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**Wednesday, March 23, 2005**



THE HONOURABLE DANIEL HAYS  
SPEAKER

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## THE SENATE

Wednesday, March 23, 2005

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

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

##### THE LATE HONOURABLE A. IRVINE BARROW

**The Hon. the Speaker:** Honourable senators, I received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to our former colleague, the Honourable Irvine Barrow, whose death occurred on March 17, 2005.

I remind senators that, pursuant to our rules, each senator will be allowed three minutes and they may speak only once. The time for tributes shall not exceed 15 minutes.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak in tribute to the Honourable A. Irvine Barrow, who departed this life at Halifax, Nova Scotia, on March 17, 2005, at 92 years of age. Senator Barrow grew up on Tower Road, just three doors north of the Ring family home of my mother, and so I am privileged to be making these remarks today.

The late Senator Barrow served in this place from 1974 until his retirement in 1988. While here, he distinguished himself as Chairman of the Standing Senate Committee on Banking, Trade and Commerce and as Deputy Chairman of the Standing Senate Committee on National Finance, among the other committees on which he served.

Senator Barrow was a career chartered accountant and carried the recognition of his peers as a member of the Fellowship of Chartered Accountants. In 1946, he founded an accounting practice with the late J. C. Nicoll, a firm that grew to have several branches in the Maritime provinces under the Barrow Nicoll & Company banner. He also held numerous corporate directorships and was the pioneer responsible for bringing cable television to the Maritimes, having served as the President of Halifax Cablevision Limited and Chamcook Communications Ltd.

He was a very community-minded person who served as a volunteer President of the Halifax Chamber of Commerce, the Maritime Junior Board of Trade, the Halifax Board of Trade, the Maritime Provinces Board of Trade and the Halifax Commercial Club. His distinguished record also included serving as volunteer President of the Halifax YMCA, Ashburn Golf and Country Club, the Nova Scotia Liberal Association and Chairman of the Budget Committee of Dalhousie University and its successful multi-million dollar capital campaign called "Dalhorizons." He discharged all of these chores with energy, leadership and integrity.

Senator Barrow was a devout member of First Baptist Church and a tireless worker on behalf of it and related religious organizations. In his youth he was a splendid athlete, and he and his late brother, Brock, were awarded medals in a civic ceremony for their heroism in saving a young girl from drowning in the Northwest Arm.

Senator Barrow was predeceased by his wife of 58 years, the former Joyce F. Barnstead, and his brothers J. Brock and Donald F. He is survived by his daughter, Barbara, and his son, Fred, and we convey to them the sincere sympathy of the Senate of Canada upon the passing of this outstanding Haligonian, Nova Scotian and Canadian.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, on behalf of my colleagues on this side of the chamber, I rise to pay tribute to former Senator Irvine Barrow, who passed away last week. At an early age, Senator Barrow entered the accounting profession and it became a significant part of his life's work. He would go on to serve as President of the Nova Scotia Institute of Chartered Accountants and the Halifax Chamber of Commerce, and later as Director of the Bank of Canada and the Industrial Development Bank.

As President of Halifax Cablevision Limited, Senator Barrow was involved in bringing cable television to the Maritime provinces. In addition to his professional pursuits, Senator Barrow had a great love of sports and was active in his church and community as a whole. He was also a member of the Board of Governors of Dalhousie University.

Senator Barrow was a long-time supporter of the Liberal Party, having been Past President of both the Nova Scotia and the Halifax County Liberal Associations. Former Prime Minister Trudeau appointed him to this chamber in 1974, as a representative of the Halifax-Dartmouth region of the province of Nova Scotia. During his 14 years in this place, Senator Barrow brought his considerable financial expertise to our Standing Senate Committee on National Finance, on which he served as Deputy Chair, and to his work as Chair of the Standing Senate Committee on Banking, Trade and Commerce.

• (1340)

By all accounts, Senator Barrow was deeply dedicated to public service and community involvement. It seems that this quality was rooted early in life. An obituary that appeared in the *Halifax Chronicle Herald* newspaper noted that as a boy, Senator Barrow and his older brother, Brock, were publicly awarded medals in recognition of their heroism in saving a young girl from drowning.

On behalf of all senators on this side of the chamber, I offer my condolences to his family.

**Hon. Terry M. Mercer:** Honourable senators, it is with heavy heart that I rise today to pay tribute to a former senator who graced this chamber with conviction and passion.

Senator Augustus Irvine Barrow passed away peacefully on March 17, 2005. A highly successful accountant and proud Liberal, Senator Barrow devoted his life to the citizens of Nova Scotia and Canada. Senator Barrow was appointed to the Senate in 1974 by the late Right Honourable Pierre Elliott Trudeau and served until his retirement in 1988.

Being a respected chartered accountant, it is not surprising to know that he served as Deputy Chair of the Standing Senate Committee on National Finance and as Chair of the Standing Senate Committee on Banking, Trade and Commerce.

The Halifax Metro Area will not soon forget the accomplishments of Senator Barrow before his Senate career. He was largely responsible for the City of Halifax installing the city manager form of civic government and brought cable television services to the Maritimes.

Honourable senators, it was a privilege to have known Senator Barrow. A true gentleman, his commitment to the Liberal Party was beyond reproach. His impact on liberalism in the country was felt far and wide. Not only did he chair the 1962 and 1963 federal election campaigns for the Right Honourable Lester B. Pearson, but also his activities with the Nova Scotia Liberal Party and its Halifax constituencies were commendable.

An avid sportsman, Senator Barrow chose to live his life with an enthusiasm all of us can only envy. He will be missed by all who knew him.

It is always difficult to judge the impact a person can have on the world. I rely on the words of Abraham Lincoln, who captured it best when he said:

And in the end, it's not the years in your life that count. It's the life in your years.

I believe Senator Barrow echoed this very sentiment.

I join with all honourable senators in paying tribute to our former colleague and offering our condolences to his family and friends.

[Translation]

#### THE HONOURABLE DANIEL HAYS

##### CONGRATULATIONS ON BECOMING GRAND OFFICER OF THE ORDER OF LA PLÉIADE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, at an awards ceremony held yesterday, our Speaker, the Honourable Senator Hays, was made Grand Officer of the Order of la Pléiade by the Canadian section of the APF.

**Hon. Senators:** Hear, hear!

**Senator Losier-Cool:** The Pléiade is the order of the Francophonie and of the dialogue of cultures. International in scope, its purpose is to recognize the outstanding contributions of

individuals who have rendered distinguished service to the ideals of the APF. The president of the Canadian section, Mr. Patry, mentioned the important role Senator Hays fulfills as a parliamentary diplomat.

Senator Hays is motivated by some very specific values, such as the creation of conditions ensuring that all Canadians benefit from the many things this country has to offer, pluralism, tolerance and respect for the cultures and traditions of the peoples who make up Canada.

Your Honour, my colleagues join me in offering our most sincere congratulations.

[English]

#### BUDGET 2005

##### INQUIRY— COMMENT IN SPEECH BY SENATOR TKACHUK

**Hon. Jack Austin (Leader of the Government):** Yesterday, honourable senators, when Senator Tkachuk was speaking on Senator Kinsella's budget inquiry, he made a statement in *Debates of the Senate*, which is our official record, that is outrageous and false and I believe requires immediate correction. Instead of waiting until I have an opportunity to participate in Senator Kinsella's inquiry, I am using this venue to correct the record now.

Yesterday, when Senator Tkachuk was speaking about user fees and taxes, he said:

...it is no wonder that we rank, according to Transparency International, as the twelfth most corrupt country in the world — twelfth most corrupt out of 146 countries ranked.

This is a shocking statement for a member of Canada's Parliament to make about his own country, because it is a false statement. Transparency International, in fact, declared Canada to be the twelfth best country in this regard, ahead of nations such as the United States, France, Japan and Austria; and not the twelfth worst, which is the Ivory Coast. I trust Senator Tkachuk will acknowledge his error and apologize to all Canadians.

[Translation]

#### WORLD WATER DAY

**Hon. Madeleine Plamondon:** Honourable senators, yesterday was World Water Day. I have just returned from Indonesia and this is what I saw:

Epidemics have been avoided because of rapid intervention by the Red Cross, which has supplied drinking water and sanitation facilities. Water still has to be distributed in the camps and training given to Indonesians, so they can take over the water purification process while awaiting a comprehensive plan that is slow in coming.

The wells are still unusable because of the tidal wave. Bottled water is still essential. At Canada House, which was made available to us, access to water is still primitive. A shower has just been installed, but there is no sink and no bathtub; there is a small body of water, but it is so muddy the bottom cannot be seen. I can report that it is used for cooling oneself, nevertheless, when the temperature is 31 degrees.

According to the United Nations, 1.1 billion people in the world do not have safe drinking water and 2.4 billion have no sanitation facilities. This situation causes the death of 3 million people per year.

Yesterday marked the beginning of the Water for Life campaign. It also reminds us that 25 years ago the international community set itself the goal of ensuring that all people had access to safe drinking water by the turn of the century.

Today, in 2005, we are far short of that goal. We must now admit that the only realistic objective would be just to halve the number of people who live in extreme poverty with no access to drinking water. This objective cannot be achieved before 2015.

[English]

Honourable senators, more than 30 years ago, Canada made a commitment to spend 0.7 per cent of our GNP on international development. We have not lived up to our promises, spending approximately 0.3 per cent.

This section in the Orders of the Day is called Senators' Statements. We have to go beyond statements and demand action from the government.

[Translation]

Canada must increase its foreign aid by targeting programs that will provide drinking water and sanitation to the most vulnerable. Lester Brown told us in Strasbourg that the lack of access in poor countries would cause significant population displacement. Such displacements will bring enormous social, economic and political problems.

There is still time to act. The consequences of the current disaster demonstrate forcefully that beyond the right to life there is a right to water, an essential element of life. Let us not be content with some statements by senators. Let us take action by exerting pressure on all governments, including our own, to make them keep their promises.

[English]

## WINTER SPECIAL OLYMPICS 2005

**Hon. Jim Munson:** Honourable senators, as you know, to be called to this chamber is an honour and privilege, and I am grateful for the time I have spent among you. However, I must be truthful and tell you the highlight for me has been as a senator off Parliament Hill, away from this place of rules and procedures, points of privilege and order.

[ Senator Plamondon ]

Earlier this month, I experienced a privilege of a different sort. I had the honour to attend the Special Olympics in Nagano, Japan. I was proud to be part of Canada's delegation to represent our country, to be part of an outstanding team of athletes, families, volunteers and coaches.

Of the many extraordinary people I have met since being called to this chamber, I cannot think of any as extraordinary as Raymond Rockburn, a 54-year-old figure skater from Ottawa; Marc Theriault, originally from Gatineau, and now Surrey, British Columbia, a Special Olympics world champion; or Alyssa Dawn Hatton from Alberta, a downhill skier. These are only some of the fine Canadian athletes whom I had the privilege to meet in Nagano. I also met athletes from more than 80 countries, all special Olympians.

• (1350)

Senators, the world is a better place thanks to the Special Olympics. Started in 1968, the Special Olympics celebrate athleticism and sport among intellectually disabled people. Competitors from around the world have met in such places as Dublin, Toronto and Anchorage. The next summer games will be held in Shanghai, China, in 2007.

I have a special place in my heart for the Special Olympics because of my first son, Timothy James Alexander Munson. He was a Down Syndrome child whose smile filled me with joy for a short period of time. In the smiles, hugs and achievements I had the privilege to witness in Nagano, I felt the warmth of Timmy's long ago smile.

These moments of privilege are there, senators, beyond this chamber. I challenge you to engage in all our communities in the many facets of this rich and diverse society we call home. I urge you to go beyond this chamber to make a contribution. You will find great satisfaction and even smiles. You might yourself meet champions like Raymond Rockburn, Marc Theriault and Alyssa Dawn Hatton.

## EMPLOYMENT EQUITY FOR VISIBLE MINORITIES

**Hon. Donald H. Oliver:** Honourable senators, in the last five months, both the Public Service of Canada and the Senate of Canada have released employment equity reports. These reports examine in detail the efforts of both organizations to recruit and promote visible minorities at all organizational levels. Both reports document the dismal failure of the Senate and the Public Service to recruit and retain visible minorities.

The Public Service of Canada's 2000 *Embracing Change in the Federal Public Service* action plan report specified "one in five" hiring targets for external recruitment and participation in management development programs for visible minorities. Last month's report, *Employment Equity in the Federal Public Service 2003-04*, revealed that visible minorities comprise just 7.8 per cent of Canada's public service. Visible minorities now comprise more than 15 per cent of Canada. This represents a shameful 0.4 per cent increase over last year. The report also indicates that less than 5 per cent of visible minorities have been promoted to executive or middle management positions in the past year. Even more shameful, the percentage of promotions of visible minorities actually declined in 2003-04.

