



CANADA

Debates of the Senate

3rd SESSION

•

37th PARLIAMENT

•

VOLUME 141

•

NUMBER 20

OFFICIAL REPORT
(HANSARD)

Thursday, March 11, 2004



THE HONOURABLE DAN HAYS
SPEAKER

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(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 Communication Canada – Canadian Government Publishing, Ottawa, Ontario K1A 0S9.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, March 11, 2004

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

Prayers.

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

March 11, 2004

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 11th day of March, 2004 at 8:55 a.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Thursday, March 11, 2004:

An Act respecting the effective date of the representation order of 2003 (*Bill C-5, c. 1, 2004*)

[*English*]

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE SISTER MARY ALICE (PEGGY) BUTTS

The Hon. the Speaker: Honourable senators, I have received a letter from the Leader of the Government in the Senate, pursuant to rule 22(10), requesting that the time provided for consideration of Senators' Statements be extended for purposes of paying tribute to the Honourable Senator Mary Alice (Peggy) Butts, who passed away on March 6, 2004.

Hon. B. Alasdair Graham: Honourable senators, earlier this week I had the privilege of spending some memorable moments with the Sisters of the Congregation of Notre-Dame, in Sydney, Nova Scotia, at the funeral for Sister Mary Alice, best known as Peggy Butts, who passed away last Saturday. Honourable senators will recall that Sister Peggy served with distinction in this chamber from 1997 to 1999.

A religious senator? What a wonderful story that will make in a hoped for future biography on the life and times of this respected senator, scholar and teacher, as well as fearless advocate of justice for the poor and the disadvantaged.

As a member of the Congregation of Notre-Dame, Peggy inherited the compassion and social activism of the founder, St. Marguerite Bourgeoys. She was cut from the same kind of cloth as the young, adventuresome and courageous Marguerite of Troyes, France, who set off for the New World in 1653 on a perilous, two-month ocean voyage to what would become Canada.

Marguerite brought with her the power of her undying moral and intellectual force to the once tiny settlement of Ville-Marie, now the great city of Montreal.

Marguerite Bourgeoys founded the Congregation of Notre-Dame in 1670. The fire of her vision remained brilliantly alive in the hearts of the generations of independent-minded, intellectually vigorous and courageous women who would proudly follow in her path. Indeed, Peggy lived that venerated tradition in her day-to-day life.

When I first met Peggy on the frozen bogs and ponds of Bridgeport and Dominion, she was a tomboy, one of the gang. She was a hockey lover, a Montreal Canadiens fan, first, last and always.

Peggy grew up, as we all did, with the dangers and the insecurities of the coal-mining communities of Cape Breton close at hand. She also lived and breathed the beautiful spirit of the men of the deeps and their families, the kind of spirit that meant unconditional generosity and support for one's neighbour.

St. Marguerite once said that we must live in such a way that we not only love our neighbour, but that we make it easy for our neighbour to love us. That love, like the kind of love Sister Peggy grew up with in Cape Breton, and the kind of love she gave in turn to all who knew her, was always unconditional, whether it was for her students, for the homeless, for the hungry or for her colleagues in this special place.

Honourable senators, it was an honour to serve with Sister Peggy in this chamber and a privilege to have been her lifelong friend.

To the Butts family and to the Sisters of the Congregation of Notre-Dame, we extend an expression of profound sympathy.

• (1340)

Hon. J. Michael Forrestall: Honourable senators, as we have just heard from Senator Graham, Sister Peggy was dear to many. Sister Peggy was the embodiment of charity, without which there can be no love. Without all-encompassing love, there can be no charity. That was her great gift to her colleagues in her congregation, to her friends in Cape Breton and elsewhere in Canada and, latterly, to those of us who had the privilege of knowing her here in the Senate.

She was a wonderful person, an educator, a Sister of Charity, devoted to her faith, her church and her community and a Cape Bretoner through and through. I suspect she will have no trouble with the fiddle, although I understand it is the harp they use in heaven.

I have given some reflection to my brief association with Sister Peggy, although God knows I have known her 50 years or more. Recently, I reviewed her maiden speech and her final speech in this chamber. In her maiden speech on December 2, 1997, she spoke to Bill C-7, an act to establish the Saguenay-St. Lawrence Marine Park, a living legacy of beauty for the people of Quebec and Canada as a whole. After some 40 years of driving back and forth between Halifax and Ottawa, I am still amazed at the beauty of that region of our great country. I am struck by the indescribable beauty, which occurred to her as well, of the St. Lawrence River and its environs. I am certain that she knew in her mind and her heart that that beauty bore only a passing comparison with Cape Breton's.

On June 7, 1999, Sister Peggy gave her final speech here on the issue of the Canadian environmental protection bill. Coming from Cape Breton, the home of one of the most contaminated sites in all of Canada, the Sydney tar ponds, she spoke up constantly for stronger standards to protect our environment.

On historical assessment of the legacy of a dear person, Senator Butts, as Canadians will know, was a deeply committed environmentalist who cared enough about Canada's environment and natural beauty that she used her position here in the Senate to fight for this worthy cause for the future and the quality of life of all Canadians. She was an example to us of a caring Canadian and, indeed, a thoughtful one.

I recall that under the chairmanship and tender loving guidance of Senator Murray we were listening one day to great discourses on a mine that had been flooded. Everyone had an idea. Senator Phalen will recall that debate. Everyone asked: How will we get the coal out? After about an hour, Sister Peggy nudged me and said, "Senator Mike, did it occur to anybody to wonder what in the devil we will do with that contaminated water that filled the damn mine to begin with? If they think they can dump it down over the hill, they are wrong."

That was the woman I knew. I am blessed by her vision of charity because it flowed from true love to all her brothers and sisters.

Hon. Terry Mercer: Honourable senators, I rise today to express my heartfelt condolences for a woman who exemplified what it is to serve in public life. The passing of Sister Mary Alice Butts, affectionately known as Sister Peggy, has deeply affected us all.

I have learned something today, though, that I do not like about Sister Peggy — she was a Canadiens fan! Perhaps Senator Graham should not have let us in on what is, perhaps, the darker side of her life.

It would take more time than I have to speak of her many accomplishments, but I will try to highlight her life briefly. This, in itself, is a testament to her life as a true humanitarian, religious person, educator and parliamentarian. Quite simply, Sister Peggy was a well-known advocate of social and academic justice both locally and abroad.

In 1997, the wise and great leader, Prime Minister Jean Chrétien, appointed Sister Peggy to the Senate, the first religious sister to become a senator. During the two years she served this country, Sister Peggy donated her salary to charity. That, however, is only a small part of her legacy. Being a senator allowed her to take her life-long struggle for social justice to the national stage.

Born in humble beginnings, she was a native of Bridgeport, Nova Scotia. A graduate of St. Ann's High School, Glace Bay, and St. Francis Xavier University, Antigonish, she also received her masters degree in political philosophy from the University of Ottawa and her doctorate from the University of Toronto.

To recognize her contribution to social justice causes, her alma mater, St. Francis Xavier, conferred on her an honorary doctorate of laws degree in 1997. At the age of 79, she was in her fifty-third year as a sister of the congregation of Notre-Dame.

Sister Peggy served as a high school teacher and principal for many different schools, most notably Holy Angels High School in Sydney, a place that produced a great many Liberals. She later taught at St. Francis Xavier University and was on staff at Xavier Junior College in Sydney.

She continued her role in political science at the University College of Cape Breton until her retirement in 1993. As a teacher, she always had time to help her students in any way she could. Whether it was money for meals or books, or lending an ear of support, her approach to life was always giving to those in need.

While in the Senate, she obtained federal funds to enable the Cape Breton-Victoria Regional School Board to initiate the breakfast program for schools. The devotion to her career as an educator was persistent, as she remained a member of the board's breakfast program committee since that time.

In her capacity as senator, she was a valued member of many committees. Most notably was her commitment to her native home, Cape Breton, specifically with economic development in that depressed region.

Acting as Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, her work reminded us that politics needs to be tempered with social justice, spirit, hard work and a heart. To quote from the committee's report on social cohesion:

We think that more Canadians, and most particularly, more corporate and political leaders, need to begin a sober reflection of how they can think and act in new ways. It is no longer possible to accept a polarized society as the inevitable price of economic progress. The cost is too high for each and every one of us.

The Hon. the Speaker: Senator Mercer, I regret to advise that your time has expired.

• (1350)

Hon. Jane Cordy: Honourable senators, I too would like to join in the tributes to Sister and Senator Peggy Butts this afternoon. I did not have the pleasure of serving in this Senate with Sister Butts, but she was the principal of Holy Angels High School in Sydney when I was a student. I was one of the Liberal graduates from the school.

Sister Butts was not a principal who sat at the desk away from the daily goings on in the school. She was always actively involved in teaching and in extracurricular activities. On Saturday morning, Sister Butts held basketball training sessions for the high school basketball team and for anyone else interested in sport. I was fortunate to be a part of her sessions.

Sisters at that time were still wearing long black uniforms and long veils, but peeking out from her long black skirt on Saturday mornings were her white basketball sneakers. She would race down the court, with her veil sailing out behind her, and would leap up to put the ball in the basket. After the first morning, when I must admit we were all a bit surprised, we came to realize that becoming a sister did not mean you had to give up your love of sports. Her love of basketball was only surpassed by her love of the Montreal Canadiens.

Although we did not realize it at the time, Sister Butts was an example to all her students at Holy Angels High. She had a brilliant mind and used it for the good of the community. She was a social activist who worked tirelessly to make things better for those less fortunate. Her presence will be missed by everyone who knew her, but especially by those in her home of Cape Breton, where she worked so hard for social justice.

Hon. Catherine S. Callbeck: Honourable senators, I should like to add my tribute to the late Sister and Senator Peggy Butts. We were appointed to the Senate at the same time. Through our time together here, and with her visit to Prince Edward Island, I came to know her passion for life and for the people she served. Since the news of her death, people from all walks of life, from church community groups and representatives of all political parties, have expressed their regret and most of all their respect for a life truly lived to the fullest.

Sister Butts devoted her life to her church, to her community and to her country. As an educator, as an advocate for social

justice, and as a truly warm and compassionate human being, she gave her very best to improve the lives of others. Today we mourn the loss not only of a truly exceptional friend and former colleague, but of a wonderful human being.

Sister Peggy came from humble beginnings and never forgot the needs and hopes of ordinary people. She dedicated her life to making a difference, and her community is all the better because of that.

She leaves a great legacy, one that is a source of inspiration to all of us. To her family, and the sisters of her Congregation of Notre-Dame, I express my sincere sympathies. Her passing is a great loss, and she will be greatly missed.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I came to know Sister Peggy Butts, wonderful woman that she was, perhaps a little too late in my life. I will not repeat what the others have said about her career, her great breadth of knowledge, but I will talk about two things about her that always struck me: her great intelligence and her great humility.

I met her on her very first day in the Senate. We became friends, and she became my counsellor. As a fellow Roman Catholic, when I had doubts about something from time to time, I went to her without hesitation. I admit that publicly.

I will remember the evenings when honourable senators would be waiting for their cabs or buses. There she would be, with her legendary winter hat and her big winter boots, waiting for the bus to appear and take her back to her community to have supper with the other sisters.

[English]

"Sister, can I give you a ride?" She said, "Of course. What do you think I am?" So I took her for a ride. On our way there, I said, "Sister, I do not know if you would permit me, but will you have dinner with me?" She looked at me like I was a strange character. She said, "Of course," and added, "I like fish."

She taught me how to eat all of these products that I was unaccustomed to, and she even knew how to enhance a good dinner with a good bottle of white wine. It was not a sin for us to share that great moment.

What I am about to say could serve many honourable senators. Many of our colleagues leave us, disappearing from our memory or our conscience. Every year, on August 15, which happens to be Assumption Day, I would get Sister Butts on the telephone and we would talk for an hour or an hour and a half. Last summer we talked for two hours while I was looking after my sister. We talked a little bit about religion, but a lot about politics. She told me that since we have difficulty electing women to the other chamber, the government of the day has the option of achieving a 50-50 ratio between men and women in the Senate and that the Prime Minister of the day should appoint only women. I pray for her.

The Hon. the Speaker: I am sorry to interrupt, Senator Prud'homme, but I must advise that your time has expired.

Hon. Lowell Murray: Honourable senators, Senator Butts and I were not strangers to each other, far from it, but we were thrown unexpectedly into a new and for me extremely interesting and enjoyable relationship as Chair and Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology. On the agenda at the time was a study on social cohesion, which we completed. Peggy Butts had been well trained and well educated academically. She understood the sociology of it, the economics of it and the politics of it. She knew the science as well as any expert witness who came before us. What she had ahead of them, and ahead of many of us, was the hands-on experience of having worked among people of all social and economic conditions and backgrounds. These were her people. She was more than equal to any academic or theoretical testimony that might be brought to bear by expert witnesses or by others.

We often hear it said that religion and politics do not mix. I think I know what that means, but I hope it will never be taken to mean that people like Peggy Butts should be discouraged from taking part in politics and public life. What she did toward the end of her life as a senator was entirely consistent with the vocation she accepted as a very young girl to do God's work on earth.

MEMORANDUM OF UNDERSTANDING PENDING WHISTLE-BLOWING LEGISLATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the President of the Treasury Board has stated that public servants who report wrongdoing will be fully protected from retaliation as though whistle-blowing legislation were in place. The government is asking public servants to come forward in the current highly charged environment of scandal and corruption and tell what they know.

• (1400)

If this is not a facade, if the government is indeed serious about wanting federal employees to come forward, then it is essential that some form of written assurance against reprisal be set in place immediately. The government has made a commitment that whistle-blowing legislation will be introduced before the end of this month, and the official opposition in the Senate has proposed a pre-study of this important proposed legislation, to ensure that the Senate's concerns are addressed while the bill is still in the other place.

Honourable senators, even with a determined effort by Parliament to deal with this legislation expeditiously, it may well die on the Order Paper at the premature call of an election. Civil servants need something concrete to ensure that there is a clear avenue to follow should they subsequently have reason to believe that they have been subject to reprisal. Public servants need protection from reprisal now, and that protection can be in place within days.

I call upon the President of the Treasury Board to immediately enter into a memorandum of understanding with all public service unions to amend all their respective collective agreements, by adding the following clause:

No employee shall be disciplined or otherwise penalized, including but not limited to, demotion, suspension, dismissal, financial penalty, loss of seniority, advancement or opportunity in the public service, as a result of disclosing any wrongful act or omission, such as an offence against an Act of Parliament, an Act of a legislature of any province or any instrument issued under any such Act; an act or omission likely to cause a significant waste of public money; an act or omission likely to endanger public health or safety or the environment.

As well, I call on the government to support the inclusion of this protection in the collective agreements between all federal agencies and Crown corporations and their workers.

THE LATE SIR HAROLD BERNARD ST. JOHN

Hon. Anne C. Cools: Honourable senators, I rise to pay tribute to a native son of Barbados who, at age 72, died a few days ago on February 29 after a long and heroic struggle with cancer. I pay tribute to Sir Harold Bernard St. John, a distinguished Barbadian parliamentarian for about 40 years and Prime Minister of Barbados from 1985 to 1986.

Honourable senators, Sir Harold had been a lawyer, a Queen's Counsel, a member of parliament, a senator, leader of the opposition, and prime minister. In 1994, he received one of Barbados highest national honours. He was knighted, becoming Harold Bernard St. John, Knight of St. Andrew.

On March 8, 2004, the Government of Barbados accorded Sir Harold a state funeral at Christ Church Parish Church in the constituency he had represented faithfully for many years. At this funeral, Minister of Foreign Affairs Billie Miller spoke about him, saying:

This was the nature of the man, he stayed the course. He possessed great strength and purpose of character. His personal integrity and standards were set at the highest levels, the same levels at which his indomitable courage and unflagging commitment were fixed.

Honourable senators, the Honourable Billie Miller, also a Dame, is my cousin; her father and my mother were brother and sister.

Honourable senators, Sir Harold was a stalwart and unflinching patriot. Throughout his professional life, he established and maintained a record for forthrightness and honesty. He had a wide sense of the law and of the constitution. His unwavering cause was Caribbean integration, cooperation and development.

