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**Thursday, May 15, 2003**



THE HONOURABLE DAN HAYS  
SPEAKER

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## THE SENATE

Thursday, May 15, 2003

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

Prayers.

### SENATORS' STATEMENTS

#### NATIONAL NURSING WEEK

**Hon. Joan Cook:** Honourable senators, I rise today in recognition of National Nursing Week and, in particular, to pay tribute to the nurse practitioner.

Nursing is a gender-neutral profession. A nurse practitioner is a registered nurse with a post-graduate education. A nurse practitioner provides wellness care, including health screening activities such as performing Pap smears, monitoring infant growth and development, diagnosing and treating minor illnesses such as ear and bladder infections, diagnosing and treating injuries such as sprains and lacerations, screening for the presence of chronic disease such as diabetes and monitoring people with stable chronic disease such as hypertension. A nurse practitioner can order and access the results of lab tests, X-rays and ultrasounds. If and when appropriate, a nurse practitioner can prescribe a range of medication.

The Vital Statistics Act is also being amended to authorize a nurse practitioner to complete and sign medical certificates of death in special circumstances.

In rural nursing, a nurse practitioner is often the only full-time manager of a hospital, which is a huge responsibility. As well as overseeing nursing, he or she is the leader of acute and continuing care. The health and safety inspector chairs meetings, is responsible for the entire operating budget and takes a regular nursing shift, to keep in touch with the needs of staff.

Research proves that the cost of a nurse practitioner is 40 per cent less than that of a physician; as well, a nurse practitioner is a cost-effective investment in preventive care, given his or her expertise and counselling, patient/client education and case management.

The U.S. Department of Health and Human Services reported that the cost of an office visit to see a nurse practitioner ranged from 10 per cent to 40 per cent less than the cost of comparable primary care service provided by a physician.

Employing a nurse practitioner in a managed care environment can save 20 per cent of the cost of primary care. The contribution of a nurse practitioner is continuous, round the clock, seven days a week, in community health centres and clinics, metropolitan teaching hospitals and isolated nursing stations. Nurse practitioners are providing needed care for Canadians.

Honourable senators, nursing is at the heart of our health care system.

**Hon. Wilbert J. Keon:** Honourable senators, I too rise in recognition of National Nursing Week.

[*Translation*]

This is an opportunity to raise public awareness of the many contributions nurses make to the health care system and the well-being of Canadians.

[*English*]

Canadians have the deepest trust in their nurses; nurses are almost always at the top of any polls or lists of most trusted professions, and there is a reason for this. Enter any hospital, clinic, home care agency or any other health care environment on any given day and there will be stories of a nurse who took time out from an impossibly hectic day to comfort, explain, chat with, hold or touch someone. They provide that ever-so-important human touch.

As nurses move along the continuum of experience and education, they acquire additional competencies that are incorporated into practice. This enables nurses to contribute to the health care system in new ways, including expanding roles for nurse practitioners, working in primary health care settings and so on.

We have recently seen these professionals at work during the SARS outbreak. We know that they are capable of doing great things with great dedication. On the other hand, there is a glaring shortage of nurses. The Canadian Nurses Association estimates that registered nurses work a quarter of a million hours of overtime every week, the equivalent of 7,000 full-time jobs every year.

The physical and mental strain of overload brings an astonishing level of injury, illness and burnout. In any given week, more than 13,000 registered nurses, or 7.4 per cent of all RNs, are absent from work because of injury, illness, burnout or disability.

If honourable senators will recall, the Standing Senate Committee on Social Affairs, Science and Technology recommended that the federal government work with other concerned parties to create a permanent national coordinating committee for health and human resources to be composed of representative key stakeholders and groups of different levels of government. The committee also recommended that the federal government undertake a number of specific initiatives designed to increase the supply of health care professionals, including nurses.

A study conducted for the Canadian Nurses Association indicated that the country would fall short about 78,000 RNs by 2011 and that this shortfall could reach 113,000 by 2016. The study reached these conclusions despite relatively optimistic assumptions with regard to the number of nursing graduates that can be anticipated in the coming five years. The report estimates that the output from Canada's nursing schools is expected to grow from 4,500 graduates in the year 2000 to more than 9,000 per annum by 2007. Everything points to an increase in the number of nurse graduates.

• (1340)

The committee recommended that the federal government phase-in funding over the next five years so that by 2008 there will be 12,000 graduates from nursing programs across the country, and that the federal government continue to provide full additional funding to the provinces —

**The Hon. the Speaker:** Senator Keon, I am sorry to interrupt, but your three minutes are up.

## BRITISH COLUMBIA

### VANCOUVER—DRUG ABUSE IN DOWNTOWN EAST SIDE

**Hon. Gerry St. Germain:** Honourable senators, Vancouver is one of the great cities of the world. Like many big cities, though, Vancouver suffers its share of social ills. Unfortunately, many of the social problems are concentrated in the downtown east side where poor planning decisions and misguided policies have created a ghetto.

I know the area well. More than 30 years ago, I walked the beat of the 100-block East Hastings Street as a proud member of the Vancouver Police Department. Over the years, due to the deteriorating morals and misguided decisions of Liberal governments, like the Charter of Rights, the drug culture in this area has grown to enormous proportions.

In recent years, this neighbourhood has been largely under siege by criminals who have disrupted public order and made it impossible for a normal lifestyle to be enjoyed by those who live and work there. Some are now advocating a four-part strategy to deal with these problems, all aimed at combating drug abuse. Unfortunately, those who would advocate a total integration of a drug culture into our society have been successful in focusing efforts on only one part of that strategy, the so-called harm reduction. They advocate harm reduction in the form of supervised injection facilities that would permit IV drug users to continue their habit in a legally sanctioned and state-operated facility.

Like so many others, I remain skeptical and fearful of this plan, wondering how facilitating drug use can be termed harm reduction for addicts. How is this compassion?

Nevertheless, the government opposite is working with local officials to pave the way for this supervised injection facility to open under strict terms as a supposed medical experiment, but the

advocates of a drug culture are hijacking this plan, flagrantly disobeying existing drug laws and city bylaws. They have illegally opened a shooting gallery for drug addicts, further creating public disorder in this neighbourhood.

Meanwhile, the Vancouver Police Department, under the capable leadership of Chief Constable Jamie Graham, has launched a new enforcement strategy aimed at regaining control of the streets and bringing public order to the area. Chief Graham has reminded us that his job is to enforce, not just some laws but all laws. The chief understands that effective policing contributes to public order, a linchpin of civil society. I urge Chief Graham to stick to his enforcement plan and not to yield to political interference. I urge him to bring a halt to the illegal activities of the renegades by shutting down the drug shooting gallery that opened on Carrall Street.

Honourable senators, if we are to be successful in helping the drug addicts, we must follow a plan that is based on order and discipline. We must seek a solution. There is no compassion for people in creating further disorder in Vancouver's downtown east side.

[*Later*]

**Hon. Pierre Claude Nolin:** Honourable senators, I wish to make a comment in response to the remarks of Senator St. Germain regarding safe injection sites.

[*Translation*]

Supervised injection sites have not sprung up spontaneously, but after a long process of assessment along with negotiations between stakeholders in government, the social and medical professions and others at various levels. The suggestion that this experiment ought not to be allowed in Montreal, Quebec City, Toronto and Vancouver would most definitely be a step backward. I know from my brief experience with them that the alternative to supervised injection sites is the streets of Vancouver.