Honourable senators, the representation of visible minorities in the Public Service of Canada is appallingly low, but it is even lower within the administration levels of the Senate of Canada. The *Senate Human Resources Directorate's Employment Equity Report* released in September of 2004 showed a paltry increase of 0.9 per cent in visible minority representation from 2000 to 2004. Currently, visible minorities comprise only 6.8 per cent of the Senate's 425 employees, but it is in the senior and middle management positions where the Senate's record is especially shameful. Honourable senators, the number of visible minorities employed in senior and middle management positions in the Senate in the year 2000 was zero. In 2001, it was zero. In 2002, it was zero. In 2003, it was zero. In 2004, the number again was zero. In the last five years, there has not been a single visible minority candidate promoted to a senior or middle management position in the Senate, according to its own 2000 to 2004 Employment Equity Report. The Senate of Canada needs to make racial diversity a central policy imperative, because clearly it is not.

**Hon. Consiglio Di Nino:** Honourable senators, I should like to associate myself with Senator Oliver's comments. Both institutions, that is, the Senate of Canada and the Public Service of Canada, have clearly failed to effectively recruit and retain visible minorities. *Employment Equity in the Federal Public Service 2003-04* purportedly "made diversity and the achievement of Embracing Change benchmarks corporate priorities for the 2003-04 fiscal year," but it has not. In fact, visible minorities comprise only 7.8 per cent of the federal public service. This number is well below the specified one-in-five recruitment target set by the Embracing Change report of 2000. Not only that, the report also indicates that the public service "did not meet the external recruitment benchmark set for 2003 and is only about half way to those set for 2005." It admits it will not meet the target.

Honourable senators, this is a disgrace, and sadly, the Senate's record in recruiting visible minorities is just as shameful. As we heard, visible minorities currently make up just 7 per cent of the Senate's 425 employees — less than half of the total percentage of the visible minority population in Canada.

Clearly, the Senate and the public service have failed to make diversity a fundamental policy objective, but there is a bigger matter at stake here. If Canada continues to ignore the talents of all its citizens, we do so at our own peril. The recently released Conference Board of Canada report, which by the way Senator Oliver spearheaded, has done the math as it relates to the potential contribution of visible minority communities to Canada's economy. The results are staggering. In 2001, the disposable income of employed, working-age members of these communities in Canada was estimated at \$78 billion. In terms of economic growth, the Conference Board expects that the total real GDP of Canada will increase by \$251.4 billion in labour force numbers and, of the \$250 billion labour force gains, visible minorities account for a full \$80.9 billion, or 32 per cent, even though they comprise only 15 per cent of the population. Just think, honourable senators, how much greater these gains could be if Canada established effective public policies that fostered an overall employment culture that equally welcomed all of Canada's many diverse communities.

It is for this reason that I am happy to join Senator Oliver to launch a Notice of Inquiry to examine the failure of the Senate of Canada and the Public Service of Canada —

**The Hon. the Speaker:** Senator Di Nino, I regret to advise that your three minutes have expired, as have the 15 minutes for Senators' Statements.

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## ROUTINE PROCEEDINGS

### BANKRUPTCY AND INSOLVENCY ACT

#### BILL TO AMEND—FIRST READING

**Hon. Wilfred P. Moore** presented Bill S-28, to amend the Bankruptcy and Insolvency Act.

Bill read first time.

**The Hon. the Speaker:** When shall this bill be read the second time?

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

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• (1400)

## QUESTION PERIOD

### CANADA-UNITED STATES RELATIONS

#### VISIT BY PRIME MINISTER— SOFTWOOD LUMBER AND NAFTA AS AGENDA ITEMS

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, could the Leader of the Government in the Senate comment on reports that Prime Minister Martin failed to get the softwood lumber dispute and NAFTA on the formal agenda of the meeting with President Bush and the Mexican President in Texas?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I answered the question yesterday with respect to the agenda, both for the bilateral and the multilateral talks.

**Senator Kinsella:** Honourable senators, I will have to read the Hansard from yesterday. I am quite concerned about the issue of softwood lumber because it was in my home city of Fredericton last January, at the Liberal caucus gathering, that the Prime Minister raised certain expectations about this meeting. The Prime Minister stated that "there are gaps in NAFTA and they've got to be fixed."

He also made the claim that he reminded President Bush of this point of view in a telephone conversation and that they would be getting together to discuss these issues.

It now appears that the Prime Minister was either exaggerating in Fredericton or that he does not have any influence with the President of the United States. Has Mr. Martin been relegated to being the junior partner in his relationship with the President of the United States? If not, why did he fail to get his way in determining the agenda of the meeting in Texas? Did he not try hard enough? Does Mr. Martin just view this meeting as yet another photo opportunity meant to boost his government's sagging domestic profile?

**Senator Austin:** The honourable senator has not put a question; he has put a bit of political rhetoric before the chamber.

With respect to the substantive questions, let us wait until the meetings are over and we have had a chance to consider the outcome. We can then discuss with some interest and seriousness this very important episode in Canada-United States relationships.

**Senator Kinsella:** Does the Leader of the Government in the Senate purport to advise this house that the Prime Minister of Canada is a silent partner in these discussions, or does he have any say at all in setting the agenda? It is being reported that the agenda has been set by the Americans. There are a number of serious items that should be on the agenda.

We will, hopefully, have a new Prime Minister shortly who will be setting agendas in meetings with the President of the United States, including issues that are of vital concern to Canada, such as softwood lumber. Could the minister advise?

**Senator Austin:** Honourable senators, again, my honourable friend's statement is nothing but political argument and rhetoric and not really part of the normal processes of Question Period here in the Senate.

The answer will come for Senator Kinsella — the revelation, perhaps — when the communiqué of the meetings between the President of the United States and the Prime Minister of Canada is issued, and with respect to the tri-national leaders' meeting as well.

"Reports" is a funny word in politics. It is not grounded in any reality. There are reports about everything. There are even reports about whether Canada is a corrupt country that are not grounded in reality.

## FISHERIES AND OCEANS

### PROTECTION OF INLAND FISHERIES

**Hon. Gerald J. Comeau:** Honourable senators, the latest budget from the Province of Newfoundland and Labrador increases the allocation for that province's Inland Fisheries Enforcement Program from \$360 million to \$800 million to provide additional funds, tools and resources to protect Atlantic salmon and other inland species from poaching.

In the budget, the provincial government stated that it is increasing funding for this program because "the federal government is not adequately living up to its responsibility to provide enforcement."

Could the Leader of the Government provide a response to this criticism from the Province of Newfoundland and Labrador and advise whether it should be the responsibility of the federal government and not the provincial government to live up to what is a federal constitutional responsibility, and that is to protect the inland fisheries from poaching and other such negative happenings?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will certainly refer Senator Comeau's question to the Minister of Fisheries and Oceans, along with some questions I have about the Fraser sockeye salmon fishery.

**Senator Comeau:** Good point.

## NATURAL RESOURCES

### NEWFOUNDLAND AND LABRADOR— ENABLING LEGISLATION FOR OFFSHORE OIL AND GAS AGREEMENT

**Hon. Gerald J. Comeau:** While we are on the subject of the Newfoundland and Labrador budget, in his budget speech, Newfoundland Finance Minister Loyola Sullivan said:

Our government looks forward to early passage of the enacting legislation through the Parliament of Canada so that Newfoundland and Labrador can begin to reap the benefits of our provincial share of offshore petroleum revenue and, in particular, the benefits from the advance payment of \$2 billion.

The agreement was concluded some two months ago. Could the Leader of the Government in the Senate advise as to when we can expect the legislation to be tabled so that we can give it speedy passage and put the cheque in the mail?

**Senator Oliver:** Excellent question!

**Hon. Jack Austin (Leader of the Government):** Honourable senators, Senator Comeau could ask that question of Senator Oliver because the answer is in the supply bill that is before the chamber today. I understand Senator Comeau wishes speedy passage.

## HEALTH

### FUNDING FOR ABORIGINAL HEALTH CARE

**Hon. Wilbert J. Keon:** Honourable senators, my question for the Leader of the Government in the Senate relates to Aboriginal health care funding.



At the beginning of the first ministers' meeting on health care last September, the Prime Minister announced a number of specific funding commitments to improve Aboriginal health care. This money totalled \$700 million over five years and is targeted toward several initiatives.

Yesterday, the Minister of Health expressed his frustration that six months have passed, yet this money has not been distributed and talks are too slow between Health Canada, Aboriginal groups and the provinces. The Assembly of First Nations has agreed with the minister, saying that the funding is extremely urgently needed. Could the Leader of the Government in the Senate tell us what the federal government can do to speed up the flow of this money?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, the question is most appreciated because it is obvious to all of us that the state of health of many of our Aboriginal communities is well below that of the general Canadian community.

The Prime Minister has initiated a set of partnership discussions with the leadership of the Aboriginal community, and health is one of the key issues. The process requires a sign-on by the federal side, along with the provinces and territories, and by the Aboriginal community, with whom we are engaged in talks relating to the institutional capacity of the Aboriginal community to deliver those services itself.

I recognize that the process is agonizingly slow. However, I believe it is also a sure process in the sense that, once the agreements have been signed by the parties, funds will flow and the Aboriginal community will have a large role in determining the health care issues that affect them directly.

**Senator Keon:** Could the Leader of the Government in the Senate assure us that these funds will flow at least before the summer recess? Should they not, I would suspect there will be a major delay.

• (1410)

**Senator Austin:** Honourable senators, as Leader of the Government in the Senate, I am not in a position to give that assurance. However, I will certainly draw Senator Keon's questions on this topic to the attention of the Minister of Indian Affairs and Northern Development.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before moving to the next question, I would like to draw to your attention the presence in our gallery of the Honourable Kolawolé Idji, Speaker of the National Assembly of the Republic of Benin. He is accompanied by his Ambassador to Canada.

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

[English]

## NATIONAL DEFENCE

### SEARCH AND RESCUE—REPLACEMENT PROGRAM FOR FIXED WING AIRCRAFT

**Hon. J. Michael Forrestall:** Honourable senators, my question is directed to the Leader of the Government in the Senate. He is aware, as are we all, of the importance of fixed wing aircraft in search and rescue work by those hardy Canadians who are usually first at the scene of a disaster, who drop tents, boats, life vests, food, medical supplies and other necessary paraphernalia for survival.

What is the status of a replacement program for the present aircraft, almost as ancient as the Sea King, that can carry out this vital work?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I thank Senator Forrestall for asking this important question. I will provide the following tentative answer: The government wants to replace six Buffalo search and rescue aircraft and 10 of the older Hercules that are currently engaged in search and rescue operations, and it is aggressively canvassing the criteria for replacement.

Two steps are required to do that. The first is the determination of the direction of defence policy, and the second is ensuring that a fair and transparent process for replacement is put in place for the competitors.

Honourable senators, this is an active item.

**Senator Forrestall:** Honourable senators, I appreciate that response, and I know that others concerned about this subject will as well. The minister might recommend to his colleagues and senior members of their staff the excellent report made to this chamber by the Standing Senate Committee on National Security and Defence which has dealt with this vital question, among others, in recent months.

I take the minister's response as an indication that, in some form or another, a request has gone out to the industry for expressions of interest.

**Senator Austin:** Honourable senators, I do not believe that is the case as yet. I will advise the chamber that we are tentatively looking at a contract of \$1.2 billion or \$1.3 billion.

**Senator Forrestall:** Honourable senators, I am aware of that. I believe that the minister has corrected me. I would ask him to convey a sense of urgency to the consultations with the industrial base and their capacity within their financial planning and productions to meet the requirements.

One way or another, we must have these aircraft pretty quickly or we might as well fold up our tents and steal quietly away.

**Senator Austin:** Honourable senators, I have no problem in joining in the view of Senator Forrestall. Canada has three oceans. Senator Forrestall represents a province on one side of the country and I one on the other. Search and rescue is a vital function for both of our provinces.

## TRANSPORT

### WELLAND CANAL—REDUCTION IN TOLLS

**Hon. David Tkachuk:** Honourable senators, today the St. Lawrence Seaway announced a reduction in tolls along the Welland Canal, which reduction, it says in a news release, is the result of collaboration with Transport Canada.

Could the Leader of the Government in the Senate advise the Senate as to the exact extent of Transport Canada's involvement and whether the reduction was the result of a petition of the St. Lawrence Seaway to the Department of Transport or of the Department of Transport to the St. Lawrence Seaway?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I will respond to that question in a delayed answer.

### AIRPORT AUTHORITIES—RENTAL FEES

**Hon. David Tkachuk:** Honourable senators, it seems that the government is willing to tackle tolls along the Welland Canal but refuses to address the question of airport rents in the budget. Perhaps while getting answers to the first question the minister could also find out what it would take to get the Department of Transport interested in negotiating a reduction of rents for airports in the same way as they have done for tolls on the Welland Canal.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, it is no secret that the Department of Transport has had talks with all of Canada's rent-paying airports that have resulted in a series of contracts for rents being entered into with them over the last many years. It is the objective of this government to find a more equitable formula for those airports. I believe that Senator Tkachuk may be in a position to praise the government once our airport rent announcement is ready.