Sir Harold leaves behind his wife, Lady Stella, their son Bryte, and their two daughters, Charmaine and Nicole, and their grandchildren. To them and to all his family and friends I offer my best wishes and prayers at this time. I convey my sympathies to the Government of Barbados and to all Barbadians at home and abroad.

In tribute to Sir Harold, known to Barbadian people as “Bree,” I cite St. Paul, 2 Timothy chapter 4, verses 7 and 8 of the King James version:

I have fought a good fight, I have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also that love his appearing.

Honourable senators should also be aware that our Speaker of the Senate attended the state funeral in Barbados. I have no doubt that the people of Barbados were deeply honoured that the Speaker of the Senate carried out that duty on behalf of all the people of Canada.

[Translation]

QUEBEC FILM INDUSTRY

CONGRATULATIONS TO DENYS ARCAND

Hon. Lise Bacon: Honourable senators, I would like to speak about the great international success of the film *The Barbarian Invasions*, by filmmaker Denys Arcand. As a director and screenwriter, Denys Arcand has had a significant influence on the cinematic and cultural landscape of Quebec and of Canada for more than 40 years.

Some of you may remember the film *Seul ou avec d'autres* co-directed by Arcand in 1962. That film won an award at the Cannes Festival, a first at the time for a Quebec film. Cinema historians consider that this film paved the way for many creative artists and encouraged the development of Quebec cinematography.

Denys Arcand began as a documentary filmmaker with the National Film Board of Canada, where one of his notable films was *Les Montréalistes*. Later he took a penetrating look at Quebec politics and society through such documentaries as *Québec: Duplessis et Après* and *Le confort et l'indifférence*. During the 1970s he moved into fiction with such features as *La maudite Galette*, *Réjeanne Padovani* and *Gina*. Arcand used these films to explore social themes, for example, the exploitation of workers and corruption.

He also wrote a popular television series on the life of Maurice Duplessis, former premier of Quebec, which was broadcasted in the late 1970s.

It was during the 1980s, however, with *The Decline of the American Empire* and *Jesus of Montreal*, that Denys Arcand obtained international recognition; these films won awards at Cannes and many other festivals.

It was during that period, when I was Quebec's minister of culture, that I met Denys Arcand. I found him to be charming and cultivated, a kind man without pretension. Despite his success and recognition, he has remained well anchored in reality.

He is an accomplished artist, a highly talented director, a creator with a point of view and a vision of the world and society. He knows how to use the medium of film brilliantly to capture the public's attention and stir up debate.

I would like to congratulate Denys Arcand very warmly on the success of his excellent film, *The Barbarian Invasions*, for all the prestigious awards it has won all over the world, notably three Césars in Paris, one of them for best French film, and the Oscar for best foreign language film. I sincerely hope he will continue to make us think, to entertain us, and to move us with his films.

[English]

JOURNALISTS KILLED IN THE LINE OF DUTY

Hon. Joan Fraser: Honourable senators, yesterday, Senator Nolin reminded us that every year journalists are killed around the world in the course of doing their work or because of the work that they do. We do not remember them as we should. I thought I would follow upon his statement, therefore, by reminding us of who these people are.

Last year, according to the Committee to Protect Journalists, the following journalists were killed because they were journalists: in Brazil, Nicanor Linhares Batista and Luiz Antonio da Costa; in Cambodia, Chou Chetharith; in Colombia, Luis Eduardo Alfonso Parada, Guillermo Bravo Vega, Jaime Rengifo Revero and Juan Carlos Benavides Arévalo; in Guatemala, Héctor Ramirez; in India, Parvaz Mohammed Sultan; in Indonesia, Ersi Siregar; in Iran, a woman from Montreal, Zahra Kazemi; in Iraq, Terry Lloyd, Paul Moran, Kaveh Golestan, Michael Kelly, Christian Liebig, Julio Anguita Parrado, Tareq Ayyoub, José Couso, Taras Protsyuk, Richard Wild, Jeremy Little, Mazen Dana, Ahmed Shawkat; in Israel and the occupied territories, Nazih Darwazeh and James Miller; in Ivory Coast, Jean Hélène; in Nepal, Gyanendra Khadka; in Pakistan, Fazal Wahab; in Philippines, Apolinario Pobeda, Bonifacio Gregorio, Noel Villarante, Rico Ramirez and Juan Pala; in Russia, Aleksei Sidorov; and in Somalia, Abdullahi Madkeer.

There are at least a dozen others listed by the Committee to Protect Journalists who are thought to have been killed because of their work, but it is not certain. The names I have given you are of the 36 cases where we know why they died. The eminent American journalist Ted Koppel said that their example humbles us. It is incumbent upon us to bear witness and to honour them.

• (1410)

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate* I have the honour to table the fourth report of the Standing Committee on Internal Economy, Budgets and Administration. This report outlines the expenses incurred by the Committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, Appendix, p. 266.)

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

On motion of Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF QUOTA ALLOCATIONS AND BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN PRESENTED

Hon. Joan Cook, Deputy Chair of Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, March 11, 2004

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Friday, February 13, 2004 to examine and report upon matters relating to quota allocations and benefits to Nunavut and Nunavik fishermen, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget

submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN COOK
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 278.)

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

On motion of Senator Cook, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF MATTERS RELATING TO STRADDLING STOCKS AND FISH HABITAT PRESENTED

Hon. Joan Cook, Deputy Chair of Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, March 11, 2004

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Friday, February 13, 2004 to examine and report upon matters relating to straddling stocks and to fish habitat, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN COOK
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 284.)

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

On motion of Senator Cook, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 11, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

Banking, Trade and Commerce (Legislation)

Professional and Other Services	\$ 9,750
Transportation and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 10,750

Energy, the Environment and Natural Resources (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 1,000
Total	\$ 4,000

Foreign Affairs (Legislation)

Professional and Other Services	\$ 1,750
Transportation and Communications	\$ 750
Other Expenditures	\$ 750
Total	\$ 3,250

Internal Economy, Budgets and Administration

Professional and Other Services	\$ 1,000
Transportation and Communication	\$ 0
Other Expenditures	\$ 0
Total	\$ 1,000

Legal and Constitutional Affairs (Legislation)

Professional and Other Services	\$ 18,000
Transportation and Communications	\$ 9,350
Other Expenditures	\$ 1,000
Total	\$ 28,350

(includes funds for conference attendance)

National Finance (Legislation)

Professional and Other Services	\$ 2,500
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 2,500

Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 750
Transportation and Communications	\$ 600
Other Expenditures	\$ 1,185
Total	\$ 2,535

Respectfully submitted,

LISE BACON
Chair

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

On motion of Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY PRESENTED

Hon. Leonard J. Gustafson, for Senator Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, March 11, 2004

The Standing Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your Committee, was authorized by the Senate on February 16, 2004 to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

LEONARD J. GUSTAFSON
For the Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 290.)

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

Thursday, March 11, 2004

On motion of Senator Gustafson, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY OF
DEVELOPMENT AND MARKETING OF VALUE-ADDED
AGRICULTURAL, AGRI-FOOD AND FOREST
PRODUCTS PRESENTED

Hon. Leonard J. Gustafson, for Senator Oliver, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, March 11, 2004

The Standing Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your Committee, was authorized by the Senate on February 16, 2004 to examine the issues related to the development and marketing of value-added agricultural, agri-food and forest products, on the domestic and international markets, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report of said Committee are appended to this report.

Respectfully submitted,

LEONARD J. GUSTAFSON
For the Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 295.)

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

On motion of Senator Gustafson, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF CHARITABLE GIVING PRESENTED

Hon. Richard H. Kroft, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, February 26, 2004, to examine and report on issues dealing with charitable giving in Canada emerging issues related to its mandate, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

RICHARD H. KROFT
Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 300.)

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

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

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Richard H. Kroft, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, March 11, 2004

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-13, to amend the Criminal Code (capital markets fraud and evidence-gathering) has, in obedience to the Order of Reference of Tuesday, February 24, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

RICHARD H. KROFT
Chair

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

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

• (1420)

LIBRARY AND ARCHIVES OF CANADA BILL

BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, March 11, 2004

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

THIRD REPORT

Your Committee, to which was referred Bill C-8, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence, has, in obedience to the Order of Reference of Wednesday, February 18, 2004, examined the said Bill and now reports the same with the following amendments:

1. *Pages 9 and 10, clause 21:*

(a) Page 9: Delete lines 26 to 37; and

(b) Page 10: Delete lines 1 to 31.

2. *Page 20 clause 53:* Replace line 5 with the following:

“53. If Bill C-6, introduced in the 3rd”.

3. *Page 13, new clause 33.1:* Add after line 31 the following:

“Injured Military Members Compensation Act

33.1 Paragraph 13(c) of the *Injured Military Members Compensation Act* is replaced by the following:

(c) personal information collected or obtained by the Library and Archives of Canada in the administration of the *Library and Archives of Canada Act*, or any predecessor enactment relating to the same subject-matter.”.

And that clauses 22 to 57 be renumbered and any cross-references thereto accordingly.

Respectfully submitted,

YVES MORIN
For the Chair

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

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

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM PRESENTED

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

Thursday, March 11, 2004

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

FOURTH REPORT

Your Committee, to which was authorized by the Senate on Friday, February 13, 2004, to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the committee has been authorized to examine issues concerning mental health and mental illness, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and that it be empowered to travel within Canada for the purpose of its study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy Budgets and Administration and the report thereon of the Committee are appended to this report.

Respectfully Submitted,

YVES MORIN
For the Chair

(For text of budget, see today's Journals of the Senate, Appendix F, p. 306.)

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

On motion of Senator Morin, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[Translation]

Thursday, March 11, 2004

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS PRESENTED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, March 11, 2004

The Standing Senate Committee on Official Languages has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on February 19, 2004, to examine and report upon the operation of the *Official Languages Act*, and of regulations and directives made thereunder, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MARIA CHAPUT
Chair

(For text of budget, see today's Journals of the Senate, Appendix G, p. 311.)

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

On motion of Senator Chaput and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO MANDATE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, was authorized by the Senate on February 10, 2004, to examine and report on emerging issues related to its mandate.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix H, p. 316.)

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

On motion of Senator Banks, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

COPYRIGHT ACT

BILL TO AMEND—FIRST READING

Hon. Joseph A. Day presented Bill S-16, 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]

COMPETITION IN THE PUBLIC INTEREST: LARGE BANK MERGERS IN CANADA

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Tuesday, March 23, 2004:

I will call the attention of the Senate to the sixth report of the Standing Senate Committee on Banking, Trade and Commerce entitled: "Competition in the Public Interest: Large Bank Mergers in Canada," tabled in the Senate on December 12, 2002.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table in this house a petition from another 42 signatories, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

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

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

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

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

Therefore, your petitioners call upon Parliament to confirm in the Constitution of Canada, that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Acts from 1867 to 1982.

• (1430)

Hon. Joseph A. Day: Honourable senators, pursuant to rule 4(h), I have the honour to table petitions signed by another 95 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

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

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

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

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

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

TREASURY BOARD

WHISTLE-BLOWING PROTECTION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. His colleague the President of the Treasury Board has stated that public servants who report wrongdoing will be fully protected from retaliation.

Honourable senators will know that there are at least two major ways in which this protection can be afforded. One is by comprehensive whistle-blowing legislation. The other way is by placing a specific provision against retaliation in the existing collective agreements between the public employer and public employees.

My question to the minister in the Senate is whether he will intervene and encourage the President of the Treasury Board to enter into negotiations. My understanding is that the public service bargaining units are open to doing exactly that, and within a matter of a few days we could have whistle-blowing protection. Public servants would feel protected in coming forward with other instances of abuse that are occurring.

Hon. Jack Austin (Leader of the Government): Honourable senators, I listened with great interest to Senator Kinsella's participation in Senators' Statements on this topic. I will be very happy to take his representation to the President of the Treasury Board.

Senator Kinsella: I thank the honourable minister for that. Perhaps in his consultation with his colleague he will point out that this approach is not unusual. For example, notwithstanding that we have both federal and provincial anti-discrimination statutes such as the Human Rights Act, we also have in collective agreements non-discrimination clauses. The two can run parallel and perhaps his colleague might find that instructive.

Senator Austin: Again, I appreciate the suggestion of Senator Kinsella. He has raised some interesting issues. I believe Senator Kinsella is suggesting, as an appropriate interim procedure, adding a clause to the specific labour agreements. Perhaps a declaration by Order in Council would suffice as an interim regime. The question is one to which I cannot give a qualitative answer. Certainly the representations will be taken to the President of the Treasury Board very quickly.

NATIONAL DEFENCE

IRREGULARITIES IN PAYOUTS TO HEWLETT PACKARD

Hon. Michael A. Meighen: Honourable senators, another chapter has seemingly been opened in what appears to be a never-ending saga. I am referring, of course, to the government's ongoing mismanagement of the public purse. Yesterday we learned the Department of National Defence had allegedly paid out \$90 million to Hewlett Packard for work that was never done. Invoices were received for products that were never received. The government paid anyway.

It seems to be a strange new way of doing business and, of course, it reminds us of earlier fiascos. Today it was revealed that invoices were more in the order of \$160 million. The government seems to have made a show of being in control by telling Canadians that the matter has been long under investigation and that at least one head has already rolled.

If this matter has been public knowledge for quite some time, as the Minister of National Defence claims, why is the government taking so long to come to a final determination of the exact amounts involved? Further, if, as the Minister of National Defence is also claiming, these irregularities were discovered by processes that were in place, why did those processes not catch the irregularities before some \$160 million went out the door?

Hon. Jack Austin (Leader of the Government): Honourable senators, it never rains but it pours. In the situation raised by Senator Meighen, a most vigorous attempt is underway to determine all of the facts. The honourable senator is aware that the private sector provider, Hewlett Packard, disputes many of the government's present allegations with respect to the contractual relationship. These are highly complex issues involving a wide variety of people, subcontractors and officials in the Department of National Defence. The government is proceeding vigorously to deal with the issue. Hopefully, the Minister of National Defence can give further information at an early time.

Senator Meighen: Honourable senators, I never thought it possible but the minister's opening statement almost made me feel sorry for him. It is indeed a deluge that seems to be falling upon those on the other side. I never thought I would feel sorry, but I will have my spine stiffened.

The minister did touch on something in his answer that I wanted to ask him by way of a supplementary question. As he will recall, the Minister of National Defence stated in the other place that the government has an aggressive strategy to recover the government's money.

Incidentally, honourable senators, I thought it was the money of the people of Canada but apparently it is the government's money. That is another story.

The minister went on to say that the company involved, Hewlett Packard, is in fact cooperating. As the minister himself has said, Hewlett Packard says it will defend vigorously any claim that is brought, perhaps he could enlighten this chamber as to

how it can be claimed that Hewlett Packard is cooperating if it is vigorously defending the claims brought by the government?

Senator Austin: My understanding is that Hewlett Packard is cooperating with respect to an examination of documents in process. In terms of the analysis of responsibility, there are very wide differences in some areas.

Senator Meighen: I have a final supplementary question. Perhaps the minister, who has been around government for many years, could tell us whether or not the payment of millions of dollars on the basis of invoices, without any reference to products received, is a new practice or something that has been going on for years.

• (1440)

Senator Austin: I am afraid that I have not been involved, until December 12 of last year, in the executive side of government for something like 19 years — the honourable senator having addressed his question to me personally. I have not had experience with departmental practice, honourable senators. However, to say what the honourable senator is saying, but in slightly different words, this situation cries out for administrative review.

Senator Meighen: Perhaps the situation also calls out for a change of government, but that is another matter.

Senator Austin: Not that far.

Hon. Terry Stratton: The government's latest scandal involves the alleged payment of \$160 million in phoney invoices from Compaq Canada. The Government of Canada does not have a handle on the computer work that is being done for it, obviously. Is the government treating this as a wake-up call for the work it contracts out for computer services? If so, will the government conduct a value-for-money audit on the contracts it is tendering for computer services in other departments?

Senator Austin: Honourable senators, let me be clear: Compaq was the original contractee; Hewlett Packard then acquired Compaq. Hence, Senator Stratton's question is in the same area of the previous questions of Senator Meighen.