There are already shooting galleries, but they are unsheltered and absolutely filthy. Supervised injection sites offer hygienic conditions to people who are going to inject themselves with harmful substances regardless, so why not help them? This is what the supervised injection site project proposes. I beg of you then not to heed the reactionary temptations sometimes available to us.

[*English*]

## THE LATE DOCTOR JOHN SAVAGE, O.C.

### TRIBUTE

**Hon. Catherine S. Callbeck:** Honourable senators, unfortunately, I was unable to participate in the tributes to John Savage yesterday. However, I would like to rise in honour of the former Premier of Nova Scotia who passed away after a long and heroic battle with cancer. I feel very privileged to have known and have worked with John. He was a principled, humorous and generous person. John's political life was a testament to public service and political courage.

John's political career began early. While studying medicine at Queen's University in Belfast, he was elected student union president. He was very proud of this accomplishment, as he was the first Catholic, a Welsh born one at that, to win the student union presidency of this Protestant school.

Later, after moving to Canada, he became a member of the school board in Dartmouth, then became Mayor of Dartmouth and finally became premier. He was determined to make Nova Scotia a better place.

It was during those years that I got to know and to work with John. He put forth a very ambitious agenda in Nova Scotia and pursued it aggressively as premier. During his term, John managed to balance the province's budget. This was no easy task, as they were facing a \$617 million deficit.

However, John was much more than a politician. He was a dedicated father of seven children, a grandfather of eight, and the loving husband of his wife, Margaret, who, I am sad to say, passed away earlier this year. He was a devoted physician and, above all, he was a humanitarian. There are numerous examples of this, but I will mention only a few.

John helped to establish a free clinic in a disadvantaged community near Halifax. He ran a drug detox centre. He established daycares. He promoted the importance of literacy and, after leaving politics, he went to Africa to try to improve the health and education of African people as well as to provide AIDS education to the youth.

For this work, the Nova Scotia Red Cross Society named him Humanitarian of the Year. He was also a recipient of the Order of Nova Scotia, and only three days before his passing, he was named an Officer of the Order of Canada.

John's dedication to others was evident even in his final days. Last month, only weeks after losing his wife to cancer and finding out that he himself was going into palliative care, he took the time to talk to reporters about the importance of palliative care. As one journalist from the Halifax *Daily News* said, "This is vintage John Savage: turning the spotlight away from himself and onto other people."

My thoughts and condolences go out to his family and friends. John will be greatly missed, not only by his children but by all the people whose lives he touched.

## MENTAL HEALTH WEEK

**Hon. Yves Morin:** Honourable senators, according to the World Health Organization, the stigma and discrimination experienced by people with a mental illness can be more destructive than the disease itself. It has a detrimental effect on recovery, on the ability to find access to services and on the level of support received in the community.

[Translation]

Twenty per cent of Canadians will suffer from some form of mental illness at some point in their lives. The consequences of

[ Senator Callbeck ]

this on the individual and his or her family members are truly devastating. From the economic point of view, mental illness costs the country over \$14 billion each year.

[English]

Changing our attitudes could help reduce these costs.

The Canadian Mental Health Association has declared this week Mental Health Week. This year's theme is "Respect, Don't Reject: If you have a brain, you can have mental illness." It is a call for each of us to re-examine our assumptions and put an end to the shame and discrimination against people with a mental illness.

As honourable senators know, my colleagues and I on the Standing Senate Committee on Social Affairs, Science and Technology are conducting a study on mental health and mental illness in Canada. Our goal is to develop a national action plan that will serve the needs of people with mental illness. Action plans are important but are not enough. We need solid research to better understand how to prevent and treat mental illness. The Institute of Neurosciences, Mental Health and Addiction of the Canadian Institutes of Health Research, under the able leadership of its scientific director, Dr. Rémi Quirion, is supporting research to improve outcomes for people suffering from mental illness.

For example, Dr. Ashok Malla, of Montreal's Douglas Hospital Research Centre, is evaluating the effects of early intervention on people with schizophrenia, while Dr. Neil Rector, from Toronto's Centre for Addiction and Mental Health, is looking for the best way to treat and prevent relapses in people with obsessive compulsive disorder.

[Translation]

Honourable senators, along with the importance of research in the battle against the scourge of mental illness, it is equally crucial to treat patients with respect, tact and dignity.

• (1350)

[English]

## ROUTINE PROCEEDINGS

### COPYRIGHT ACT

#### BILL TO AMEND—FIRST READING

**Hon. Joseph A. Day** presented Bill S-20, to amend the Copyright Act.

Bill read first time.

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

On motion of Senator Day, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

#### CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE OF  
NATO PARLIAMENTARY ASSEMBLY, APRIL 5, 2003—  
REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table the report of the Canadian delegation of the Canadian NATO Parliamentary Association on the Standing Committee Meeting held in Paris, France, on April 5, 2003.

JOINT MEETING OF NATO PARLIAMENTARY  
ASSEMBLY DEFENCE AND SECURITY, POLITICAL  
AND SCIENCE AND TECHNOLOGY COMMITTEES,  
APRIL 10-11, 2003—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table the report of the Canadian delegation of the Canadian NATO Parliamentary Association on the joint meeting of the Defence and Security Committee, the Political Committee and the Science and Technology Committee, held in St. Petersburg, Russia, on April 10 and 11, 2003.

[English]

### QUESTION PERIOD

#### FOREIGN AFFAIRS

UNITED STATES—  
NEGOTIATIONS ON MISSILE DEFENCE PROGRAM—  
INVOLVEMENT OF PARLIAMENT

**Hon. Norman K. Atkins:** Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, the Prime Minister gave the go-ahead for negotiations with the U.S. on Canada's participation in the missile defence program. How long are these negotiations expected to take, and when will we hear about a final decision? Will Parliament be given an opportunity to debate and approve any decision taken on this matter?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I am surprised by the information the honourable senator has brought forward. I am not aware that the Prime Minister did give the go-ahead for such negotiations.

**Senator Atkins:** Honourable senators, it is our indication that he has.

Nevertheless, the second part of the question is this: If the Prime Minister does agree to negotiations, will Parliament be given the opportunity to debate the issue before any agreement is made?

**Senator Carstairs:** Honourable senators, I am genuinely shocked by the honourable senator's original statement. It is my understanding that the final determination as to whether we will even enter discussions has not been made. That is all I can tell the honourable senator at this point.

Clearly, if discussions are entered into, there will be opportunities for parliamentarians to debate, once discussions enter the negotiation stage and before any final agreement is reached.

#### NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—  
OPERATIONAL REQUIREMENTS

**Hon. J. Michael Forrestall:** Honourable senators, I have a question for the Leader of the Government in the Senate. My question has to do with a long-running misunderstanding of terms and terminology that seems to exist between the learned lady and myself.

My question is this: I would ask the minister to stay somewhat focused. Can she tell this chamber the difference between the Statement of Operational Requirement and the requirement specifications for the maritime helicopter?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, the Statement of Operational Requirement is that which was determined to be in the best interests of the Government of Canada and the people of Canada, in terms of defence requirements.

