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Tuesday, November 23, 2004



THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*

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THE SENATE

Tuesday, November 23, 2004

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Max Binder, President of the National Council of the Swiss Federation.

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

SENATORS' STATEMENTS

THE LATE HONOURABLE ELLEN LOUKS FAIRCLOUGH, P.C., O.C.

TRIBUTES

Hon. Marjory LeBreton: Honourable senators, on Saturday afternoon, November 13, 2004, the Right Honourable Ellen Fairclough passed away, just two months shy of her one-hundredth birthday. She was predeceased by her husband, Gordon, and her only child, a son, Howard.

Ellen Fairclough was a remarkable woman. Her accomplishments are well known to us. She was a Conservative who was elected to the House of Commons five times, starting in 1950, a record unmatched by any other woman during the 1950s and 1960s. Indeed, in 1950 she was the only woman in the House of Commons.

She became the first woman cabinet minister in the history of our country in 1957 when John Diefenbaker appointed her as Secretary of State in his minority government.

In 1958, she was named Minister of Citizenship and Immigration, one of the most challenging of portfolios, then and now. She was later named Postmaster General in 1962.

In 1960, she introduced legislation that gave status Indians the right to vote in federal elections.

In 1975, Ontario named her "Woman of the Year."

In 1978, she was given special recognition by the House of Commons for her parliamentary contributions.

In 1976, she supported the Honourable Flora MacDonald in her bid for the leadership of the Progressive Conservative Party.

In 1993, she moved the nomination of the Honourable Kim Campbell as the Progressive Conservative Party's leader. Ms. Campbell, as we know, became Canada's first and only woman Prime Minister.

In 1995, she became a Companion of the Order of Canada.

Yes, honourable senators, Ellen Fairclough was a trailblazer and will be remembered for her many accomplishments, but it was who she was, her character, that truly set her apart. She took her responsibilities seriously. At times during her years in the cabinet with Mr. Diefenbaker she considered resigning from cabinet but did not because, as she said:

I had my personal staff to consider, all of whom would have been out of a job if I quit. Moreover, I knew that if I threw in the towel, the criticism would have been levelled at all women.

Ms. Fairclough rarely spoke about her gender, but she did offer a very telling comment:

If a male member of Parliament says anything foolish it is forgotten the next day, but if a woman does it, it is repeated endlessly, right across the country.

During her time in Parliament, she and her husband were considered a maverick couple. She commuted home on weekends from Ottawa while he and her only child, Howard, held their own during the week in Hamilton with the help of a housekeeper.

She lived according to her principles. She brought in reforms to Canada's immigration policy and fought to eliminate race and ethnic origin as grounds for discrimination. She fought for pay equity when most did not consider this a serious issue.

In closing, honourable senators, you will be hearing from my colleague across the way, Senator Pépin. Senator Murray and I support the establishment of the Fairclough Foundation at McMaster University, which is naming a scholarship in her honour.

[*Translation*]

Hon. Lucie Pépin: Honourable senators, as Senator LeBreton has already said, the Honourable Ellen Louks Fairclough left us last week. Ellen Fairclough is one of those Canadian women whose lives have left a mark not only on their own era but on the history of this country.

She will be remembered for having been an example to women in general and an inspiration to many of us who sit in legislatures. As the first woman to be appointed to a federal cabinet, she is one of the women who have blazed the trail for the rest of us to follow.

Women of her day held only secondary responsibilities in public life. After her election in 1950, she gradually earned the confidence of Prime Minister John Diefenbaker and, in June 1957, he appointed her Secretary of State.

• (1410)

Instead of playing the token role expected of her at the time, she took her responsibility to advance Canadian society seriously. Rising above the sarcastic and mocking attitudes of her colleagues, she proved her mettle and went on to become Postmaster General and Minister of Citizenship and Immigration. In the latter portfolio, she strove to eliminate racism in our immigration policy.

Steadfastly ignoring the media's greater interest in what she was wearing than what she had to say, she continued to battle against the prejudices facing women.

Her actions as a minister proved that women could manage files and issues as well as they could manage their homes, something we may not always remember was an extremely revolutionary idea at the time.

In her own way, Ellen Fairclough took one of the most important steps in the long march to equality. Having been aware most of her life of the injustices toward women, once in Parliament she took it upon herself to defend their rights by introducing a number of private bills for equal pay for work of equal value. She also showed a special interest in several other social justice issues, including housing, income tax and unemployment insurance.

Before being elected to the House of Commons, Ellen Fairclough had a career in politics in her hometown of Hamilton, where she served as a city councillor, deputy mayor and then controller.

Ellen Fairclough was a recipient of the Order of Canada and had the title of Right Honourable bestowed on her by Her Majesty Queen Elizabeth II. In 1978, the House of Commons unanimously extended its sincere congratulations for the significant contribution she made to Canadian political life and for being the only woman in Canadian political history to have served as Acting Prime Minister.

This great lady has passed away after a full life during which she served Canada. I know that her memory will live on forever in the annals of our history.

[*English*]

Hon. Consiglio Di Nino: Honourable senators, I should like to add some words of praise for this unique woman. How does one speak of a legend? Under any definition, Ellen Fairclough is a legend. Over the years I had the privilege of meeting her several times and was impressed by her poise, her openness and her intelligence.

Ellen Fairclough was a trailblazer in Parliament, a role model for many and a much loved and admired Canadian. Her accomplishments in and out of Parliament, always achieved with civility and class, are well documented and acknowledged. In my opinion, her greatest contributions are her mentoring and inspirational roles that have benefited Canadians and Canada enormously.

Ellen Fairclough has left this world a better place than she found it. For that we owe her our gratitude and respect. To her family and friends I say thank you for sharing this exceptional woman with us.

Hon. Sharon Carstairs: Honourable senators, Ellen Fairclough always kept several pairs of white gloves in her desk just in case she had to go out in public. This, of course, was the custom of the day. However, little else was customary about this quite extraordinary woman.

An accountant by training, she was supposed to remain at home after her marriage in 1931 and the subsequent birth of her son, Howard, but she simply had too much energy. She originally returned to work at night for a broker who promised wages sufficient for a babysitter, often working until 3:00 or 4:00 in the morning. Her competence resulted in full-time employment, but she soon went out on her own. She opened her own office as a tax expert and, coincidentally, only hired women.

She ran for Hamilton City Council in 1946 and was re-elected in 1947, 1948 and 1949. In 1950 she became deputy mayor. Later that year she ran for Parliament and won, having run earlier, as so many women had done, as the sacrificial candidate. When the Conservatives formed a minority government in 1957, she became Canada's first female cabinet minister as Secretary of State.

She frequently was critical of other women for not trying hard enough. A prodigious worker, she expected others to be the same. At the same time, she encouraged them. In 1958, she said:

You know men think it is a compliment when they say "she thinks like a man." I accept it as the compliment they intend, but sometimes I wonder if they would feel flattered if a woman said admiringly, "he thinks like a woman."

When comments were made about reaction to her political career, she said:

You have no idea. I'd meet people on the street who'd say, "Why don't you go home and look after your house?" Well, I didn't make any obscene gestures but I felt like it. Ah, anybody as small as that, just brush them off.

Brush them off she did as she became Minister of Citizenship and Immigration and Postmaster General. Never a favourite of the Right Honourable John Diefenbaker, she stood on principle and supported Douglas Harkness when, as Minister of Defence, he resigned over the Bomarc missile crisis in 1963.

She was defeated in the election later that year and returned to business, but she left an indelible mark on Canadian politics as one of the women who did it first.

DISCOVERY OF NOOTKA SOUND

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not rising necessarily to congratulate the Toronto Argonauts on their Grey Cup victory, although they deserve congratulations for a well-fought game, nor am I declaring that I will dye my hair blue as the Mayor of Vancouver, Larry Campbell, said he would do if Toronto had won. I look forward to meeting the mayor shortly. However, he has assured British Columbians that the dye does not designate any political affiliation.

I am rising to continue a point exchanged between Senator Carney and me on November 18 in the chamber relating to the first discovery of Nootka Sound in British Columbia. Senator Carney said on page 299 of the *Debates of the Senate* that Nootka Sound “is the site of the first European contact with Aboriginal people of the Northwest, in the form of Captain James Cook.” I offered the opinion that in fact the first contact was made by the Spanish. Captain Cook arrived on the B.C. coast in 1778 and the Spanish arrived in 1774.

I would like to advise honourable senators that a very active program of exploration was taking place by European nations in the late 1700s. Referring to volume 7, number 1, *Province of British Columbia Official History*, the chapter on Captain Cook and the Spanish explorers on the coast, Juan Pérez sailed from the Baja Peninsula on January 25, 1774, in an 82-foot frigate, the *Santiago*. The Spanish sighted land on July 18, 1774, and discovered they were on what we call today the northern part of the Queen Charlotte Islands. The Haida paddled out to his vessel for trade, and one of the canoes was paddled by 22 men.

A few weeks later on that same voyage, Pérez turned south and entered Nootka Sound. He tried to put a landing party on the ground but the weather made it impossible. However, the Nootka people were, to refer to the official history, “less timid than the Spaniards where there were commercial matters at stake. They paddled out to acquire California abalone shells and obtained two silver spoons, which were found by Captain Cook when he arrived at Nootka Sound four years later.”

I think that Senator Carney has the point that Captain Cook, four years later, landed at Nootka Sound. The Spanish, however, arrived there four years sooner and began trading.

Senator Tkachuk: That is what she said.

Senator Austin: I think I am quoting correctly, Senator Tkachuk.