In answer to the question, since the honourable senator likes succinct answers, the answer is yes.

Senator Stratton: I appreciate that; I would rather that than the other.

JUSTICE

PAYOUTS TO EDS CANADA FOR GUN REGISTRY COMPUTER SYSTEM

Hon. Terry Stratton: Honourable senators, the government wrote cheques totalling \$227 million to EDS Canada to develop a computer system for the gun registry, a system that simply did not work. The Justice Department had to throw the system out the window and pay another contractor to do the job right.

In light of this new scandal, is the government prepared to take another look at those contracts to EDS and find out how it is possible to spend \$227 million and not have a working computer system for the registry?

Did EDS pull the wool over somebody's eyes? If so, what steps will the government take either to get its money back or to discipline those responsible for this quarter-billion-dollar fiasco?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have any information at hand with respect to the question of the EDS contracts. However, I shall seek that information and supply it to the honourable senator as soon as I can.

NATIONAL DEFENCE

UNTENDERED CONTRACT TO GENERAL DYNAMICS CANADA

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. I have it on good authority that an untendered contract was issued to General Dynamics Canada, which is in the Minister of National Defence's riding, for extra scope not included in the Aurora Incremental Modernization Project request for proposals.

Will the Leader of the Government in the Senate enlighten this chamber as to why an untendered contract was given to General Dynamics Canada that was outside the request for proposals and thus outside government guidelines?

Hon. Jack Austin (Leader of the Government): In order to assist me in my inquiry of the Department of National Defence, would the honourable senator have the amount of that contract and what the contract was for, particularly?

Senator Forrestall: That question was for next week, but I guess we will not be here. No, I cannot provide that information at present.

Senator Austin: I shall do my best with what I have heard from the honourable senator.

Senator Forrestall: The honourable senator will have the exact amount of the contract as soon as I get to my office. That information is probably on its way down now.

REPLACEMENT OF SEA KING HELICOPTERS— UNTENDERED CONTRACT FOR SYSTEMS INTEGRATOR SYSTEM

Hon. J. Michael Forrestall: Honourable senators, it seems that we have a pattern — which, to be frank, concerns more than the amount of money. In real terms, it takes away from what has become a terrible embarrassment for all of us in public life — that is, the Sea King replacement.

There is a pattern evolving around our new Minister of National Defence, the Honourable David Pratt. He wanted to

rename JTF2 — perhaps he wanted to call them the Princess "Pratts." He wants National Defence Headquarters moved to his riding.

Honourable senators, we are now hearing about an untendered contract to a company based in his riding. Will the Leader of the Government in the Senate tell the chamber why the de facto lead systems integrator was given an untendered contract when we know that the data management system, the key to all systems within this overall project, will not even face a production readiness review until 2008? Why now?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have information of the specific nature that the honourable senator is requesting. However, I shall take his questions and see if I can identify the items to which he is referring.

I do wish to repeat an answer that I gave at an earlier time and remind the Senate that Minister Pratt, the Minister of National Defence, has said that he has recused himself from any decision with respect to the movement of the Department of National Defence into any location in his riding. He has assigned the responsibility for that recommendation to the cabinet to Minister Guarnieri.

In particular, Minister Pratt has advised that his only concern is with the security of the present location adjacent to the Rideau Centre, which is a large shopping centre.

POSSIBLE TRANSFER OF HEADQUARTERS

Hon. J. Michael Forrestall: Honourable senators, surely the minister is not suggesting that the Department of National Defence has the amount of money that has been suggested with respect to the purchase of the JDS Uniphase building.

I am not trying to suggest that that is not meaningful or that it is clear evidence of sticky fingers, or anything like that. We are about to lose half a dozen good military bases, including Senator Rompkey's beloved Goose Bay. We have been losing bases at the rate of four or five a year for the last 10 years. Surely, something can be put in place to stop this. There is no more need to spend the amount of money that is currently being discussed on relocation of DNDHQ than there is a man in the moon.

Hon. Jack Austin (Leader of the Government): The honourable senator knows that no decisions have been taken. These are discussions only. Who knows when decisions will be taken with respect to the removal of the headquarters or at what time that might happen.

As I said previously, the bases that were specifically mentioned earlier by Senator Forrestall are not being closed.

Senator Forrestall: Will they remain open?

UNITED NATIONS

PROPOSED UNIVERSITY FOR PEACE CENTRE

Hon. Douglas Roche: I know the Leader of the Government in the Senate followed closely the visit of the Secretary-General of the United Nations, Mr. Koffi Annan, to Ottawa this week. I am sure he noted, as did I, the sustained and prolonged applause that greeted Mr. Annan when he rose to speak in the House of Commons. Even before the man opened his mouth, the applause went on and on. I believe that reflects the deep sense of value for the United Nations that is held in our country.

In that context, could the Leader of the Government in the Senate take a moment to reflect on the meaning of Mr. Annan's visit to Canada at this time and its possible influence on our foreign policy?

Further, in his speech in the House of Commons, Mr. Annan referred to the new University for Peace centre that will be housed in Toronto. Mr. Annan said he hoped that that centre would enable Canada to make an even greater contribution to UN conflict prevention and peace building.

• (1450)

Could the Leader of the Government tell us more about this University for Peace centre? Will it be a place where students can go to classes? Will it be a clearing centre for information? What exactly will it be?

I would welcome if the leader would undertake to send me as much detailed information as possible, when it is available, because I am interested in studying this matter closely.

Hon. Jack Austin (Leader of the Government): Honourable senators, I welcome the question. Clearly, to begin with, there is an enormous respect for Mr. Annan. As Secretary-General, he has devoted his professional life — and far more than that — to the institution of the United Nations and the values for which it stands. His success is acknowledged by the fact that he is serving a second term, with the unanimous approval of the members of the United Nations. I believe he typifies the hopes and aspirations of developed and developing countries for the success of that institution.

For Canadians, the United Nations remains a fount of our international policy and our commitment to multilateralism. Canada is not a great power, but it is a greatly valued power in the world. As all honourable senators know, the United Nations is an institution to which we have made a substantial contribution right from its inception, with the very able and conceptual work of John Humphreys, and right up to this time.

The institution has seen some of Canada's finest foreign policy achievements. For example, when Lester B. Pearson was Secretary of State for External Affairs, we saw the success of Canadian diplomacy in Suez. We have seen the Right Honourable Paul Martin's successes in breaking the membership logjam in the United Nations, as well as in setting up a peacekeeping force in Cyprus, which I believe was fundamental in preserving the peace between Greece and Turkey, which otherwise could have created a very great problem.

I know the other side does not want me to go on too long on this subject. However, I know the honourable senator and I are very interested in this topic.

The United Nations has fostered the idea of a University for Peace to be in several sites. There is a site in Tokyo, Costa Rica and there may be sites in other places.

The Honourable Maurice Strong heads the University for Peace for the United Nations and has proposed a site in Toronto. Its role will be to foster United Nations' values and the multilateral process. It will be, at least as far as I know, a centre of excellence in this aspect of foreign affairs, bringing scholars from other parts of the world to meet Canadian scholars, officials, parliamentarians and academics. I do not believe that it will be a regular teaching institution but, rather, what is known as a think tank.

I will forward additional information to the honourable senator when I can obtain it.

RWANDA—LACK OF SUPPORT FROM KOFI ANNAN AS UNDER-SECRETARY-GENERAL

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like the Leader of the Government in the Senate to clarify whether or not the Government of Canada subscribed to the position adopted by Kofi Annan when he was the Under-Secretary-General and abandoned General Dallaire in Rwanda?

Hon. Jack Austin (Leader of the Government): Honourable senators, I believe Senator Kinsella is misinformed if he believes that the Secretary-General carries the responsibility for that particular decision.

One of the great weaknesses of the United Nations is that the Secretary-General and the Under-Secretary-General cannot act except with the authority of the Security Council. If the Security Council does not take action, their hands are tied. Thus, the blame belongs elsewhere.

ROYAL CANADIAN MOUNTED POLICE

PROPOSED INVESTIGATIVE UNIT TO COMBAT HUMAN SMUGGLING

Hon. A. Raynell Andreychuk: Honourable senators, perhaps at a later date I will ask the Leader of the Government in the Senate why the proposed University for Peace centre could not be combined with Pearson College which already has the infrastructure in place.

At the moment, I would like to ask another question of the minister. Justice Minister Irwin Cotler has said that the Criminal Code will be reviewed to toughen human smuggling laws and that an RCMP human trafficking investigative unit will be created in an effort to crack down on this growing problem. The RCMP's head of border security has said that the resources for this new unit will be redirected from its immigration and passport sections, which may result in a reduction in the number of these sections across Canada.

In January, an RCMP officer with British Columbia's Integrated Border Enforcement Team was quoted as saying, "The main difficulty in trying to get a handle on this activity is a lack of people on the ground. However, taking resources from already understaffed areas may worsen the situation as a whole."

Could the Leader of the Government in the Senate tell us if the government will provide additional resources for this new unit that will not undermine the RCMP's manpower and services in other areas and will not undermine in any way the immigration and passport sections?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will undertake to add to the information the chamber has on the issues raised by the honourable senator.

Senator Andreychuk: Honourable senators, the smuggling problem is a horrific international problem. Every time there is a problem identified by the United States, Europe, Africa — all countries have this problem — Canada's approach seems to be to say that we can pass a law that will solve the problem, when in fact those who are in the business of smuggling people know how complex and difficult the problem really is. The criminal approach sometimes criminalizes the victims even more.

Are we undertaking an overhaul of our administrative operations and management to ensure that human smuggling is brought under control, or will we simply pass a law?

Senator Austin: Honourable senators, I am as concerned as my honourable friend with respect to the questions raised concerning the smuggling of human beings. Obviously, this is an incredibly complex and difficult issue. Canada has been the victim of such activity. The response mechanisms of the government are partially known. I will seek additional information, but I do not believe that the dichotomy suggested by the honourable senator is a real one.

BUSINESS DEVELOPMENT BANK

QUEBEC SUPERIOR COURT RULING EXONERATING FORMER PRESIDENT

Hon. David Tkachuk: Honourable senators, in January, Mr. Justice André Denis handed down a decision in *Beaudoin v. the Business Development Bank of Canada* in favour of François Beaudoin. The judgment called for the bank to pay his severance pay and his pension. Although it would seem to be fairly straightforward, Mr. Beaudoin's lawyers report that the BDC is still haggling over details. Can the Leader of the Government tell us when Mr. Beaudoin will receive what is owed to him by the Business Development Bank of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries of the Minister of Industry.

Senator Tkachuk: Can the Leader of the Government tell us if the government has made a decision on issuing a formal apology to Mr. Beaudoin for the atrocious manner in which he was treated?

Senator Austin: If an apology is required, perhaps it should be given from another source.

Senator Tkachuk: What source would that be?

Senator Austin: There are certain persons mentioned in the judgment of the Hon. Mr. Justice Denis. They are said to be persons who have not acted with propriety. Perhaps that would be the place for an apology to be based.

• (1500)

ROYAL CANADIAN MOUNTED POLICE

CONFIDENTIAL INFORMANT STEVIE CAMERON— COST OF INVESTIGATING LEADS

Hon. W. David Angus: Honourable senators, startling court documents released recently reveal that, since 1988, the RCMP has been receiving information from reporter Stevie Cameron who, despite her previous adamant denials, was in fact at all material times the RCMP's confidential informant number A2948. Honourable senators, while the RCMP was using this so-called information, probably of dubious validity if not false and misleading, to harass and tarnish the reputation of former Prime Minister Brian Mulroney and his family and friends, Ms. Cameron was using the same information, sometimes described by her as "pathetic scraps," to write a book for her own personal gain. Can the Leader of the Government in the Senate please tell us how much money was spent by the RCMP, the Department of Justice and all other government departments and agencies investigating the leads provided by Stevie Cameron?

Hon. Jack Austin (Leader of the Government): Honourable senators, obviously I do not have such information, but I will take the question as notice and try to provide the information.

Senator Angus: Honourable senators, I am not sure that it would be so obvious that the leader would not have that information. Can the Leader of the Government in the Senate assure us that no information was purchased by the RCMP from Stevie Cameron?

Senator Austin: Honourable senators, to the extent the question is valid, I will try to obtain an answer to it.

CONTINUATION OF AIRBUS INVESTIGATION— COMMENTS BY COMMISSIONER

Hon. W. David Angus: Honourable senators, in 1995, inspectors working on the Airbus matter came to the conclusion that there was not enough evidence to sustain further investigation. According to information released in the past few days, Commissioner Murray, head of the RCMP, said at the time that he wanted "the investigation continued." Can the Leader of the Government in the Senate please tell us why the Commissioner would want the investigation continued if there was not enough evidence available to base it on?

Hon. Jack Austin (Leader of the Government): Honourable senators, there is no way I can provide an answer to that question. It asks for the state of mind of a person whom I do not know. I would suggest to Senator Angus that he is as good at speculation as anyone I know in this chamber.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present six delayed answers to oral questions posed in the Senate, five of them posed by the Honourable Senator Keon and one by the Honourable Senator Oliver. The delayed answers to the five oral questions by Senator Keon are to a question posed on February 4, 2004, regarding the possibility of providing assistance to Asia in the fight against avian flu; a question posed on February 10, 2004, regarding inoculation of children against common diseases; a question posed on February 7, 2004, regarding plans for pandemic influenza; a question posed on February 19, 2004, concerning the ratification of the International Framework Convention on Tobacco Control and the restoration of funding to the tobacco control program; and a question asked on February 25, 2004, regarding shortages of doctors and nurses. I also have the honour of presenting a delayed answer to an oral question posed in the Senate on February 25, 2004, by Senator Oliver concerning the Employment Equity Program, embracing change.

HEALTH

AVIAN FLU—DEPLOYING OF SCIENTIFIC AID TO ASIA

(Response to question raised by Hon. Wilbert J. Keon on February 4, 2004)

Health Canada has been working very closely with the World Health Organization (WHO) to support the investigation of avian influenza H5N1 in Asia.

Two representatives from Health Canada travelled to Thailand to assist WHO with its investigation and response. The Government of Canada will entertain requests for additional scientific expertise to assist Asia in their efforts to contain this disease. The WHO advises us what level of assistance is required.

In addition, Health Canada's National Microbiology Laboratory (NML) has also offered to deploy its mobile laboratory with two laboratory experts to the region because many of the affected countries have little in the way of laboratory testing capacity. The WHO has accepted the offer of assistance.

There are several reasons why Health Canada has been actively involved in international initiatives:

- Canada is quite advanced in pandemic influenza planning and is seen by WHO as a leader in this area.
- Few countries have the capability of fielding a fully equipped mobile laboratory and few can provide diagnostic testing as comprehensive as the NML's. This capacity was put in place by the NML to enhance preparedness for responding to outbreaks and bioterrorism after September 11, 2001. Two fully operational laboratories are available for very short notice deployment.

- The scientific reputation of the NML and the regard for its scientists are growing internationally and the NML's experience with SARS is the largest in North America and one of the largest in the world.

Direct international involvement in the response to infectious disease outbreaks is a significant way in which Canada can contribute to global health security and provide leadership in global public health. Not only does the control of disease outbreaks overseas help to prevent these epidemics reaching Canada, such activities contribute to Canadian preparedness by giving scientists and public health practitioners field experience that is invaluable preparation for domestic events.

INOCULATION OF CHILDREN AGAINST COMMON DISEASES

(Response to question raised by Hon. Wilbert J. Keon on February 10, 2004)

In the absence of a comprehensive provincial/territorial immunization registry network, Health Canada uses surveys to monitor national immunization coverage. From the data available to Health Canada, national trends do not appear to indicate a decrease in immunization.

The results of the 2002 survey revealed the majority of parents, over 98 per cent, stated their child had received at least one immunization. A small proportion of respondents, less than 1.5 per cent, stated that their child had never been immunized, and vaccine safety was the most frequently stated reason. Public education on the benefits and risks remain a priority for Health Canada.

From parental records, it is estimated that 94.5 per cent of 2-year-olds had received at least one dose of measles, mumps and rubella vaccine at the recommended age of 12 months.