The Statement of Operational Requirement, as I have indicated over and over again, is based on military analysis, extensive statistical research and realistic force-planning scenarios based on actual Canadian Forces operations.

I can elaborate slightly, if the honourable senator wishes, to say that the authors of the Statement of Operational Requirement reviewed all the changes that were made and discussed with respect to the technical specifications. They found that changes were made only when they conformed to the integrity and the intent of the Statement of Operational Requirement.

**Senator Forrestall:** Honourable senators, I hope the CDS does not have to read that. I do not think even he would understand it.

Honourable senators, the Statement of Operational Requirement is a broad-based scenario document that outlines the various types of missions the maritime helicopter should be required to perform. It is not a contracting document. The Basic Vehicle Requirement Specifications, now renamed "Maritime Helicopter Requirements Specification," according to the government documents — perhaps I should have sent them over to the honourable senator — is a document that competitors must match in their bids; it is required for contracting.

• (1400)

Would the Leader of the Government read, on page 7 of 10, number 7.1.2 of the Government of Canada's maritime helicopter request for proposal document, Vol. 1, entitled, General Instructions to Bidders? Perhaps I should do it, as I have a copy here in my hand.

### 7.1 Pre-Qualification (PQ)

7.1.1 Only those MH potential prime contractors, which have successfully completed the PQ process pertaining to this RFP, may submit proposals in response to this RFP.

7.1.2 The PQ process relates to compliance of the Bidder's proposed MH Acquisition with the MHRS.

It is now a tendering document.

I would ask the minister to refresh her memory with respect to that. I have done the research. The phrase "Statement of Operational Requirement" is not mentioned once in that entire document, although it was the basis for everything. That is the contracting document.

Will the minister now confirm that the pre-qualification bid of a company will be based on Maritime Helicopter Requirements Specification, and not the SOR?

In addition, will the minister confirm that we are now on the seventh revision of the Basic Vehicle Maritime Helicopter Requirements Specifications since the government moved forward with the program in August of 2000?

**Senator Carstairs:** I hope I can shed a little light on this for honourable senators.

Let me be specific. The honourable senator makes reference to the Maritime Helicopter Requirements Specification, or MHRS. He is quite right; these are the detailed, technical specifications for the Maritime Helicopter Project. However, they continue to be governed by the principles established in the Statement of Operational Requirement. The Statement of Operational Requirement came first. The technical specifications came later. The technical specifications were the result of an unprecedented level of open and transparent dialogue with industry and stakeholders, including all of the discussion and debate taking place on the Web site from which the honourable senator gets some of his information. That is how open and transparent it was.

The authors of the Statement of Operational Requirement reviewed all of the changes that were made to the technical specifications, and they found that changes had only been made to the technical specifications when they conformed with the integrity and the intent of the Statement of Operational Requirement.

**Senator Forrestall:** Honourable senators, the maritime helicopter Statement of Operational Requirement was released in 1999. This is the year of Our Lord 2003. Since that time, the requirement specifications have changed. The honourable senator

agrees with that. They have changed, I suggest, repeatedly, to reduce weight, cabin space, endurance and safety — safety! — simply to allow a smaller, less capable helicopter to compete in the competition. The government posts these facts — the detailed specifications and their changes — over the Internet. Can the minister confirm that?

Will she confirm for us, before we go home for the summer, that there is only one aircraft better capable of meeting low-cost compliance — not best value for the Canadian taxpayers' dollar, but lowest cost, with no criteria other than these doctored criteria that have been brought forward over the last three or four years? Will she admit that no other — not Cormorant, not Sikorsky — than the Eurocopter or its American version, with some transfer of technology, will meet that low-cost requirement because of the basic difference in the size, weight, capability, endurance, all of the things that have been changed because of this?

**Senator Carstairs:** No, honourable senators, I will not admit to what the honourable senator would like me to admit to, because, in my view, he is wrong.

**Senator Forrestall:** I may be wrong. God knows, unlike the honourable senator opposite, I am not infallible. I suggest to her that I am not wrong, and I suggest to her that the Cormorant, as she inferred yesterday, is no pet project of mine. The government has so skewered this mess that, up until several days ago, the Cormorant was the only plane that met, using her words, the SOR. It was the only plane that met the SOR and it certainly could meet the changed requirements. The honourable senator may be right and I may be right.

Would she give us some indication of how she will respond to the motion introduced yesterday by my colleague, the Leader of the Opposition?

**Senator Carstairs:** Since the matter is not yet before the Senate, I will not give any indication of what the response will be. When the motion is put, I can assure the honourable senator that I will give a response.

## INDUSTRY

### WORLD WIDE WEB—ENFORCEMENT AGAINST SPAM

**Hon. Donald H. Oliver:** My question is for the Leader of the Government in the Senate. It relates to spam.

Spam is basically unsolicited e-mail advertising. It has grown beyond being a minor annoyance to a full-blown problem. It now accounts for half of all e-mail traffic, and that percentage is growing. A third of all spam is misleading. Virtually all of it is sent with a forged return address.

A fifth of all spam is pornographic, often coming unfiltered to the mailboxes of children. It saps productivity as employees sort out their business mail from their spam. The costs are borne by the receiver, who must pay bandwidth charges and connection time. There is now even text-messaging spam, at considerable cost to cell phone owners.

[ Senator Forrestall ]



Several American states are taking legislative action against spam and spammers. The Virginia legislature, for example, has just passed a law to make spamming a criminal offence that carries a prison term of up to five years. Several bills have been or are about to be introduced in the United States Congress to fight the problem.

A few years ago, Industry Canada took the position that legislation was not needed to deal with spam. In light of the fact that this is costly, and it is a bad problem and getting worse, what will the government do about introducing anti-spam legislation?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, I certainly agree with the honourable senator with respect to spam. Vis-à-vis my office, his information is certainly accurate, judging by the amount of unsolicited e-mails that I get about products that I would never use under any circumstances, and even about products that, quite frankly, are totally inappropriate to my gender.

What the honourable senator has raised this afternoon is an increasing problem. I am particularly concerned with the issue that, in many families, the e-mails are opened by the first person who gets to the computer. I do not think we should allow that type of information to be made available.

I have raised this with the Minister of Industry. I know that he is looking into this situation. I have to tell the honourable senator that, at this time, I am not aware of plans going forward with regard to specific legislation. However, I shall again raise the matter with the Minister of Industry and indicate that there is support for some control of spam, from both sides of this chamber.

• (1410)

**Senator Oliver:** I thank the minister for her answer. She should know that the *Ottawa Sun*, on April 26, reported policy analyst Gerard Desroches of Industry Canada as saying that there is not much of an appetite for new legislation but that there is support for enforcing existing privacy and competition laws in ways that would target much of the spam that exists.

Could the Leader of the Government please advise the Senate as to what steps the government has taken or is planning to take to enforce existing privacy and competition laws in ways that would specifically target spam?

**Senator Carstairs:** Honourable senators, I must take that question as notice because, while I would like the government to use all the tools at its disposal, the spam issue is not as easy to address as some may think, in terms of using existing regulations. I will ask the department to provide information on the avenues they are examining at this point. I would still reinforce the notion that legislation may be, finally, the only way to address this serious problem.