Senator Kinsella: Order.

The Hon. the Speaker pro tempore: I am sorry, senator, but your time has expired.

• (1420)

TRINITY WESTERN UNIVERSITY

CANADIAN INTERUNIVERSITY SPORT SOCCER CHAMPIONSHIP—CONGRATULATIONS TO WINNING TEAM

Hon. Gerry St. Germain: Honourable senators, I rise today to recognize the accomplishments of Trinity Western University women’s soccer team. Trinity Western, located in Langley, British Columbia, is a small, impressive university, its student body numbering less than 3,000. Four years ago, Trinity Western joined Canadian Interuniversity Sport in its endeavour to provide its student athletes with the best venue in which to compete in Canada. This would mean that Trinity teams would be facing schools with student bodies three to ten times their size, always placing them at a disadvantage because of their smaller talent pool and access to funding.

[Senator Austin]

After only four years in the CIS, the women’s soccer team defied the expectations of many, winning the national championship held November 12-14 in Montreal. Trailing McGill University two to nothing at the end of the first half, Trinity showed true grit, coming from behind to score the tying goal with seconds left in the game, eventually winning the game in a shootout. This may be described as a Cinderella story, but I believe it is more akin to David versus Goliath.

On Saturday last, honourable senators, I had the privilege of being at Trinity Western University where I was attending a board meeting, and I met a member of the team, Whitney Agassiz. She said, “We rallied and played like champions,” just as, I guess, the Toronto Argonauts did.

To the Trinity Western women’s soccer team, I say: Congratulations on your national championship victory. Your determination and perseverance against great odds is truly inspirational. I hope all honourable senators will applaud this victory.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

NOVEMBER 2004 REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the November 2004 report of the Auditor General of Canada to the House of Commons.

[English]

STUDY ON STATE OF HEALTH CARE SYSTEM

FIRST INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its first interim report on mental health, entitled, *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada*.

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

SECOND INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its second interim report on mental health, entitled, *Mental Health Policies and Programs in Selected Countries*.

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

THIRD INTERIM REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Michael Kirby: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is its third interim report on mental health, entitled, *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*.

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

QUESTION PERIOD

TRANSPORT

AUDITOR GENERAL'S REPORT— AIRLINE SECURITY CHARGE SURPLUS

Hon. W. David Angus: Honourable senators, I rise today with a question further relating to the government's shocking announcement of the budget surplus of \$8.9 billion last year.

We learned from audited data released by the Department of Finance last week the disturbing information that the extra security charges on airline tickets netted the federal government \$234 million more than it actually spent on air security in the year immediately following the terrorist attacks on the U.S. of September 11, 2001. The audit information reveals that the funds raised from the assessment of a \$24 security charge on every round trip ticket, which began in April 2002, raised \$443 million, whereas only \$209 million was spent in the same period on enhanced airline security.

Honourable senators will recall that this security charge was levied against the private sector over the protests of the airline industry, the air carriers and generally all those people who were already suffering greatly from the diminished traffic flow and the devastation that followed the terrorist attacks.

Will the government leader please tell us where this \$234 million excess has gone and why it was not spent on enhanced security? If it was not needed, when will it be paid back?

Hon. Jack Austin (Leader of the Government): Honourable senators, part of Senator Angus's presentation contains some facts, and some of it is argument. I will take the question as notice.

Senator Angus: The government leader will take the question as notice. At the same time, would he please also take note of the fact that the government promised that this security charge would be reviewed on a regular basis, and that, if it was not needed, it would be abolished. Indeed, it appears it was reviewed, and it has been reduced on at least two occasions, but it is still \$10 a ticket on flights to the U.S., \$20 a ticket on international flights, and \$12 on return tickets to points within Canada. I submit that this fee is no longer needed. Would the government leader please tell us when it will be abolished once and for all?

Senator Austin: I will carry the honourable senator's representations to the Minister of Transport.

• (1430)

TREASURY BOARD

AUDITOR GENERAL'S REPORT—INTERNAL AUDITING IN DEPARTMENTS AND AGENCIES

Hon. Donald H. Oliver: Honourable senators, this week's Auditor General's report found several weaknesses in the government's internal audit practices. Last week, in what some describe as a pre-emptive strike, the government announced an overhaul of its internal audit system. The changes are to be a multi-year initiative. The only thing that will happen anytime soon is that the Comptroller General will audit the government's smaller agencies. Everything else is subject to consultations. The government will consult on the following: the internal audit policy; the organizational independence of internal audit groups; a clear definition of roles and responsibilities of senior managers and departmental comptrollers; and the staffing of internal auditor positions across the federal public service.

The minister's press release of last week tells us the following:

Details on further steps in the multi-year plan will be announced following the completion of consultations.

Can the Leader of the Government in the Senate advise whether there is a firm target date when all of these new and creative things are to happen and when this new structural audit reorganization will be complete?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government accepts the recommendations of the Auditor General with respect to the internal accounting process. I doubt there is a specific timeline on the response of the government. I will, however, make inquiries to see if a timeline is practical in the circumstances.

What is clear is the necessity to strengthen the internal audit process throughout government.

Senator Oliver: The Auditor General was very much concerned that, unlike in the private sector where auditors are independent and separate from management, the audit committee of most government departments is chaired by a deputy minister or associate deputy minister. Most of the other audit committee members are typically assistant deputy ministers from the same department. That structure does not facilitate independent auditing. With the exception of the Department of Public Works, past recommendations that departmental audit committees include outside auditors have been ignored.

The Auditor General has again recommended that the Treasury Board policy on internal audits requires departmental audit committees to have independent outside members. When will this revision occur? Can the Leader of the Government assure the Senate that it will take place in the form of a hard direction that there be outside auditors rather than the soft recommendation that they simply be considered?

Senator Austin: Honourable senators, Senator Oliver correctly outlined the process of consultation that will take place, and the conclusions, therefore, should await the process of consultation. However, as Senator Oliver is aware, the new structure recommended would provide a reporting process to the Comptroller General.

TRANSPORT

PORT AUTHORITIES—INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

Hon. David Tkachuk: Honourable senators, written questions are among the tools that we use to hold the government to account. In this regard, accurate and timely answers are essential. The Auditor General looked at the treatment of Order Paper questions and other questions, finding the following: poor coordination; confusion about which department should take the lead in answering government-wide questions; a refusal on the part of some departments to go back more than six years; information denied on a technicality; and a refusal on the part of the government to demand answers from Crown corporations.

Senator Angus: Cover up! Shame!

Senator Tkachuk: We still do not know the extent of the Martin companies' dealings with 18 Canada port authorities because of a legal dispute about whether they are an agency of government and thus not part of what was asked for in the now infamous Order Paper Question No. 37. Will the government undertake to make public the dealings of the Martin companies with the Canada port authorities over the past decade?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have not had the opportunity to review the chapter of the Auditor General's report tabled this afternoon in the Senate to which Senator Tkachuk refers. I will have to take the question as notice and provide an answer at a later time.

Senator Tkachuk: It is in chapter 7, and I am sure the honourable senator will have the answers for me tomorrow.

CANADA POST

INVOLVEMENT WITH COMPANIES OWNED BY PRIME MINISTER'S FAMILY

Hon. David Tkachuk: We do not know the extent of the Martin companies' dealings with Canada Post, as the Crown corporation considers this to be commercial information. The government refuses to use its powers under the Financial Administration Act to order the information released. Will the government now undertake to answer the questions regarding the Martin companies and Canada Post?

Hon. Jack Austin (Leader of the Government): Honourable senators, again, I would reply that I have not had an opportunity to study the chapter, and I would need to both look at the chapter and make requests for information from other parts of the government because that information is not in my possession.

HOUSE OF COMMONS

AUDITOR GENERAL'S REPORT— RESPONSE TO ORDER PAPER QUESTIONS

Hon. David Tkachuk: The government has agreed to a series of changes to the way answers to Order Paper questions are handled in the House of Commons. For example, the government will include a copy of the instructions that were sent to the departments charged with answering the question and will consult with the office of the Speaker of the other place on how best to do this. As well, the government will work with the Clerk of the House of Commons to develop a glossary of terms for use by members of Parliament in writing their Order Paper questions.

We also ask Order Paper questions in this place. There is no mention of the Senate in the government's response. Is it the intention of the government to also change the process for asking and answering written questions in this place? If so, will these involve consultations with the office of our Speaker and with our clerk?

Hon. Jack Austin (Leader of the Government): Honourable senators, any question relating to the answers to written questions on our Order Paper and to questions taken as notice that are answered in writing is a matter for the internal governance of this chamber. I would be delighted to have the Leader of the Opposition, if he is interested, refer the matter to the Speaker's Advisory Committee.

HEALTH

AUDITOR GENERAL'S REPORT— FEDERAL DRUG BENEFIT PROGRAMS— UNSAFE USAGE OF PRESCRIPTION DRUGS

Hon. Marjory LeBreton: Honourable senators, chapter 4 of the Auditor General's report identifies problems with the federal government's drug benefit programs, especially in the area of cost management. The report states that the federal government has spent tens of millions of dollars more than necessary on prescription drug benefits, partly because it does not take advantage of certain measures to contain costs, such as bulk purchasing.

The Auditor General agreed with the recommendation of the October 2002 report of the Standing Senate Committee on Social Affairs, Science and Technology that a centralized national buying agency could provide a significant opportunity for cost savings. Will the federal government commit to cutting costs by better coordinating the drug purchasing programs of the various departments?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would answer the question by saying that the position of the government will be considered on the basis of the Auditor General's recommendation, but it would seem to be a good direction in which to move.