Health Canada, through the National Notifiable Disease Reporting system, the Canadian Pediatric Surveillance Program, and the Immunization Monitoring Program Active monitors the incidence of vaccine preventable disease in Canada.

Surveillance data for these diseases indicate that the numbers are at a record low for most vaccine preventable diseases for which routine infant immunization is given and, in 2003, there were only 15 cases of measles, all imported from another country or linked to imported cases.

However, in 2000, outbreaks in Canada resulted in approximately 200 measles cases, in closed populations or religious communities who refused immunization.

Today, largely due to our nation-wide immunization programs, infectious diseases cause fewer than 5 per cent of deaths in Canada. Providers and public health planners need accurate immunization records in order to maintain the high immunization coverage rates necessary for continued protection against vaccine preventable diseases. This task is becoming more complex due to a number of factors in the

Canadian environment, including: multiple immunization providers; an increasingly mobile population; variations in immunization schedules depending on the province/territory; and primarily paper-based immunization record keeping.

**PLANS FOR PANDEMIC INFLUENZA—
STATUS OF VACCINE SUPPLIER—
POSSIBILITY OF SPLITTING SUPPLIER CONTRACTS**

(Response to question raised by Hon. Wilbert J. Keon on February 17, 2004)

The contract signed between the Government of Canada and Shire BioChem Inc. of Laval, Quebec for the procurement of vaccine during an influenza pandemic requires that the Contractor develop production capacity in Canada and maintain this capacity for the duration of the contract period. This contractual obligation is also binding on any successors or permitted assignees of Shire should they decide to sell their Biologics Division. Additionally, the contract contains significant financial security which further protects the interests of Canada should the Contractor fail to perform for any reason.

Shire has assured us of their intention to fully honour the terms of our contract regardless of any plans that they may have for the disposition of their Biologics Division, and we remain confident in Shire's ability and desire to so honour their commitment. The Canadian Pandemic Influenza Plan does, however, require that the federal government develop contingency plans and in keeping with that responsibility, Health Canada is currently exploring alternative options to address issue related to vaccine supply so as to further ensure that the interests of Canadians are protected against any eventuality.

The influenza vaccine is one of approximately 50 vaccines that Public Works and Government Services Canada purchases on behalf of the Federal/Provincial/Territorial governments for use in public health campaigns. There are multiple contracts in place for Canada's vaccine requirements and these contracts are awarded following competitive Requests for Proposal.

The security of supply for influenza vaccine in Canada is ensured by having two capable manufacturers of the vaccine under contract.

TOBACCO CONTROL PROGRAM

(Response to question raised by Hon. Wilbert J. Keon on February 19, 2004)

Two areas of questioning relating to tobacco control were raised. The response to the questions will outline steps Canada is taking to further the implementation of the Framework Convention on Tobacco Control, and the profile and funding of tobacco control in Canada.

The Framework Convention on Tobacco Control

The Framework Convention on Tobacco Control is the first international public health treaty negotiated under the auspices of the World Health Organization. It supports and affirms Canada's federal, provincial, and territorial tobacco control efforts by reflecting Canadian tobacco control initiatives. Canada played a leadership role in the development and negotiation of the Convention and signed it on July 15, 2003. To date, over 92 countries have signed, and nine have ratified it. In order to come into force, the Convention must be ratified by 40 countries.

Canada is already substantially in compliance with the Convention because of the consistency between its obligations and our existing domestic initiatives. However, some statutory and regulatory amendments will be needed to bring Canada into full compliance. We are working to make the required amendments in order to ratify at the earliest possible time.

Throughout the negotiation process, Health Canada regularly consulted with the provinces and territories. As a result, they were in full support of Canada's early signing of the Convention. We are presently working with our provincial and territorial counterparts to ensure their continued support for Canada's early ratification of the Convention.

Canada will participate in the open-ended Framework Convention on Tobacco Control Intergovernmental Working Group, meeting this June to begin work on the mandate of the Conference of Parties. The primary function of the Conference of Parties will be to make the decisions necessary to ensure the effective implementation of the Convention.

Profile and Funding of the Federal Tobacco Control Strategy

Resignation of MACTC Members

The question included a reference to the resignation of four members of the Ministerial Advisory Council on Tobacco Control (MACTC).

Upon assuming the Health portfolio, Minister McLellan undertook a review of all departmental advisory councils, and it was determined then that the structure and mandate of this council needed to be re-aligned in order to enable a more strategic approach.

Its current role is to provide advice to the Minister of Health and the Tobacco Control Programme on strategic issues relating to policies, legislation, and the research required for the effective implementation of the Federal Tobacco Control Strategy, as well as to provide advice on consultation and public engagement activities to ensure that Health Canada has access to the broadest base of stakeholder involvement possible.

While it is unfortunate that the four members perceived the changes to the Council's Terms of Reference as limiting, it is acknowledged by other members that this council has a significant role to play in furthering Canada's tobacco control efforts. The members of the Council bring with them considerable knowledge and access to this knowledge is invaluable to the Minister of Health and the Tobacco Control Programme. In fact, the Honourable Pierre Pettigrew, Minister of Health, recently demonstrated the importance of the Council, as well as his support for it, by attending the Council's most recent meeting on February 20, 2004.

Funding Under the Federal Tobacco Control Strategy

Given the pressures of emerging and unfunded issues, Health Canada has indeed used reallocation as one mechanism for addressing new priorities. As of fiscal year 2002-2003, \$13 million in funding has been reassigned permanently from the tobacco control budget. This reallocation will make it possible for the Government of Canada to meet its legislated obligations under the *Canadian Environmental Protection Act*, as related to the assessment of new and existing chemicals and substances and their effects on humans and the environment.

This reallocation will not jeopardize or diminish the commitment to reducing tobacco abuse in Canada. While the Canadian Tobacco Use Monitoring Survey, conducted by Health Canada and Statistics Canada, shows that the national prevalence is at an all time low of 20 per cent, we cannot waver. Evidence has demonstrated that when tobacco control efforts slacken, prevalence rises.

Since the implementation of the Federal Tobacco Control Strategy, a comprehensive and integrated approach has made Canada a world leader in tobacco control. In addition to assuming a leadership role in the development of the World Health Organization's Framework Convention on Tobacco Control, Canada has made tremendous strides in several areas by:

- successfully defending the *Tobacco Act* and its Regulations in the lawsuit instigated by the three major tobacco manufacturers;
- implementing world-precedent-setting graphic health warning messages on tobacco product packaging;
- developing new smoking cessation tools, as well as a national network of quit lines;
- developing toolkits for tobacco retailers, for Canadian workers attempting to implement smoke-free workplaces, and for young people advocating for smoke-free public places; and
- conducting several mass-media campaigns to generate and increase awareness among all Canadians of the impacts of tobacco and second-hand smoke and of the means to quit smoking.

Yet, we are not wavering. Domestically, the Federal Tobacco Control Strategy remains sufficiently well funded to sustain our approach and successes.

In addition to our traditional focus in the areas of prevention, cessation, and protection, we are investigating the enhancing of regulations to restrict youth access to tobacco; looking at how to reduce tobacco promotion to youth; designing second generation health warning messages for tobacco product packaging to accommodate less literate Canadians; and researching reduced-ignition propensity cigarettes as a means of reducing the number of tobacco-related fires in Canada each year.

Internationally, in order to support Canada's leadership role during the negotiations and to maintain Canada's international contribution on this important file, we will be seeking early ratification of the Framework Convention on Tobacco Control.

Given that tobacco remains the most preventable cause of more than 45,000 deaths and related diseases in Canada, profound attention and effort continues to be directed at tobacco control.

ACCESS TO CARE

(Response to question raised by Hon. Wilbert J. Keon on February 25, 2004)

Health Canada recognizes the need to deal with physician and nursing shortages and is a key player in a number of important national initiatives related to recruitment and retention of physicians and nurses, including foreign credential recognition.

Health Canada co-chairs the Federal/Provincial/Territorial Advisory Committee on Health Delivery and Human Resources (ACHDHR) that undertakes collaborative pan-Canadian health human resources planning. As a result of planning efforts over the past few years, there has been a significant increase in enrolment in Canadian medical schools.

Since mid-1999, the provinces have increased undergraduate enrolment by over 300 positions and postgraduate enrolment by more than 400 seats. The effects of these increases on physician supply should begin to appear this year.

In October 2000, Ministers of Health endorsed *The Nursing Strategy for Canada*, which contained initiatives geared toward the education and recruitment of new nurses, retention of the existing and future nursing workforce, and research to aid in nursing resource planning.

In September 2003, the ministers of health released *A Report on The Nursing Strategy for Canada*. This report confirms that most of the mechanisms to achieve the strategies are in place and considerable progress has been made as a result of the coordinated and collaborative

approach taken by jurisdictions and interested parties. The report indicates a 42 per cent increase in nursing education seats across the country over the past few years. The strategies underway to improve recruitment and retention are beginning to close the gap.

In June 2002, the Advisory Committee on Health Human Resources (ACHHR) identified foreign credential recognition as a priority and as an initial step, established a Task Force to address the integration of international medical graduates (IMG) into the Canadian physician supply. The recommendations of the Taskforce were approved by the Conference of Deputy Ministers of Health on December 9th, 2003. A symposium to announce the recommendations of the Canadian Taskforce on Licensure of IMG and to address the implementation of those recommendations was held in Calgary on February 29 and March 1, 2004. The final report of the Taskforce was released at this symposium.

The Government of Canada is contributing over \$4 million dollars to support the implementation of the Taskforce. Most of the funding — \$3.7 million — comes from Health Canada with the remainder coming from Human Resources and Skills Development Canada, Industry Canada and Citizenship and Immigration Canada. One of the key deliverables of the symposium was the development of a research agenda for evaluation of the Taskforce initiatives. The research agenda will be used to evaluate the IMG strategy over the long term. The implementation of the recommendations and engagement of key stakeholders will have a direct impact on physician resource planning and will help provincial and territorial governments to address physician shortages in their jurisdictions.

Recognition of foreign credentials was identified in the Speeches from the Throne in 2001, 2002, and in February 2004. The most recent Speech from the Throne commits the Government of Canada to ensure speedier recognition of foreign credentials and prior work experience.

On December 12, 2003, the Honourable Hedy Fry was appointed Parliamentary Secretary to the Minister of Citizenship and Immigration with special emphasis on foreign credentials. On March 1, 2004, Ms Fry spoke at the IMG Symposium in Calgary and made a funding announcement outlining the Government of Canada's contribution to the task force's recommendations.

The process used by the Canadian Task Force on Licensure of IMG is seen as a successful template that could be replicated for other health professionals. The ACHDHR recently held an inaugural Task Force meeting on the recognition of foreign credentials for international educated nurses (IEN) and will commence a task force in the new fiscal year for recognition of foreign credentials for allied health professionals.

The Government of Canada will continue to collaborate with the provincial and territorial governments, who are primarily responsible for health delivery and health human resources, and with medical, nursing, and other provider

groups, and the public to identify population needs for health human resources, and to develop short- and long-term strategies to ensure the sustainability and accessibility of the publicly funded health care system across Canada.

TREASURY BOARD

PROGRAMS TO PROMOTE VISIBLE MINORITIES

(Response to question raised by Hon. Donald H. Oliver on February 25, 2004)

- The Government has introduced a program to achieve the advancement of visible minorities into the executive ranks. In June 2000, the Government endorsed the Embracing Change Action Plan prepared by the Task Force on the Participation of Visible Minorities in the Federal Public Service and provided funding support of \$ 25.8 million over three years.
- The Action Plan established 1-in-5 benchmarks for Visible Minority participation in public service recruitment and promotions by 2003 and 2005, including promotion into the executive category.
- There has been significant progress. Overall, in the three years since the Government endorsed the Action Plan, the number of Visible Minority employees has increased by over 4000, while their number in the executive category has increased from 103 to 177. However, much more progress is required if the Public Service is to meet the 1-in-5 benchmark for Visible Minority entry into the executive category by 2005.
- The government remains committed to the Embracing Change Action Plan and to the broader goal of establishing the Public Service of Canada as a representative and inclusive national institution, with an enhanced presence of Visible Minorities in the executive category.
- The Embracing Change initiative is continuing. The government remains committed to the principles set out in the Action Plan.
- The Employment Equity — Embracing Change Support Fund (EE-ECSF) supported 39 initiatives, totalling \$25.8 million, before it sunset on March 31, 2003. However, the Embracing Change initiative is about more than just money. Notwithstanding the conclusion of the EE-ECSF, support continues to be available for initiatives designed to sustain the momentum for improving the participation of Visible Minorities in the Public Service of Canada.
- While all investments are under close scrutiny, investing in the development of our people and building a representative public service continues to be a priority of this government.

ORDERS OF THE DAY

ASSISTED HUMAN REPRODUCTION BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, for the third reading of Bill C-6, respecting assisted human reproduction and related research.

Hon. Wilbert J. Keon: Honourable senators, I rise today to speak on third reading of Bill C-6. The Standing Senate Committee on Social Affairs, Science and Technology heard from many individuals and organizations with contrary opinions on this bill. Some strongly opposed it, others urged its passage. The positions brought forward by all of our witnesses were made with passion and eloquence, and I thank them for their testimony.

All honourable senators are aware that this bill is one in a long line of unsuccessful pieces of legislation dealing with assisted reproduction that have been brought forward over the last decade. The bill now before us addresses such issues as human cloning, gamete donation and embryonic research. It has been said many times that Bill C-6 is not a perfect bill, and I agree with that statement. However, it may very well provide the best possible compromise at this time.

When this bill was first introduced, my original thoughts were that it should have been split into two separate bills, or maybe more. I felt it was badly drafted and was trying to do too many things. However, circumstances have prevented the committee members from attempting to split the bill or amend it. In his appearance before the committee, the Minister of Health told us that he would not accept amendments dealing with embryonic stem cell research and would not be receptive to splitting the bill.

All honourable senators are no doubt aware that there is a generally acknowledged feeling that amending this bill in the Senate will be tantamount to killing it. If it has to go back to the other place, it is highly likely that it will not come out again, due in no small part to the timeline surrounding the expected federal election. That was the political reality in which the committee studied this bill, and it is the reality in which all honourable senators must decide whether or not to give their final approval.

Those of us who viewed this bill with uncertainty must now weigh whether we can support it despite our reservations. Is it better to have this imperfect bill or none at all? After much careful thought, I have concluded that our society must finally make progress in this matter, and I will support the passage of Bill C-6.

There is currently no comprehensive legislative framework applicable to assisted reproduction technologies and related research practices in our country. In the case of some controversial practices, such as human cloning for reproductive purposes, Canadian scientists have held themselves to a voluntary

moratorium. We can no longer afford to put off this issue or expect that it will be dealt with at a later date. Science has proven, time and time again, that it moves quickly, and it does not wait for governments to catch up. In passing Bill C-6 without amendment, I believe the Social Affairs Committee is showing that it fully understands that if we wait for widespread agreement, there may never be legislation covering these activities.

One of my major concerns regarding the current application of assisted human reproduction practices is that they have grown in use outside the Canada Health Act, without regulation and without any assurance that people will have equal access to these treatments. I have been contacted by many people about this bill who have related their experience about assisted reproduction. They have made it very clear that, in their opinion, these practices are strictly for the rich. If you do not have a lot of money, you cannot gain access. This type of inequality should not be supported in our country. In passing Bill C-6, I think we will ultimately move closer to having reproductive technologies fall under the Canada Health Act.

Another concern I have with the current environment surrounding assisted reproduction deals with the standardization and regulation of services. Right now, there are wide discrepancies between clinics with regard to their success rates, how much people are charged for their services, and how much donors are reimbursed for their gametes and surrogacy services. This bill will create a much-needed regulatory body, the assisted human reproduction agency of Canada. The agency will oversee such practices as in vitro fertilization and will provide licences to clinics and researchers. With this new agency and a set of regulations that must be adhered to by all concerned, it is expected that these wide variances will come to an end.

• (1510)

Although the majority of witnesses who appeared before the committee urged the passage of this bill, committee members wanted to acknowledge the concerns of many other witnesses who did not support the bill in its current form. Many of these concerns echoed the unease that some committee members felt as well.

I support the observations the committee attached to its report on this bill to this chamber. They provide a great deal of instruction on many of the controversial issues that the legislation addresses.