## JUSTICE

### CRIMINAL ACTIVITY IN MORTGAGE FRAUD AND IDENTITY THEFT

**Hon. Norman K. Atkins:** Honourable senators, my question is directed to the Leader of the Government in the Senate. CTV's program *W-FIVE* broadcast last Saturday contained a piece on how criminals are stealing identities, targeting homes with mortgage fraud and defrauding banks with mortgage applications on overvalued properties. Numerous police forces have indicated that it is difficult to prosecute these criminals because, in many instances, the banks are uncooperative in releasing documents crucial to the investigation. In fact, even if the banks do cooperate, they ask for unreasonable fees to provide documents and, in many instances, they are not reporting the fraud. This is deemed to be because their losses are not always significant and because they obtain some insurance money on the mortgage.

Canadians are being subjected to three types of mortgage fraud. One is called "the burn." This is when a criminal trumps up a story of money owed, falsifies documents, forges signatures and obtains a lien on a property based on phoney debt. The criminal then files a transfer of ownership, which is seldom checked by signature verification. The offender then puts the unsuspecting property owner's house up for sale, obtains a mortgage on the property and walks away with the money. All the while, the unsuspecting homeowner knows nothing until he finds out his home is no longer his.

• (1420)

The other scam is called the "flip," where the criminal buys a property for very little value and sells it to an associate who repeats the process until the value is grossly inflated. Then an inflated appraisal is procured that is used to obtain a mortgage. The criminal then walks away with the money, and little can be done unless charges are filed by the bank involved.

Another major scam is identity theft, which I believe is the most intrusive. That is when criminals obtain mortgages in the name of someone else, having stolen that person's identity card and changed the picture. The unsuspecting victim knows nothing until he or she is contacted for unpaid mortgage payments or the police arrive at the door. The onus is then on the victim to try to clear up the mess. In some instances, the banks are holding victims responsible for these mortgages, despite the fraud.

Present estimates are that these kinds of fraud cost \$1.5 billion yearly and that they are escalating.

When will the government introduce legislation forcing the banks to report mortgage fraud and require them to cooperate with police investigations?

Will the government ensure that legislation is put in place that will offer some protection to the victims in these fraud cases and ensure that their legal costs are covered?

Finally, will the government put legislation in place that will ensure stiff penalties for the criminals convicted of these types of crimes?

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I wish to thank Senator Atkins for bringing to our attention the issues that he has just raised in his question.

He has raised many issues. I will draw the question of Senator Atkins to the attention of the Minister of Justice and ask him to provide information. If, on the basis of that information, there might be a reason this chamber would consider an order of reference to the Standing Senate Committee on Banking, Trade and Commerce, that might be one way that we could proceed to examine the facts and the practices of the banks.

I would, however, express personal surprise regarding one aspect of the question. The police forces have the authority under the Criminal Code to subpoena evidence. They need not ask for it. If there has been a request and a refusal, they can go before an

appropriate magistrate or judge and request the opportunity to do a search and seize pertinent information in pursuit of a criminal investigation. This question raises many issues. I will start a process of examining how we might respond to and deal with the issues raised.

**Senator Atkins:** I appreciate the answer of the Leader of the Government in the Senate. A tape recording of the program is available. On that tape, a number of police officers indicate their frustration with the banks. The minister should also know that when *W-FIVE* approached the five major banks, not one of them would give an interview.

## FINANCE

### EFFICACY OF CANADA EDUCATION SAVINGS GRANT PROGRAM

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Canada Education Savings Grant program.

Recently, a briefing note prepared for the finance minister was made public, and it acknowledged that this program is not benefiting low- and middle-income families. The briefing note states that it is not unexpected that this grant would mostly go to wealthier families, as they have greater ability to save money for their children's post-secondary education.

In light of this revelation, could the Leader of the Government in the Senate tell us why the federal government has continued to say publicly that this program is working for the families that need the help the most, when internally it appears to have evidence absolutely to the contrary?

**Hon. Jack Austin (Leader of the Government):** I will take the question as notice, honourable senators, and seek an answer.

**Senator LeBreton:** The contents of this briefing note validate the criticism that has been coming from various student groups for some time that this program is weighted in favour of wealthier families, as low-income families cannot afford to put aside thousands or hundreds of thousands of dollars for their children's future studies.

Could the Leader of the Government in the Senate tell us if the federal government has any plans to address the apparent imbalance related to this program?

**Senator Austin:** That is more or less the same as the first question of which I will take notice and endeavour to respond.

## INDUSTRY

### TECHNOLOGY PARTNERSHIPS PROGRAM— CRITERIA FOR RECEIVING GRANTS—PARTICIPATION BY WESTERN CANADIAN COMPANIES

**Hon. Mira Spivak:** Honourable senators, late last month, the government announced an award of \$115 million to Bell Helicopter Textron Canada Limited under the Technology Partnerships Program without the benefit of Treasury Board

approval. That is a small point. The award by this special operating agency of Industry Canada is in addition to \$224 million given to Textron by the agency's predecessor, the Defence Industry Productivity Program. In eight years, Technology Partnerships Canada has disbursed some \$2 billion in taxpayers' dollars and seen repayment of less than half of that amount. Of the \$2.7 billion to be disbursed, companies in Western Canada will only see 15 per cent, or a little over \$400 million, while Central Canada will receive more than \$2.2 billion.

What are the priorities in choosing companies for these awards, loans or whatever they are? Why is Western Canada not benefiting more from these funds that create jobs and promote diversity? During the recent trip out West by the Standing Senate Committee on Energy, the Environment and Natural Resources, delegations told us that, if they had more money, they could develop technology for the burning of biomass and other things of that sort.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I take it I do not have to answer a question with respect to the company mentioned by Senator Spivak.

With respect to Technology Partnerships Canada, of course, the criteria are a matter of public record and are available on the Web site of Industry Canada.

The program itself is based on allowing the private sector to advance technologies that may be considered to be leading edge in their particular fields and it is, as the Minister of Industry has recently said, a rather high-risk investment on the part of Canada. The criteria are not set for normal commercial investors, but for people who take a much higher risk in trying to advance technology for a much greater reward.

The basis of the Technology Partnership Program has never been that it would recover all of the funds transferred to the private sector for its research and risk.

With respect to Western Canada, I would like to see a much higher participation by Western Canadian companies in the Technology Partnerships Program. It is based, of course, on applications. I have inquired in the past with respect to that particular number, and I was told that Western Canadians were not as active in making applications as Ontarians and Quebecers, who have a much higher level of technology activity. Anything that honourable senators or I could do to advance Western Canadian participation would no doubt be in the interests of our region.

• (1430)

**Senator Spivak:** Is the honourable senator saying that choosing companies is based on application only and that anyone who does not apply is not considered? Does the process not take into account the general picture in Canada? The results are skewed.

I did not ask the honourable senator a question about the repayment of loans. That is a whole other subject and is quite startling when one looks at it, not just in this program, but some of the others as well.

Are companies chosen by application only? For example, the oil sands is a huge area of technology that requires billions of dollars, and companies are putting in billions. Is the stated objective not to recover all the loans? Do I have that straight?

**Senator Austin:** I believe so and I hope I have it straight. My understanding of the program, and I will check it again, is that the federal government does not go out asking people to take its money. It has a program that is well known in the technology community, and it has criteria with respect to investment in leading-edge technologies, not standard commercialized technology. We already know a lot about the technology, but there are areas in which there would be new commercial opportunities for Canada if developments could be advanced.

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting a delayed answer to an oral question posed in the Senate on February 17, 2005, by Senator St. Germain, addressing the subject of instituting a cull of older cows.

#### AGRICULTURE AND AGRI-FOOD

##### BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE FARMERS

*(Response to question raised by Hon. Gerry St. Germain on February 17, 2005)*

On February 17, 2005, the Honourable Senator Gerry St. Germain asked the Leader of the Government in the Senate to take forward to cabinet the recommendation that we cull about 700,000 to 800,000 older cows at a price of around \$500 per head. He further recommended that as opposed to putting these animals into the food chain and moving them into the abattoir, they be put down and buried.

From his question, it appears that the assumption that the Honourable Senator is envisioning is that a cull of older animals be undertaken as a measure to support the cattle industry. While the aim is to support our industry, to date there has been little endorsement from producers of such an approach. There are concerns that a mass cull would negatively impact consumer perceptions. There are programs in existence which offer income support to producers affected by low cull cow prices, including the Canadian Agricultural Income Stabilization (CAIS) program which beef farmers can benefit from, and the Canadian Dairy Commission's increase in the milk price, which assists the dairy sector.

That being said, given the extension of the closure of the U.S. border to live Canadian cattle, the government is in the process of engaging with the cattle, beef and other ruminants sectors to assess the current situation and develop a vision and a path forward. No options are being ruled out at this stage, as industry and governments work out measures to address the challenges facing the sector.

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I would like to introduce a visiting page from the House of Commons, Monica Cop. She is studying political science at the Faculty of Social Science of the University of Ottawa. Ms. Cop is from Toronto.

Welcome to the Senate.

**Hon. Senators:** Hear, hear!

#### ORDERS OF THE DAY

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, could I ask that Government Business be dealt with in the following order: first, the two supply bills, Bill C-41 and Bill C-42; followed by Bill C-18, to amend the Telefilm Canada Act; Bill S-18, to amend the Statistics Act; Bill C-3, the Coast Guard bill; and Bill C-33, budget implementation.

#### APPROPRIATION BILL NO. 4, 2004-05

##### SECOND READING

**Hon. Joseph A. Day** moved the second reading of Bill C-41, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005.

He said: Honourable senators, Bill C-41 is Appropriation Bill No. 4, the fourth supply bill for the fiscal year that will be ending in another week and a day. This is the final appropriation and supply bill under this fiscal year and covers items that were not defined fully in earlier supply bills.

Honourable senators, Supplementary Estimates (B) have been studied by your Standing Senate Committee on National Finance. The report from that study was dealt with in this chamber yesterday. The report was adopted following a presentation by the Chair of the National Finance Committee, Senator Oliver. Much of the detail with respect to Supplementary Estimates (B) appears in that report.

As honourable senators are aware, the practice with respect to a supply bill is that the report is done prior to receiving the bill. At the end of second reading, the bill normally would not be referred to committee since the basis for the bill has already been studied.

Honourable senators, the schedule attached to Bill C-41 is the same schedule that was studied by the committee and appears in Supplementary Estimates (B). I can confirm that it is the same schedule.

Supplementary Estimates (B) for 2004-05 were tabled here on March 7 and have been studied by our Standing Senate Committee on National Finance. Supplementary Estimates (B) has a net total of \$0.6 billion. The total voted amount is \$1.5 billion. There is a recovery or a decrease of \$0.9 billion in projected statutory spending from amounts forecast in the Main Estimates for this fiscal year, leaving a net of \$0.6 billion that will be added to government expenditures.

Honourable senators will recall that these supplementary estimates have been the subject of review and appear in the report. Of the voted budgetary amounts — and there are both voted and statutory amounts — some of the most important items for which approval is required include \$485 million in increased funding for the Canadian International Development Agency. Some of the activities of that agency are \$185 million for additional grants to international organizations, \$160 million to advance global immunization and \$140 million in support of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria.

Another category of funding requested by this bill, a voted amount, is \$405 million in increased operating requirements for National Defence, \$215 million of which is to cover increases in pay and environmental and special allowances, and \$190 million is for the realignment of resources to address financial pressures within National Defence and the National Defence Services Program.

A number of other major items make up this increase in the voted amount, but I do not intend to go over all of them. I do think, however, that honourable senators will be interested in one particular item that appears at page 168. One can find a lot of interesting information in this Blue Book, and we have worked with Treasury Board to provide us with a clearer and more open presentation of that information.

• (1440)

Under the heading “Parliament,” the Senate of Canada has a new appropriation of \$1.7 million, and that \$1.7 million relates exclusively to increases in salaries and contributions to employee benefits, whereas the House of Commons has two categories of increases and new appropriations. One of those is \$14 million. That \$14 million is for increased allowances to members of the House of Commons and retiring allowances, allowances for officers and members of the House of Commons under the Parliament of Canada Act, and contributions to the members and their activities. I thought honourable senators would be interested in knowing that.

The result is the total estimate to year-end anticipated for the Senate is \$75 million, compared to \$242 million for the House of Commons.

[Translation]

As I have mentioned, there is a decrease of \$0.9 billion for statutory items. The largest single item is a decrease of \$722 million as a result of lower debt service forecasts. I could mention additional items, but they are in the Blue Book with the other categories of expenditures.

By means of Appropriation Bill No. 4 for 2004-05 we are seeking parliamentary authority for the expenditure of \$1.5 billion under the heading of “Voted Expenditures.” This amount has been allotted as a result of the planned expenditures announced by the Minister of National Defence in the federal budget of February 2004 and the Economic and Fiscal Update of November 2004.

[English]

Honourable senators, I respectfully request your support for this supply bill.

**Hon. Noël A. Kinsella (Leader of the Opposition):** I wonder whether the honourable senator would take a question.

**Senator Day:** I would be pleased to take a question.

**Senator Kinsella:** Is it under this bill or is it the next one that the offshore payments agreed to between the Prime Minister and the Premier of Newfoundland and Labrador are covered?