Senator LeBreton: The Auditor General's report also pointed out that the various federal departments providing these benefits are not properly tracking the different types of prescription drug abuse.

For example, the report reveals that the number of Health Canada clients who have received more than 50 prescriptions in a three-month period has tripled since 1999. The Auditor General first advised Health Canada to identify patterns of drug abuse in a 1997 report and then again in the year 2000. Despite promises it would do so, the department has yet to conduct such an analysis. Could the Leader of the Government in the Senate tell us why Health Canada has been so slow to put in place a system to track its clients' unsafe usage of prescription drugs?

Senator Austin: I will take the question as notice and make inquiries.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— AWARDING OF CONTRACT TO PURCHASE SIKORSKY H-92

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate.

• (1440)

On November 19, the American publication *Defence Systems Daily* released some very interesting information having to do with the replacement of Canada's Sea King helicopters. Their statement, entitled "Keeping Taxpayer Dollars Grounded in Reality," points out Sikorsky's failure to get the RAH Comanche off the ground with the U.S. army which, in turn, begs the question about their failure with respect to the army version of this helicopter and whether it can deliver on the S-92, which is already some three years late.

In a statement, the group has warned:

Unfortunately the red flags for another Comanche-style disaster are flying all over the place.... For example, in 1998, Sikorsky said it would deliver the first S-92 commercial helicopter — on which its proposed Marine One is based — in 2001. By 1999, the delivery became "early 2002" and later mid-2002. The next target for delivery was the third quarter of 2003. Finally, late in the third quarter of 2004, three years after it was promised, the first S-92 helicopter was delivered.

The statement goes on to list several reasons for this.

Has the Government of Canada awarded Sikorsky a contract for the maritime version of the S-92, the so-called H-92, a helicopter that, I remind colleagues, is at this point in time only on paper? Has Sikorsky given the government a date on which they will deliver the first so-called green vehicle, or has the government been warned that there will be delays outside the stipulated delivery contract date?

Hon. Jack Austin (Leader of the Government): Honourable senators, the key point in response to Senator Forrestall's question is that the government is continuing to deal with Sikorsky with respect to concluding details of the contract.

I have no way of answering his other questions at this stage.

Senator Forrestall: Honourable senators, I gather from what the Leader of the Government in the Senate has said that there has been no indication from Sikorsky of any undue difficulties. If that is what he said, I accept that. If that is not what he said, perhaps he could include what he did say in a later response.

FOREIGN SHIPS IN CANADIAN WATERS— PROTECTION OF NORTHERN WATERS

Hon. J. Michael Forrestall: Honourable senators, last week, the *National Post* stated, with regard to home security, that foreign submarines routinely make unauthorized forays into our territorial waters. In fact, Russian, American and other nations' submarines have been straying into Canadian waters for years. Retired naval Captain Allan Dunlop says it "is not a war-like threat at the moment. But it's still a threat and it's still out there."

Will the Leader of the Government in the Senate tell us when this government will wake up to our security needs in this regard and take the necessary action to guard against this?

Hon. Jack Austin (Leader of the Government): Honourable senators, although I am not aware of the allegations that Canadian waters are being trespassed by foreign submarines, certainly Senator Forrestall is well aware that one of the most important reasons for acquiring Victoria-class submarines is to conduct surveillance of what takes place within Canadian waters as well as on Canadian waters.

Senator Forrestall: Honourable senators, all of this, of course, is in tribute to and in honour of how Canada will go about continuing to assert its sovereignty in our Arctic. Had we gone ahead with the Polar 8 a few years ago, we would have done that. There would be no question about Canadian sovereignty today. It would have been Canadian water on the surface, in the water and in the ice surrounding it.

In 2001, Canadian scientists spotted an unidentified vessel on the surface of Cumberland Sound, a boat that, according to an anonymous naval source, was almost certainly of French registry. The U.S. and Denmark do not recognize our claim to Arctic waters. Their patrols in the North are commonplace and go unnoticed and unchallenged because, although it is not that the government will not back up our claims, it is that it gives itself no tools, instruments or means to back up our claims.

When will the government make its presence known in Canadian waters, whatever their state of fluidity may be? When will the government protect the sovereignty of Canada in the North?

Senator Austin: Honourable senators, I am in agreement with Senator Forrestall's statement that, if we had constructed the Polar 8, we would have had a vessel capable of patrolling Arctic waters to a depth of eight feet of ice. I believe that is what the figure "8" means. Unfortunately, that project, which was to have been built in British Columbia, and was a commitment of the Mulroney government, was also cancelled by the Mulroney government.

With respect to northern sovereignty, part of the Speech from the Throne devoted itself to the question of a northern strategy that includes northern sovereignty, and the Government of Canada intends to take many and various steps to assert its sovereignty and presence in the Arctic.

It is the case that the United States refuses to recognize the Northwest Passage as internal waters of Canada, but it recognizes Canada's sovereignty in the Arctic islands.

Senator Forrestall: Honourable senators, I think that Ambassador Beazley described it slightly differently from that.

The honourable senator is right; it was a Mulroney government project cancelled by the Mulroney government because of warring that was going on at the time between the various regions of the country.

Would the leader undertake to look into the question of the surface presence of other shipping in the Northwest Passage with a view to advising the Senate of the degree of activity there that is other than Canadian flagged?

Senator Austin: I thank the honourable senator for his question.

That is a fair question. That information should be made available to those who are concerned about our northern sovereignty.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AUDITOR GENERAL'S REPORT— EDUCATION PROGRAM FOR ABORIGINAL CHILDREN ON RESERVES

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. In April of 2000, the Auditor General reported that it would take about 27 years to close the education gap between First Nations people living on reserve and the Canadian population as a whole. Despite promises from the department that it would accelerate its progress in bridging that difference, the Auditor General now reports that, if the department continues on its current path, the gap will actually increase to 28 years.

The department has made limited progress since 2000, generally continuing the same practices. This problem will not be fixed overnight, but we cannot allow a generation to pass by before First Nation high school graduates reach parity with other Canadians. I am sure the Leader of the Government in the Senate would agree with that.

How can the federal government justify so little progress having occurred despite previous assurances otherwise from the department?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator St. Germain for this important question. The well-being of the Aboriginal people depends on

education. It depends on their having access to the same knowledge that all Canadians have and their ability to exercise that knowledge in their daily lives and in their occupations.

• (1450)

The Government of Canada held a round table on April 19, 2004, with national and regional leaders of the Aboriginal communities, the status community, the non-status community, the Inuit and the Metis. Education was one of the tables of that conference which I attended.

The issues are multi-faceted. I will put three before honourable senators. The first is the partnership that is required between the Government of Canada and the Aboriginal peoples. Hitherto, the process has relied on the department providing services without real consultation, at times at least, with the needs of the Aboriginal peoples with respect to their curriculum and the programs that the department put in place. What has begun now is a partnership, an equal party consultation with Aboriginal leadership concerning what is known as a kindergarten-to-12 program.

The second issue is the nature of the organization of Aboriginal education in Aboriginal communities. The Aboriginal community itself is trying to create a program of school boards which will create, in turn, uniform programs and standard management of education by the Aboriginal community.

The third issue is the question of financial resources. The Government of Canada has assured the Aboriginal leadership that financial resources will flow as these first two steps are put in place through discussions and agreements.

Senator St. Germain: Honourable senators, according to the Auditor General's report, Indian and Northern Affairs Canada does not know whether the funds it provides are sufficient to cover expenses for eligible students. It does not know if it provides enough funds to meet the educational standards it sets. It does not know if the funds allocated are used for their intended purpose. As a result, the department does not provide Parliament with an accurate picture of the education program's costs, results and performances, a program with a budget of over \$1 billion annually.

Honourable senators, perhaps it is time to do what many of us who are Aboriginal under section 35 have advocated. Perhaps it is time to dismantle the Department of Indian Affairs and Northern Development. It is time to pull this department apart because it no longer provides the services for which it was intended. It has become huge and unmanageable.

We have had good Ministers of Indian and Northern Affairs. I remember working with Minister Stewart and ministers in the Mulroney government. I remember working with Minister Penner and others who put great effort toward this very cause. Senator Austin well knows that we have had good ministers, but they have never been able to take control of the monster. It has become a monster. Governments have allowed the department to do this. Perhaps it is time to dismantle this organization so that these people can find their rightful place.

What has been said in the Auditor General's report about them being in excess of 20 years behind has been written by other organizations. How will we be able to catch up if we do not change the root cause of the problem?

Senator Austin: Honourable senators, I cannot answer succinctly the question asked by the honourable senator in the time available, but I will try to comment on two of the points raised.

First, as Senator St. Germain has noted, a substantial amount of funding has gone into Aboriginal education, which has had positive effects. Many Aboriginal peoples have benefited from the programs that are in place.

What Senator St. Germain said, referring to the Auditor General's report, is that a true value-for-money audit is just not in place. One can make intuitive assumptions about the benefits, but a quantifiable system is not in place. Indeed, one can do it, I suppose, by bare statistics, but the quality of education does not show up in statistics. The impact of education on employment and the increasing wealth of Aboriginals is also hard to trace in a statistical fashion. Nonetheless, it is the business of government to put in place value for the money.

Education is a priority issue for the government and for Aboriginal peoples. I do not for a moment think that disbanding the department is a positive step. We have a department with perhaps not the best record of administration that it might have, but it is a solid performer. In talking to many Aboriginal people, I know that they want it reformed. They want some of its functions removed to the authority of other ministries, but they do not want it disassembled. This is a service delivery organization that remains extremely important to the Aboriginal people.