Another area of personal concern in this bill dealt with the donor registry and how the issue of privacy is handled. The committee heard from witnesses who believed strongly that the children created through donor gametes should have access to their genetic health information. It appears that this issue can be managed through the appropriate database firewalls. I hope that all these issues and more will be part of the three-year review of the legislation. The review will provide us with a way to evaluate the impact these new rules will have on assisted reproduction technologies, and it will allow us to correct any flaws that have arisen along the way. The committee has also observed that subsequent three-year reviews of the act should also be required. Given the nature of scientific development, this particular suggestion should be acted upon.

Honourable senators, under this bill, the commercialization of reproductive material and capabilities would be prohibited. This reflects the general feeling among Canadians about the commodification of human life, tissue or organs. Although I did not agree with the House of Commons amendment allowing surrogate mothers to be reimbursed for loss of income during the pregnancy if continuing to work poses a threat to the surrogate or the unborn child, the observations attached to the bill recommend a review in three years of the appropriate level of compensation for surrogacy.

Arguably, the most contentious part of this bill deals with embryonic research, especially embryonic stem cell research. With this legislation, Canada would avoid a situation similar to what has occurred in the United States where there is one set of rules for privately funded embryonic research and another set for research using federal dollars. Embryonic research would be permitted in Canada but only under specific conditions and with full consent of the donors.

The committee agreed that embryonic research, regardless of the moral implications attached to it, must be strictly regulated. To that end, the committee observed that a permanent embryo research advisory panel should be created in order to — and I quote from the regulations — “provide exemplary oversight to all embryo research.”

I recognize that all of these regulations still do not provide comfort to those who strongly object to the research that results in the destruction of the embryo, specifically stem cell research. To paraphrase the committee’s observations on this particular issue, the bill will limit the harm done even if embryonic research cannot be realistically prohibited. This type of research has been conducted in Canada for almost 20 years. If it is going to continue, it is past time that we regulate it.

In his appearance before the committee, Archbishop Terrence Prendergast of the Canadian Conference of Catholic Bishops highlighted the challenge faced by those of us who must reconcile our observations about this bill to the need to end the legislative vacuum in this country. The archbishop said:

I think each person who will act, informed by faith, informed by reason and making the proper decision — I do not think anyone can reproach that person.

With reason, faith and careful consideration of this bill, I hope all honourable senators will agree with the committee that while this is not a perfect bill, it represents the best we can do at this point in time.

Hon. Jim Munson: Honourable senators, I would like to speak in support of Bill C-6 respecting assisted human reproduction.

Bill C-6 is an important piece of legislation because it protects women and couples who are making their way through the difficult decisions and treatments related to infertility. It is also important legislation because it will determine, to some extent, the success of our government’s innovation agenda.

Across Canada, there are scientists ready to get to work on stem cell research, research that promises new treatments for diseases that affect hundreds of thousands of Canadians. Our brightest minds are waiting for us to do our work so that they can get down to their work.

Make no mistake: Bill C-6 will not unleash mad scientists and lead to unethical genetic experiments. This legislation is balanced. It respects the values of Canadians by banning human cloning, sex selection, commercial surrogate motherhood contracts, and the sale of sperm and eggs. This bill sets out rules on embryonic stem cell research. It puts in place a legislative framework within which scientists and researchers will work to open the door to new knowledge.

Stem cells hold great promise for the regeneration and repair of tissues and organs damaged by trauma or disease. We must not block the way and prevent efforts to improve the quality of life of the more than 10,000 people over 65 with Alzheimer’s disease, the more than 100,000 people with Parkinson’s disease, the 37,000 Canadians with spinal cord injuries, and the countless people with juvenile diabetes, muscular dystrophy, osteoarthritis or heart disease.

This bill opens the door to a better quality of life for so many Canadians. It is not for us, senators, to slam that door shut.

Bill C-6 also opens a door to our future by making good on our commitments to make Canada a hub of innovation, research, and development. Canada has already made many contributions in the area of stem cell research which have improved bone marrow transplantation in the treatment of leukemia and other blood disorders, as well as improving skin grafts for burn victims and helping grow new corneas for the visually impaired. We have the people and the resources; it is up to us, senators, to give them the go-ahead.

Canada has many more contributions to make and it will take many years of research to get there. Three out of four Canadians from all religions, political stripes, income levels, education and regions of the country support the use of stem cells derived from spare embryos for medical and scientific research. Embryonic research will not disappear; it will simply move to other shores along with some of our best and brightest researchers. If we do not pass this bill, we will be taking a step backward.

Honourable senators, this bill has been discussed and debated for more than 10 years and has been the subject of consultation at all levels. Everyone has had a chance to be heard. Now is the time to act. I urge you to support innovation; I urge you to support this bill.

I want to personally thank Senator Morin for being a beacon and showing a gentle but determined leadership on this historic piece of legislation.

• (1520)

[Translation]

Hon. Madeleine Plamondon: Honourable senators, I would like to express a few thoughts on Bill C-6.

I am not a regular member of the committee that reviewed this bill. However, I attended several of the committee's meetings. The committee reviewed the various aspects of this bill, which are very important, particularly for women.

Thanks to the excellent work of the committee's researchers, I benefited from the best expertise in Canada and I had the opportunity of hearing very eloquent and enlightening testimonies, from a humanitarian point of view. At times, these presentations were deeply moving.

We heard the views of the industry and those of various denominations through a rabbi, an archbishop and a Muslim. We also had the honour of hearing people who were directly affected by this issue and who testified as individuals.

However, it would have been good to hear more stakeholders on ethical issues. It would also have been useful to get the resumé of industry officials. We did make a request in that regard, but it was ignored. This would have allowed us to establish a link between the industry's arguments and the individuals who were defending certain views.

The research on cloning could have been the object of a separate bill. However, I support Bill C-6. I share the comments made by the Honourable Senator Roche. I also feel that the agency should conduct strict oversight with respect to embryonic research and genetic alteration.

[English]

Finally, the drafting of regulations will be crucial. Listening to Senator Roche yesterday, and given the fact that he retires soon, I hope the new agency that will be created will count upon his expertise and good judgment.

Hon. Marilyn Trenholme Counsell: Honourable senators, I have been privileged to attend meetings of the Standing Senate Committee on Social Affairs, Science and Technology where Bill C-6 has been studied — where Canadians have spoken.

Senator Morin has given us, honourable senators, a profoundly wise summary of the support offered to this bill by the scientific and medical community. He has, indeed, included messages of uncertainty and, yes, disagreement from those who do not support this bill fully, some not at all. Today we have listened to the similarly wise words of Senator Keon.

Senator Roche has given us, honourable senators, another profoundly thoughtful summary of those who see in this bill a trespass of faith, of moral issues, and of that uncertainty of which I spoke; yet, in his wisdom and with great generosity, he is willing to support the bill.

[Translation]

The same goes for the Honourable Senator Plamondon.

[English]

Among the many voices that I heard, I was touched most deeply by parents for whom this bill gave enormous reassurance,

[Senator Plamondon]

by children for whom this bill validated their very existence, and by patients who saw a ray of hope in this bill for disease prevention, and even cures not yet possible or imagined. These voices were felt poignantly by all honourable senators present at the hearings. Thus, too, were they felt by religious leaders and scholars with differing views.

[Translation]

Bill C-6 is a bill for Canadian families who hope to see their dreams become reality with the help of assisted reproduction. This method of reproduction is protected by a just law. It is based on fundamental principles offering the confidentiality, safety and confidence that are essential to regulate this process in 2004 and for the next three years.

The feelings of thousands of Canadian men and women have been respected in Bill C-6. That is why I would like to emphasize the importance of our consideration, at this time in the evolution of our ability to help each one of us to have a better quality of life and greater hope for health and for the generations to come.

[English]

Bill C-6 will change, likely in 2007, but in 2004, the bill as it stands is our best effort. I hope all honourable senators will support Bill C-6.

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

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, that this bill be read the third time.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

PUBLIC SAFETY BILL 2002

SECOND READING

On the Order:

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have about 11 minutes left in my time for the debate at second reading, having commenced yesterday afternoon. At that time, I was attempting to underscore the important interventions that have been made by several honourable senators on both sides of the aisle who have expressed grave concerns and have said that this legislation must be examined to ensure that the proper balance exists between the needs of the state in the area of security and the needs of citizens not to have their civil liberties and human rights — their political and civil human rights in particular — abrogated by this kind of special measures legislation.

The question was raised as to the most effective way of examining the bill in detail, clause —by clause. There was a query as to whether this bill should be examined with an emphasis on security and defence. If so, then the Standing Senate Committee on National Security and Defence may be the appropriate committee to which the bill should be referred. If the emphasis is to be on transportation issues and all of the elements that are needed given Canada's interconnectedness with the United States and Mexico, then perhaps it should be examined by the committee that has that expertise.

Others argued that the Standing Senate Committee on Legal and Constitutional Affairs would be the most appropriate committee if the emphasis is on, as I believe it should be, the special measures given to the state. We must ensure that we have the appropriate safeguards without foreclosing on what the best model would be for those safeguards, whether in the form of a sunset clause, as some have suggested, or a form of enriched oversight that runs concurrent with the operation of the special powers provided by the legislation. We do know that the Standing Senate Committee on Legal and Constitutional Affairs has a track record in dealing with those kinds of human rights and civil liberty issues.

• (1530)

Whatever the decision of the chamber as to which committee it is sent, I would like to encourage our colleagues on that committee to give special focus to this examination, ensuring not only that the bill has the kind of balance that Canadians want but also that it provides a margin of comfort to Canadians from a civil libertarian point of view. If necessary amendments should be made to the bill, let us have them dealt with up front.

There are various kinds of organizations that would encourage the committee that receives this bill for examination. The organizations that they should contact are Amnesty International, l'Association québécoise, des organismes de coopération internationale, the Canadian Association of University Teachers, the Canadian Arab Federation, the Canadian Bar Association, the Canadian Autoworkers Union, the Canadian Centre for Philanthropy, the Canadian Council for International Cooperation, the Canadian Council for Refugees, the Canadian Ethnocultural Council, the Canadian Labour Congress, the Centre for Social Justice, and organizations such

as Development and Peace, the Muslim Lawyers Association, National Organization of Immigrant and Visible Minority Women of Canada, the Civil Liberties Union of Canada, Rights and Democracy. I am sure there are many others.

I also would recommend respectfully that the committee consider having special witnesses who could inform our analysis of the bill in a very translucent way — Canadians of great experience and reputation in this area — such as the Honourable Warren Allmand, a former Solicitor General and past president of the International Centre for Human Rights and Democratic Development; the Honourable Ed Broadbent, who served as chairman of the Rights and Democracy Centre in Montreal; and human rights experts such as Gordon Fairweather, the Honourable David MacDonald, and even former Senator Lois Wilson. Perhaps the committee could look to those kinds of witnesses. I am sure Senator Andreychuk and others might be able to add to the list of important witnesses.

We must address that issue in committee. I have no difficulty with the general principle of the bill, but I know others have concerns, such as Senator Jaffer. We must look at this measure with a fine-toothed comb. Others may wish to make other suggestions. I am sure you will find the appropriate way of doing it.

Hon. Jack Austin (Leader of the Government): Honourable senators, I should like to respond to the Honourable Senator Kinsella. He raises important issues that are available to be canvassed. To the extent the committee wishes to follow the issue, it is obviously within their power to do so. With respect to the long list of witnesses, many of them, if not all of them, are worthy witnesses on the topic in question. Again, it will be the business of the committee to schedule appropriate witnesses for its hearings.

Yesterday, Senator Kinsella addressed the choice of committee. I should like to advise that, in the view of this side, the appropriate committee is the Standing Senate Committee on Transport and Communications. There are a number of transport issues in the bill. Senator Kinsella makes that clear in listing the witnesses that he suggests should be called. It is essentially for me personally, and for many on this side, to understand that all committees, whatever their orders of reference, under the rules or by direction of the Senate, can be given the capacity to understand in full the issues before them. Professional advisors are available, as are expert witnesses.

I have always been a bit concerned, honourable senators, with the idea that, somehow, the Standing Senate Committee on Legal and Constitutional Affairs is the “lawyer” of the Senate and the committee where legal issues should be dealt with. That is just not the case. Its terms of reference relate to legal and constitutional issues, but every committee will need advice on legal issues and appropriate professional advice is available. If we were to define the Standing Senate Committee on Legal and Constitutional Affairs as the “lawyer” of the Senate, we would have to break it down into as many as eight subcommittees in order to get our business done.

With that I hope honourable senators will support the bill at second reading and allow the Standing Senate Committee on Transport and Communications to begin its work next week.

Hon. Anne C. Cools: Honourable senators, I wish to put a question to the leader. I have been listening to him and I do not think for a moment that anyone would purport to believe that the Standing Senate Committee on Legal and Constitutional Affairs is the “lawyer” of the Senate. However, I cannot help but think that the bill in question does seem to embody a fair amount of what I would consider delicate constitutional questions. The Standing Senate Committee on Legal and Constitutional Affairs seems custom-made to receive this particular bill. I am sure that the Leader of the Government has told us on many occasions that the whole phenomenon of balancing the constitutional rights of individuals, of citizens against national security needs is enormous. The Standing Senate Committee on Legal and Constitutional Affairs seems to be the ideal committee to which this bill should be sent.

Could the leader reconsider if he is to move a motion right now? I am sure I saw the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs here a moment ago and I have no doubt that he would be happy to receive the bill. I am a member of the committee and I can tell you that I would be happy to dedicate long hours of study to it. When that motion is moved, could we send it to the Standing Senate Committee on Legal and Constitutional Affairs? You need not fear, because I am not a lawyer.

Senator Austin: Honourable senators, I should like to thank Senator Cools for her view. Constitutional issues will arise in the course of the consideration of legislation. That is not, by definition, a subject that is dealt with only in the Standing Senate Committee on Legal and Constitutional Affairs. There are cross-cutting issues here. The Constitution may be relevant; other legal opinions may be relevant. However, transportation policy and the policy that relates to so many of the acts being amended, as proposed by Bill C-7, which require expertise in those areas of operating discipline, all apply. Therefore, in my view, the Standing Senate Committee on Transport and Communications is the appropriate committee for this bill.

• (1540)

Senator Cools: Senator Austin is saying essentially that the choice of committee is precisely that — a choice. Perhaps if we consult with senators here, we might discover that many senators think the appropriate committee is the Standing Senate Committee on Legal and Constitutional Affairs.

I have listened carefully to the Leader of the Government saying that it is six of one and half a dozen of the other. To that extent, the members of the Standing Senate Committee on Legal and Constitutional Affairs are quite practised in sorting out these intricate details. As such, perhaps they are the appropriate people

to receive this bill. A simple motion is all that would be required. The members of the Legal and Constitutional Affairs Committee would do an excellent job of studying the bill. Let our committee have it; I can promise that we will work hard on it.

Senator Austin: Just to respond, the Chair of the Standing Senate Committee on Legal and Constitutional Affairs has not requested of me that the bill be sent to that committee. I would suggest that the issue be decided by honourable senators when the sponsor of the bill speaks.

Hon. A. Raynell Andreychuk: Honourable senators, convention and past practice on government business is that committee choice is a leadership matter. Consultation between leaderships ensures the efficient utilization of issues and maximizes the expertise of senators.

I had agreed to take on the critic’s role on the public safety bill. I am concerned about the balance and proportionality between our right to security and our civil liberties. As Senator Kinsella pointed out, a considerable number of people who have taken it upon themselves to monitor legislation, as good citizens should, have indicated that this would be more appropriately treated as a legal matter.

Further, this side has agreed that some aspects of the bill are absolutely essential, like putting into effect the international obligation, and the fact that we may need portions of that bill to ensure our security. We were never arguing that. That is the intent of the bill and we agree with it.

However, we have great concerns as to whether certain methods have gone too far without proper accountability and scrutiny. The government chooses the methods. We simply want to weigh the different perspectives. It would seem to me that we could be more efficient in our work if we concentrated on the areas of dispute from those of us who have studied the bill. That would have been more appropriately the Standing Senate Committee on Legal and Constitutional Affairs.