**Senator Day:** The honourable senator will find that in the next book, Bill C-42, but if the honourable senator has a particular point that he would like to draw my attention to, I would be pleased to give an answer.

**Hon. Donald H. Oliver:** I would like to add a few comments to the remarks made by Senator Day, and I would like to thank my honourable colleague for the excellence of his detailed review of the provisions of this appropriation bill that came before the Standing Senate Committee on National Finance on March 7, 2005.

The committee, as you know, held two meetings to review these supplementary estimates. At the first meeting, officials from the Treasury Board Secretariat provided explanations on the structure and content of the supplementary estimates. A second meeting with these officials was held to obtain additional information on a wide range of questions raised by committee members.

Honourable senators, the report of the committee on Supplementary Estimates (B) 2004-05 is based on the information gathered at those two meetings. Supplementary Estimates (B) for the fiscal year 2004-05 seek Parliament's approval to spend a total of \$1.5 billion on expenditures that were not sufficiently developed or known when the 2004-05 Main Estimates or the Supplementary Estimates (A) of 2004-05 were tabled. They also provide information about reductions totalling \$0.9 billion in projected statutory spending that Parliament has already approved in legislation for a net supplementary estimate of about \$0.6 billion, as outlined by Senator Day. The details of these proposed expenditures are well explained in the committee's report.

I will not take much time, honourable senators, but I would like to share with you some of the observations contained in the committee's report arising from questions that honourable senators asked at those two hearings.

I wish to stress that the committee was very pleased to see that Supplementary Estimates (B) 2004-05 continue to build on improvements introduced last year with Supplementary Estimates (A) 2004-05. These improvements provide greater transparency and consistency with other estimates documents. They also contribute to enhancing accountability to Parliament. Accountability and transparency are two of the issues that our committee is particularly concerned about.

I strongly believe that the improvement of the estimates documents is an iterative process that can only be achieved through an ongoing dialogue between parliamentarians and officials of the Treasury Board Secretariat. I can assure honourable senators that our committee is not only fully supportive of this dialogue, but it is also actively involved in the exercise of developing better information to support the spending plans of the federal government.

Honourable senators, while the committee commends the excellent progress made in recent years in the presentation of the estimates documents, we remain concerned in the way the information is presented in budget documents. More precisely, it is very difficult to reconcile budgetary information with data provided in the estimates documents. This is particularly true with respect to the budget plan and the Main Estimates, or reports on plans and priorities. Although the discrepancy between budgetary and estimates documents is a reflection of what they call budget secrecy and the fact that departments have limited time to really integrate the new budget spending into their reports, plans and priorities, I believe that we must question how the information of these two sets of very important government documents can be reconciled. Perhaps more important, we must look at ways of integrating budgetary information into the estimates documents.

The Expenditure Review Committee has undertaken this work, and it has been of interest to our committee for some time. The February 2005 federal budget provided the details of this expenditure review exercise. The savings anticipated over the next five years will amount to approximately \$11 billion. The savings realized will then be reinvested in the government's higher priorities. I understand that the outcomes of the Expenditure Review Committee are not reflected in Supplementary Estimates (B) 2004-05, since the reallocations will take place starting in 2005-06. However, they are also not included in the Main Estimates of 2005-06, for reasons of production constraints and budgetary secrecy.

The reallocation of funds associated with the expenditure review exercise will thus be considered within the context of the forthcoming 2005-06 supplementary estimates. Honourable senators, let me assure you that our committee will pursue its examination of the outcomes of the Expenditure Review Committee exercise in its review of the next set of supplementary estimates, coming later in the year.

During the hearings on Supplementary Estimates (B) 2004-05, senators expressed concerns about the possibility of irresponsible year-end spending. We were informed that year-end spending was a problem some 10 years ago, but that it has been greatly alleviated by the introduction of what they called the "operating budget carry forward policy." This practice is approved by the Treasury Board, which allows federal departments and agencies to carry forward from one fiscal year to the next up to 5 per cent of the Main Estimates operating budget. Officials from Treasury Board Secretariat informed the committee that the policy largely takes away any lack of incentive for a department to spend the money sensibly during the year. They stated that it is an effective policy which, combined with the \$1 billion government-wide reallocation initiative in 2004-05 and the Expenditure Review Committee exercise, greatly limits the scope of irresponsible year-end spending.

Senators were also interested in projected statutory spending. Statutory expenditures are those authorized by Parliament through enabling legislation. As such, they are not voted on annually as part of the consideration of the estimates documents. They are thus included in the estimates documents for information purposes only. Supplementary Estimates 2004-05 include net reductions of \$893.6 million in projected statutory spending. These reductions are attributable, among others, to changes in projected or forecast expenditures.

• (1450)

Honourable senators, our Finance Committee wanted to obtain clarification of these revised forecasts. We wanted to know whether they resulted from an underestimation of planned spending or a change in legislation. We were told that, in many instances, statutory spending is basically formula funded. Statutory expenditures are driven by economic and demographic variables, and any change in these variables requires revisions to their forecasts.

Honourable senators, let me give you an example of employment insurance, the EI account. Supplementary Estimates (B) 2004-05 indicates a downward adjustment to the forecast of net EI benefits. The committee was told that this reduction in the forecast of EI benefits is due to the fact that the Canadian economy grew much more strongly than expected in 2004. This, in turn, resulted in a higher-than-expected growth in employment. This is only a decrease in the forecast, which will in no way result in a denial of EI benefits.

One of the areas that interested a number of us was global health initiatives. Our committee was interested in the funding of some federal global health initiatives. Supplementary Estimates (B) 2004-05 are seeking additional funding for the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria, totalling \$140 million.

We were informed that the fund is not part of the Jean Chrétien Pledge to Africa, Bill C-9, adopted in May 2004. It is a concerted, multilateral effort to accelerate global action to tackle HIV/AIDS, tuberculosis and malaria by improving access to information, goods and services needed by those suffering from these diseases.

The fund rests on a partnership between government, civil society and private sector, and affected communities. The funding by all partners of the fund was estimated to be US \$50 million for 2004-05. We were told by Treasury Board that since its inception in 2001, the fund has committed US \$1.5 billion to support 154 programs in 93 countries worldwide.

Honourable senators, the committee also devoted some time to the federal government's disaster relief and rehabilitation assistance package in response to the South Asian tsunami. We were informed that the federal government has committed to provide a total of \$425 million over a five-year period in response to the tsunami. Of this amount, \$265 million is for humanitarian rehabilitation assistance while \$160 million is to be devoted to reconstruction assistance to the affected regions. Some \$256 million has been included in Supplementary Estimates (B) 2004-05 and is required by the following four departments and agencies: CIDA, \$223 million; National Defence, \$20 million; Foreign Affairs, \$9 million; and Citizenship and Immigration, \$4 million.

We were told that it is CIDA's intention to commit the \$223 million before March 31, 2005, and I learned at a meeting yesterday, honourable senators, that that amount has been committed and spent. The obligations must be incurred by the end of the fiscal year although payments can be dated later. The \$223 million sought by CIDA in Supplementary Estimates (B) 2004-05 also included the \$65 million provided in advance under the Treasury Board vote 5.

In conclusion, honourable senators, the report of the committee on the Supplementary Estimates (B) 2004-05 discusses several other items, such as the newly announced centralized government advertising program, the funding for the Forum of Federations, spending on policy research at the Privy Council Office and the deferral of contributions at the Canadian International Development Agency. This concludes my remarks on the Supplementary Estimates (B) 2004-05.

**The Hon. the Speaker:** No senator rising, I ask honourable senators if they are ready for the question.

**Hon. Senators:** Question!

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

[Translation]

### THIRD READING

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

**Hon. Joseph A. Day:** Honourable senators, notwithstanding rule 58(1)(b), I move that the bill be read the third time immediately.

Motion agreed to and bill read third time and passed.

### APPROPRIATION BILL NO. 1, 2005-06

#### SECOND READING

**Hon. Joseph A. Day** moved the second reading of Bill C-42, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2006.

He said: Honourable senators, Appropriation Bill No. 1, 2005-06, which is before us today provides for the release of interim supply for the 2005-06 Main Estimates that were tabled in the Senate on March 7, 2005.

You have read the report of the Senate Standing Committee on National Finance, which was adopted yesterday in this place. The government is presenting supplementary estimates to Parliament to support its request for authority to spend public funds. The estimates contain information on both budgetary and non-budgetary spending authorities. Parliament will study the appropriation bills to authorize these expenditures.

The amount of \$185.9 billion in the 2005-06 Main Estimates is included in forecast budgetary expenditures as announced by the Minister of Finance in the federal budget of February 2004. The Economic and Fiscal Update of November 2004 is included in Part 1 of the 2005-06 Main Estimates.

[English]

Part 1 of the Main Estimates also includes a concise listing of major changes compared to the 2004-05 Main Estimates. A number of those major changes in the presentation of information are the result of work that we have done in your Finance Committee.

Honourable senators will recall that the estimates were discussed in some detail with the Treasury Board Secretariat officials in appearances before the Standing Senate Committee on National Finance earlier this month.

The 2005-06 Main Estimates total \$187.6 billion, of which \$185.9 billion is budgetary expenditures and \$1.7 billion is non-budgetary. Budgetary expenditures, honourable senators, include the cost of servicing the public debt, operating and capital expenditures, transfer payments to other levels of government, organizations and individuals and payments to Crown corporations.

• (1500)

Non-budgetary expenditures are loans or investments made on behalf of the government but transactions which affect the financial situation of the government and, therefore, must be shown.

Both budgetary and non-budgetary expenditures may be authorized in one of two ways: either through votes, supply or appropriation, as it is sometimes referred to, or alternatively, through statute. Accordingly, of the \$187.6 billion that is being sought in the Main Estimates that can be split into appropriated or voted items for which spending authority is being sought, for 2005-06, these items amount to approximately \$66.1 billion or 35 per cent of the published Main Estimates. In other words, 65 per cent of the published Main Estimates are statutory and have been approved for expenditure outside of the supply bills.

The total mount of statutory items for which spending is authorized through various approved legislation, for example, employment insurance benefits, benefits for the elderly, Canada health transfers, and transfers to provinces and territories, for 2005-06 is \$121.4 billion.

Of the \$66.1 billion in appropriated or voted items in our Main Estimates for the year, authority at this time, honourable senators, is being sought for only a portion of that. That gives us an opportunity to continue to study the Main Estimates as your Committee on National Finance and to report back to you again before the end of June on the Main Estimates before there is full appropriation based on the Main Estimates.

The amount that is being sought in Bill C-42 is \$20.5 billion, which, as honourable senators will see from the schedules attached, ranges from three months of the year, in some instances, to more months, depending on the particular item and how much is needed at the front-end of the fiscal year.

Your National Finance Committee will continue to study these Main Estimates with your direction, and the further report will be filed prior to the next supply bill, which is full supply on these Main Estimates normally expected in late June.

Honourable senators, I respectfully request support for the supply bill.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, would Honourable Senator Day show us where in this supply bill provision is made for covering the offshore agreements that were reached in January between the Government of Canada and the Government of Newfoundland and Labrador?

**Senator Day:** I thank the honourable senator for his question. With the warning that he was able to give me in his earlier question, and I appreciate that this is not the supply bill, but the supply bill is based on the estimates, and with some time I will locate this for you.

I can now locate in the Main Estimates, at page 21-6 under Natural Resources, transfer payments. I should point out as well that it is statutory, and that means it is under another act. It is not part of the supply, but information is being given to you so that you know what is happening with the fiscal situation of the government. At page 21-6 of the Main Estimates for 2005-06, there is a \$3.9-million contribution to Canada-Newfoundland offshore petroleum, and \$2.7 million to Nova Scotia offshore petroleum. Those are the two figures that appear under Natural Resources.

[ Senator Day ]

**Senator Kinsella:** I thank the honourable senator for that research. Which section of the bill provides for this? Perhaps the honourable senator could read that for us. With the adoption of this bill, will the Government of Canada be in a position to cut a cheque forthwith?

**Senator Comeau:** Good question!

**Hon. Bill Rompkey (Deputy Leader of the Government):** Say "yes."

**Senator Day:** Honourable Senator Rompkey would be pleased if I was able to answer that quickly by saying we could cut a cheque for Newfoundland immediately. However, since this appears in another statute and is statutory spending, and since I do not have that statute before me, I cannot answer that question.

**Senator Kinsella:** Honourable senators, this is a matter of some seriousness, and we must have clarity. The minister in this chamber told us during Question Period that the funds under the offshore agreements will flow as soon as the supply bills are passed. That is what we heard during Question Period. I want to see the statutory instrument that will make that happen.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I may have misspoken myself —

**Some Hon. Senators:** Oh, oh.

**Senator Austin:** — if I made that statement. I may have misunderstood the question, and that sometimes does happen.

**Senator Comeau:** The question was clear.

**Senator Austin:** The government will be introducing legislation to authorize those transfers. They are agreed transfers between the Government of Canada and the Province of Newfoundland and Labrador, and the Government of Canada and the Province of Nova Scotia.