CANADIAN BROADCASTING CORPORATION

COVERAGE OF ALBERTA PROVINCIAL ELECTION

Hon. Leonard J. Gustafson: Honourable senators, my question relates to the CBC. As we know, there was an election in Alberta yesterday and the Klein Conservatives did very well again. I tried my best to get coverage from the CBC. It seemed like Toronto went to bed at about 9:30. In Saskatchewan, we just could not pick up anything. Even though a victory was declared, one likes to watch the returns as they come in, and it was impossible to get them.

If we had been in B.C. I imagine that we would not have seen anything. My question is about the fairness of the CBC, which is financed by all taxpayers for all of Canada. There is more to Canada than Toronto.

Some Hon. Senators: Hear, hear!

Senator Gustafson: Does the minister have any comments on the reporting of the CBC?

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to inform Senator Gustafson that I had the same problem. I had the television turned on and wanted to see the results riding by riding. I wanted to see the popular vote. I stayed up until midnight and switched from CBC to CTV to Global, none of which carried any satisfactory level of information, just the gross numbers for each of the parties.

Mr. Rabinovitch, President of the CBC, has said that his priority is building — and I might say in fairness that “rebuilding” is the word he should use — the regional presence of the CBC. He wants program creation in the regions and a focus on regional program delivery. Hopefully, we will be better supplied with the information we should have.

Senator St. Germain: We need Fox TV.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table responses to questions raised in the Senate: First, a delayed answer to the question raised by Senator Tkachuk on November 2, 2004, concerning the Copyright Board of Canada and tariff increases involving musical works; second, a delayed answer to a question raised by Senator Gustafson on November 18, 2004, regarding aid to the agriculture and agri-food industry following the climatic extremes experienced in Saskatchewan.

[*English*]

The third response is to a question raised in the Senate on November 3, 2004, by Senator Murray regarding the national child care program, social union framework.

The fourth answer is to an oral question raised in the Senate on November 2, 2004, by Senator St. Germain regarding the public safety goal of the Canada Firearms Centre and, in particular, the Canadian firearms safety course.

The final response is to an oral question asked on October 26 by Senator Stratton regarding the Polish delegation to Canada.

COPYRIGHT BOARD

TARIFF INCREASES INVOLVING MUSICAL WORKS

(*Response to question raised by Hon. David Tkachuk on November 2, 2004*)

The *Copyright Act* provides for the backdated application of tariffs. When SOCAN files a tariff proposal, the preceding certified tariff continues to apply, but only on an interim basis. Once the tariff proposal has been considered and a new tariff is certified, it is backdated to the date on which the preceding certified tariff expired. If the new tariff is higher than the previous one, SOCAN is entitled to collect the difference. If the new tariff is lower, SOCAN can issue refunds.

In the particular case referred to by Senator Tkachuk, the retroactive increases went back as far as 1998, farther than is usually the case. This is so because the case was highly complex, and involved many different user groups, some of which were able, after negotiations, to successfully reach an agreement with SOCAN.

The SOCAN tariff for karaoke bars has been certified by the Copyright Board for the first time in 1992. SOCAN filed a proposal for an increase in the tariff applying to the karaoke bars for the years 1998 to 2000 on August 29, 1997. Tariff proposals for 2001 to 2004 were filed yearly at later dates. The Copyright Board published these tariff proposals in the *Canada Gazette*, giving notice that all prospective users who wish to object to the proposal could file their written objections with the Board within 60 days of publication. There were no specific objectors to this tariff. In addition, these tariffs are also published on the Board's web site, and a user is always free to file written comments to the Board. The Board did not receive any.

The Board however did consider a general objection filed by the Canadian Restaurant and Foodservices Association (CRFA), an Association representing many restaurants and bars across Canada. The Board is aware that the CRFA publicized among its members some of the tariff increases proposed by SOCAN.

The Copyright Board held hearings on February 4 to 6, 2002 to decide on these issues. CRFA participated in these hearings.

SOCAN filed a tariff proposal for an increase in the rate applying to karaoke bars for the years 1998 to 2000 on August 29, 1997. The tariff proposal for 2001 was filed on March 31, 2000, for 2002 on March 30, 2001, for 2003 on April 2, 2002 and for 2004 on March 31, 2003.

AGRICULTURE AND AGRI-FOOD

AID TO INDUSTRY

(Response to question raised by Hon. Leonard J. Gustafson on November 18, 2004)

Production insurance is available for all commercially-grown crops in the Prairies as a means of providing protection against natural hazards such as frost. Between 65 per cent and 85 per cent of seeded acres of grain and oilseed crops were insured across the Prairies this year.

It appears that the later seeded crops such as canola and flax may have significant yield losses. Grain crops on the other hand are expected to experience primarily quality losses due to the early frosts. Both yield and quality losses are covered by Production Insurance.

Saskatchewan Crop Insurance Corporation is still processing post-harvest claims from producers. Current indications are that indemnities in Saskatchewan will be approximately \$300 million.

Producers may also be eligible for assistance through the Canadian Agricultural Income Stabilization (CAIS) Program if frost damage reduces their income below their average level on a whole-farm basis.

SOCIAL DEVELOPMENT

NATIONAL CHILD CARE PROGRAM

(Response to question raised by Hon. Lowell Murray on November 3, 2004)

There is no "agreement" to sign yet. Last November 2nd Federal-Provincial-Territorial Ministers Responsible for Social Services laid the groundwork for a nation-wide initiative that will become a pillar of Canada's social foundations.

Federal-Provincial-Territorial Ministers (with the exception of Quebec) agreed on shared principles to guide the development of a new national system of early learning and child care.

The agreed-upon principles include quality, universally inclusive, accessible, and developmental.

FPT Ministers view this initiative as an important way of supporting parents in their primary role and responsibility in the care of their children.

The province of Quebec has made significant progress in improving the availability of early learning and child care programs, and its model does support the principles of quality, affordability, universally inclusive and developmental.

A national approach will acknowledge the varying needs of all jurisdictions.

FPT Ministers, including Minister B  chard from Quebec, agreed to meet in January 2005 to continue work towards an agreement-in-principle on a national early learning and child care initiative.

Social Union Framework

The Government of Canada supports the Social Union Framework Agreement. Discussions with provinces and territories on social issues are therefore conducted in the context of SUFA.

Federal-Provincial-Territorial Ministers Responsible for Social Services agreed to meet in January 2005 to continue work towards an agreement-in-principle on a national early learning and child care initiative.

Decisions regarding specific delivery financing, delivery and reporting mechanisms of a national initiative have not been made as discussions for an agreement-in-principle will continue in the new year.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

CANADA FIREARMS CENTRE— ANNUAL BUDGET 2005-06

(Response to question raised by Hon. Gerry St. Germain on November 2, 2004)

In response to the Honourable Senator's question regarding the public safety goal of the Canada Firearms Centre and, in particular, the Canadian Firearms Safety Course, it is important to reiterate that the entire Canadian Firearms Program is about public safety.

Through its Licensing Directorate, the Canada Firearms Centre is responsible for the development of national safety education programs, standards and policies to enhance public safety including, for example, development, evaluation and revision of the Canadian Firearms Safety Course.

The CAFC Report on Plans and Priorities for 2004-05 identifies "availability, and reach of safety courses" as a key performance indicator. This activity will be measured by the number of courses given in various locations, the number of certified and active instructors, and the percentage of course participants who found the course useful.

To be eligible for a firearms licence to possess and acquire non-restricted firearms, individuals must first pass the Canadian Firearms Safety Course. They must also pass the Canadian Restricted Firearms Safety Course to possess and acquire restricted firearms.

The courses teach firearm users about safe handling, use, storage, display and transportation of firearms and ammunition. Course material also reminds individuals of their social responsibility and the requirements of the Firearms Act and its regulations.

In 2003 alone, almost 30,000 Canadians completed the Canadian Firearms Safety Course and more than 6,000 Canadians completed the Canadian Restricted Firearms Safety Course.

Chief Firearms Officers for each province are responsible for the implementation and delivery of these safety programs, in accordance with national standards and policies, and target their resources to safety education accordingly.

Chief Firearms Officers are also responsible for inspections of firearms ranges and businesses. Chief Firearms Officers and other Program officials are engaged in a variety of communications, consultations and outreach initiatives to educate the public about the safe use of firearms.

As mentioned earlier, the entire Canadian Firearms Program is about public safety. For example, aside from requiring that people meet specific safety standards pertaining to the safe use, storage and transportation of firearms before they are eligible to apply for a firearms

licence, applicants are screened to detect potential risk to public safety. Also, licence holders are subject to continuous eligibility screening, which allows the review and, if required, the revocation of an existing licence, should a firearm owner become a public safety risk.

Firearms registration, another major component of the Firearms Program, also contributes to the safety of communities by, among other things, helping police distinguish legally-owned firearms from illegally-owned ones, identify stolen firearms, and track firearms when investigating gun crimes and gun smuggling. Police are making effective use of the Canadian Firearms Registry On-Line, which is a database that contains a subset of data contained in the Canadian Firearms Information System. In fact, law enforcement officers have queried the system approximately 3.4 million times since it was launched on December 1, 1998.

These are only a few examples of how the Canadian Firearms Program contributes to public safety.

The Canadian Firearms Program is making, and will continue to make an essential contribution to public safety. Canadians expect to live in a safe society and this Program helps achieve this goal.