A small minority in the Senate, namely the opposition, has been put in the untenable position of having to be at two committees at the same time. In future, there will be even fewer of us, unless there is a dramatic change in the leadership of this country. Our leadership and our opinion on how to efficiently manage this place should be taken into account. It seems to me we can address this bill much better in the Standing Senate Committee on Legal and Constitutional Affairs, rather than displacing members of the Transport Committee and trying to get some legal expertise there. I leave it to the honourable senators’ discretion.

Senator Austin: As to sensitivity towards the contribution that the opposition side can make, I assure honourable senators that I want to work and I do work with the opposition to accommodate them within the agenda requirements of the government.

[Senator Austin]

I shall, of course, support Senator Andreychuk in requesting of the deputy leader and the whip on her side that she become a member of the committee, along with anyone else on her side who wishes to participate and who believes, as I do, that this is a very important bill. There are critical issues here. The conclusions of the bill are not necessarily to be taken for granted.

However, on the issue of where the bill should go, I have given my advice to the Senate.

Hon. Eymard G. Corbin: Honourable senators, I do not want to talk about the committee to which the bill should be sent. Since the government insists on this bill and since it expects the members of the Transport Committee to do good work, I wonder if I could elicit a commitment from the Leader of the Government in the Senate to provide us as soon as possible with complete briefing notes on this bill so that we can do justice to it.

Senator Austin: I have no hesitation in saying that any briefing material available to the sponsor of the bill and to the chair of the committee is available to every senator on the Transport Committee and any senator who wishes to have that material.

Senator Corbin: That is a commitment, because usually we are faced with last-minute material given to us at the beginning of the committee sittings. There is no way a senator can do an honest job of examining legislation if he or she does not have the briefing material well ahead of time. That is all I am asking for.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Day, bill referred to the Standing Senate Committee on Transport and Communications.

[Translation]

BILL RESPECTING EQUALIZATION AND AUTHORIZING THE MINISTER OF FINANCE TO MAKE CERTAIN PAYMENTS RELATED TO HEALTH

SECOND READING—DEBATE ADJOURNED

Hon. Pierrette Ringuette moved the second reading of Bill C-18, respecting equalization and authorizing the Minister of Finance to make certain payments related to health.

She said: Honourable senators, I am truly happy to speak today at second reading of Bill C-18, respecting equalization and authorizing the Minister of Finance to make certain payments related to health. This bill deals with Canada's system of federal transfer payments.

First, it makes it possible for equalization payments to continue while waiting for completion of the legislative renewal process.

• (1550)

It authorizes the Government of Canada to provide \$2 billion to the provinces and territories for health, as the Prime Minister confirmed at the end of the recent first ministers' meeting.

Before discussing the need for the bill, I would like to first give you an overview of the federal transfers, which will help put these measures into context. As you know, the Government of Canada provides assistance to the provinces and territories to help them provide programs and services.

The provinces and territories run their own health, education and social services programs, while the Government of Canada provides them with annual financial assistance through transfer payments.

This system ensures equal access to public health care for all Canadians, a safety net for those who need it the most, the freedom to move about the country in search of work, training and higher education for those who qualify, and reasonably comparable services, no matter the province of residence.

[English]

The large majority of federal financial support is delivered through the Canada Health and Social Transfer, CHST; the Equalization Program; the Territorial Formula Financing; and the new Health Reform Transfer or HRT. Bill C-18 affects equalization and the CHST.

In my remarks today, I will focus first on the equalization program and the measures that affect it. The equalization program is unique among federal transfers in that its object was entrenched in the Constitution in 1982. The program ensures that less prosperous provinces have the capacity to provide reasonable, comparable levels of public service at reasonably comparable levels of taxation.

[Translation]

The fact that equalization was one of the rare programs exempt from any restrictive measure in the mid-1990s when the Government of Canada tried to put its fiscal house in order, illustrates how important this program is to the government.

Since the creation of the equalization program in 1957, all the provinces except Ontario have benefited from payments to varying degrees. Currently, with the exception of Ontario and Alberta, the eight other provinces are eligible for federal assistance under the equalization program. Equalization is the most important federal program, helping to reduce the differences in the ability of the provinces to provide services.

Equalization payments are unconditional. In other words, the provinces that receive payments can use the funds for public services according to their own priorities. The Government of Canada Treasury makes equalization payments monthly.

[English]

Payments are calculated according to a formula that responds to the changing economic fortunes and circumstances of provinces. The formula measures the performance of provincial economies relative to the average fiscal capacity of the five middle-income provinces, which forms a threshold or a standard. It is applied in exactly the same way to all provinces.

For provinces with a fiscal capacity below the standard, the federal government pays equalization payments to ensure that all provinces have a fiscal capacity equal to the standard. As honourable senators might expect, the result adjusts accordingly in response to economic developments in each province. For example, when a province's economy is booming, relative to the standard province, its equalization payments decline under the formula, thus reflecting the increased wealth of that province. Conversely, when a province's economy experiences a slow down relative to others, its equalization payments increase.

There is one more aspect of the equalization program I wish to touch on before turning to the bill and that is the "floor" provision. The floor provision protects the provinces against large year over year declines in equalization payments to individual provinces that would otherwise be warranted by the straightforward application of the formula. This would occur, for instance, when the measured fiscal capacity of a province increases or when its population decreases, or even both.

Until recently, payments were also subject to a "ceiling" provision, which provided protection for the federal government against increases in equalization payments. To meet the commitment in the 2003 Health Accord, the 2003 budget permanently removed the ceiling beginning in the budget year 2002-03.

Honourable senators, the equalization program is reviewed on an ongoing basis by federal and provincial officials to ensure that differences in the capacity of provinces to raise revenues are measured as accurately as possible.

[Translation]

Moreover, some major aspects of the bill before us today have to do with the fact that the program is renewed through a legislative process every five years, to protect its integrity and fundamental objectives. The last time this was done was in 1999.

As honourable senators know, the current legislation will expire on March 31, 2004. Discussions on the five-year renewal of the equalization program are underway. However, if the renewal legislation is not in effect by April 1, 2004, the government might not have the power to authorize equalization payments, which is why Bill C-18 must be passed.

One of the objectives of Bill C-18 is to ensure the uninterrupted flow of equalization payments after March 31, when the current legislation is scheduled to expire. The bill authorizes the Minister of Finance to continue making equalization payments under the current formula, for a maximum of one year, if the renewal legislation is not in effect by April 1, 2004.

[Senator Ringuette]

In other words, this bill is a precautionary measure to ensure that the payments on which the provinces depend are not interrupted. Let us not forget that eight provinces, and their citizens, rely on equalization payments.

Honourable senators, the government is committed to tabling the integral renewal legislation. However, it is essential to protect the public services that are funded by the provinces under the equalization program for the benefit of their citizens. If Bill C-18 is not passed, the impact on beneficiary provinces could be very serious.

[English]

I wish to speak now about the renewal legislation that will ensure that the program remains up to date and that the best possible information is used to determine equalization payments.

Let me state clearly that the government will table renewal legislation that will be retroactive to April 1, 2004. In developing the renewal legislation, the government is being guided by three key principles. The first principle is the government's commitment as set out in the Constitution to a strong equalization program that allows provinces to provide reasonable comparable levels of public service at reasonable comparable levels of taxation.

The second principle is the government's commitment to improving the predictability and stability of the equalization program. Equalization payments to the provinces should not destabilize provincial fiscal planning.

• (1600)

The third principle is the government's commitment to maintaining the integrity of the equalization program. This principle, as honourable senators will recall, is founded on the premise that payments have to be based on an objective formula, thereby ensuring equal treatment to all provinces.

Maintaining the integrity of the program requires periodic revisions to reflect the most up-to-date figures and current provincial taxation practices while ensuring the long-term sustainability of the program. In short, the government's commitment to equalization renewal is not about cutting or enriching the program; it is about making appropriate, fair and accurate changes.

[Translation]

I now want to focus on the measure in Bill C-18 concerning the Prime Minister's commitment to provide an additional \$2 billion to the provinces and territories for health. The public health care system in Canada is essential to our quality of life. The Prime Minister supported this opinion in his address in reply to the Throne Speech on February 3, 2004:

We want a Canada where our universal health care system is a proud example of our national values at work.

As you know, the Government of Canada plays a key role in supporting the national health care system, mainly through the CHST and the Health Reform Transfer.

I want to explain in greater detail the support provided by the federal government.

[English]

Through the Canada Health and Social Transfer, the provinces and territories receive cash payments and tax transfers in support of health care, post-secondary education and social services, including early childhood development and early learning and child care.

The CHST and the new Health Reform Transfer both uphold the five medicare principles of the Canada Health Act — universality, comprehensiveness, accessibility, portability and public administration. It also ensures that no minimum residency period is required to receive social assistance.

The government reiterated its support for these principles of medicare in the Speech from the Throne through the following statement:

The Government's commitment to health care rests on one fundamental tenet: that every Canadian have timely access to quality care, regardless of income or geography — access when they need it.

The Government is committed to this goal: universal, high-quality, publicly funded health care, consistent with the principles of medicare, as set out in the Canada Health Act.

As many of my honourable colleagues will recall, since the CHST was created in 1996, the federal government has strengthened the transfer numerous times. In fact, these funding increases have been very significant.

Under the five-year Health Renewal Agreement reached by the first ministers in September 2000, the federal government provided \$21.1 billion over the course of the agreement period to the provinces and territories for health care and early childhood development, its largest ever increase.

[Translation]

In support of the Health Renewal Agreement, the Government of Canada also provided an additional \$2.3 billion for targeted investments to purchase medical equipment, ensure primary care reform and implement new information technologies such as electronic patient files.

Based on the commitments made in 2000 for reform and renewal, the 2003 budget confirmed the payment of an additional \$34.8 billion, over five years, to reach the objectives set out in the 2003 Health Accord, including significant increases in transfer payments to the provinces and territories.

Subsequent to this investment, the federal government will provide, in 2003-04, \$37.5 billion to the provinces and territories through the CHST.

[English]

As well, the 2003 budget restructured the CHST as of April 1, 2004 into two separate transfers. They will be a Canada Health Transfer and a Canada Social Transfer to increase transparency and accountability. Provinces retain their responsibility for program design and delivery. At the same time, federal support for provincial program areas — health, post-secondary education and social services — will be more transparent to Canadians.

This important structural change, combined with the increased federal support for health care, clearly demonstrates the federal government's commitment to ensuring a sustainable and accountable health care system that will continue to be there for the next generation of Canadians.

[Translation]

Another federal transfer arising out of the 2003 Health Accord is the new Health Reform Transfer through which the Government of Canada pays \$16 billion over five years to the provinces and territories to accelerate reform in priority areas such as primary health care, home care and catastrophic drug coverage.

I can assure you that the government will be distributing the additional funding and the new health reform transfer on a uniform per capita basis, in order to ensure that all Canadians are helped equally, regardless of where they live.

[English]

This brings me to the second measure in Bill C-18 which authorizes the Minister of Finance to appropriate \$2 billion from the Consolidated Revenue Fund in 2003-04 for health. In addition to \$34.8 billion over five years committed in the 2003 Health Accord for health care, the federal government also indicated that it would provide "an additional \$1 billion for health at the end of fiscal year 2003-04, if the Finance Minister determines during the month of January 2004 that there will be sufficient surplus above the normal contingency reserve to permit such an investment."

Both the February 2003 budget and the November 2003 economic update reaffirmed this commitment. As stated in the economic update, "if there is any federal surplus this year we will provide up to the first \$2 billion of it for health care spending when we close the books."

[Translation]

After the first ministers' meeting of January 2004, the Prime Minister confirmed that the entire \$2 billion will be going to the provinces and territories. What is more, it was pointed out in the Speech from the Throne that this transfer will be possible without putting the Government of Canada back into a deficit position.

I would also like to make it clear that this is over and above the additional \$34.8 billion over five years for health care already confirmed in the 2003 budget.

If this bill is passed before the end of the fiscal year, it will provide the provinces and territories with the necessary leeway to be able to withdraw this money as needed. This will help them to plan ahead and provide better health care to their residents.

• (1610)

After all, health is one of Canadians' top priorities. At the first ministers meeting in January, the Prime Minister stated his intention to meet his counterparts again this summer to discuss the long-term viability of Canada's public health system.

In the meantime, the measures contained in Bill C-18 will help to ensure that Canada's health care system will remain, in the Prime Minister's words, a proud example of our national values at work.

Honourable senators, in September 2000, Canada's first ministers confirmed that the key goals of our health system are to: preserve, protect and improve the health of Canadians; ensure that Canadians have reasonably timely access to health services anywhere in Canada, based on their needs, not their ability to pay; and, ensure the system's long-term sustainability so that health care services are available when needed in future years.

In his reply to the Speech from the Throne, the Prime Minister confirmed the government's commitment. As he said, health care is the nation's first priority: quality timely care; care that is accessible regardless of income, portable right across Canada and publicly funded. We are committed irrevocably to the principles of the Canada Health Act. They are part of who we are — a moral statement about fundamental fairness — that all Canadians should stand equal before our health care system. The additional funding for health that this bill provides is proof of the Government of Canada's unshakeable commitment to health care.

[English]

It is part of the ongoing federal commitment to growing, stable and predictable funding so that provinces and territories can plan for the future. As well, this substantial investment is being provided within a framework of balanced budgets that ensures its sustainability over the long run.

With respect to the equalization component of this bill, I urge honourable senators to keep in mind that not all parts of the country can generate the same revenues to finance public services. Bill C-18 underscores the priority the government places on equalization and ensures uninterrupted funding until renewal legislation is in place. As honourable senators know full well, the equalization program reflects the core values of the Canadian federation and deserves our full consideration and support.

Honourable senators, this bill deserves to be passed without delay.

On motion of Senator Kinsella debate adjourned.

[Senator Ringuette]

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—THIRD READING

Hon. Jean-Robert Gauthier moved the third reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).

He said: Honourable senators, it is with pleasure that I move the third reading of Bill S-4. This is the third time my proposal is being put to a vote in the Senate.

The idea is to add teeth to the Official Languages Act, which, as you know, has been interpreted in various ways since 1988. Some say that the interpretation is declaratory and that the wording is not binding. Others, like me and many in this chamber, say the opposite, that it is executory.

On September 19, 2001, during the first session of this Parliament, I introduced Bill S-32. It was passed at second reading, sent to the Committee on Legal and Constitutional Affairs and seriously considered in committee. There were eight meetings and 31 witnesses.

From April 6 to 18, 2002, the committee gave serious consideration to this bill. It was improved; the committee heard from constitutional specialists, linguists and people who are familiar with the subject matter. Everyone agreed that part of this legislation needed to be clarified, given teeth, and that rights and obligations needed to be put in place.

I remember in 1988 the Secretary of State's testimony in committee. I asked him what section 41 did. He said that it created obligations for the government. I believed him. Later, unfortunately, the legal interpretation by Department of Justice counsel differed from the generous interpretation the minister had given me.

Disappointed, I introduced a bill. On December 10, 2002, when the second session of the Thirty-seventh Parliament started, I introduced Bill S-4 to incorporate important provisions in the Official Languages Act.

I was inspired by the recommendations made by various constitutional and linguistic experts. I want to thank the Honourable Senators Joyal, Beaudoin, Fraser, as well as the members of the Standing Senate Committee on Legal and Constitutional Affairs, many of whom are here, who spent numerous hours considering the bill and attempting to improve it. I thank them from the bottom of my heart.

I incorporated all these recommendations and suggestions in the new Bill S-11, which I presented on April 3, 2003. The Standing Senate Committee on Official Languages considered the bill. Senator Rose-Marie Losier-Cool was the chair. The report was tabled in the house. Once again, the Houses were prorogued; I am not lucky.

There was nothing for it but to wait. I returned to the charge on February 3, 2004, when Parliament resumed. I tabled Bill S-4, based on Bill S-11, and did not change one thing, not one letter or comma. It is the same bill that was considered by the Standing Committee on Legal and Constitutional Affairs. It is a serious bill and, I think, a good one. I did not change anything because it is complete and there is nothing to improve. Section 41 of the Official Languages Act reads as follows:

The Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development and fostering the full recognition and use of both English and French in Canadian society.