**Senator Kinsella:** Senator Rompkey, do not hold your breath.

**Hon. Gerald J. Comeau:** Next time I will read my question more slowly so that the Leader of the Government in the Senate can understand more clearly. My question was quite clear today in Question Period: When will the cheque be cut? The response was that it was now before the Senate Finance Committee, which my honourable colleague, Senator Oliver, happens to chair. I had not read the supply bills completely. I assumed from the response of the Leader of the Government in the Senate that in fact the cheque was about to be signed and sent, so I sat down quite happily. I am sorry to hear that the cheque is not about to be cut. Senator Oliver, who was scrambling to find it in the supply bill somewhere and was not able to find it, was exonerated on the question that was asked.



**Senator Austin:** Honourable senators, I do not recall hearing the question, "When will the cheque be cut?" What I thought I heard was, "Are the payments being authorized?"

**Some Hon. Senators:** Oh, oh.

**Senator Austin:** They are and will be authorized by legislation. In the meantime, it is my understanding, but perhaps Senator Oliver or Senator Day can inform us, that there will be no loss of interest to those provinces.

**Hon. Donald H. Oliver:** Honourable senators, even though Senator Day has, as usual, done an excellent job of explaining this appropriations bill, I would, with your leave, like to make a few comments on it.

I wish to point out to honourable senators that the Main Estimates for the upcoming year, 2005-06, on which this bill is based, were referred to the Standing Senate Committee on National Finance only on March 7, 2005. However, the committee will stay seized of this issue and continue to study the Main Estimates throughout the entire year.

I should like to discuss the expenditures that come before you for approval in this appropriation bill. As honourable senators are no doubt aware, the February 2005 federal budget introduced new spending priorities and tax initiatives that will cost the government an additional \$3 billion for the coming fiscal year. In total, these expenditures will cost an extra \$49 billion in the next five fiscal years. As honourable senators will note, this budget presents five-year projections, reflecting the fact that the vast majority of the commitments made in this budget extend beyond the traditional two-year planning horizon.

• (1510)

The February 2005 budget also provides details of the expenditure review exercise. The work of the Expenditure Review Committee has been of interest to our committee for some time now. As detailed in budget documents, the savings anticipated over the next five years will amount to at least \$10.9 billion, starting with approximately \$0.8 billion in savings over the 2005-06 fiscal year.

According to the budget plan, of this \$10.9 billion in savings, over \$7 billion will be redirected back toward the costs of new initiatives announced in the budget. The net impact of this announcement is included in the planned budgetary expenditures of \$196.4 billion laid out by the Minister of Finance in his budget.

During the committee meeting with Minister Alcock, senators raised the fact that the savings and spending decisions that result from the expenditure review process are not reflected in the Main Estimates. The minister assured senators that the material would be included in the Supplementary Estimates (A) to be released later this year.

Let me reassure honourable senators that the committee will pursue its examination of the outcomes of the Expenditure Review Committee in its review of the next set of supplementary estimates in the coming year.

I should also say something briefly about reporting improvements. The 2005 federal budget also commits the government to further improvements in reporting to Parliament. On this point, however, the committee remains concerned, as previous reports by the committee have observed that it is very difficult to reconcile the budgetary information with data provided in the estimates documents. This is particularly true with respect to the 2005 budget plan and the Main Estimates of 2005-06.

We were pleased to see that the presentation of the Main Estimates 2005-06 provides more information on program spending and a breakdown of expenditures by category. The committee believes that this new presentation of government spending contains an abundance of information that is useful to the estimates oversight process. We encourage Treasury Board Secretariat to continue to build on this success by looking at ways to integrate budgetary information into the Main Estimates documents.

Honourable senators have heard Senator Murray and other senators commenting for years on the difficulties with Treasury Board contingency vote 5. As honourable senators are no doubt aware, the manner in which contingency funds are used under vote 5 has been a recurring concern for the Standing Senate Committee on National Finance. The committee was interested in the new and expanded explanation of Treasury Board vote 5 contained in the Main Estimates of 2005-06. This new explanation is almost twice as long as the version that appeared in last year's estimates documents. This new explanation may address some of the concerns raised in the past by the committee. However, the vote wording has not changed from last year.

At the hearings of our National Finance Committee on the 2005-06 estimates, Minister Alcock provided the committee with his proposed changes in the wording of Treasury Board vote 5 and the guidelines governing the work of Treasury Board analysts, but he only gave us that document at the time of the hearing. We did not have a chance to study it, and he has given an undertaking that he will come back before the committee later this year when we can pose questions based on the new document to see how it complies with previous recommendations made by the committee for improving and controlling Treasury Board vote 5.

Honourable senators, our committee also discussed with Minister Alcock the budgets of officers of Parliament. We indicated that their budgets may be inadequate for them to carry out their mandates as set by Parliament and that the current method used to determine these budgets may need to be reviewed.

The minister informed the committee that Treasury Board officials are currently working with the Office of the Auditor General to examine a range of options. He indicated that one possible approach to the problem would attempt to standardize the process of budget determination for all officers of Parliament. The argument is that a standard piece of legislation would be required to define accountability relationships for all parliamentary officers, then these officers would be able to carry out their roles under the existing legislation independent of the new legislation.

The committee hopes to explore the issue of the funding of officers of Parliament in more detail in the coming weeks and intends to submit its findings on same to this chamber in due course.

In conclusion, honourable senators, these and other matters were discussed during the committee's initial examination of the 2005-06 Main Estimates. In the coming months, the committee intends to return to some of these topics and other items in the current estimates in order to more fully examine the government's spending plans for the 2005-06 fiscal year and to report on this work at a future date.

Honourable senators, Appropriation Bill No. 1 is for the release of interim supply for the coming fiscal year based on these Main Estimates beginning April 1, 2005. I expect that in June of this year another appropriations bill will be submitted for release of further funds under the Main Estimates.

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

**Some Hon. Senators:** Question!

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

### THIRD READING

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

**Hon. Joseph A. Day:** With leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read the third time now.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

[*Translation*]

### TELEFILM CANADA ACT

#### BILL TO AMEND—THIRD READING

**Hon. Maria Chaput** moved the third reading of Bill C-18, to amend the Telefilm Canada Act and another Act.

She said: Honourable senators, it is an honour to take part in this important debate. My speech will be very brief, because, in my opinion, everything has been said.

[ Senator Oliver ]

Bill C-18, to amend the Telefilm Canada Act and another Act, has reached the end of the legislative process. Soon, we will be able to see this legislation officially recognize the excellent work done by Telefilm Canada, which has demonstrated that quality and success can go hand in hand.

Since honourable senators are very knowledgeable about the technicalities of this bill, there is not much more I need to say.

[*English*]

I will underline three important points. First, Telefilm Canada's current programs and activities will remain the same following the passage of Bill C-18. The only difference is that these activities will now be more completely reflected in the appropriate act. Second, thanks to the bill's validation clause, past activities in television new media will now be considered valid in law as well as the agreements between the department and Telefilm in sound recording. Third, the Standing Senate Committee on Transport and Communications has appended to its sixth report certain observations relating to the bill. I thank my honourable colleagues for having brought them to the attention of the committee.

As we approach the end of the legislative process, let us give Telefilm the mandate it needs to carry on with its work — work that benefits everyone who enjoys Canadian audiovisual productions. For these reasons, I encourage all honourable senators to join me in supporting Bill C-18.

• (1520)

**Hon. David Tkachuk:** Honourable senators, perhaps the most striking part of the testimony of the minister at our hearings was when she talked about the star system in the province of Quebec and attempted to take credit for Telefilm Canada and the government's actions in saying that is something that English Canada must do. I had to remind her that Bryan Adams, Michael Bublé, Michael J. Fox, Alanis Morissette, the producer of *Saturday Night Live*, William Shatner and others were formidable stars from the rest of Canada, most of whom had nothing to do with Telefilm Canada.

We on this side support Bill C-18, though with some reluctance. We support it because it is time that the government created some sort of mandate that catches up with the activities of Telefilm Canada. The original intent of Telefilm was, of course, to produce film. It has gone on over the last 20 years to provide money for music, for recording studios and television productions and many other facets of the cultural milieu of Canada, perhaps to the detriment of film, or maybe to its benefit.

Telefilm Canada has been engaging in activities that are outside its mandate, and that is what this bill, in its own small way, is attempting to deal with. It has been engaging in these activities outside of its mandate for decades, which is not a good way to run a Crown corporation.

The sponsors and initiators of this proposed legislation told us that no one noticed that anything was amiss until the Auditor General's report of 2004 reminded the government that it should pass this legislation. Actually, Pierre Juneau noticed it in 1996, a

full eight years before the Auditor General did. We were told that, unless it suits them, the government was not paying particular attention to its own commissions that it funded with taxpayers' money.

We also raised several other concerns in the committee hearings. Senator Carney noted a lack of definition of terms in the bill. The word "music," she noted, is not defined in the bill; neither is the term "audiovisual," which is what the bill is supposed to accomplish. They can spend money on audiovisual things, but "audiovisual" is not defined. Some of us are old enough to remember that "audiovisual" had a totally different meaning 30 years ago when it referred to an overhead projector and white screen. It has a whole new meaning today.

There was also a lack of satisfactory answers from the minister to address Senator Carney's concern. To ask us to approve a bill because a mandate is flawed and replace it with another bill that does not define the mandate is asking a lot.

Senator Johnson worried that outside Quebec, where fine feature films are being produced, the feature film industry in Canada is suffering and Telefilm's focus on new media and other audiovisual activities will further detract from a focus on feature films, which is the area where it was originally intended to concentrate its efforts.

Finally, honourable senators, as hard as Senator Carney and Senator Eyton tried, they could not get the witnesses to clearly explain clause 8, which in one stroke removes Telefilm Canada from the list of Crown corporations exempt from certain provisions of the Financial Administration Act and in the next stroke immediately restores it to that list. Again, given the history of this organization and this government, we would prefer if the bill erred on the side of clarity rather than obfuscation.

We were satisfied, after much questioning, that the bill would achieve its purpose, but it was very difficult for us to understand.

According to the minister, Bill C-18 is interim legislation until a more substantive bill comes along to modernize Telefilm Canada. She would not give us a time when that legislation would be introduced, but she did say it was on its way. Only when the legislation arrives can we have a full debate about the organization, what it does and how successful it is or is not in what it does. I look forward to that legislation, for Telefilm needs a lot of examination. In that debate, I intend to be a full and energetic participant.

**The Hon. the Speaker:** No senator rising to speak or address the matter further, I ask honourable senators if they are ready for the question.

**Some Hon. Senators:** Question!

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

Motion agreed to and bill read third time and passed.

[Translation]

## STATISTICS ACT

### BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Losier-Cool, for the third reading of Bill S-18, An Act to amend the Statistics Act;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Cochrane, that Bill S-18 be not now read a third time but that it be amended in clause 1, on page 1, by replacing line 8, with the following:

"between 1910 and 1918 is no longer subject to"

**Hon. Madeleine Plamondon:** Honourable senators, I wanted to speak to Bill S-18 out of conviction and duty. My intention is to make a non-partisan speech. My aim is to draw attention to the perception of the government's role and public expectations of parliamentarians.

In my opinion, this bill seeks to renege on a promise made to our grandparents. If we betray our grandparents, our grandchildren will betray us.

Canadians want a strong government, able to withstand attacks from all sides, that will protect their rights. Even in these difficult times when public confidence in politicians is at an all-time low, Canadians want to hear that they can rely on their government to protect them.

Numerous polls confirm this fact. Canadians do not have a very high opinion of politicians. Breaking a promise will not improve this perception.

The following are some poll results. An Ipsos-Reid poll on the most trustworthy professions ranked politicians, on a national scale, behind used car salesmen.

Another poll by Elections Canada, a non-partisan agency, of people who did not vote in the 2000 federal election showed that one of the main reasons people do not trust politicians was broken promises. If we want to find a way to get Canadians to vote, we must begin by earning their trust. Breaching a confidentiality clause will not help.

A recent Environics Research poll, as reported by CBC News, showed that 75 per cent of respondents said they did not count on promises made by politicians.

Politics in Review showed that only 25.4 per cent of young people voted in 2000. One of the reasons was the large number of broken promises. Census forms are more than just promises. Passing Bill S-18 would set the stage for breaching a confidentiality clause.

There is still more to consider in Bill S-18. This bill is flawed because it contains contradictions. The contradiction is this:

• (1530)

Bill S-18 proposes the disclosure after 92 years, without request for consent, of the census returns from 1918 to 2001 inclusive. However, consent will be necessary after 2001.

In fact, this same bill proposes to include in the 2006 form, which is the next census, a consent clause to offer a choice to citizens. That is known as “opting in.”

How can the same bill presume consent for censuses prior to 2001 and, on the other hand, recognize that consent is required for the next census? Is it to appease public opinion for a period of time?

It is this troubling fact that prompts me to intervene in the debate today. The former Privacy Commissioner, Bruce Philips, insisted that it was necessary to obtain the consent of the persons involved when information was to be disclosed for purposes other than those for which it was collected. He emphasized that the census questionnaires were increasingly intrusive and that respect for privacy represented a public right that was greatly valued in our society.