AIRPORT PRE-CLEARANCE PROTOCOL— BODY SEARCH OF PARLIAMENTARY VISITORS FROM POLAND

(Response to question raised by Hon. Terry Stratton on October 26, 2004)

The incident in question occurred on Saturday, October 23, 2004 at Calgary International Airport. The Polish delegation to Canada passed through the usual security screening at Calgary International Airport.

The Department of Foreign Affairs Protocol officials informed the Polish Embassy prior to the delegation's visit that they would be subject to regular security screening measures. In Calgary the requested use of the VIP lounge meant the delegation had to pass from an unscreened area into a screened terminal. As a result, normal screening procedures applied.

They were advised that, as of September 11, 2001, Transport Canada decided that only Heads of State and Heads of Government would be exempt from security screenings.

The Parliamentary Protocol Office provided a representative to travel with the delegation. They had also informed the Polish officials prior to the delegations visit that regular screening measures would apply to all members of the delegation.

On Monday, October 25, 2004, the Canadian Ambassador to Poland, Ralph Lysyshyn, met with Mr. Henry Szlajfer, Director of the Polish Ministry of Foreign Affairs America Division, and expressed regrets that Speaker Pastusiak and some of the delegates were offended by their treatment in Calgary Airport.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to ask a question of the Leader of the Government in the Senate by way of a matter of order affecting the agenda of the house. With the impending visit of the President of the United States, all honourable senators are anxious to know whether the Government of Canada has extended an invitation to the President to address a joint session of the House of Commons and the Senate.

• (1500)

Hon. Jack Austin (Leader of the Government): Honourable senators, the Government of Canada has extended an invitation to the President of the United States. To my knowledge at this moment, we have not yet received the decision of the President of the United States.

Senator Kinsella: Honourable senators, since I know that committees may be travelling, and since honourable senators have been inquiring, does the leader know — if the President accepts the invitation — whether the visit would take place on Tuesday, November 30 or Wednesday, December 1?

Senator Austin: I cannot provide Senator Kinsella with that answer at the moment.

ORDERS OF THE DAY

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

He said: Honourable senators, if we all were to make a list of the things that we hoped to achieve when we answered the call to come here, at or near the top of that list would be to affect public policy in the good interests of our country. We do that in many ways, including the dozens of amendments that we make to bills in this place, almost of all which are approved; but we also do that in the preparation of our committee reports.

I would call the attention of honourable senators to the report of October 2003 by the Standing Senate Committee on National Security and Defence chaired by Senator Kenny, called, *Canada's Coastlines: The Longest Under-Defended Borders in the World*, in which it was noted that the new state of affairs with respect to international and national security required that a new set of reins be put in place in order to coordinate the reactions of departments of government and agencies of government in respect of national security; that it had to be put into place by a senior person in the cabinet; and, in fact, that it had to be put into the hands of no less than the Deputy Prime Minister.

As most of us know, those things have been done. That recommendation has been followed. It is, therefore, my great pleasure to speak on this occasion to Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain acts.

Honourable senators, we live in challenging and troublesome times. The events of September 11, 2001, and their aftermath still resonate deeply all through the Western world. We may wish that it were not so, but it is so. The terrorist attacks in Madrid last March demonstrate that we must heed threats to countries other than the United States. As we all know, Osama bin Laden has named Canada as a potential target.

In the face of these very real threats, Canadians expect their government to take prudent action and provide prudent leadership. They expect efficient and timely information sharing within and among a portfolio of authorized agencies that will protect our safety and security. They expect our government to adopt a cooperative approach that works across jurisdictions, disciplines and borders.

Honourable senators, Bill C-6 meets those expectations of Canadians in all those crucial areas. This proposed legislation will create a Department of Public Safety and Emergency Preparedness, a department that is vital to the security and well-being of all Canadians.

I should like to review the overall thrust of the bill, and then to highlight three amendments that were approved at the committee stage in the other place. However, before going further, I would refer you again to the recommendations that were made which gave rise to this bill and which were contained in the report of the Standing Senate Committee on National Security and Defence.

Bill C-6 will be a cornerstone of Canada's approach to safety and security in the years ahead. It will enshrine in law the departmental structure announced last December and solidify the working relationships that have been put into place at and since that time. It will provide the legal foundation necessary for the department to meet its obligations in the areas of national security and emergency management — policing, law enforcement, borders, corrections and crime prevention.

The bill will enable the leadership and coordination necessary to ensure a more strategic and coherent approach to public safety and security than we have enjoyed in Canada previously. The new department will actually be part of a larger portfolio that includes the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Correctional Service of Canada, the National Parole Board of Canada, the Canada Border Services Agency, the Canadian Firearms Centre and three review bodies.

By creating this department, the government will be improving its ability to identify and close security gaps and to operate more strategically and horizontally to protect Canadians. Bill C-6 will establish the powers, duties and functions of the Minister of Public Safety and Emergency Preparedness, both in relation to the new department and in relation to the other agencies that make up the portfolio.

The lines of authority and accountability are clear. The Prime Minister retains overall control in matters relating to national security. Individual ministers of the departments of government continue to be responsible for their respective authorities. However, if a public safety or security issue arises that crosses departmental mandates, it will be the job of the Minister of Public Safety and Emergency Preparedness to coordinate the federal response. That minister will establish strategic priorities for the portfolio agencies to ensure that they are working in sync with one another.

However, in this interconnected global world, it is not enough to coordinate federal agencies. Canada also needs the authority to work with other governments and countries to protect our safety and security, and Bill C-6 provides this authority.

The proposed legislation explicitly authorizes cooperation with provinces, foreign states, international organizations and others on matters pertaining to public safety and emergency preparedness. It also facilitates the sharing of information among public safety authorities.

I know that for some Canadians the notion of information sharing raises concerns about potential encroachment on the privacy of law-abiding Canadians. I want to assure honourable senators, and to assure those Canadians as well, that this legislation provides no new powers to the Government of Canada to collect, disclose or share information. The Privacy Act, the Charter of Rights and Freedoms and the applicable Treasury Board regulations and policies will continue to apply in exactly the same way as they do today. In fact, the whole purpose of the information sharing provisions in this bill is to ensure that all appropriate and authorized public safety information is being properly shared.

In its October 2003 report, *Canada's Coastlines: The Longest Under-Defended Borders in the World*, the Standing Senate Committee on National Security and Defence recommended that the government expand information sharing amongst the departments, agencies, police forces and military in this country.

Last spring, the Auditor General of Canada pointed out that Canada needed to do a better job of sharing critical and time-sensitive information amongst the entities involved in protecting our security. Bill C-6 is, in part, a response to the clear need expressed in those comments to improve our information-sharing capacity.

- (1510)

Honourable senators, I would like to now review three amendments to the original form of the bill that were approved by members in the other place. I will begin by noting that during its hearings the House of Commons Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness heard from many witnesses, including the Privacy Commissioner. While the committee was appreciative of Ms. Stoddart's interventions, they ultimately supported Minister McLellan's position that the current laws governing protection of

personal information are sufficient and appropriate and, furthermore, that Bill C-6 does not in any way reduce or mitigate any agency's obligation to adhere to the Privacy Act, to the Charter of Rights and Freedoms or to any other laws governing privacy.

The first amendment concerns clause 5 of the bill, the coordination and leadership of the public safety and emergency preparedness portfolio. The committee in the other place approved an amendment that will effectively inscribe in the present bill a non-exclusive list of entities for which the minister is responsible.

The government did not support this amendment and argued that, given the rapid pace of change in the security environment, the government needs the flexibility to adjust structures or create new ones in response to emerging threats. In short order, the list could very easily become outdated and lead to confusion.

The government also argued that other acts clearly spell out the relationships between the minister and various agencies such as the RCMP and CSIS, and that there was, therefore, nothing to be gained from including the name of some, but perhaps not all, of the entities in the security portfolio in this legislation. That said, the government accepted the will of the committee and accepted the amendment as approved, and it is now in the present bill.

The second amendment, proposed by the Bloc, greatly concerned the government, so much so that it sought an amendment at report stage to strike the Bloc's amendment from Bill C-6. The amendment concerned clause 6 of the bill, which explains the minister's functions. The clause was amended at committee to state explicitly that the minister would exercise his or her powers "with due regard to the powers conferred on the provinces and territories."

Honourable senators, it goes without saying that the Government of Canada respects constitutionally prescribed provincial jurisdiction, but it was the view of the minister and the government that the amendment and the sentiment it expressed brought no added value to the bill; it was saying something that did not need to be said. In fact, it was both redundant and unnecessary. It was redundant because ministerial powers must always be exercised within federal constitutional jurisdiction, and it was unnecessary because clause 4(1) of this bill already establishes and circumscribes the scope of the minister's power under the constitution.

This matter was discussed at length during report stage and, as I said, the government brought forward its own amendment to strike the Bloc's amendment from Bill C-6. The government's amendment was voted down, but the government agrees with the position stated in the other place by members of both the Conservative Party and the New Democratic Party that the Bloc's amendment should not become a precedent for other legislation. The government will, therefore, treat the Bloc's amendment as, at most, a clause for greater certainty — a reminder that the minister cooperates with provincial authorities in the exercise of their proper respective jurisdictions in areas of national and local importance.

The third amendment, honourable senators, concerns the coming into force of the act itself. The committee believed that the original formulation of the bill as it was then drafted might allow the government to bring certain articles of the act into force at different times. The amendment, which is now incorporated into the bill, ensures that the act, other than sections 35 and 36, comes into force all at once.