## HUMAN RESOURCES DEVELOPMENT

### PLIGHT OF HOMELESS— DEVELOPMENT OF CENTRAL DATABASE

**Hon. Brenda M. Robertson:** Honourable senators, my question is for the Leader of the Government in the Senate. It concerns the federal government's response to the plight of the homeless in our country.

Currently, the federal government can only estimate how many homeless people there are in Canada and can only guess as to the main reason why people become homeless, whether it is poverty, drug addiction or other causes.

Any progress made against this problem is difficult to gauge because the federal government does not have national targets against which to measure a project's success or failure according to the National Secretariat on Homelessness.

Is the government working on setting national standards or targets for projects concerning the homeless?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, before I address that question, I did inquire on behalf of both of us with respect to the scanner in the Toronto airport. My understanding is that it is up and operational.

In terms of the plight of the homeless, as the honourable senator knows, there is a Supporting Community Partnership Initiatives or SCPI program. This program is not carried out by the federal government alone. It is always done in partnership with provincial governments and municipalities because that is the only way that we can adequately address the needs of the homeless. Therefore, the federal government cannot impose standards. Because of issues of constitutionality, the contributing partners must work together to create standards.

**Senator Robertson:** Honourable senators, I understand the complexity of that particular issue. However, it is difficult to measure any program unless the yardsticks are developed in the planning stages.

Honourable senators, it has taken the Department of Human Resources Development seven years and \$1.3 million to create a national homeless information tracking system, which is still not operational. It is not expected to be operational for the next two or three years. Many shelters across the country, such as Ottawa's mission, do not want to use the new system because it contains too many bugs and limitations. Those that do are not sending the information they collect to the central database because the rules for doing so have still not been worked out and also because of privacy concerns.

It is really a very serious problem because there is no way of collecting or measuring what we are doing. Could the Leader of the Government tell us what the government is doing to fix the problems related even to the database?

**Senator Carstairs:** Honourable senators, the honourable senator has identified a significant problem. However, as she well knows, any database is only as good as the information that goes into it. There is great reluctance on the part of some of the partners with respect to the homeless initiative to feed in that correct information. That is in part because of privacy issues, as the honourable senator has identified, and those are obviously issues of great concern. Human Resources Development is working on this problem. Meanwhile, under the Minister of Labour, the Honourable Claudette Bradshaw, a number of pilot projects are going on across the country to provide better services.

I would caution all senators that one cannot put a straitjacket on a homelessness initiative. As the honourable senator has clearly identified, those involved with homelessness come to it from very different perspectives. Those who are homeless because of problems with addiction need to be treated quite differently from families who are homeless because of inadequate low-cost housing. The needs are different and the programs must also be different.

**Senator Robertson:** Honourable senators, I certainly understand the issues that the honourable senator has raised. There is still no excuse for not having some measurement to help us determine whether the programs are useful. We really do not know that. Municipalities and the people of our country would like to know what is happening.

The minister tells us that there are pilot projects. What are the expectations for the pilot projects? We simply do not put money on the street. We have to say that this is what we want to do and then measure how much was accomplished, compared to what we set out to do. Thus far, there seems to be no effort, nothing that we can find, to indicate that consideration has been given to the normal practices of prioritizing and measuring the expectations and final measurements of social programs. That is a concern to a number of us.

**Senator Carstairs:** Honourable senators, it is my understanding that each project that is approved for funding by the federal government does have a set of objectives. Those objectives are measured before any other additional funding is given to projects. If the honourable senator is talking about an across-the-board set of objectives, I will raise that concern with the appropriate ministers. In this case, there are two ministers involved because some answers come from Human Resources Development, some come from the Department of Labour. I would also ask the honourable senator to understand the need for flexibility in these initiatives.

**Senator Robertson:** Honourable senators, of course, there is a need for flexibility. However, could the minister provide to us the information that she has alluded to on these projects? If there is printed data identifying and measuring the projects, could we have that information?

**Senator Carstairs:** Honourable senators, I will put that question to the respective ministries this afternoon.

## JUSTICE

### LEGISLATION TO CREATE NATIONAL SEX OFFENDER REGISTRY

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. These are always difficult questions and no one particularly likes to ask them. After the tragic murder of 10-year-old Holly Jones in the Toronto area, the effectiveness of the government's national registries is again in question. Since 1993, there have been discussions of a national sex offender registry. We still have seen little development.

There is only so much that parents and communities can do in terms of education to protect their children. All of us can agree that the federal government has the power and scope to make a successful and valuable registry for police and justice officials. Can the Leader of the Government in the Senate tell this chamber why legislation introduced by the Solicitor General in December, nearly six months ago, is still in committee and has made so little progress?

**Hon. Sharon Carstairs (Leader of the Government):** Honourable senators, as indicated, legislation is in progress; it is called Bill C-23. Second reading was only concluded in the other place on April 8, 2003. Committee study was delayed because the committee already had another piece of legislation to consider; that is something we understand well in this chamber. Study of the bill will begin in the House of Commons Justice and Human Rights Committee with the appearance of the Minister of Justice on May 29, 2003. Hopefully, consideration of the bill will proceed quickly.

• (1420)

I do not want to feed unrealistic expectations. The Holly Jones case, which involves the horrible murder of a 10-year-old in the city of Toronto, was already subject to the Ontario list. Unfortunately, that list does not seem to have been as effective as it may have been since the police feel that the perpetrator may well have been someone on their list.

I believe in a national registry because people do not stay in one province. They move from place to place, including the territories. That is the value of having a national registry. However, I also do not want to build any false hopes about the success of such a registry.

**Senator Stratton:** Honourable senators, it is true that the Ontario registry registers only problem people in Ontario. People from outside the province can move to Ontario, and they are not registered. They are not known. That is the problem, which is why there is a requirement for a national registry. If we do not have such a registry, then obviously sex offenders will travel to other provinces to continue their crimes. My concern, and the concern of everyone, is that this individual has not been caught and that there may be another event.

I understand that the minister is not making any promises. At this time of year, certain bills creep to the top of the agenda. The government places emphasis on what are called must-have bills. Surely to goodness, this would be one bill that would climb to the top very quickly. I would ask the Leader of the Government to take that message to her cabinet and please ensure that it receives top priority.

**Senator Carstairs:** I thank the honourable senator for that because then I am assured that, should the bill come here, we will deal with it quickly with the full support of the opposition.

It should be remembered that any convicted sex offender is on the Canadian Police Information Centre system. It is not that a convicted sex offender would not be known in Ontario. Indeed, such an offender could be known in Ontario through the system that is presently in place.

## CITIZENSHIP AND IMMIGRATION

### OVERHAUL OF IMMIGRATION AND REFUGEE BOARD

**Hon. Consiglio Di Nino:** Honourable senators, Citizenship and Immigration Minister Denis Coderre has recently proposed overhauling Canada's Immigration and Refugee Board. Among the changes being considered is replacing the board with a review process conducted by civil servants from the department. Under these changes, instead of having a hearing before an independent tribunal, refugees would be interviewed by civil servants who would have the power to accept or reject a claim.

All honourable senators are aware of the serious problems facing the Department of Citizenship and Immigration. Something is clearly needed to improve the situation. However, it is imperative to keep the system at arm's length from the government.

Can the Leader of the Government in the Senate assure this chamber and Canadians that those seeking sanctuary or a new home in Canada will continue to be treated in the same independent, at arm's length manner afforded them under the current system?

