

Hon. Joyce Fairbairn (Leader of the Government): Honourable senators, I thank Senator Spivak for her questions, which are very detailed. I will pass on those details and find out what kind of an answer I can obtain for her.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

APPOINTMENT OF DONALD JOHNSTON AS SECRETARY-GENERAL— LENGTH OF TERM—GOVERNMENT POSITION

Hon. W. David Angus: My question is for the Leader of the Government in the Senate. Can you comment upon press reports of an hour ago that Mr. Donald Johnston has succeeded in becoming the next Secretary-General of the OECD, but on a watered-down basis whereby he will have to wait for 18 months before he assumes office, and also that his term will be shortened by 18 months?

Hon. Joyce Fairbairn (Leader of the Government in the Senate): Honourable senators, Senator Angus is a jump ahead of me. I have been concentrating on our new senators and I have missed this news bulletin. However, I will certainly seek it out and confirm it for you.

Senator Angus: At the same time, will the Leader of the Government clarify for us whether there indeed has been some diminution of the function because of the compromise which is alleged to have been worked out?

Senator Fairbairn: I will be pleased to find that information for you.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

SCOTIA SYNFUELS PROJECT— GRANDFEATHERING OF INVESTMENT TAX CREDIT

Hon. William J. Petten (Acting Deputy Leader of the Government) tabled the answer to Question No. 27 on the Order Paper—by Senator MacDonald (*Halifax*).

KOREAN AND SECOND WORLD WAR—INFORMATION FROM SOVIET ARCHIVES ON DISPOSITION OF ARMED FORCES PERSONNEL MISSING IN ACTION

Hon. William J. Petten (Acting Deputy Leader of the Government) tabled the answer to Question No. 11 on the Order Paper—by Senator Marshall.

ORDERS OF THE DAY

MARINE TRANSPORTATION SECURITY BILL

THIRD READING

Hon. William J. Petten (Acting Deputy Leader of the Government) moved the third reading of Bill C-38, to provide for the security of marine transportation.

Hon. William M. Kelly: Honourable senators, I appreciate this opportunity to speak to Bill C-38, which is the Marine Transportation Security Bill. In essence, this bill follows through on commitments made by Canada in ratifying the so-called Montego Bay Convention of 1982, an initiative of the International Maritime Organization which arose as a direct consequence of the *Achille Lauro* affair.

My colleague Senator St. Germain recounted the history of this initiative during his remarks at second reading, and also commented, quite properly I think, on the 12 years it has taken from the signing of the convention through to Canada's ratification and, finally, to this bill.

The bill addresses gaps or inadequacies in our current legislative framework and, as such, it is only a first step. However, it is an important first step.

I will not forget, honourable senators, during the hearings of the Senate committee on terrorism, when asked how the government would respond to a specific type of terrorist incident, officials would rhyme off the applicable statutes and trot out their flow charts and diagrams to show how things would work. The problem was that when committees analyzed what really happened in actual terrorist incidents, things had not worked that way at all.

Too often, in government, we think we have solved the problem if we simply pass new legislation. New legislation is a physical manifestation of having done something, but legislation is almost always only one step in the process, and not necessarily the most important step.

My point is that this legislation is meaningless unless the government backs it up with effective enforcement and intelligence systems, response mechanisms, and works out jurisdictional overlaps and uncertainties which are bound to arise should there be, for example, a terrorist incident on a ship in a Canadian port. I will return to that point in a moment.

Honourable senators, I do support this legislation. The Senate committee on terrorism tried to hammer home three fundamental principles: First, we should get ahead of terrorism and terrorist incidents and not allow ourselves to be constantly in a reactive mode. Second, we should straighten out the jurisdictional overlaps and uncertainties which exist and which are endemic to our system of government but which detract from our ability to respond to acts or threats of violence. Third, let us make sure that the tools we need to respond to acts of violence are available when we need them.

One of the tools — and, I repeat, only one — is a modern, coherent and comprehensive legislative framework. This bill does get ahead of things. There have been no recent maritime incidents affecting Canadians. This is not to say that there is no threat. About 85 per cent of all passengers on cruise ships which dock at Canadian ports or traverse Canadian waters are U.S. citizens. We all know the kind of unwanted attention Americans can attract in this increasingly fragmented and hostile world where the U.S. is the only remaining superpower and, often, international policeman. We have an obligation to assure reasonable safety and security for all foreigners who traverse our waters and visit our ports; no less an obligation than that owed to our own citizens.