1719 | Hon. Mira Spivak | 1736 |
| Membership of Standing Senate Committee on Conflict | | Hon. Anne C. Cools | 1737 |
| of Interest for Senators. | | Hon. Joan Fraser | 1739 |
| Hon. Jack Austin | 1719 | Hon. Marjory LeBreton | 1741 |
| Legal and Constitutional Affairs | | Hon. Terry M. Mercer | 1743 |
| Committee Authorized to Meet During Adjournment of the Senate. | | Hon. Terry Stratton | 1743 |
| Hon. Lise Bacon | 1719 | Hon. Lise Bacon | 1744 |
| Social Affairs, Science and Technology | | Hon. Fernand Robichaud | 1744 |
| Committee Authorized to Meet During Adjournment of the Senate. | | Referred to Committee | 1745 |
| Hon. Jane Cordy | 1720 | Distinguished Visitor in the Gallery | |
| Transport and Communications | | The Hon. the Speaker | 1745 |
| Committee Authorized to Meet During Adjournment of the Senate. | | Business of the Senate | |
| Hon. Joan Fraser | 1720 | Hon. Bill Rompkey | 1745 |
| Official Languages | | International Development Assistance | |
| Notice of Motion to Authorize Committee to Study Effect | | Motion Urging Government to Meet Commitment Negatived. | |
| of Relocating Federal Departments. | | Hon. Jack Austin | 1745 |
| Hon. Claudette Tardif | 1720 | Hon. Bill Rompkey | 1747 |
| Information Commissioner | | Hon. Peter A. Stollery | 1749 |
| Notice of Motion in Support of House of Commons Motion | | Hon. Jerahmiel S. Grafstein | 1750 |
| to Extend Term by One Year. | | Hon. Consiglio Di Nino | 1750 |
| Hon. A. Raynell Andreychuk | 1720 | Hon. Terry M. Mercer | 1750 |
| <hr/> | | Hon. Joan Fraser | 1750 |
| ORDERS OF THE DAY | | Hon. A. Raynell Andreychuk | 1751 |
| Business of the Senate | | Hon. Fernand Robichaud | 1751 |
| Hon. Bill Rompkey | 1720 | Hon. Marcel Prud'homme | 1752 |
| | | Hon. Gerald J. Comeau | 1752 |
| | | The Honourable Isobel Finnerty | |
| | | Tribute on Retirement. | |
| | | Hon. Marcel Prud'homme | 1752 |
| | | Adjournment | |
| | | Hon. Bill Rompkey | 1752 |
| | | Progress of Legislation | i |



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5