• (1620)

Honourable senators, two subsections have been added to clause 1 of Bill S-11: subsection 41(2) states that federal institutions shall ensure that positive measures are taken for the ongoing and effective advancement and implementation of the Government of Canada's commitments with respect to English and French in Canada in accordance with the provisions in subsection 41(1).

Subsection 41(3), which I am proposing, gives the Governor-in-Council the power to make regulations to provide tools and means of interpreting this section so that the obligations of these federal institutions are carried out in accordance with Part VII of the Official Languages Act.

At the present time, there are no regulations governing Part VII of the Official Languages Act. Consequently, there are none for section 41. Having legislation without regulations is like having a watchdog with no teeth, or such a tiny one that no one could take it seriously. The law must be enforceable, and must therefore have regulations. As well, the Commissioner of Official Languages must be able to intervene in any proceedings relating to Part VII, and this is also not allowed under subsection 77(1). She cannot help us, and the communities cannot go to court, because section 41 is not enforceable. The Commissioner of Official Languages is therefore shunted aside, not because she wants to be, since she is the one who has recommended that we put some teeth into the act so that she can help us. And that is what I have done.

Clause 2 of my bill amends section 43 of the Official Languages Act as it now stands. It requires the Minister of Canadian Heritage to take appropriate measures to advance the equality of status and use of English and French in Canadian society. A number of witnesses, academics, senators and others have supported this proposal, which makes some major changes to the role of Canadian Heritage in the interpretation of Canadian legislation, the Official Languages Act in particular.

Finally, clause 3 makes an addition to Part VII of the Official Languages Act and adds provisions which allow application to the courts for remedy. This was done on the recommendation of the Commissioner herself.

In conclusion, Bill S-4 is a good bill. It has undergone a very good examination by the Senate on three occasions. Its objective is clear and simple: to add enforcement provisions to the act and clearly confirm the government's obligations.

On March 1, Dr. Dyane Adam, the Commissioner of Official Languages, said something at the Senate Committee on Official Languages that impressed me a great deal:

The time has come to act, and the legislative route seems to me to be the most appropriate. It is my hope that Senator Gauthier's Bill S-4, which aims to clearly confirm the government's obligations and to underline that Part VII is not just a political commitment, will soon be introduced in the House of Commons.

One could not be any clearer. Therefore, honourable senators, I humbly submit that Bill S-4 should be passed at third reading and sent to the other place for review and consideration. I want to sincerely thank all those who provided advice and support. I also want to thank Michel Patrice, who helped me tremendously with writing this legislation and including the suggestions made by my colleagues.

If we act quickly, the House of Commons might be able to review and pass this legislation in the coming weeks. Official language minorities, that is anglophones in Quebec and francophones in the other provinces, would be better equipped to protect themselves and thus promote the full recognition of French and English in Canadian society.

Motion agreed to and bill read third time and passed.

[English]

THE ESTIMATES, 2003-04

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

Leave having been given to revert to Reports of Committees:

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Finance (Supplementary Estimates (B) 2003-2004) presented in the Senate on March 10, 2004.

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, it is not necessary for me to add anything at this point. If I may say so, with all due modesty on behalf of the drafters and the other members of the committee, this report is very comprehensive as to the facts of the Supplementary Estimates (B) and equally comprehensive as to the concerns expressed by honourable members of the committee and the replies of witnesses speaking on behalf of the government.

To the extent that there are matters that must be followed up, I can assure honourable senators that the committee, which now has before it the Main Estimates for 2004-05, will follow them up. To the extent that honourable senators may wish to refer to these in debate, we will have ample opportunity to do so when the first interim bill is before us, as it most assuredly will be in a few weeks.

Hon. Joseph A. Day: Honourable senators, as Deputy Chair of the Standing Senate Committee on National Finance, I echo and support the words of our chairman. The report we are discussing concerns the Supplementary Estimates (B) for fiscal 2003-04. I urge honourable senators to support the motion to adopt this report.

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

Motion agreed to and report adopted.

[Translation]

REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to the consideration of the fourth (final) report of the Standing Senate Committee on National Finance (2003-2004 *Main Estimates*) presented to the Senate on March 10, 2004.

Hon. Lowell Murray: Honourable senators, what I just said in English about the Supplementary Estimates (B) applies equally to the report that is now before you. I am urging you to approve the adoption of the report on the 2003-04 Main Estimates.

• (1630)

[English]

Hon. Joseph A. Day: Honourable senators, this report is reflective of the work done by the National Finance Committee. The report completes the committee's study of the Main Estimates for the fiscal year ending this month. I would urge honourable senators to support the motion to adopt it.

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

Motion agreed to and report adopted.

PERSONAL WATERCRAFT BILL

THIRD READING

Hon. Mira Spivak moved third reading of Bill S-8, concerning personal watercraft in navigable waters.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

THE CONSTITUTION ACT, 1867 THE PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—MOTION IN AMENDMENT TO REFER SUBJECT MATTER ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Lynch-Staunton, for the second reading of Bill S-3, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate),

And on the motion in amendment of the Honourable Senator Oliver, seconded by the Honourable Senator Lynch-Staunton, that the Bill be not now read the second time, but that the subject-matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, we have reflected on this issue, as I said we would at the last sitting. We are prepared to support moving the subject matter to committee as contained in the last motion.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Lynch-Staunton, that the bill be not read now the second time, but that the subject matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

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

Motion agreed to.

BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER OF 2003

SECOND READING—POINT OF ORDER

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, for the second reading of Bill S-7, respecting the effective date of the representation order of 2003,

And on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the original question be now put.—(*Honourable Senator Robichaud, P.C.*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order regarding Senator Robichaud moving the motion that he has become habituated to moving over this last little while, simply because, as we heard at the beginning of the day's session when His Honour read a

message — with what some might consider indecent haste — a certain bill has received Royal Assent. However, a decision has been taken on the same subject matter. I think His Honour would need to rule that when a decision has been taken by the chamber on a bill dealing with the same subject matter, we cannot proceed with the other bill.

Would honourable senators like a reference? You should read this; it is good literature. Go to page 499 of Erskine May *Parliamentary Practice*, the twenty-second edition.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I understand that my honourable colleague wants to bring you to the point where you would have to make a decision. Having asked that the order stand, I think that the original question should now be put. This means that the motion could be defeated and that the item could automatically be dropped from the Order Paper, which would obviate the need for His Honour to do the necessary research to arrive at a decision.

[English]

The Hon. the Speaker: Senator Kinsella has risen on a point of order and referred me to Erskine May. I have not looked at it. We can proceed with unanimous consent to do, I think, what the object of the exercise is, and that is to have this item deleted from the Order Paper.

However, Senator Kinsella's point is that the Speaker should decide that question. He has argued that the Speaker should delete the item from the Order Paper. I am not sure we are not proceeding by unanimous consent. I will hear comment on that issue. I will see Senator Rompkey, and then I will go to Senator Kinsella before I stop hearing senators, because it is his point of order.

Hon. Bill Rompkey (Deputy Leader of the Government): We are ready to give unanimous consent. We have heard what Senator Kinsella has to say and none of us questions his expertise in the matter. He has made the appropriate reference to the appropriate authority, and I think His Honour will find unanimous consent to drop the item from the Order Paper.

Senator Kinsella: Honourable senators, I always appreciate receiving unanimous consent. When I dare to seek unanimous consent, I do so with trepidation and no sense of security.

However, I am not asking for unanimous consent in this case. We are dealing with two bills before the house, the subject matter of which is the same. It is quite in order to have two bills dealing with the same subject matter before the house at the same time. Once a decision has been taken on one of those bills, we cannot proceed with the other bill.

I will cite an example in our own precedent. Honourable senators who were here in 1990, I believe it was, when the amendments to the Criminal Code dealing with abortion were before us will recall that Senator Haidasz had a private member's bill, an

S-bill, dealing with the same subject matter. A decision was taken by the chamber on the government bill, and senators will recall it was negatived. When Senator Haidasz attempted to move his bill, the Speaker ruled that because a decision had been taken in the session, the Senate could not proceed with that bill.

That is the precedent, in addition to the procedural literature, that would sustain that the Speaker makes the decision. In fact, it was the attempt by Senator Robichaud to do something that caused this thing to be out of order.

[Translation]

Senator Robichaud: Honourable senators, I find it hard to believe that Senator Kinsella wants the Speaker of this chamber to make a ruling on this point, because it could be used later to say that a ruling was made while two bills were before the Senate. As a consequence, if Senator Kinsella's bill had been defeated, as was claimed, the government would not have been able to introduce its bill because a ruling would already have been made on the issue.

• (1640)

It would be too easy for anyone in this place who did not agree with a bill being debated in the other place to propose another bill on the same subject but with a few differences. The bill would be defeated in the Senate because it could not meet the expectations of the majority and the outcome would be that the bill from the other place could not be introduced. If this were the case, we could prevent bills from the House of Commons from moving to the Senate. It might be a good thing for the Speaker to take this under consideration. I do not agree with what Senator Kinsella said on this.

[English]

The Hon. the Speaker: Honourable senators, no other senator is rising. Let me summarize where I think we are. I invite senators to rise if they disagree.

We have come to Item No. 5, under Senate Public Bills, which was the subject of the point of order raised at the last sitting, which Senator Kinsella has continued to make at this sitting. Senator Rompkey suggested that we could deal with this by unanimous consent. That is the object of the exercise, namely, to have it eliminated from the Order Paper. I take it that Senator Kinsella is not giving unanimous consent, so we are on his point of order.

We are in an area that, as Senator Kinsella mentioned, we have visited before. I do remember the circumstances dealing with the bill of then Justice Minister Kim Campbell and that we did have the Speaker at that time take some actions. However, I do not remember it well enough to feel confident in proceeding with a decision now. I have also received a reference, and I believe that might have been the subject of rulings at the time.

Honourable senators, I will take this matter under consideration and bring back a ruling at the first opportunity.

HAZARDOUS PRODUCTS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Yves Morin moved third reading of Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).—(*Honourable Senator Morin*).

He said: Honourable senators, I cannot think of another bill that will have such an immediate impact on the health and well-being of Canadians. It will save lives, prevent injuries and protect property. There is no down side to it. Every year, 100 Canadians die in fires caused by cigarettes and more than 300 are seriously injured. Few injuries cause as much pain, disfigurement and handicaps as burns from these fires.

We see this in newspapers every week. On Monday, for instance, in the Montreal *Gazette*, there was a report on the death of a 50-year-old woman on Beauséjour Street. She died of a fire caused by a forgotten cigarette. This lady would be alive today if Bill S-260 had been in effect.

In New York, a cigarette-induced fire was responsible for the death of three firefighters, members of Ladder Company 170 in Brooklyn. Legislation similar to Bill C-260 was passed in the state legislature and by June 25, 2004, all cigarettes sold in New York will be fire safe.

The tobacco industry is divided on the subject of this bill. Certain companies such as Phillip Morris, R. J. Reynolds and Lorillard already have the necessary technology to produce low ignition propensity cigarettes. Others such as Imperial Tobacco oppose the bill. Otherwise, there is unanimous support for this bill. It was unanimously passed in the other place. The Minister of Health supports the bill. Health Canada has completed its work on the technical aspects of the bill by preparing regulations describing the method and flammability standard to be used to test these cigarettes.

Honourable senators, there is absolutely no reason to delay this bill any longer. Every week that passes while we are considering this legislation will see two more Canadians die from cigarette-induced fires. This is not the first time we have seen this bill. It was introduced in the Senate on November 4, 2003, only to die on the Order Paper.

Honourable senators, we must not let any more time pass. I urge you to vote now on this crucial measure of public health. Canadians expect no less from us.

Hon. Senators: Hear, hear!

On motion of Senator Kinsella, debate adjourned.

QUEEN'S THEOLOGICAL COLLEGE

PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING

Hon. Lowell Murray moved second reading of Bill S-15, to amend the Act of incorporation of Queen's Theological College.—(*Honourable Senator Murray, P.C.*).

He said: Honourable senators, as you have been told, the purpose of this bill is to amend the charter of Queen's Theological College, which is an act of Parliament dating back to 1912. Let me thank Senator Day for agreeing to second the motion for second reading of this bill.

I hasten to add that neither of us is a graduate of Queen's Theological College. The authorities at the college were too polite to ask me to emphasize that fact, but I thought I should do so anyway. Senator Day is a proud graduate of the Queen's Law School and I of the School of Public Administration there. I count on the active support of Senator Kelleher, also a graduate of Queen's University, and of other honourable senators, far more numerous, who respect and value the university's place in our history for more than 160 years, its continuing contribution to policy, politics and government in this country and, in particular, its seminal role in creating a highly skilled and resolutely professional federal public service.

• (1650)

We do owe a great deal to Queen's, a matter on which I spoke in some detail in 1996 when I had the honour of presenting a bill to amend the university charter, the eighth time since Confederation that Parliament had done so. I took the occasion of that debate to reflect also on the immense role the church had played in the development of education in this country. Finally, I explained the origin of the Royal Charter that established Queen's in 1841 and something of the constitutional and legal background that requires the university to come to Parliament for any amendment of its charter. It is the only university in Canada in such a position.

In appreciation of the cooperation of honourable senators on this bill, given the time constraints under which Parliament may be operating at the moment, I shall not take you through this history again. I would note, however, that theology had been taught at Queen's University since classes began there in 1842. In fact, Queen's was founded for the purpose of providing a secular and/or theological education along the lines of the Presbyterian faith. In 1911, the Presbyterian Church withdrew from control of the university. The next year, Parliament passed an act incorporating the Faculty of Theology as Queen's Theological College. It is that act we are called to amend in the bill now before us.

In 1925, with the union of Presbyterian, Methodist and Congregational Churches, Queen's Theological College entered into the United Church of Canada whose General Council holds the same relation to the college as had the General Assembly of the Presbyterian Church.

I shall note also that this is the first time that the charter of Queen's Theological College, which was enacted in the Parliament of 1912, has been before us for amendment. They certainly have not abused their filial relationship with our predecessors and us over the past 92 years.

Honourable senator, there are three substantive provisions of the 1912 act that this bill seeks to amend — the first of which is membership in the board of management of Queen's Theological College. Members of the faculty of the college were ineligible under the 1912 act for appointment to the board. The bill before you would repeal that provision, which is contained in section 9 of the 1912 act.

Under section 12 of the 1912 act, only members of the Church were eligible for appointment to the board. Under this bill, the power of appointment remains with the General Council of the United Church, but non-members of the Church would now be eligible to be named. United Church members would, however, constitute a majority of board members.

I, who grew up in a culture where it was believed the world was divided into Catholics and non-Catholics, confess to some small amusement in presenting a bill that so elegantly divides the world into United Church and non-United Church.

Under the 1912 act, the board has needed the approval of the General Council of the Church to appoint or remove the principal of the college and the professors of theology at the college. In the bill that is before us, a veto power is retained for the Church on those appointments and removals, but the board may appoint all other professors.

Finally, a provision of the 1912 act allows for appointment of professors from the college to the Queen's University senate. This bill would provide for the election of one professor and the election of one student, in addition to the principal ex officio, to the university's senate.

The bill also contains several technical or incidental amendments to the 1912 act. For example, the reality of the college's relationship with the United Church was established by the legislation creating Church union in 1925, but the references in the 1912 act to the Presbyterian Church have never been amended. This bill will confirm, in the charter of Queen's Theological College, that which has existed in fact for 79 years, namely, the relationship between the college and the United Church of Canada.

In preparing to present this bill, I did take the occasion to review the programs offered at Queen's Theological College. They offer two master's degrees and two undergraduate degrees in theology, with various concentrations, and four non-degree programs, including diplomas and certificates. There are three programs I want to mention. One is the rural ministry program, where both a master's in divinity and a diploma are offered. In this program, the college seeks to address the rural context of Eastern Ontario and New York, exploring the changing nature of rural society and trying to equip the Church to serve the needs of people outside the large urban centres.

Second, there is a bachelor of theology program, which is designed to train native persons for the ministry, developing a theological approach that reflects an understanding of native spirituality and of a leadership style suitable to native culture.