**Hon. Sharon Carstairs (Leader of the Government):** I have a simple answer to the honourable senator's question: Yes.

**Senator Di Nino:** I appreciate that response. Could the minister tell us if the government is considering other changes to the Immigration and Refugee Board that may compromise the integrity of the system?

**Senator Carstairs:** Again, a simple answer: No.

## THE SENATE

### WORLD HEALTH ORGANIZATION—NOTICE OF MOTION REQUESTING GOVERNMENT SUPPORT FOR TAIWAN'S REQUEST FOR OBSERVER STATUS

Leave having been given to revert to Notices of Motions:

**Hon. Consiglio Di Nino:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate call on the Government of Canada to support the request of the Government of Taiwan to obtain observer status at the World Health Organization.

[Translation]

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, I would like to introduce a page from the House of Commons. She is Miriam Kimpton, from Ottawa, who is studying in the Faculty of Arts at the University of Ottawa. She is taking an honours degree in French Literature. Welcome to the Senate of Canada.

[English]

## ORDERS OF THE DAY

### STATISTICS ACT

#### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Chalifoux, for the third reading of Bill S-13, to amend the Statistics Act.

**Hon. Terry Stratton:** As honourable senators have spoken in this chamber with respect to this bill, they seem to have spoken in terms of today. They say "today this" and "today that." They do not go back in time, and that is the curious part about this debate. Perhaps they did so in committee. I was not there and am therefore not certain. However, in listening to this debate, I question why no speeches were made with respect to that element in time, back then, to put it in a historical perspective.

The 1906 census, as someone has said, was conducted when the West joined Confederation — that is, Alberta, Saskatchewan and British Columbia. Why did the government decide that that census should remain confidential? It is a curious question. Why this one, when those before were not? It begs the notion that, perhaps, it was there to encourage people to come forward rather than not come forward. That is not to say that the West was wild or unlawful, but there would have been a degree of that attitude there. Perhaps that was the reason. The historical perspective was not mentioned, at least from what I have heard, and I wanted to comment on that particular census.

I also want to congratulate Senator Milne on her speech. One does not have to read the bill after reading the honourable senator's speech because it was so clear and straightforward.

I would like to go next to the 1918 and 1921 censuses. Senator Milne talks in her speech about John Manley, when he was Minister of Industry, appointing an expert panel to study the issue and report to him. The conclusions of the expert panel were straightforward. The panel, which was led by former Senator Lorna Marsden and former Supreme Court Justice Gerard La Forest, found that there was no legal impediment to the release of census records prior to 1918. In 1918, however, the Census Act itself was amended to include the same confidentiality provisions as had been included in the earlier regulations governing the 1906 through 1916 censuses.

• (1430)

She then goes on to say the following:

Although there was no mention of the National Archives in the 1918 act itself, the regulations governing the 1921 and all subsequent censuses, which had and still have the force of law, all made specific reference to the fact that the nominal census returns would be turned over to the Archives of the Dominion.

The expert panel concluded that the placing of this reference in the regulations, rather than in the bill, was not a specific policy choice but an oversight.

To put this in perspective, let us go back to 1918; to 1921. What occurred in that time frame? What was the mood of the nation during those years? We are talking about the end of the First World War. We would expect everyone in the country to have had concerns over privacy and over information getting into the wrong hands. That was the mentality back then. That would have been foremost in their minds, one would think, at the time this was done. It was done for good and valid reasons, at the time.

To put this in perspective even further, consider for a moment the SARS environment that we have been living through recently. Had the situation deteriorated further, there would have been a mentality of closing oneself in, of withdrawing from the world and protecting one's family and oneself.

Let us consider the flu epidemic of 1918. It took 20 million to 30 million lives. The same kind of mentality would have been prevalent at that time, thus giving this a historical perspective as to why they may have done this.

For those reasons, honourable senators should respect the position taken at that time.

One cannot go back, as I have said before, for example, with respect to Senator Chalifoux's bill on Louis Riel; one cannot remake history. It is not possible to recreate and to pretend that what happened back then in its historical context should be changed. History cannot be changed. The attitudes of the people from that time were what they were. I am convinced that confidentiality was important at that time, and that it was important for the reasons I cited above. We should pay respect to that mentality, to that way of thinking, and thereby should not go there out of respect.

[ Senator Stratton ]

On February 11, 2003, as reported at page 803 of the *Debates of the Senate*, Senator Milne said the following:

In November 2001, Statistics Canada announced further public consultations by way of focus groups and town hall meetings. The goal was to measure the reaction that Canadians would have to the release of these census records. After a lot of study and hundreds of submissions, Statistics Canada was able to conclude sometime this past summer that post-1901 censuses could be released.

It is almost as if the government is governing by polls. That is not the way to make legislation. In making legislation, it is important to consider the historical perspective of that time. We must remember that.

Senator Milne continued:

I turn, then, to the limits that are being placed on access under this bill. I freely admit that I have struggled long and hard over what is set out here, and I have come to the conclusion that the temporary limits are justified. One simply cannot ignore the fact that, in 1918, the federal government wrote privacy provisions into the Statistics Act; nor can we ignore the fact that all of the regulations governing the 1911 and 1916 census had the force of law. Those regulations mentioned both the release to the Archives of the Dominion and the need for privacy. Privacy rights are real rights and it would be totally improper for the federal government to disregard them.

Again, the historical perspective is virtually ignored. These provisions were put into law and were reinforced: Do not go there. We should respect that.

Senator Milne continued:

The principles governing the release of future censuses are, I believe, equally sound. Starting with the next census in 2006, Canadians will have the opportunity to decide for themselves whether their census returns will be turned over to the National Archives. If they decide that they do not want their information ever to be made public, it will not be disclosed.

Why is that all right for today and tomorrow, but not all right for the past? Tell me. Why is it all right for today and tomorrow but not all right for the past? We should respect that past and the context in which Canadians made those decisions.

I wish to quote Senator Murray briefly, from page 807 of the same date:

Against that, Senator Milne and others have argued that there is a provision stating that the material should be sent to the archivist. Yes, there is; and, yes, there is an apparent conflict. However, we must bear in mind that this data has not been released before now and the government feels it is necessary to bring in the bill because the Department of

Justice interpreted those regulations and that law in a certain way until fairly recently, when they have done a 360 degree flip-flop on the issue. I suppose that lawyers in the Department of Justice have a right to change their minds just like anyone else.

That begs the question: What are we doing here? Is the government governing by polling or is it governing by the historical perspective under which these laws were put in place?

Senator Murray continued:

There was also the question of whether these regulations from the past and from the 1918 and subsequent legislative provisions were trumped by the 1983 Privacy Act, which provides for disclosure of government information after 92 years. Senator Milne and others argued that the Privacy Act trumped it. As a layman, I would have thought that if the Privacy Act were to trump existing legislation, it would say so. Notwithstanding the information in this or that other statute, this is the disclosure regime that would apply.

Therefore, I shall close by saying that, while I can appreciate the information as being valuable to certain people, there is also an act of respect that we are missing here to those who have gone before.

This chamber exists to respect the minorities and, in this case, those who are not here, those who cannot speak for themselves. I believe we owe it to them to speak in that historical perspective and to try to understand from whence they came and why they made decisions they did at that time. It is important for us to never forget that in this chamber.