I am pleased to say that this amendment received all-party support. This show of unanimity underscored the depth of commitment to the security and safety of Canada that was at the core of the debate. Certainly, there were differences of opinion, but even in the heat of discussions the government never doubted for a moment that all parties had Canada's best interests in mind.

I know, honourable senators, that we in this chamber share with all Canadians an unwavering commitment to preserving the safety and security of our nation and its people. I believe that the legislation before us is a strategic and effective response to ensure that the government can fulfil this vital mandate.

Bill C-6 provides the necessary legal foundation for the Department of Public Safety and Emergency Preparedness, a department that has never been as necessary as it is today. I urge all honourable senators, in the interests of all Canadians, to give their full support to this bill.

Hon. Anne C. Cools: Honourable senators, would the honourable senator take a question?

Senator Banks: Yes.

Senator Cools: I have been listening to the senator with considerable attention and trying to make some sense of the bill that is before us. I must begin by saying to the honourable senator that I do not share his enthusiasm for the bill, but we will leave that for another day.

My questions have to do with clauses 6(2), 6(3) and 6(4) of the bill. They essentially go to the heart of the matter, which is that the minister has been empowered to establish advisory or other committees, and not only to establish them but to be able to bankroll them in terms of salaries, reimbursements and expenses. Can Senator Banks tell us what these committees would be committees of? Would they be committees of cabinet? They are certainly not committees of Parliament. I wonder if the honourable senator could tell us what a committee means according to those clauses, because there is no such constitutional entity, to my knowledge.

• (1520)

Senator Banks: Honourable senators, I would begin by explaining that, as far as I can tell, this bill contains nothing to do with policy. This is a mechanical bill, which gives a constitutional and legal form to steps that have already been taken. I very much doubt if we could find a bill establishing any department of the government which does not authorize the minister to establish advisory committees. I have had the honour to serve on several advisory committees. They are frequently and commonly established by ministers under the provisions of legislation. The empowerment of the minister to do so in this case is stated in the bill. Advisory committees are not committees of Parliament. As it states in the bill, they are advisory

committees, nothing more, nothing less. Two advisory committees are in the process of being organized. One will deal with the impingement of security measures upon matters of personal privacy. It will be a round table comprised of people concerned with human rights who will advise the minister on that aspect of authorities granted by the passage of this bill. The other one that I know of — and there may well be more — will be a committee of Canadian citizens not involved in government who will advise the minister on the application of authorities under this bill.

I reiterate that the establishment of advisory committees of citizens by ministers is a long-standing and common practice by the Government of Canada. The first one to which I was appointed was under the government headed by Mr. Mulroney.

Senator Cools: I am curious about this long-standing practice. Were those advisory committees that the honourable senator served on created by statute?

Senator Banks: Advisory committees per se are not created by statute. The authority is given in statute to the ministers to establish advisory committees.

Senator Cools: Perhaps the honourable senator could provide me, on behalf of the government, with a list of the statutes authorizing ministers to establish these committees. I would be happy to see that.

I should like to move on to my next question. Could Senator Banks give us a description of the constitutional position of these committees? What is the relationship of the committees to the minister, to Parliament, to cabinet and to the people of Canada?

Senator Banks: Honourable senators, these advisory committees have no relation to the Parliament of Canada. They are not a function of the Parliament of Canada. They are committees struck to advise the minister.

Senator Cools: I shall respond to all of this in due course.

There is a word in the bill, and I heard Senator Banks utter this word a couple of times, "entities." Could the honourable senator provide us with an explanation of the meaning, in law, of the word "entities?"

Senator Banks: Honourable senators, I could give you only examples, and I do not know whether those examples will be exhaustive. I am an entity and you are an entity, senator. CSIS is an entity; the Government of Canada is an entity; the various agencies of government are entities, et cetera.

My understanding is that a person is an entity.

Hon. J. Michael Forrestall: Honourable senators, my question relates to the amendment of removing a fixed date of proclamation. Could the honourable senator tell us if that is as open ended as other aspects of this particular bill, born out of the necessity of the activities of an office of this nature? Can the bill be amended from time to time and can separate coming into force dates be set then?

Senator Banks: Honourable senators, any part of any bill can be amended at any time by Parliament, except one which would run afoul of the Constitution.

The amendment regarding the coming into force section of this bill was not one which removed or created the authority of the Governor-in-Council to bring the bill into force. It was an amendment which had the effect of ensuring that, when the bill was brought into force by the Governor-in-Council, all sections of it, except sections 35 and 36, would be brought into effect at the same time. It was felt in the committee of the other place that the previous wording of the coming into force section might allow the government to bring the bill into effect piecemeal. They wanted to ensure not only that that was not the intent of the government but also that the government could not do that.

If you carefully read the coming into force section you will see that the whole bill, with the exception of sections 35 and 36, which are coordinating amendments and subject to the enactment of other legislation, must be brought into force and effect at the same time by the Governor-in-Council.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I have a question for Senator Banks. We all recognize that the machinery of government is a prime ministerial prerogative and that this Prime Minister has designed his government in this way. The authority to do what they have been doing since the government was sworn in is pursuant to the Financial Administration Act; am I correct in that?

Senator Banks: Honourable senators, I do not think it is pursuant to the Financial Administration Act, although it allows for provisions of the Financial Administration Act to the extent that they would normally apply to this bill. The honourable senator is asking me where the present authority comes from. He is referring to the authority for the government to act and for the minister to act in the way the minister has been acting since the de facto change in this in December. That authority lies in the Solicitor General Act, which this replaces.

All of the bills that have been drafted to this date and to the moment this bill becomes proclaimed are done under the authority of the Solicitor General Act. In fact, the Minister of Public Safety and Emergency Preparedness is acting today as the Solicitor General of Canada. All of the entities that will be created under this act will be held responsible to the Solicitor General of Canada, and that is the authority being wielded today by the minister.

Senator Kinsella: Honourable senators, I think the Financial Administration Act and the Public Service Rearrangement and Transfer of Duties Act apply.

In reply to a question from an honourable senator, Senator Banks mentioned that amendments could be made to any statute. Obviously, an amendment could be made to this bill, and should an amendment be made and the Prime Minister not like it, of course he could reorganize departments again, utilizing the authorities of the Financial Administration Act and the Public Service Rearrangement and Transfer of Duties Act.

Are we going around in circles or chasing our tails? We deal with this machinery legislation every time a Prime Minister wants to rearrange the ministries. Would the honourable senator agree with me that this indeed could be the effect of an amendment? I will add a part B to my question and then I will resume my seat.

We are dealing with the Solicitor General Act. There is a difference between the role played by the Solicitor General under our system and many parliamentary systems. In many parliamentary systems, the Solicitor General is not an elected official but a senior part of the bureaucracy and administration. Given the special relationship between the Crown and the Solicitor General, as there is with the Attorney General, does this not also equally require us, before accepting the principle of this bill, to be sure that there is not a constitutional problem being created by this attempt to abolish the Solicitor General Act?

• (1530)

Senator Banks: To answer the first question of Senator Kinsella, I do not think this is a case of the government chasing its tail. As the honourable senator has pointed out, each time there has been a reorganization by a government at any time, of whatever stripe, it is done under the authority of the Public Service Rearrangement and Transfer of Duties Act, which permits the Governor-in-Council to transfer portions of the public service from one department to another. This is, again, common.

I doubt very much that it would be the government's intention to do a tap dance in the event of an amendment such as the honourable senator suggests in order to make any substantive changes to the intent of this bill. The intent of the government to proceed with this proposed legislation is clear in the fact that it has, without undue resistance, agreed to two amendments with which it fundamentally disagreed, but which were not sufficient to obstruct the passage of the bill or to reroute it to another place.

I suspect that the answer to the question is no. However, I stress again that the relationship that we are talking about here between the minister as proposed under this bill and the portfolio agencies that exist today is already grounded in the enabling legislation of the acts that create those entities — the RCMP Act, the CSIS Act and the Corrections and Conditional Release Act, for example. Those acts establish the relationships with what is now the Solicitor General.

There is some matter of substance in the present bill, but with regard to what I think the honourable senator is talking about, this is a name change and not much more. I would also observe that, to my knowledge, for the vastly larger proportion of recent history, the Solicitor General has been an elected member, as has the Attorney General.

Hon. Serge Joyal: Honourable senators, I have several concerns, and I apologize to the Honourable Senator Banks for not having informed him of them ahead of time. I listened to him carefully, and I went through the clauses of this bill.

My first concern is that, in previous discussion or debates in Canada before September 11, there was great reluctance in many circles in Canada concerning the establishment of what in Europe they call a minister of the interior, which means giving to one person of government access to everything. It means that you concentrate in the hands of one person the power over individuals. I, for one, and I say this candidly, have always resisted that notion in our system. Having said that, I will read clause 4 of the bill. I know that Senator Banks has read it but, for the record, I will quote it. The clause is titled "Powers, Duties and Functions of the Minister."

4(1) The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction — and that have not been assigned by law to another department, board or agency of the Government of Canada — relating to public safety and emergency preparedness.

[Translation]

It could be said to be a far-reaching provision.

[English]

In other words, we cover many issues in the description of the responsibility of that minister that did not exist before with the previous Solicitor General's status, as far as I can understand from the previous act.

I do not know to which committee this bill will be referred, but I think it would be important to compare the two concepts, the one that we understand generally by what is included in the ministry of the interior versus the concept as it relates to this minister now. That is my first question.