The fact the present commissioner has given her support to this bill does not impress me at all. Canada has a good reputation on the international level. I have participated in international meetings about privacy, and Canada is respected. I am afraid there will be a loss of respect if the OECD guidelines that were established for the private sector are not observed by the government itself.

The guidelines specify that personal data should at all times be obtained with the consent of the data subject; that data should be relevant to the purposes for which they are to be used, and be accurate, complete and up to date; that the purposes for which data are collected should be specified in advance; that the reuse of data for new purposes should not be permitted without the consent of the person concerned or without authorization; that data should be protected by reasonable security safeguards; that practices related to the collection, storage and use of data should be transparent and provide for the right of access; and that the data controller should be accountable for complying with measures to protect data.

Of course, these are voluntary measures. They do not have the force of law, but they reflect a commitment made on the honour of Canadians.

The right to privacy is entrenched in the Charter of Rights and Freedoms. Moreover, Canada ratified the Universal Declaration of Human Rights convention in 1976.

The comments of a great defender of privacy, former Supreme Court Justice LaForest, who was a frequent source of inspiration to me before I came to the Senate, have been quoted as favourable to this bill. I am not certain that if he were on the bench in the Supreme Court his judgment, which is much more than a comment, would not have taken account of the confidentiality clause that is contained in the census form.

Other questions should also be raised. Is the information that the government plans to collect and make available true? Has the census taker correctly recorded the information? Is there a risk of loss of reputation, for example, by grandparents in terms of their grandchildren?

Has anyone considered the possibility that people responding to the census give answers that do not reflect reality? In 2001, in Australia, people were asked: Do you give your consent for the disclosure of this information? Of those who were interviewed for the census, 31.9 per cent refused to give their consent.

In conclusion, I will leave you with some questions to which you can find your own answers, but I will give mine.

Does this bill reinforce citizen protection? No.

Does this bill improve the image of politicians in Canada and the world? No.

In the context of a minority government, is it appropriate to decrease protection of privacy? That is up to us to decide.

Historians will benefit, it seems. I have not seen any historians up in arms, and I wonder which ones these would be.

Genealogists will benefit. Does this represent all Canadians?

Might there be other lobbies that we have never mentioned? I am thinking for instance of certain religious groups which attach a great deal of importance to genealogy.

Does Bill S-18 open the door to other amendments to this legislation? Yes. Who can say that, sometime down the line, with respect to the clauses in the bill having to do with the information contained in the returns of each census of population, the 92 years will not be cut back to 50, then 20 and 10? When one realizes that the government has gone back on its commitment once, what is there to stop this from continuing to happen?

If Bill S-18 proposes a consent form for the next census, while not respecting the confidentiality clause in past censuses, can we believe in the value of that consent, which strikes me as cosmetic, under the circumstances?

If Bill S-18 becomes law, will people be able to refuse to fill out their census forms? At the moment, a \$500 fine or three-month prison sentence may be imposed if they do not complete the form, because there is every assurance that the answers given will remain confidential. However, will we have a choice?

At the present time, there are four mandatory Statistics Canada questionnaires, and the rest are optional. Will all of them meet the same fate, eventually?

The Senate is a place for reflection, discussion and proposals. Let us ensure that it deserves respect by respecting a commitment that has been given — the promise of confidentiality.

If we betray the commitment given to our grandparents, our grandchildren will do the same with the commitments the government is now making to us.

**Hon. Gerald J. Comeau:** Honourable senators, I appreciate the remarks by Senator Plamondon. Census data will no longer be confidential because many of these people are dead or else very old. If they are dead, they will not object and those who are now very old will not object either because they have other things to do, such as looking after their health. The proposal has been made that, since there is no opposition from these people, why not open the documents? Is this a good argument?

**Senator Plamondon:** A principle is not negotiable. A principle is a word given; confidentiality. If we are going to start from scratch and ask for consent on the next census forms, let us do that.

We do it with the income tax forms. We cannot go back on our word on the pretext that people are dead or too old to notice what is going on. Reneging like that would be the same as saying that any time people cannot intervene, we can break our word. People want to believe in the government. It is true that politicians are not held in high esteem, but people have a need to believe in the government. In my opinion, one way to encourage that trust is to not break promises and not try to do later what one does not have the courage or initiative to do at some other time.

**Senator Comeau:** The media have paid little attention to the debate we have had in the Senate. That is par for the course. They rarely follow Senate debates.

• (1540)

What will the reaction be, in light of the comments you just made about the Canadian public's lack of respect, when politicians come in just above used car salesmen? We can almost predict the reaction of the media when people learn that we are passing a bill betraying a promise our predecessors made for all those years. Can you imagine the media's reaction to the image we are projecting by adopting a bill that will break a promise we made for all those years? Do you expect a very strong reaction?

**Senator Plamondon:** The reaction of the media depends on priorities or breaking news, and when we vote on a bill, that is not what we should base our decision on. It should be based on the merits of the bill. I think that the media may be interested in this aspect of the bill as yet another in a series of broken promises. They will say that we adopted this legislation and that we went back on our word. This hurts Canada, not only domestically but also internationally.

Canada defends privacy protection in various forums. It would go back on the confidentiality clause and simply ignore it! I do not think Canada should do this.

[English]

**Hon. Wilfred P. Moore:** I would like to move the adjournment of the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Moore, seconded by the Honourable Senator Furey, that further debate be adjourned to the next sitting of the Senate.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I will put the question. Those in favour of the motion to adjourn will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion to adjourn will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the "nays" have it.

*And two honourable senators having risen:*

**Hon. Jack Austin (Leader of the Government):** I would like to speak on third reading.

**The Hon. the Speaker:** We have to dispose, first, of Senator Moore's motion to adjourn. I see two senators rising and am obliged to call in the senators. We will have a one-hour bell, unless it is agreed otherwise by the whips. For clarity, the one-hour bell will have us return for the vote at 4:40 p.m.

• (1640)

Motion negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Adams  
Andreychuk  
Atkins  
Banks  
Buchanan  
Carney  
Comeau  
Corbin  
Di Nino  
Eyton  
Forrestall  
Kinsella

LeBreton  
Lynch-Staunton  
Mahovlich  
Meighen  
Moore  
Oliver  
Plamondon  
Prud'homme  
Rivest  
Stollery  
Stratton—23

#### NAYS THE HONOURABLE SENATORS

Austin  
Bacon  
Carstairs  
Chaput  
Christensen  
Cook  
Day  
Fairbairn  
Fitzpatrick  
Fraser  
Furey  
Harb  
Hubley

Lapointe  
Léger  
Losier-Cool  
Mercer  
Milne  
Munson  
Pearson  
Pépin  
Poulin  
Robichaud  
Rompkey  
Smith—25

ABSTENTIONS  
THE HONOURABLE SENATORS

Lavigne

Trenholme Counsell—2

**The Hon. the Speaker:** Do you wish to speak, Senator Moore?

**Senator Moore:** The Leader of the Government in the Senate indicated that he wishes to speak, so I will defer to him.

**Senator Austin:** Honourable senators, I rose to say that I wanted to speak on third reading and on the amendment, and immediately after that Senator Moore rose to move adjournment of the debate. That, I understand, is not a debatable motion, so we had a vote.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** It was the other way around.

**Senator Austin:** We had an adjournment.

**Hon. John Lynch-Staunton:** He moved first, and then you got up.

**Senator Austin:** The record will show —

**Senator Lynch-Staunton:** I have looked at the record.

**Senator Austin:** You have looked at the record? Perhaps the Speaker can correct me when he looks at the record.

Having resolved that question, honourable senators, I wanted to speak to the principle that has been addressed by Senator Plamondon and by others in this chamber. The principle that a government policy announced to the public is firm and immutable for all time is not a good principle of public policy. Governments, of course, want to keep their undertakings, and they should keep their undertakings.

**Senator Stratton:** Promise made; promise broken.

**Senator Austin:** Any change to an undertaking has to be made with great care and made only under circumstances in which there is a predominant public policy that demands the change. That is the axiom on which all governments must act. There is no such thing as the dead hand of the past controlling every action of this generation or of another generation. It is imperative in every government of any democratic kind that changes will take place.

Honourable senators may recall President Bush — not the present President Bush, but the previous President Bush — undertaking during his election campaign for his first term not to raise taxes in the United States.

**Senator Lynch-Staunton:** Was that a bill? Was that a law?

**Senator Austin:** He had to move away.

**Senator Lynch-Staunton:** Like your Red Book.

**Senator Austin:** Senator Lynch-Staunton, give me a chance to make my case here, and then you can say everything you want to say afterward.

**Senator Lynch-Staunton:** You liked to heckle us during the GST.

**Senator Austin:** I never heckled.

**Senator Lynch-Staunton:** Mr. Pure.

**Senator Austin:** This is not a courtesy that is appreciated.

I will go back to President Bush the first, who said to the American people, first of all, “Read my lips: There will be no change in taxation in my term of office.”

**Senator Lynch-Staunton:** What bill is that?

**Senator Austin:** Then he had to change that undertaking and permit the rise of taxes in the United States because the changes in economic circumstances in the U.S. economy demanded that he act to adapt to the changing needs of public policy.

Honourable senators, there are many examples from many cases, but I think the point is simply made and I think it is understandable. There are times when, as much as we would like to keep a promise, to do so would cost the public more than not to do so. To govern is to choose. To govern is to make decisions in the public interest at the time you make them.

There is no relevance, as Senator Plamondon has correctly said, in our taking this decision to what the media may say about politicians. The media will say what the media wants to say. What we have to do is govern as we see the interest of the public to govern.

Honourable senators, this legislation has been before us for a long time in one form or another. It has been debated fully in every way, shape and form. This is a government bill. The government and the bill initiated here by the government is proposing to this chamber that there is a public interest in making information available 92 years after it is provided by Canadian individuals. The government has listened to arguments in this chamber and has proposed less than was originally requested.

• (1650)

I believe that we must give acknowledgement to people who study Canadians, our demography, the makeup of Canadian society and where we came from so that we know where we should go in terms of the public policy choices that have to be made.

This may seem idle to some, but public policy is based on facts. Public policy is based on analysis of who we are, where we have been and what we have chosen to do, and this bill will assist in that. I am not arguing that this bill is the *causa causans* of all public policy to come, but it will assist Canadians in the debate of the needs of our society and where we want to go and, in so doing, will assist government in making choices.

Honourable senators, we have been at this a long time. I would very much like to see this bill finally passed out of this chamber and over to the other place where they can debate all the issues that have been debated here. They can give due consideration to this proposed legislation at whatever speed they decide.

Honourable senators, I would ask you to allow this matter to be disposed of today.

**Senator Plamondon:** Honourable senators, I agree that the government has the right to change its mind, but not retroactively. I would agree to asking for consent on census forms from now on, but I do not agree to going back on the word that the government gave Canadians for previous censuses. I only wanted to indicate that nuance.

**Senator Austin:** I understand the argument of Senator Plamondon. However, the data for the last 90 to 100 years is relevant to public policy-making now. To be deprived of that data is to diminish our ability to analyze Canadian society and understand what the direction of Canadian society should be. I understand that we disagree.

**Hon. Eymard G. Corbin:** Honourable senators, I am not going to commit myself in words right now to the amendment or to the main motion, although when I spoke to this matter when Senator Milne's bill was before the Senate I indicated support, because I have, in the course of my many years, done genealogical research on my family.

[Translation]

The resources available for tracing our ancestry are wonderful. Everyone wants to know where they came from. I understand the need to do this properly and to keep one's word. I do not want to get into that at this time. Before going any further, I want to explain why I voted for the adjournment motion.

His Honour was still putting the matter to a vote and, in my eyes, the process was not yet finished when an honourable senator rose to indicate that he wanted to speak at third reading. I do not remember exactly whether Senator Moore had indicated that he wanted to adjourn the debate before, after or at the same time.

I have already voted for similar motions in the past for this reason. Parliament is a place where one expresses one's point of view to the best of one's knowledge and conscience. When one of my colleagues from either side of this chamber wants to adjourn a debate on a non-urgent matter, I do not see why we would not grant him the courtesy of allowing him to speak. I therefore voted in favour of Senator Moore's right to speak. He is an intelligent man, a man of experience. He followed the debate closely and I imagine that he wants to provide new insights. He wants to build on the arguments that were presented to us. That is the role of this house. I believe the senator has the right to be heard.

I have voted in favour of his right to speak and I want to hear what he has to say. I wanted to explain why I took this position earlier this afternoon.

[English]

**The Hon. the Speaker:** Honourable senators, before I lose the opportunity to do so, I should clarify what I, as presiding officer, saw and did in the context of both Senator Austin's and Senator Corbin's concerns.

I saw Senator Moore indicate he wished the floor, and I returned to him following an exchange in the house. As Senator Austin is the leader of one of the parties, had I seen him rise I would have recognized him on a priority basis, as I would recognize the Leader of the Opposition. However, I did not see Senator Austin rise until after I had indicated a mover and seconder and was in the process of asking whether there was agreement of the house.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I wish to participate in the debate on the motion in amendment, that being the item now before us. Senator Austin drew to the attention of the Senate the importance of public policy development being based on the best data available to public policy-makers. That is obviously in the public interest. Surely, the whole intent of the first Statistics Act was that data would be gathered in the public interest — not in any private interest — to make it possible for the Government of Canada to study demographics and other factors of social and economic life so that the government could formulate the best possible policies in the interests of the country.