On motion of Senator Kinsella, debate adjourned.

• (1440)

## LOBBYISTS REGISTRATION ACT

### BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Bill C-15, to amend the Lobbyists Registration Act, with an amendment) presented in the Senate on May 14, 2003.

**Hon. Lorna Milne** moved the adoption of the report.

She said: Honourable senators, I rise this afternoon to ask that all senators support the tenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament concerning Bill C-15.

Your committee is recommending one amendment, and I should like to take a few minutes to explain it. To do so, however, I need to make a couple of comments about the bill generally.

The purpose of Bill C-15 is to even the playing field among all groups of lobbyists and to make it easier to prosecute those who lobby the government but fail to register their activities. Bill C-15 groups the lobbyists into two broad categories: in-house and consultant. There are two registration schemes, one for each kind of lobbyist, and the schemes reflect the difference between the two types. By and large, though, the schemes are the same and demand that anyone who accepts money to lobby the government must register and that anyone who works for a company and spends more than 20 per cent of their time lobbying must register.

In the other place, the member for Ancaster-Dundas-Flamborough-Aldershot, John Bryden, sought to expand the information that a lobbyist needs to provide when registering to include a list of all former public offices held by that lobbyist. Such an amendment would roughly show the areas of expertise of the lobbyist and where that person might draw on past contacts to enhance his or her lobbying activities.

Accordingly, the member there proposed an amendment to section 7 of the Lobbyist Registration Act that would force in-house lobbyists to declare all public offices that they have held during their careers.

That amendment carried; however, unfortunately, it only covered in-house lobbyists and not consultant lobbyists. It was immediately apparent to your committee that the bill produced a situation where the two kinds of lobbyists are treated differently without any policy basis for so doing. If it is proper for in-house lobbyists to disclose former employment within the public sector, surely it would be proper for consultant lobbyists to do the same. Therefore, your committee chose to propose an amendment to the bill that would close this gaping hole in the legislation by adding the same disclosure requirements to section 5 of the Lobbyists Registration Act, which covers consultant lobbyists.

Honourable senators, I do not wish to leave you with the impression that this was the only issue that concerned members of the committee. It is my understanding that you may hear some of the other concerns at third reading debate.

Honourable senators also took the opportunity in committee to discuss the code of conduct for lobbyists. There was significant discussion on whether it would be appropriate to codify the rules in order to give them the force of law. That discussion foreshadows one that we will be having on the code of conduct for senators. I believe this will be an ongoing debate for many years, as lobbyists, public office-holders and perhaps even senators learn to operate under new codes of conduct that will govern public life.

The other key issue that was discussed at length was the question of where lobbying begins. Where is the line? More specifically, the government has chosen to require lobbyists to register whenever a person receives money in order to speak to public office-holders unless the communication is purely for the purpose of gaining information. The obvious question then arises: What is information? As some lobbyists told us, most lobbying work consists of getting the right information from and to the right people. That is how the system works.

The government has proposed that the responsible minister and the commissioner that administers the lobbyist registration system be permitted to define information through regulation and through regular bulletins. Similar systems are already used by the Canada Customs and Revenue Agency in its administration of the tax code. It was the government's view that until it has substantial practice in this area it would be best to keep the line easily movable before setting up a more concrete framework.

In regard to this matter, I would remind honourable senators that this bill provides for a mandatory review every five years, so the issue will not be lost. In this debate, I was reminded of the words of the Supreme Court of Canada in dealing with obscenity cases. No one can write a definition of obscenity, but everyone knows it when they see it.

It is hoped that with practice the government will establish a working definition of information that effectively draws a line that will allow information gathering without registration but still forces registration for those who use that information for lobbying purposes.

Honourable senators, your committee has chosen not to make any recommendation on this issue at this time. However, I suspect there may be discussion on the issue in the future. The government has undertaken to continue to work with us to improve this regime and to build upon it for the future and your committee looks forward to doing so.

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, we have the report in which the committee is recommending that we make one amendment to the bill. The Honourable Senator Milne has indicated that there are other issues that might find expression in further amendments. For the sake of proceeding expeditiously, this side would have no difficulty in dealing with the report with the current amendment, it being understood that at third reading several honourable senators might rise to bring amendments to the bill as amended, should this report be adopted.

Motion agreed to and report adopted.

### THIRD READING

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

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

## STUDY ON HEALTH CARE SERVICES AVAILABLE TO VETERANS

### INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (interim) of the Standing Senate Committee on

National Security and Defence (Sub-committee on Veterans Affairs) entitled: *Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment*, deposited with the Clerk of the Senate on April 10, 2003.—(Honourable Senator Meighen).

**Hon. Norman K. Atkins:** Honourable senators, I am speaking in place of Senator Meighen, who plans to speak to this report at a later time.

I should like to take a few minutes to talk about the recent report of the Subcommittee on Veterans Affairs. The report, entitled: "Fixing the Canadian Forces' Method of Dealing with Death or Dismemberment," is unusual. It is unusual because it was inspired by the experiences of one man and his determined pursuit of justice for members of the Canadian Forces who suffered dismemberment as a result of their service to Canada.

• (1450)

In 1995, Major Henwood had both legs blown off below the knee when the United Nations vehicle in which he was riding hit an anti-tank mine. At that time, he was serving in Croatia with the 8th Hussars as part of the United Nations peacekeeping force.

After a long period of recovery, Major Henwood discovered that he and all other ranks, except the most senior — that is, colonels, generals and their equivalents — did not have the accidental death and dismemberment insurance. Worse, he would receive nothing under the Canadian Forces Service Income Security Insurance Plan, SISIP, because his pension and disability benefits, after he left the Canadian Forces as a result of his injury, would add up to more than 75 per cent of his salary on release.

As a result, Major Henwood received absolutely no compensation from Canada for the loss of two legs. He learned, however, that if he had been a colonel and suffered the same injuries, he would have received \$250,000 in compensation.

Following his difficult recovery, Major Henwood has devoted himself to correcting the failure of the government to provide all ranks with at least dismemberment insurance for injuries sustained on duty. Furthermore, he wants to right the blatant injustice of providing full accidental death and dismemberment insurance only to the most senior ranks.

Major Henwood appeared before the subcommittee on February 3, 2003, to argue the need for insurance to provide compensation for on-duty dismemberment. His appearance had a tremendous impact on me. He walked into the room without assistance, looking and dressed like the successful businessman he is, to argue on behalf of the Canadian Forces personnel, hopefully very few in number, who will suffer dismemberment in the future.

In his testimony, he also drew attention to his belief that while he received the best of care, the military did not do enough to meet the needs of his family. As he told the committee:

[ Senator Milne ]

...I was being looked after. What you have heard is "I." The other half of the story is the family. There was little or no offer of support by the system for my wife and children. However, individuals bent over backwards to bend the rules to arrange this or do that. We had to identify a need and then they would try to cater to that need. It was not the other way around with the system saying, "Here is what we can provide for you, what do you need?"

The military has unquestionably learned from the experience of Major Henwood. Over the past five years, they have introduced a number of programs to assist injured members of the forces and their families. Nevertheless, each seriously injured member of the Canadian Forces must have an able and compassionate champion to deal with their needs and the needs of their family and to intercede with the bureaucracy to have these needs met. That is why I strongly support recommendation 3 of the committee's report, which asks that:

When a member of the Canadian Forces is seriously injured, the Department of National Defence immediately assign an officer to represent the interests of the member. This officer must be knowledgeable about the various benefits to which the member and his/her family are entitled, and sufficiently senior and experienced to be able and willing to press their interests.