Second, if we are to concentrate more power in the hands of one person, there must be a counterweight, and I come back to Senator Grafstein's point when we discussed Bill C-36, the anti-terrorist legislation. As much as you give extraordinary power to one unit, you need to counterweight that with an oversight mechanism. In this bill, the oversight mechanism might be provided with the advisory committee that Senator Cools mentioned. Clause 6(2) of the bill states:

(2) The Minister may establish advisory and other committees and provide for their membership, duties, functions and operations.

It is not entrenched in the bill per se. The oversight mechanism is not part of the bill. The minister may decide. It is not an obligation. It is not part of the structure of the department. That is my last concern when reading this bill.

Perhaps the committee that will study this bill should put even more emphasis on the second issue if we reach the conclusion that we are giving to this minister an overload of power and responsibility, because the oversight mechanism is even more necessary if we reach the conclusion in response to the first question that this is what we are doing.

[Senator Joyal]

As my colleagues would say, under the guise of a rearrangement of administrative responsibility, we are creating something that at first sight might not be exactly a simple administrative rearrangement but, in fact, an over-concentration of power in the hands of one minister, with no mechanism to counterweight it for the protection of the public interest and, of course, the rights of citizens.

Senator Banks: I thank the honourable senator. I am always informed by Senator Joyal's questions. I absolutely agree with him. If the concentration of power that he sees might exist in this bill, does in fact exist, then it would need to be considered very carefully. However, I think that it does not.

I would revert to an undertaking that I will make to the honourable senator. The wording in clause 4 with respect to the establishing of departments of government could almost be referred to as boiler plate, and the description of the duties and responsibilities of ministers are often expressed in ways either exactly like this or very similar to this — in other words, they state that duties and responsibilities which have not been given by acts of Parliament to other ministers and that fall within the purview that is stated in the present legislation are the responsibility of the minister. That kind of language is used in a number of statutes. Matters of national security and national defence having to do with the Minister of Fisheries and Oceans, the Ministry of Transport, the Minister of National Defence, the Minister of the Environment and others, for example, presently fall under legislation that places the responsibility in the hands of those ministers or other members of the ministry. This proposed legislation does not have the effect of stealing that power or concentrating that power.

• (1540)

I refer back to the original recommendations of the Standing Senate Committee on National Security and Defence, chaired by Senator Kenny, which I think is the wellspring of some of these actions. The point was not to concentrate the power in the hands of a minister. The point was to cut across the silos that existed and ensure that there was a coordinating function, which was previously absent. This was to ensure that in the event of an event, there would be a person designated to sort out the question of — if I can put it this way — who is driving the bus. The answer to that question will be different on the occasion of each threat as it manifests itself. Sometimes the person driving the bus will be the Minister of National Defence, the Minister of Fisheries and Oceans, or the Ministry of Transport. It is the coordination of the efforts among the various ministries that have various responsibilities having to do with national security and defence that is addressed by the creation of this ministry, not the concentration of the power in and of itself. In fact, no new power that does not already exist is created in this proposed legislation if it becomes an act.

As for oversight, I can only refer hopefully to the future. The Prime Minister has undertaken that he wishes to put in place parliamentary oversight on questions of national security and intelligence and has made some moves in that direction. We do not have that in the Parliament of Canada at the moment in the same way and to the same extent that it exists in the parliaments

of the United Kingdom, Australia, or, certainly, the United States or many other nations. The Prime Minister has undertaken to move in that direction. I have some hope that there will be parliamentary oversight of matters having to do with national security and intelligence. A report has been made to the Prime Minister's Office by a committee of parliamentarians that examined that question over the past summer.

I merely point that out to agree with the senator that there is no parliamentary oversight on these questions because questions regarding the things dealt with in this bill and bringing together the authorities in the other acts prior to the events of 2001 were never even contemplated by anyone.

We are about to examine and review Bill C-36. It allows things to be done that we would all rather did not ever have to be done and that I would like to get rid of as soon as we possibly can. In the meantime, there are imperatives that have been met by extraordinary legislation and we are facing extraordinary threats. Those threats are dealt with by this bill, but not in any way as to steal power that already exists in other departments or to create any new power for the Government of Canada. This is a coordinating function and this is a bill of the machinery of government and nothing more.

I agree with the original contention of the honourable senator that if this is found to bring about a concentration of power that would be comparable to a ministry of the interior, it would have to be looked at very carefully.

Hon. Jeremiah S. Grafstein: Senator Joyal raised an issue and perhaps I might give my take on it. He and I did work on the terrorist bill and had major concerns that we were rushing to give power without an ample review of how that power could be given oversight.

There are three simple ways to provide oversight. The first is committees. Nothing prevents any committee of this chamber from undertaking a review of the particular work within a department. Whether the Prime Minister established one for intelligence or not, there is nothing to prevent a resolution passing in this chamber for a reference to any committee to do an oversight of the intelligence committee, for example, as it exists.

What Senator Joyal is alluding to is that this is an extraordinary measure, adding and centralizing power by means of coordination and otherwise.

The second method of oversight is a sunset clause stating that at the end of a particular period of time the legislative objectives of the statute could be reviewed to see whether they were fulfilled in a fair and equitable fashion.

The third method that the honourable senator alluded to as well, which I think is absent in this bill, is internal oversight. In other words, the minister sets up, as one minister does in the Department of Justice, an internal advisory committee that acts as a forum of internal oversight within the context of the legislation.

Is it the view of the honourable senator that this middle element is in this bill, or absent from this bill or not really addressed?

Senator Banks: I believe it is in this bill.

I want to correct a misimpression I might have given. I did not mean to say — and I hope that I did not say — that there is presently no parliamentary oversight of national security issues, because that obviously is not true. As my honourable friend says, any committee can examine anything it likes.

The oversight to which I refer is the kind that requires that the parliamentarians who undertake it have security clearance to the level that they can ask the rude questions. We now know that we bump into the glass ceiling sometimes when we ask those questions. That is the kind of oversight to which I was referring.

Honourable senators, I believe that not only are those internal oversight provisions in this bill, but their intent has been made clear by the existence in form, if not in practice yet, of recruitment of the two advisory committees to which I referred, one of which has the specific task to advise the minister with respect to intrusiveness that might be untoward. For example, we have laws in this country now that permit us to make lists of people, and that is part of the authority referred to in this present bill.

The round table on these questions, which has been announced — I believe it has been announced and has certainly been contemplated by the minister — is for the specific purpose to wag a finger, if necessary, to say, “No, you must not go in that direction or go too far.”

The second committee is an advisory committee of citizens at large from across the spectrum of the community. Its purpose, to use the colloquial, is to bounce things off and to react to this.

In addition, there are the respective committees of both Houses of Parliament, which can ask the same questions or go in the same direction.

I believe that internal oversight — or insight perhaps would be a better phrase — exists in the bill and is already in train to be put in place.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired. Does he wish to request leave to continue?

Senator Banks: I would be happy to ask for leave to answer another question.

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

Some Hon. Senators: One more.

Senator Cools: I am always struck by the willingness of Senator Banks to dialogue with senators. I laud his efforts to attain more parliamentary oversight. I want him to know that those feelings or thoughts are widely shared. The question, however, is how to get that parliamentary oversight.

My question follows on the reference of Senator Banks to the enabling legislation, that is, the Public Service Rearrangement and Transfer of Duties Act that Senator Kinsella referred to in his question.

Honourable senators, there has been in this country, for quite some time, a government tradition, custom, convention that departments ought not to be established by Order-in-Council and that if Orders-in-Councils are so used they should be followed very quickly with the legislation.

• (1550)

Senator Banks has said that these Orders-in-Council creating a merging and remerging of these various departments — and contrary to what the honourable senator thinks, creating new powers — were completed a year ago. I believe the exact date is December 12, 2003, or thereabouts.

Could Senator Banks share with us the reasons why the government delayed for an entire year to bring the legislation that would support the creation of these departments? I recognize that there could be a flippant answer to that, which I am not interested in, that an election intervened. It seems to me, nevertheless, the government had ample time to introduce legislation to support the creation of this super ministry. They had ample opportunity. Has Senator Banks any insights as to the causes of the delay of one year? If he does, would he share those with us?

Senator Banks: If anybody knows, the honourable senator knows that I do not have any insight into the machinery of government. I appreciate the compliment that the honourable senator gave me with respect to parliamentary oversight, but the compliment is due to the Prime Minister, not me. It is he who took the initiative.

I do not want to be argumentative, but it is not right to characterize this as a “super ministry.” That is not the case. This bill does not propose, and the legislation that will derive from it does not have the effect of, removing authority from any other department of government. This is not a super ministry.

As to the delay — and I do not think that is a fair characterization, either — I do not think that a reference to an election comprises a flippant answer. The fact is that there was an election. I cannot tell the honourable senator, but I will undertake, if she wishes, to find out when this bill was introduced in the other place. I am not surprised to know, as I do, that this bill spent some time in the other place and that great diligence was brought to it in the second and third stages of it in the other place. I cannot complain about that time having been taken, but I will undertake to find out the date that this bill was introduced.

Senator Cools: I am in the process of moving the adjournment. However, the answer to the question that Senator Banks just gave to me, or was attempting to give to me, is that Bill C-6 was only introduced in the House of Commons around October 6, just a few weeks ago. In my question, I was driving at the importance of any government moving the Order-in-Council and the enabling legislation in the same session of Parliament. I was alluding to that. However, I understand the response.

On motion of Senator Cools, debate adjourned.