• (1700)

The amendment we are debating will protect the ability of the government to continue to collect census data, and it will protect individual rights. People will now know that individual data will no longer be as it was in the past — only available to the public sector, to the government, for the purpose that it was intended. From the beginning, the various statistics acts and amendments thereto have always been based on a promise that personal data would not be shared. People will know that the data can be used in the public sector for policy development, but it is not available for private purposes. Even certain branches of the Crown corporation of the Government of Canada will not have access, because they are explicitly excluded. Income tax data is a specific example in that not all of those engaged in the development of public policy in the public interest from the various sectors of the various ministries will have access. Therefore, what came before us, and we all know the history of this bill, has to be one of the most poorly handled pieces of public legislation that has come by this chamber in a long time. I will not repeat that history.

The fact is that the majority of amendments to the Statistics Act that occurred in the past occurred upon the promotion of a measure by a majority government. A majority government at that point in time continued that commitment. They made that promise that the data that people had to make available under serious sanctions would be used only in the public interest, not for private interest. These days, people do make these observations about government not keeping promises. I agree with Senator Austin when he says that we have to look at things in the here and now, but the here and now that we are involved in is a minority government in an era when there are questions as to whether you can trust governments and politicians. It is very unfortunate that

that kind of perception is out there. Very often the media attempts to perpetuate this myth, and I believe it to be a myth. I have yet to encounter a person, whether at the provincial, federal or indeed the municipal level, engaged in public affairs who does not do so from the very best of intentions and motives. I have yet to meet a federal member of either House of Parliament laying awake at night trying to see whether they can come up with schemes to do ill to the people of Canada.

Members of Parliament, no matter which chamber, simply do not do that. It does not serve the country well to have those kinds of perceptions perpetrated and spread around by members of the media.

The point that I underscore is that there is a real distinction between data for public policy development reasons and data based on promises that have been made. It is not there, and should not be for purposes of private interests.

Honourable senators, this amendment is a solid one and I urge your support for it.

**Hon. Joan Fraser:** Honourable senators, I support this bill and I oppose the amendment. I have supported this bill in one form or another for six and a half years, if memory serves. The point is not my personal support. The point is that the substance of this bill has been before this chamber for that long.

I cannot think of anything else that has been debated, studied, voted upon, debated again, studied again, voted upon again to the extent of this measure. The legislation has been negotiated carefully with all interested parties. It has been the subject of expert examination and commentary for a very long time.

Honourable senators, I would be surprised if there is a new argument to be made, and I strongly urge that we get on with it.

**The Hon. the Speaker:** No senators rising —

**Hon. Anne C. Cools:** Will the senator take a question?

**The Hon. the Speaker:** Did you wish to speak, Senator Cools?

**Senator Cools:** I am very curious. Senator Fraser just said, and I have heard this time and time again, that there is no need to spend any time seriously looking at the issues because the interested parties have been consulted. Do the “interested parties” in these questions ever include Members of Parliament? Are members of Parliament interested parties in any of these debates? From what I can see, the attitude of the government is the less debate in this place, the better, and the less time spent on these questions, the better. For that matter, if that is the position of the government, maybe they should just close the place down and expose the situation for what it really is. You can hardly call these chambers debating chambers. As a matter of fact, I would contend that you can barely call these institutions Parliament any longer, because it just seems that the entire system, both Houses of Parliament, is enslaved to the Prime Minister and to the government.

I want to put on the record that I strenuously object to this notion that everyone out there has an interest, except members of Parliament. I strongly object to people who will not debate. This is a debating chamber. As far as I am concerned, the duty of members of Parliament and senators is to ensure that every single question is answered and that every single member's concern is

addressed. As far as I am concerned, the night is young. Let the debate continue.

**Senator Moore:** I want to make it clear that my motivation in seeking the adjournment earlier was to have an opportunity to prepare my remarks. I do not want to give a rambling dissertation. Some statements and information came out yesterday and today that I think are important to the whole issue. I want an opportunity to reflect on that, to put my remarks together and to speak in a coherent fashion. Therefore I am urging that honourable senators support me and permit the debate to be adjourned.

**The Hon. the Speaker:** Our proceedings do not allow another motion to adjourn the debate unless there has been an intervening proceeding, and there has not. We are at the point of hearing senators who may wish to speak or dealing with the question.

**Senator Cools:** Perhaps His Honour is saying that no one wants debate.

**The Hon. the Speaker:** Our rules provide for adjournment of the debate. We have adjourned the debate. It was voted on. I have consulted with the table in anticipation of this question.

**Senator Comeau:** On the amendment.

**The Hon. the Speaker:** On the amendment, and speaking is not an intervening event that permits the matter to be adjourned again. An intervening event is defined in *Beauchesne's* as something which is entered into the journals, and simply speaking to the motion does not involve an entry in the journals, I am told. That being the case, we are on the amendment and either it will be spoken to or dealt with in another way, namely, voted upon.

• (1710)

**Senator Cools:** Perhaps then I could take a shot at moving the adjournment of the debate. I have not paid much attention to this particular bill, and perhaps I should have. I too would like an opportunity to look at this matter, at anything that could provoke this sort of a contention. As I said before, I just walked into the chamber. I heard there was some excitement, so I came running in. I could move the adjournment.

**The Hon. the Speaker:** It is not a question of who makes the motion to adjourn; it is that the motion to adjourn is not in order, the Senate having spoken on the matter of adjournment in a standing vote.

**Hon. Senators:** Question!

**Senator Cools:** Perhaps His Honour could inform me as to precisely what it was that the chamber expressed an opinion of, because my understanding is that motions of adjournment are motions of the individual who is moving them. I am quite happy to be wrong. Perhaps His Honour could inform me on what happened, or inform the chamber.



**The Hon. the Speaker:** We are trying to keep it as clear and straightforward as possible; as least I am. As I have indicated and I will repeat, the chamber has voted on whether or not debate be adjourned. The motion to adjourn was lost. We are on the amendment of Senator Comeau.

It is appropriate to speak at this time, but if no one stands to speak — I am simply dealing with what is immediately before me — the next step is to deal with the matter before us. Either someone speaks, or we deal with the question.

**Hon. Senators:** Question!

**Hon. Marcel Prud'homme:** To clarify, I have been given advice that yes, indeed, you are absolutely right. The motion to adjourn was defeated, so either we speak or we vote. If we vote and we vote in favour, we return to the main motion and, immediately an event having taken place, anyone can move the adjournment. That would be right. I am ready to vote and we will see what we do on third reading.

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

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** I will put the question on the motion in amendment of Senator Comeau all those in favour of the motion in amendment will please say "yea."

**Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion in amendment will please say "nay."

**Hon. Senators:** Nay.

**The Hon. the Speaker:** I believe the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** It is proposed by the whips that the bell ring for 15 minutes before the vote, but I do require consent of the Senate.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** It is agreed the vote will be at 5:27.

Call in the senators.

• (1730)

Motion in amendment negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Atkins  
Buchanan  
Comeau  
Cools  
Di Nino

Kinsella  
LeBreton  
Lynch-Staunton  
Meighen  
Oliver  
Plamondon

Eyton  
Forrestall  
Johnson  
Keon

Prud'homme  
Rivest  
Stratton—19

#### NAYS THE HONOURABLE SENATORS

Adams  
Austin  
Bacon  
Banks  
Biron  
Carstairs  
Chaput  
Christensen  
Cook  
Day  
De Bané  
Fairbairn  
Fitzpatrick  
Fraser  
Furey  
Harb  
Hubley

Lapointe  
Lavigne  
Léger  
Losier-Cool  
Mahovlich  
Mercer  
Milne  
Moore  
Munson  
Pearson  
Pépin  
Poulin  
Robichaud  
Rompkey  
Stollery  
Trenholme Counsell  
Watt—34

#### ABSTENTIONS THE HONOURABLE SENATORS

Corbin—1

On motion of Senator Stratton, debate adjourned.

[Translation]

#### ROYAL ASSENT

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

#### RIDEAU HALL

March 23, 2005

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified Royal Assent by written declaration to the bills listed in the Schedule to this letter on the 23rd day of March, 2005, at 4:56 p.m.

Yours sincerely,

Curtis Barlow  
Deputy Secretary  
Policy, Program and Protocol

The Honourable  
The Speaker of the Senate  
Ottawa

Bills assented to on Wednesday, March 23, 2005:

An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion (*Bill S-17, Chapter 8, 2005*)

An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts (*Bill C-20, Chapter 9, 2005*)

An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts (*Bill C-6, Chapter 10, 2005*)

An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment (*Bill C-39, Chapter 11, 2005*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (*Bill C-41, Chapter 12, 2005*)

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 (*Bill C-42, Chapter 13, 2005*)

An Act to amend the Telefilm Canada Act and another Act (*Bill C-18, Chapter 14, 2005*)

• (1740)

[English]

**CANADA SHIPPING ACT  
CANADA SHIPPING ACT, 2001  
CANADA NATIONAL  
MARINE CONSERVATION AREAS ACT  
OCEANS ACT**

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Wilfred P. Moore** moved second reading of Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

He said: Honourable senators, I am pleased to speak today at second reading of Bill C-3 to amend the Canada Shipping Act, the Canada Shipping Act 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

Honourable senators will recall that on December 12, 2003, the Government of Canada decided to consolidate responsibility for marine safety policy under the Minister of Transport. To make this clear to all Canadians, it is now necessary to amend references

to “minister” or “department” that appear in the four pieces of legislation to be amended by way of Bill C-3.

Perhaps a little history would be helpful here.

Since 1995, responsibility for marine safety has been shared between the Minister of Transport and the Minister of Fisheries and Oceans. The two ministers and their respective departments work closely together regarding vessel safety and the protection of marine environment. That said, the division of responsibility between the two has caused some confusion and has presented some difficulties. This is particularly evident where there were separate regimes for pleasure craft and for commercial vessels.

Having one minister responsible for pleasure craft and the other responsible for commercial vessels was a constant concern for stakeholders. Moreover, while not at first evident, there were operational challenges concerning which department’s personnel were responsible for a particular vessel and which rules applied.

More important, the split was not convenient for stakeholders. For the marine industry and for the countless Canadians who use our country’s vast waterways, often stakeholders simply did not know which minister or which department was responsible for what. The division of policy and enforcement responsibilities between Transport Canada and the Department of Fisheries and Oceans, DFO, was difficult for them to understand. This bill responds to their concerns.

Bill C-3 consolidates policy responsibility for marine safety and for the protection of the marine environment under one umbrella at Transport Canada. These policy responsibilities consist of those that had been held by the Canadian Coast Guard at the DFO and include the responsibility for regulations governing pleasure craft safety, marine navigation services, pollution prevention and response and navigable waters protection.

In regard to pleasure craft safety, Transport Canada is now assuming responsibility for the following regulations: small vessel regulations, boating restriction regulations, competency of operators of pleasure craft regulations and the regulations pertaining to pleasure craft sewage pollution prevention.

Honourable senators, as a result of this, recreational craft will now be regulated by the same department that regulates vessels used for passenger transportation and for fishing. This is of the utmost importance to ensure that basic standards of safety are applied to vessels regardless of usage.

This transfer from Coast Guard to Transport Canada also includes the Office of Boating Safety, together with all its related programs, including vessel licensing, operator competency, educational and awareness programs as well as responsibility for working with enforcement agencies such as the RCMP to monitor and ensure compliance.

Honourable senators may be interested to note that the Office of Boating Safety, now within Transport Canada, will continue its work in partnership with the Canadian Coast Guard Auxiliary and with the Canadian Red Cross in the delivery of boating safety and awareness programs.

[ The Hon. the Speaker ]

In the area of marine navigation services, Transport Canada's new policy responsibilities include the regulations dealing with vessel trapping and services zones, the Eastern Canada vessel traffic services zones and private buoys and aids to navigation protection.

Under its new responsibilities for pollution prevention and response, Transport Canada will now be responsible for the response organizations and all handling facilities regulations.

As I noted earlier, responsibility for the Navigable Waters Protection Program is also a part of the transfer from DFO to Transport Canada. As such, Transport Canada is now responsible for the administration and enforcement of the Navigable Waters Protection Act. This entails issuing permits for works on navigable waters such as bridges and for removing obstructions to navigation. It also includes acting as Receiver of Wreck, which is a function that relates to restoring property found on or under water to its rightful owner.

These changes, in brief, enable stakeholders and Canadians generally to more easily provide the government with their input on these important areas of marine law. It also permits the Canadian Coast Guard to focus exclusively on its very important service delivery role, including navigation services and search and rescue. To ensure that Transport Canada has the necessary resources to carry out these expanded responsibilities, the Governor-in-Council transported certain resources of the Department of Fisheries and Oceans to the Department of Transport. The government's purpose in rationalizing marine safety responsibility is to provide a single window of service, that is to say, at Transport Canada, for policy issues related to marine safety policy. For example, it allows and greatly facilitates the bringing together of safety requirements for pleasure craft and commercial vessels. As far as practicable, it will promote the harmonization of the rules and regulations pertaining to both types of vessels that I have already mentioned is strongly supported by stakeholders.