Just over a week after Major Henwood's appearance, the Minister of National Defence announced that, in the future, all regular and reserve force personnel would be insured, at no cost to themselves, for accidental dismemberment while on duty. Major Henwood thus has done a great service to the serving and future personnel of the Canadian Forces. However, he and the handful of other Canadian Forces personnel who have suffered duty-related dismemberments in the past will receive nothing because the new policy is not retroactive.

I wish to conclude my remarks by expressing my full support for the recommendations of the report and to make a special plea that recommendation 2, like recommendation 3, be given special consideration and immediate implementation. It states:

That the Department of National Defence introduce at the earliest possible time, retroactively, the payment of accidental death and dismemberment benefits to Canadian Forces personnel who have been injured while on duty in the past.

That, by the way, is not many service personnel. At the moment, it is very difficult to even find who those people are through the records of Veterans Affairs or National Defence.

Honourable senators, we are not talking about large numbers, though that should ultimately be irrelevant. This is simply the right thing to do.

**The Hon. the Speaker:** Honourable senators, this matter stood in the name of Senator Meighen. Is it agreed that it continue to stand in his name?

**Hon. Senators:** Agreed.

[Translation]

**STUDY ON THE ADMINISTRATION AND OPERATION OF THE BANKRUPTCY AND INSOLVENCY ACT AND THE COMPANIES' CREDITORS ARRANGEMENT ACT**

BANKING, TRADE AND COMMERCE COMMITTEE  
AUTHORIZED TO EXTEND DATE OF FINAL REPORT

On the Order:

Resuming debate on the motion of the Honourable Senator Kolber, seconded by the Honourable Senator Rompkey, P.C.:

That the date for the presentation by the Standing Senate Committee on Banking, Trade and Commerce of the final report on its study on the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*, which was authorized by the Senate on October 29, 2002, be extended to Thursday, December 18, 2003. (*Honourable Senator Prud'homme, P.C.*)

**Hon. Fernand Robichaud (Deputy Leader of the Government):** Honourable senators, the Honourable Senator Prud'homme has indicated that he had received the answers to his questions relating to this motion, and that he has no objection to the Senate proceeding with this motion.

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

Motion agreed to and report adopted.

[English]

**SERVICES AVAILABLE TO HEARING IMPAIRED USERS OF PUBLIC TRANSPORT**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gauthier calling the attention of the Senate to the difficulties faced by the deaf and hearing impaired in availing themselves impartially and in full equality of the information and safety procedures available to Canadians at airports, on aircraft, in ships and on all forms of public transport.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to take part in the debate on Senator Gauthier's inquiry concerning services available to hearing-impaired users of public transportation.

First, I want to commend Senator Gauthier for bringing forward this inquiry. It is one that touches the lives of many people. As this chamber was told, there are nearly three million hearing-impaired people in Canada alone. These people should be able to travel on all modes of transportation without difficulty or stress. It is essential that hearing-impaired persons be able to access the information that is needed to travel conveniently and safely. I wish to commend Senator Gauthier for all of the work and research that he has done and continues to do in this area.

• (1500)

The Honourable Senators Gauthier and Chaput have done an excellent job of outlining the problem that hearing-impaired persons face when travelling and of the need to ensure that the rights of hearing-impaired persons are upheld.

I shall not repeat the compelling arguments that have already been made by the two honourable senators. However, I should like to draw the attention of honourable senators to some research the government has undertaken on this issue that is directly related to the subject of this very important inquiry.

Transport Canada has a transportation accessibility research and development program. Its mandate is as follows: to develop guidelines and standards that will increase the safety and accessibility of transportation systems for elderly and disabled persons; to develop and adapt technologies and systems with the aim of eliminating travel barriers in all modes for elderly persons and those with mobility, sensory or cognitive disabilities; to investigate emerging technologies and to take advantage of national and international research and developments related to transportation accessibility; and to disseminate the results of Transport Canada's research to national and international policy-makers, researchers, operators, manufacturers and consumers.

To date, Transport Canada has completed three studies concerning transportation accessibility and enabling technology. One of the most recent studies, completed in August of 2002, is entitled: "Improving aircraft safety briefings for all travellers, including those with sensory or cognitive impairments." The purpose of this study was to examine current aircraft safety briefings and recommend means of ensuring that all passengers understand the briefings, including those who are hearing impaired. Ultimately, the study concluded that mixtures of different modes of communication could improve comprehension, and the researchers developed prototypes of improved messages for in-service testing.

The two earlier studies were both done with the purpose of evaluating technologies that could be used in aircraft to meet the communication needs of passengers with various sensory or cognitive impairments. These studies identified and recommended specific technologies that the researchers felt could potentially help to meet the needs of hearing-impaired passengers. They also recommended a number of non-technical solutions that could be beneficial, including the proper training of transportation staff.

[ Senator Callbeck ]

Transport Canada is currently in the process of reviewing and assessing all three of these reports. In February of this year, the Minister of Transport released the department's policy framework in a document entitled, "Straight Ahead: A Vision for Transportation in Canada." I was pleased to see that the issue of accessibility was integrated into the department's vision and that the importance of accessibility to sustainable transportation was recognized.

As Senator Chaput noted, it is not only Transport Canada that is working on this issue. In 2001, a report entitled: "In Unison: A Canadian Approach to Disabilities Issues," was published on behalf of the federal, provincial and territorial ministers responsible for social services. Not only does this report examine research on this issue, but as Senator Chaput has already told us it also highlights indicators that could be used to measure progress being made in terms of accessibility.

Looking at these studies, it would seem to me that we have a great deal of good research on this issue. However, there is still much work to be done. It is time to take action, to make use of this research and ensure that policies and programs reflect the needs of those with disabilities.

Senator Gauthier has taken a very active role in pursuing policy change, as has the President of the Canadian Hard of Hearing Association, Colin Cantlie. Mr. Cantlie has been in close contact with the airline system to try to improve travel for people who are hearing impaired. He wants to ensure that employees have the time needed to listen and provide the proper services to travellers. He would like to see service providers give more importance to disability awareness and sensitivity training and to have action taken on the reports done by Transport Canada.

As Mr. Cantlie said:

Many of the development projects are shelved after the reports are written, they never see the light of day. Many of these projects have been excellent, but never do they see any development that would assist travellers and put Canada back as a transportation leader in the global community.

It is obvious that a great deal of time has been invested in research and learning about this. We have had a number of recommendations from various studies to be considered. It is my hope that policies and the programs will be developed that reflect the needs of those with sensory and cognitive impairments. This is necessary if we are to ensure that the citizenship rights, including equality, inclusion, empowerment and participation, of those with sensory and cognitive impairments are protected and Canada's commitment to diversity is upheld.

[Translation]

**The Hon. the Speaker *pro tempore*:** Honourable senators, if no other senator wishes to speak, this issue is considered debated.



**Hon. Fernand Robichaud (Deputy Leader of the Government):** I would like to move that the debate be stood until the next sitting of the Senate. The Honourable Senator Gauthier's inquiry is very important and I could, at this point, support him for the work he has accomplished. The Honourable Senator Gauthier has demonstrated the importance of these issues for the hearing impaired or those experiencing any kind of problem with public transportation.