[Senator Cools]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees) presented in the Senate on November 17, 2004.—(*Honourable Senator Furey*)

Hon. George J. Furey moved the adoption of the report.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jerahmiel S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce's study on demographic change in Canada. I should like to acknowledge Senator Massicotte, from Quebec, who persuaded the committee to undertake the study. His research and work will be integral to the study.

The committee plans to hold a one- or two-day round table with leading experts on the issues surrounding demographic changes that will occur in Canada over the next two decades. We will focus on the implications of demographics on Canada's economy, labour market and retirement income system. What will become of the safety and security of our pensions if there are too few people working? What government actions could be taken to ensure that negative implications of future demographic change can be properly addressed to the extent possible? We will seek to highlight this invisible problem before it overtakes us.

It is our plan to report back to the Senate in the new year with the results of the committee's round table discussion and then decide if a more detailed study is warranted.

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

Some Hon. Senators: Question!

Hon. Terry Stratton (Deputy Leader of the Opposition): Would Senator Grafstein tell us if the budget has been approved for this, or is there a budget attached?

Senator Grafstein: Before we proceed, a budget will be attached.

Senator Stratton: Does the honourable senator have any idea of the number as yet?

Senator Grafstein: I believe the budget will be quite modest as it involves a one- or two-day hearing here in Ottawa.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES
DEALING WITH INTERPROVINCIAL
BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular the barriers that exist; the extent to which they are limiting the growth and profitability of the affected sectors; and measures that could be taken by the federal government to facilitate the elimination of such barriers in order to enhance trade; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce's study on interprovincial trade barriers. At the outset, I should like to acknowledge our colleagues, Senator Kelleher and Senator Fitzpatrick for their work on this issue and their efforts to inspire the study.

Honourable senators, the committee plans to hold a one- or two-day round table discussion with leading experts who have grappled with the complex issues of interprovincial trade. We will explore the obstacles and barriers that exist; the extent to which these obstacles limit the growth of sectors of our economy; and what measures can be taken by the government and the private sector to facilitate the reduction and the elimination of such barriers in order to enhance the Canadian marketplace and ignite even greater trade and growth.

It is our plan to report back to the Senate with the results of the committee's round table discussions and then decide if a more detailed study is warranted early in the new year.

I thank you for your support for this resolution.

Some Hon. Senators: Question!

Hon. Terry Stratton (Deputy Leader of the Opposition): My question would be the same as my previous one on the last motion. Am I correct in my understanding that it will be only a one- or two-day round table which will require a very modest budget?

Senator Grafstein: Honourable senators, the same answer applies.

Senator Stratton: I will move to the third motion standing in the honourable senator's name. Would I be correct in assuming that the same questions will apply, and the same answers will be given?

Senator Grafstein: That is correct.

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

Motion agreed to.

• (1600)

COMMITTEE AUTHORIZED TO STUDY ISSUES
DEALING WITH RATE OF PRODUCTIVITY

Hon. Jeremiah S. Grafstein, pursuant to notice of November 16, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with productivity, in particular the rate of productivity in Canada and in relation to our major trading partners (especially the United States); the extent to which the rate of productivity is limiting economic growth and the well-being of Canadians; and federal and other measures that could be taken to enhance Canada's rate of productivity growth and competitiveness; and

That the Committee submit its final report no later than June 30, 2005.

He said: Honourable senators, I rise today to seek your support for the Standing Senate Committee on Banking, Trade and Commerce's study on productivity. I should first like to acknowledge our colleague, the Deputy Chair of the Banking Committee, Senator Angus, who championed this issue and helped to ensure that the work would get done.

Honourable senators, the committee plans to hold a one- or two-day round table with leading experts on the rate of productivity in Canada and the relationship of that productivity to our major trading partners, especially the United States, and the extent to which our rate of productivity is limiting our economic growth and the well-being of all Canadians. What measures can be taken by the government in the private sector to enhance Canada's rate of productivity growth and competitiveness will be explored.

It is our plan to report back to the Senate in the new year on the results of the committee's round table discussions and then decide if a more detailed study is warranted. I thank honourable senators for their attention to and their support of this resolution.

Motion agreed to.

[Translation]

THE SENATE

RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— DEBATE ADJOURNED

Hon. Raymond Lavigne, pursuant to notice given on November 17, 2004, moved:

That the *Rules of the Senate* be amended by adding after rule 135 the following:

135.1 Every Senator shall, after taking his or her seat, take and subscribe an oath of allegiance to Canada, in the following form, before the Speaker or a person authorized to take the oath:

I, (*full name of the Senator*), do swear (*or solemnly affirm*) that I will be faithful and bear true allegiance to Canada.

He said: Honourable senators, thank you for giving me leave to speak about our country, Canada. Canadians have a feeling of belonging to their country that is much more important than political allegiance.

Rest assured, the purpose of my motion is not to change anything in the Constitution. It has to do with rule 135 concerning the oath sworn to Her Majesty Queen Elizabeth II. It would be an addition to the *Rules of the Senate* and not to the Constitution. Many senators have asked me if the purpose of my motion is to amend the Constitution. No, that is not my intention. The oath of allegiance honourable senators swear to Her Majesty Queen Elizabeth II will remain. My motion adds paragraph 135.1 to the *Rules of the Senate*. It has to do with the oath of allegiance to our country, Canada.

The oath of allegiance senators now swear or affirm will in no way be changed. As you know, an amendment to the Constitution is very difficult because a number of provinces would ask for changes.

I am putting no blame on Senator Murray, who, the day after I was sworn in, told me that I should not have sworn allegiance both to the Queen and to my country, Canada. He was entirely correct in saying so.

Honourable senators, I would like to table 554,801 letters of support from Canadians who wrote to me following my swearing-in and expressed their support. These individuals or groups are Canadians from all walks of life: farm women, lawyers, accountants, public accountants, chambers of commerce, legions, and so forth.

I seek leave, honourable senators, to table these letters.

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

Hon. Senators: Agreed.

Senator Lavigne: It is not my intention to amend the Constitution, but to add after rule 135 on swearing allegiance to Queen Elizabeth II, paragraph 135.1 on swearing allegiance to Canada.

Honourable senators may perhaps think that we are the only ones to swear allegiance to our country. You should know that parliamentarians in Belize, Bulgaria, the Czech Republic, Estonia, Greece, Jamaica, Malaysia, Malta, Nigeria, Pakistan, Poland, Romania, Slovakia, Turkey, Ukraine and Zimbabwe do so as well.

• (1610)

Some of you would even say it is not the Queen of England, but the Queen of Canada. That is true, I agree. However, the general public thinks we have sworn allegiance to the Queen of England, not the Queen of Canada.

That is why I am presenting this motion, to ensure that Canadians know that our country, Canada, truly exists. Some senators might think this motion is political and that they have to stop everything that comes from the other side of the house. That is not true.

Honourable senators, remember that you were appointed to the Senate of Canada based on your merit. Some of you were even elected by the constituents of a riding for many years. I hope you will hear the cry of the Canadian public.

Honourable senators, let us stop being afraid of change. Would taking an oath to our country be so wrong? I do not think so. Nor do I think that 554,801 people across Canada would say you are making a mistake by supporting this motion. On the contrary, we must recognize that we live in a country that we love as much as most people in the world, if not more.

For example, how many people around the world would like to live in this country? Yet, we have not even taken an oath of allegiance to our country, Canada! That is totally illogical. Should we defeat this motion, we would be like the person who owns something precious but, in time, loses sight of its value and does not even appreciate it anymore.

Ours is the most beautiful country in the world. Let us be strong and not fear change.

I realize that an honourable senator could adjourn the debate today or ask that this motion be referred to committee, and that, eventually, the motion might die on the Order Paper. Conversely, if it is your wish, honourable senators, you could vote on this motion and give it the unanimous consent it deserves.

Do not take our country for granted. If we adopt this motion, in the eyes of 554,801 people, we will be viewed as people who appreciate, respect and recognize this great country of ours, Canada.

Honourable senators, who would have thought that we would see the day when a separatist political party formed the official opposition in Canada? Who would have thought that the members of this separatist party would continue to sit in Parliament and that some of them would even be paid a pension by this great country, all the while continuing to seek separation, and you are afraid of being afraid?

Look at people in the United States. Are they not proud to wear their country's emblem? There are even some Canadians who wear the American emblem with pride. Yet, we are afraid to swear allegiance to Canada? It is high time, after 140 years of existence for this beautiful country, that we show some recognition and loyalty to it.

At Pierre Elliott Trudeau Airport, we had RCMP officers who were wearing the scarlet uniform and the brown hat who represented Canada, in the minds of people. Do not try to tell me otherwise, because even here on Parliament Hill we have an RCMP officer who rides a horse and wears the same scarlet uniform and brown hat. Tourists like to have their picture taken with this Canadian symbol.

Quebec and Ontario replaced the RCMP with provincial police forces. In the rest of Canada, it is the RCMP that looks after people's safety. We are in the process of closing all RCMP offices in Quebec. Just ask the member for Brome—Missisquoi, the

Honourable Denis Paradis. We have allowed Quebec to set up an immigration office at Pierre Elliott Trudeau Airport and choose its own immigrants.

Honourable senators, would it not be legitimate for us to pledge allegiance to Queen Elizabeth II, as stipulated by the Constitution, in addition to pledging allegiance to our country, Canada?

It is time to say that these 554,801 people from all regions of Canada are right. Honourable senators, you have a unique opportunity to tell them that it is legitimate to pledge allegiance to our country, Canada, and that this is not a political issue between parties. Thank you, honourable senators. Long live Canada!

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, November 24, at 1:30 p.m.

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