Finally, and commendably, given the several large federal penitentiaries in the Kingston area, Queen's Theological College offers both a master's in divinity and a diploma with a concentration in restorative justice. Given the preponderance of violence in our context, says the college, and the punitive nature of human response, both past and present, this program examines theological and biblical underpinnings for our actions and explores alternative ways of being. The idea is to prepare students for work in or outside the ministry in restorative justice with victims, offenders and communities.

This brief review was sufficient to persuade me that Queen's Theological College really is trying to do God's work in our time, our country and world. I would ask honourable senators to give them the support and recognition they ask by acceding to their request for these amendments to their charter.

Hon. Joseph A. Day: Honourable senators, it is always a pleasure to follow the Honourable Senator Murray on an issue, especially when we are on the same side of the issue, since he canvasses the subject so very well.

In supporting this motion and urging honourable senators to vote in favour of second reading and to send Bill S-15 to committee, permit me to confirm that these proposed amendments are designed to modernize the college's governance and corporate structure. Queen's Theological College has its own board of management and will continue to do so. The United Church of Canada will continue to have a more direct role to play with respect to the theological students. There are approximately 90 theological students in the school at this time. Fifteen per cent of those are not aspirants to the ministry of the United Church. They include members of other Protestant faiths, including Baptists, and Roman Catholics.

In addition to Queen's Theological College, there is the Department of Religious Studies, in which more than 1,100 students are enrolled. Those studies are given by Queen's Theological College within the university. It is with respect to that broader constituency that the United Church's role is somewhat less stringent than in the previous legislation, and reasonably so.

Apart from that, as pointed out by the Honourable Senator Murray, the bill changes the role of faculty in the board of management. Previously, no faculty members could be in the board of management. Bill S-15 provides for that to happen.

Basically, honourable senators, Bill S-15 provides for a slight revision in the relationship between Queen's Theological College and the United Church of Canada. Second, the bill provides for an adjustment with respect to the relationship between the theological college and the university as a whole. All the proposed revisions seem reasonable and well thought out.

Honourable senators might be interested in consulting the *Rules of the Senate*, as I have. Private bills, such as this one, dealing with a specific institution and not with the general public, must go through a number of steps. Those steps are outlined in rule 107. It was confirmed yesterday by the clerk of petitions that all of the necessary steps have been met, including public advertising in the Kingston area, in the *Canada Gazette* and in the *Ontario Gazette*.

• (1700)

Honourable senators, all of the preliminary work has been done on this item. Senator Murray and I have separately reviewed the legislation. It appears to be reasonable and we would urge your support at second reading.

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament (work and quorum of the committee) presented in the Senate on March 9, 2004.—(*Honourable Senator Morin*).

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

Hon. Senators: Question!

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

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this report relates to the Standing Joint Committee on the Library of Parliament. I would ask the proponent of the report whether it speaks at all to the issue of when the joint committee would meet?

Hon. Yves Morin: Honourable senators, the report mentions in its last line that the committee might sit while the Senate is sitting.

Senator Kinsella: I thank the honourable senator for that information. It is to that point that I want to place on the record that we find a similar provision for the Joint Committee on the Library of Parliament as well as the Standing Joint Committee of

the Senate and the House of Commons for the Scrutiny of Regulations. In the past we have adopted that provision. I understand the reason we find favour in that fashion is that these are joint committees and the schedules of members of the other place must be taken into consideration. Those joint committees are generally given permission to sit even though the Senate is sitting. It is important to underscore that that is a unique circumstance.

The Hon. the Speaker: Are we ready for the question, honourable senators?

Hon. Senators: Question!

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

Motion agreed to and report adopted.

USER FEES BILL

REPORT OF COMMITTEE ADOPTED—THIRD READING

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (Bill C-212, respecting user fees, with amendments) presented in the Senate on February 26, 2004.—(*Honourable Senator Murray, P.C.*).

Hon. Lowell Murray moved the adoption of the report.

He said: Honourable senators, it is an unfortunate confluence of legislative items on the Order Paper that results in my being inflicted upon you for the sixth time in two days. I assure you that after this I will speak only when provoked.

For the record, Bill C-212 was first introduced in the House of Commons on October 7, 2002. After committee study, it was reported with amendments on June 13, 2003, and received third reading on September 29, 2003.

After second reading in the Senate, Bill C-212 was considered by our Standing Senate Committee on National Finance on October 28 and November 4. The bill died when the Second Session of the Thirty-sixth Parliament was prorogued on November 12, 2003.

The bill was revived in the new third session of this Parliament and came out of the House of Commons on February 2, 2004. Following second reading in the Senate, it was considered again by our National Finance Committee on February 7, 24 and 25.

Honourable senators, this bill is about user fees. It is the work of Mr. Roy Cullen, Member of Parliament for Etobicoke North. He deserves the thanks of parliamentarians and of taxpayers for his diligence, persistence and for the success he has achieved with this bill, if it passes, in bringing user fees within parliamentary oversight.

This is a complex and many-sided issue. For those most directly affected by user fees — those who pay them — the relationship between the user fee and the service for which the fee is charged is not always apparent. Moreover, the process lacks an independent dispute settlement mechanism or appeal process.

For parliamentarians, most recently in a Commons committee study in 2000, the process lacks transparency, accountability and effective Treasury Board oversight.

For the Auditor General, as far back as 1997, there is a lack of costing information that would be necessary to justify the level of user fees charged. The Auditor General also pointed to an absence of information on the financial, competitive and socio-economic impacts of user fees and to the lack of an appeal or redress process.

The view from the government side is quite different. From a Treasury Board perspective, very few programs delivering goods and services recover 100 per cent of their costs through user fees. The average rate of recovery for regulatory programs, according to Treasury Board, is between 30 and 40 per cent.

Treasury Board Secretariat gets to examine, on average, 10 to 12 fee proposal submissions per year. There are said to be 391 user charge programs in 47 departments and agencies, but these programs are subdivided into individual charges, 735 of which fall under the Canadian Food Inspection Agency alone.

The Auditor General's observation about a lack of oversight from the centre is borne out by Treasury Board's comment that many ministers, by virtue of their delegated authority, choose to leave their fee level static for many years. A recent review showed that some fees and fee structures had not been altered in 10 to 15 years.

No doubt Treasury Board, given its fiscal responsibilities, would like to bring user fees under tighter control and direction, and they are probably right to want to do so. However, parliamentary involvement would not be part of their grand plan, if they have one. They point to the several hurdles that already must be overcome in the present process, including approval of the fee proposal by a cabinet committee, publication in the *Canada Gazette* and review by the Standing Joint Committee for the Scrutiny of Regulations.

It must be said, however, that although senior officials sometimes talk about user fees as if they were an executive prerogative, the imposition of these fees is an authority delegated by Parliament. They bring in some \$4 billion annually, and they are of sufficient scope and impact that Mr. Cullen's heroic effort to bring them within the ambit of parliamentary oversight and control is understandable and commendable.

On Mr. Cullen's first try in 2003, his bill treated user fees not much differently from a tax and established a process for their consideration by the House of Commons with a possible veto at the end of it. The idea of a veto ran into such resistance at the official and, ultimately, the ministerial level that the veto power was removed from this bill in the Commons committee.

The amended process required that a proposed increase in a user fee or in its application would have to be tabled by a minister and explained in the Commons and would be deemed referred to the appropriate Commons committee. The committee would have the right to make a recommendation on the fee and the House

could pass a resolution approving, rejecting or amending the committee's recommendation. Such a resolution, however, would be of no legal force or effect. As a Treasury Board official helpfully reminded us at our committee, a parliamentary resolution is just an expression of opinion. The government is not obliged to act on it.

• (1710)

This issue, together with the absence of any role for the Senate in the proposed legislation, preoccupied members of the National Finance Committee in October and November when they met under Senator Day's chairmanship, and again in February after the bill had been revived. Inclusion of the Senate proved to be relatively uncomplicated and non-controversial. Mr. Cullen was more than happy to have this chamber and its committees in a role identical to that of our Commons colleagues in the process. The government, through Treasury Board President Reg Alcock, agreed and consensus was achieved on the necessary amendments that are now before honourable senators as part of this report.

As for the removal of Parliament's veto power over user fees, many members of our committee were greatly tempted to restore to this bill the teeth that had been extracted by the Commons. In fact, some of us discussed, informally and at committee, ways of retaining the veto power, albeit with various procedural devices that we thought might have made it more palatable to the government. In my own case, I confess that I looked forward with some relish to sending such a bill back to the Commons and as a challenge to those champions of democratic and parliamentary reform in the Liberal government. Let them, I thought, bear the opprobrium, if they cared to run the risk, of having voted against effective parliamentary control over the imposition of cost recovery and user fees.

Cooler heads prevailed. If Senate amendments to this private member's bill were unacceptable to the government, there would be no embarrassing vote in the Commons. The government's House managers would allow the bill to die at the bottom of the Order Paper when this Parliament is prorogued or dissolved. I have no doubt this would be a considerable loss to the users and citizens who have taken a close interest in this bill and who now support it even as it is, and a loss also to Parliament itself.

The legislated consultation requirements imposed on the government and its agencies by this bill would be lost. An independent process for addressing clients' complaints would be lost. The legislated obligation on ministers to explain and defend in Parliament user fee proposals in specific terms that are set out in the bill would be lost.

The automatic referral of such proposals to committee, our ability to recommend and the discretion of either House to pass a resolution will not have a legal impact; but the moral and political punch of such an outcome from such a process should not be discounted. That, too, would be lost if the bill were lost.

There is also provision for an automatic percentage reduction in a user fee tied to underperformance on standards by the regulating agency in question.

All these provisions, which form part of our report, I will leave to the sponsor of the bill, Senator Ringuette, to discuss if she wishes to do so.

A final amendment approved by our committee on February 25 provides for a three-year review of the operation of the act by the President of the Treasury Board and its tabling in both the Senate and Commons. All the proposed Senate amendments to this bill have the concurrence of the author of the bill, Mr. Cullen, and, to the best of our knowledge, of the government.

Hon. Pierrette Ringuette: Honourable senators, I would like to begin by saying that we have an outstanding chair of the National Finance Committee. As a rookie senator, this is the first bill I have sponsored. It is quite a good bill, I might say. Senator Murray has been good enough to guide and help me through the process, something for which I am grateful.

We heard the comments of different senators in the house before the bill was referred for the second time to the National Finance Committee. We have made amendments that now include the participation of the Senate as a House of Parliament through its committees.

We also see that the Crown corporations, which were a little scared by their probable implication in regard to the commercial side of operations, have been removed from the imposition process of the bill.

The bottom line, honourable senators, is that this bill is a tremendous effort made by a member of Parliament over a period of two and a half years. His tenacity and dedication are laudable. We have worked with him very closely. He has pushed the envelope as far as can be pushed for the current time in regard to how far the veto can be pushed, as Senator Murray mentioned.

We must give this bill a chance so that we may see how the process will work. There is a mandatory three-year review of the bill. Thus, in another three years, we will have the opportunity to see if it is working well and if it requires improvement. I urge honourable senators to pass this bill.

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

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Forrestall, that this report be adopted now.

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

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?

Hon. Pierrette Ringuette: Honourable senators, with leave of the Senate, I move that this bill be read the third time now.

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

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Murray, that this bill, as amended, be read the third time now.

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

Motion agreed to and bill, as amended, read the third time and passed.

BUSINESS OF THE SENATE

REPORTS PLACED ON THE ORDER PAPER EARLIER THIS DAY ADOPTED

The Hon. the Speaker: Honourable senators, we have now reached the stage under Reports of Committee where a number of reports which, with leave, were put on our Order Paper earlier today. There are seven such reports. The pages are distributing a sheet of paper prepared by the Table which lists the seven committee reports.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I think His Honour would find agreement on both sides of the chamber to treat all these reports as one item and to seek approval for all of them at once.

In case they have not been distributed to everyone yet, perhaps it would be a good idea to itemize the reports. Each report deals with a budget and we need to approve them. They are reports by the Standing Senate Committee on Fisheries and Oceans; the Standing Committee on Internal Economy, Budgets and Administration; two for the Standing Senate Committee on Agriculture and Forestry; the Standing Senate Committee on Social Affairs, Science and Technology; the Standing Senate Committee on Official Languages; and the Standing Senate Committee on Energy, the Environment and Natural Resources.

• (1720)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the opposition agrees. If one honourable senator made the motion, seconded by another honourable senator, those movers and seconders could be recorded for all seven motions.

The Hon. the Speaker: Is leave granted that we deal with the seven motions with one vote?

Hon. Senators: Agreed.

The Hon. the Speaker: It being agreed, Senator Robichaud, do you wish to move them?

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I move that the reports numbered 1 through 7 now before us be now adopted.

[*English*]

Hon. Anne C. Cools: Honourable senators, even if we were to proceed in that way, an honourable senator would still have to say, "I move that the second report and the fifth report and the second report be adopted," et cetera. Hence, the time saving we will have gained is almost insignificant.

The Hon. the Speaker: I have a motion, Senator Cools. I understand your point. The way I had proposed to deal with this, because the house leaders have proposed we do it this way, is in the motion that I put.

Honourable senators, Senator Robichaud, seconded by Senator Rompkey, moved that we adopt the second report of the Standing Senate Committee on Fisheries and Oceans, the fifth report of the Standing Senate Committee on Internal Economy, Budgets and Administration, the second report of the Standing Senate Committee on Agriculture and Forestry, the third report of the Standing Senate Committee on Agriculture and Forestry, the fourth report of the Standing Senate Committee on Social Affairs, Science and Technology, the fourth report of the Standing Senate Committee on Official Languages and the fifth report of the Standing Senate Committee on Energy, the Environment and Natural Resources.

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

Motion agreed to and reports adopted.

FOREIGN AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT WITHDRAWN

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in the name of Senator Di Nino, I would ask that this motion be withdrawn, it having been covered by the motion carried earlier this afternoon.

The Hon. the Speaker: Is leave granted, honourable senators, to withdraw Motion No. 62 from the Order Paper?

Hon. Senators: Agreed.

Motion withdrawn.

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

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)(i), I move:

That pursuant to rule 95(3), during the period Friday, March 12, to Monday March 22, 2004, inclusive, the Committees of the Senate be authorized to meet even though the Senate may then be adjourned for a period exceeding a week.

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

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

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, March 22, 2004 at 8 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 22, 2004, at 8 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(3rd Session, 37th Parliament)
Thursday, March 11, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11	04/02/26	Rules, Procedures and the Rights of Parliament					
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11	04/02/20	Legal and Constitutional Affairs	04/02/26	0	04/03/10	04/03/11	1/04
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology	04/03/09	0	04/03/11		
C-7	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	04/02/11	04/03/11	Transport and Communications					
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11	04/02/18	Social Affairs, Science and Technology	04/03/11	3			
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12	04/02/24	Banking, Trade and Commerce	04/03/11	0			
C-14	An Act to amend the Criminal Code and other Acts	04/02/12	04/02/25	Legal and Constitutional Affairs					
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12	04/02/19	Legal and Constitutional Affairs					
C-17	An Act to amend certain Acts	04/02/12	04/03/09	Legal and Constitutional Affairs					
C-18	An Act respecting equalization and authorizing the Minister of Finance to make certain payments related to health	04/03/10							
C-20	An Act to change the names of certain electoral districts	04/02/23	04/03/09	Legal and Constitutional Affairs					
C-22	An Act to amend the Criminal Code (cruelty to animals)	04/03/09							

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03							
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03		subject-matter 04/03/11 Legal and Constitutional Affairs					
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03	04/02/26	Official Languages	04/03/09	0	04/03/11		
S-5	An Act to protect heritage lighthouses (Sen. Forrestall)	04/02/03	04/02/05	—	—	—	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04							
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources	04/03/10	0	04/03/11		
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11	04/03/09	Legal and Constitutional Affairs					
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-13	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/02/19							
S-14	An Act to amend the Agreement on Internal Trade Implementation Act (Sen. Kelleher, P.C.)	04/03/10							
S-16	An Act to amend the Copyright Act (Sen. Day)	04/03/11							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-15	An Act to amend the Act of incorporation of Queen's Theological College (Sen. Murray, P.C.)	04/03/10	04/03/11	Legal and Constitutional Affairs					

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