**Hon. Laurier L. LaPierre:** I would like to stand the debate in my name, if possible.

On motion of Senator LaPierre, debate adjourned.

[English]

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Gérald-A. Beaudoin,** Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 15, 2003

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

#### THIRD REPORT

In accordance with the decision of the Senate adopting the Second Report of the Standing Committee on Legal and Constitutional Affairs, of November 28, 2002, which had the effect of dividing Bill C-10, An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, into two bills, Bill C-10A, An Act to amend the Criminal Code (firearms) and the Firearms Act, and Bill C-10B, An Act to amend the Criminal Code (cruelty to animals), and which permitted your Committee to continue its study of Bill C-10B, your Committee now reports the same with the following amendments:

1. *Page 1, clause 2:* Replace lines 9 and 10 with the following:

“vertebrate, other than a human being.”.

2. *Page 2, clause 2:*

(a) Replace line 5 with the following:

“to, or the unnecessary death of, an animal;”.

(b) Delete line 10; and

(c) Reletter paragraphs 182.2 (1)(d) to 182.2 (1)(h) as paragraphs 182.2 (1)(c) to 182.2 (1)(g) and any cross-references thereto accordingly.

3. *Page 3, clause 2:* Add after line 10 the following:

“(3) No person shall be convicted of an offence under paragraph (1)(a) if the pain, suffering, injury or death is caused in the course of traditional hunting, trapping or fishing practices carried out by a person who is one of the Aboriginal peoples of Canada in any area in which Aboriginal peoples have harvesting rights under or by virtue of existing aboriginal or treaty rights within the meaning of section 35 of the *Constitution Act, 1982*, and any pain, suffering or injury caused is no more than is reasonably necessary in the carrying out of those traditional practices.”.

4. *Page 4, clause 2:* Replace lines 22 to 24 with the following:

“**182.5** No person shall be convicted of an offence under this Part where he proves that he acted with legal justification or excuse or with colour of right.”.

5. *Page 5, clause 2:* Replace, in the French version, line 5 with the following:

“perte de l'animal d'assistance policière ou des”.

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

GÉRALD A. BEAUDOIN  
*Deputy Chair*

#### OBSERVATIONS to the Third Report of the Standing Senate Committee on Legal and Constitutional Affairs Comments on Bill C-10B, An Act to amend the Criminal Code (cruelty to animals)

Non-derogation clauses in proposed legislation have become an issue that transcends Bill C-10B. This is a difficult and complex area of law. The Minister of Justice has made a commitment to review the use of non-derogation clauses in federal statutes, and apparently indicated that legislation would be introduced in March 2003 to establish appropriate wording for these clauses and to perhaps remove contentious clauses that have been inserted in recent legislation. Your Committee agrees that this is no longer an issue to be addressed in a piecemeal fashion. There can no longer be a mixed approach to the use and wording of non-derogation clauses when the very intent of these clauses is to provide clarity and certainty to Aboriginal peoples with respect to their constitutional rights. Your Committee therefore intends to follow-up on the Minister of Justice's commitment to deal with this issue. We expect any legislative or other initiative to address this issue to be sent to the Committee for study.

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

• (1510)

[*Translation*]

**Hon. Jean-Robert Gauthier:** Honourable senators, I have a technical problem. When we move to items on the Order Paper and the clerk reads documents or the text of a report, it is impossible for the interpreters to interpret a text of this kind if they do not have the document before them. In my opinion, the report was neither understood nor tabled. Could the clerks not plan ahead and give a copy to the interpreters? I have the document now, but when the clerk read it, we did not have it and the interpreters were not able to do their work.

**The Hon. the Speaker *pro tempore*:** Thank you for your comments, Honourable Senator Gauthier. Please be assured that we will see to it that this situation does not arise in future.

Honourable senators, when shall this report be taken into consideration?

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

#### ADJOURNMENT

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

**Hon. Fernand Robichaud (Deputy Leader of the Government),** with leave of the Senate and notwithstanding rule 58(1)(h), moved:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 27, 2003, at 2 p.m.

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

Motion agreed to.

The Senate adjourned until Tuesday, May 27, 2003, at 2 p.m.

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**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

**(2nd Session, 37th Parliament)**

**Thursday, May 15, 2003**

**GOVERNMENT BILLS  
(SENATE)**

<b>No.</b>	<b>Title</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Committee</b>	<b>Report</b>	<b>Amend</b>	<b>3<sup>rd</sup></b>	<b>R.A.</b>	<b>Chap.</b>
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology	03/04/29	0			

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

<b>No.</b>	<b>Title</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Committee</b>	<b>Report</b>	<b>Amend</b>	<b>3<sup>rd</sup></b>	<b>R.A.</b>	<b>Chap.</b>
C-2	An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon	03/03/19	03/04/03	Energy, the Environment and Natural Resources	03/05/01	0	03/05/06	03/05/13	7/03
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26	03/03/25	Banking, Trade and Commerce	03/03/27	0	03/04/01	03/04/03	5/03
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-6	An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts	03/03/19	03/04/02	Aboriginal Peoples					
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-9	An Act to amend the Canadian Environmental Assessment Act	03/05/06	03/05/13	Energy, the Environment and Natural Resources					
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	Divided  Message from Commons concurring with the division 03/05/07			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03	03/05/13	8/03
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs	03/05/15	5			
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 <sup>rd</sup> 02/12/04 2 at 3 <sup>rd</sup> 03/02/04	03/02/04	03/03/19	2/03
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-15	An Act to amend the Lobbyists Registration Act	03/03/19	03/04/03	Rules, Procedures and the Rights of Parliament	03/05/14	1			
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	–	–	–	02/12/11	02/12/12	27/02
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	3/03
C-30	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004	03/03/25	03/03/26	–	–	–	03/03/27	03/03/27	4/03

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25	03/03/26	National Security and Defence	03/04/02	0	03/04/03	03/04/03	6/03
C-249	An Act to amend the Competition Act	03/05/13							
C-300	An Act to change the names of certain electoral districts	02/11/19							

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	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)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08	03/02/25	Social Affairs, Science and Technology					
S-8	An Act to amend the Broadcasting Act (Sen. Kinsella)	02/10/09	02/10/24	Transport and Communications	03/03/20	0	03/04/02		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	02/10/23	03/05/06	Legal and Constitutional Affairs					
S-10	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	02/10/31	03/02/25	Energy, the Environment and Natural Resources					
S-11	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	02/12/10	03/05/07	Official Languages					
S-12	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	02/12/11	03/02/27	Legal and Constitutional Affairs					
S-14	An Act to amend the National Anthem Act to reflect the linguistic duality of Canada (Sen. Kinsella)	03/02/11							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-15	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	03/02/13							
S-16	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	03/03/18							
S-17	An Act respecting the Canadian International Development Agency, to provide in particular for its continuation, governance, administration and accountability (Sen. Bolduc)	03/03/25							
S-18	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	03/04/02							
S-20	An Act to amend the Copyright Act (Sen. Day)	03/05/15							

**PRIVATE BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-19	An Act respecting Scouts Canada (Sen. Di Nino)	03/05/14							

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