Another example pertains to the important matter of oil pollution prevention and response. The amendments in Bill C-3 will resolve much of the complexity and responsibilities in this area. They will provide clarity, uniformity and enforcement measures against the threat of oil damage to our marine environment.

I want to make it clear here, honourable senators, that while these important functions and responsibilities have been transferred to Transport Canada, the content of those functions and responsibilities remain the same. The rules governing marine safety have not changed. Moreover, there are, therefore, no financial considerations. It is simply a rationalization exercise, albeit a very important one.

Bill C-3 is now needed to reflect in legislation the changes in responsibility decided upon by the government, and although this is a machinery of government bill in that it deals with the reorganization of powers, duties and functions, it has no effect on

the substance of the law. It is, nonetheless, important since it clarifies and improves the legislative and administrative framework for regulating marine activity in the interests of safety and the marine environment.

Transportation safety and efficiency are vital to Canadian competitiveness, and marine transportation has always been a major part of the Canadian transportation network. Improved clarity and efficiency in the legislation contribute to the transportation systems and the productivity of our industry.

Maritime commerce is national and international, and we must have an international vision in our regulation of that trade. The improvements made to the legislative framework by Bill C-3 facilitate our participation in international decision making relating to the content of conventions and treaties for the protection of marine safety and the marine environment as well as with respect to our ability to implement international norms.

Once again, the laws that are amended by this bill are the Canada Shipping Act, the Canada Shipping Act 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

The Canada Shipping Act, CSA, is the principal legislation governing the activities of Canadian vessels in all waters and foreign vessels in Canadian waters. It provides here in Canada the legal foundation for navigation safety and protection of the marine environment on our three coasts, the inland seas of the Great Lakes and with respect to our other navigable waters.

• (1750)

The CSA confers responsibilities on the Minister of Transport and the Minister of Fisheries and Oceans to oversee marine transportation and to implement marine safety, navigation services, pollution prevention and response, and other aspects relevant to this vast and important industry.

The existing statute, dating from 1936 and originally based on the British Merchant Shipping Act of 1894, is one of Canada's oldest statutes still in force. It has been amended in piecemeal fashion over the years and is now outdated and in need of reform. Accordingly, this act is to be replaced by the Canada Shipping Act, 2001, which was the object of considerable scrutiny in this chamber and which received Royal Assent in 2001.

We knew at that time that the implementation process would be a long one and the department advises that it is expected to come into force by the end of 2006. Like its predecessor, the CSA 2001 confers functions and duties on the Minister of Fisheries and Oceans and the Minister of Transport to manage the regulation of marine transportation in the shipping industry.

Honourable senators may be wondering why CSA 2001 will not come into force until 2006. As the department told us in 2001, it is due to the fact that regulations must first be developed in support of it. In that regard, Transport Canada has developed a project team that has been and continues to be diligently engaged in this regulatory development work.

The work itself is to be completed in two phases. The first phase will see the development of the new regulations required by the act as well as the reform of existing regulations that are consistent with it. Upon completion of this first phase, CSA 2001 comes into force. This phase is expected to conclude by late 2006. The second phase will consist of the reform of those regulations that, although in need of modernization, are neither critical to safety nor inconsistent with the new act.

In all, some 100 regulations that exist under the current Canada Shipping Act will be reduced to approximately 30 under the new one. Upon completion of this project, Canada will have a modernized maritime transportation regime that will simplify the law and will both greatly enhance navigation safety and better protect the marine environment.

That said, when CSA 2001 was originally drafted, it was done in such a way as to draw a clear distinction between the responsibilities of the Ministers of Transport and Fisheries and Oceans, as they were known at that time. Accordingly, Bill C-3 has been drafted to implement the Prime Minister's decision on December 12, 2003, in order to carry out the desired changes without adversely affecting the logic of these statutes.

I wish to advise honourable senators that I have requested confirmation from department officials that sufficient funding will be in place for the fiscal year 2006-07 and thereafter with regard to the facility located on Sable Island, Nova Scotia. This facility is important to Canada and Nova Scotia for reasons of environment, navigation, search and rescue, and sovereignty.

A legion of persons is interested in the welfare of Sable Island and the services provided thereon. I look forward to a prompt reply from those department officials, that is, before third reading.

To sum up, Bill C-3 now before us achieves the following: It establishes overall policy responsibility at Transport Canada for safety and environmental protection of the waterways; enhances the efficiency, coherence and transparency of the marine regulatory framework for all Canadians; improves service to stakeholders and other Canadians on marine matters; preserves the role of the Department of Fisheries and Oceans to carry out its operational role; and ensures that the powers, duties and functions newly conferred upon the Minister of Transport are clear in order to prevent confusion and promote certainty within the industry.

In short, honourable senators, this proposed legislation promotes the government's vision of the best transportation system for Canadians; a transportation system that is safe, efficient and environmentally friendly in order to contribute to Canada's economic growth and social development while protecting the physical environment.

Honourable senators, I ask that you support Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

On motion of Senator Stratton, debate adjourned.

[ Senator Moore ]

## BUDGET IMPLEMENTATION BILL, 2004, NO. 2

### SECOND READING—ORDER STANDS

On the Order:

Second reading of Bill C-33, to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, this bill has been on the Order Paper for some days. Is there a reason we are not dealing with it? Perhaps the sponsor of the bill could answer that question.

**Hon. Joseph A. Day:** Honourable senators, it is my intention to speak to this bill on Tuesday, April 12, which will be our next sitting day.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I thought, given that today is March 23 and the budget to which this bill relates was tabled on March 23, 2004, today would have been a propitious occasion upon which to commence second reading of Bill C-33.

**Hon. Anne C. Cools:** Honourable senators, I am curious as well. For the most part, this government seems to be in a hurry to bring debate on and to conclude debate — especially to conclude it. Why is Senator Day under no pressure to speak? Why is it that whenever I try to speak I am under some sort of pressure? What is the difference? Why is the government not in a hurry on this bill yet in a hurry on every other one? Perhaps Senator Day could enlighten us. It is quite a change in pace.

**The Hon. the Speaker:** Honourable senators, we are not in debate. The question is simply whether it is the wish that the matter be stood.

If you wish to speak, Senator Cools, you can have the floor. Senator Day is not obligated to stand and answer your question. We have dealt with a few such exchanges under Government Business.

Order stands.

## HERITAGE LIGHTHOUSE PROTECTION BILL

### THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Forrester, seconded by the Honourable Senator Carney, P.C., for the third reading of Bill S-14, to protect heritage lighthouses.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, had I lots of time, which I do not tonight, I would have spoken about how important lighthouses are to the culture of the sea, both on the East Coast and the West Coast. I would have spoken about how important they are to

mariners and their loved ones on the shore, about how much they inform our life and culture and about examples I have seen of them being put to good use for tourism, municipal purposes and otherwise.

However, time does not permit me to talk about those things tonight, so I will not, but rather simply urge honourable senators to pass this bill and send it on to the House of Commons.

I believe that this is a good initiative. I congratulate Senator Forrestall for bringing it forward and being persistent on this matter. I hope that honourable senators will support it.

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

**Some Hon. Senators:** Question!

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

Motion agreed to and bill read third time and passed.

#### BUSINESS OF THE SENATE

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators —

**The Hon. the Speaker:** It is six o'clock. I am not sure that is why Senator Rompkey is rising, but if it is —

**Hon. Marcel Prud'homme:** Honourable senators, I rise on a point of order. As it is six o'clock, I would like to ask the house leader to propose the adjournment motion. I was given an understanding that I would not need to speak today and I do not feel like speaking today either. If he does put his motion to adjourn and keep the scroll as is, I would be more than happy to cooperate with him.

• (1800)

**Senator Rompkey:** We will certainly keep the scroll as is, but I was rising to propose that we not see the clock and proceed with the Order Paper, the reason being that other senators have made commitments to speak to certain bills, plus there are budgets that have to be passed. Therefore, my proposal is that we not see the clock. Honourable Senator Prud'homme has the option of standing the item he wishes to speak to until such time as he feels comfortable addressing it.

**The Hon. the Speaker:** It is six o'clock, honourable senators, and I think we are obliged now to deal with that matter. Either I leave the chair or we unanimously agree not to see the clock.

Is it agreed, honourable senators, that we not see the clock?

**Hon. Senators:** Agreed.

#### FEDERAL NOMINATIONS BILL

##### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Subject-matter referred to the Standing Senate Committee on Legal and Constitutional Affairs on February 2, 2005*)

**Hon. Marjory LeBreton:** Honourable senators, this Order Paper item is on the fifteenth day. I would like to speak to Bill S-20, but its subject matter is still before the Standing Senate Committee on Legal and Constitutional Affairs. I simply rise to request the chamber to start the clock again on this bill.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we restart the clock regarding Item No. 10 under Senate Public Bills?

**Hon. Senators:** Agreed.

On motion of Senator LeBreton, debate adjourned.

#### GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

##### PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.—(*Honourable Senator Meighen*)

**Hon. Michael A. Meighen:** Honourable senators, I am pleased to rise, albeit briefly, to lend my support to Bill S-25 dealing with the change in investment powers in the General Synod of the Anglican Church of Canada, powers that are presently limited by very outdated legislation. The amendment being proposed is identical to the amendment in the piece of legislation that I sponsored in 1997 entitled "An Act to amend an Act to Incorporate the Bishop of the Arctic of the Church of England in Canada." I wish there were an acronym for that but there is not.

In the previous case, the Church of England, now the Anglican Church of Canada to the Inuit of the High Arctic, was limited in a similar way in its ability to invest funds. For both the Bishop of the Arctic of the Church of England in Canada and the General Synod of the Anglican Church of Canada, these limited investment options were, at the time of incorporation, rational and appropriate, but society has evolved and so has the role of the church. It is, therefore, high time for legislation to be amended so that it can modernize its financial dealings.

While I am certainly supportive of this amendment to what is certainly an outdated piece of legislation, at the same time I do wish to address the process of handling amendments to legislation dealing with corporations sole. Administrative processes for incorporation and amendment are surely logical and appropriate alternatives. The lengthy process of passing legislation in Parliament to deal with amendments to such acts is both burdensome and unnecessary in this day and age. Furthermore, the reasons for Parliament being involved in the current practice are no longer relevant.

At this time, the Canada Corporations Act does not allow a corporation sole to incorporate through administrative means. I would support the notion that entities such as the General Synod of the Anglican Church of Canada should enjoy a status similar to other non-profit corporations incorporated under the Canada Corporations Act. Indeed, it is this idea that Senator Atkins attempted to introduce in 2001 in his Bill S-30, An Act to amend the Canada Corporations Act (corporations sole) that died in committee. I commend Senator Atkins on his work. Clearly, this approach would be beneficial to both this chamber and to corporations sole. Perhaps the time has come for us to have another look at Senator Atkins' proposal, and I for one intend to do so, although I am given to understand that there may be a private member's bill to that effect in the other place.

In any event, I support either amending the Canada Corporations Act or introducing legislation that allows corporations sole to incorporate and amend their statutes through administrative means.

[Translation]

Honourable senators, I support Bill S-25 and ask you to do the same. However, I want to stress that it is time to review the way these amendments are made.

[English]

Thank you, honourable senators, for your support for Bill S-25.

**Hon. Eymard G. Corbin:** Honourable Senator Meighen alluded to Senator Atkins' bill. Of course, before Senator Atkins' bill, there were a number of us who stood requesting what Senator Meighen has just alluded to in terms of incorporating corporations sole. Some of my former colleagues have gone into retirement to wherever souls go after they leave this place. I simply want to support the argument made by Senator Meighen and invite our colleague, Senator Atkins, to present his bill once more so we can deal with this issue once and for all.

**Senator Meighen:** I thank the honourable senator and congratulate and commend him on his institutional memory. It is very useful to all of us.

**The Hon. the Speaker:** No senators rising to speak or address the matter further, are honourable senators ready for the question?

**Some Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

[ Senator Meighen ]

## REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees) presented in the Senate on March 22, 2005.—(*Honourable Senator Furey*)

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

Motion agreed to and report adopted.

### SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration (economic increase for unrepresented employees) presented in the Senate on March 22, 2005.—(*Honourable Senator Furey*)

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

Motion agreed to and report adopted.

• (1810)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### BUDGET—REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO MANDATE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues) presented in the Senate on March 22, 2005.—(*Honourable Senator Banks*)

**Hon. Tommy Banks** moved the adoption of the report.

Motion agreed to and report adopted.

## TRANSPORT AND COMMUNICATIONS

### BUDGET—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study on the Canadian news media) presented in the Senate on March 22, 2005.—(*Honourable Senator Fraser*)

**Hon. Joan Fraser** moved the adoption of the report.

Motion agreed to and report adopted.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (budget of Rules, Procedures and the Rights of Parliament Committee) presented in the Senate on March 10, 2005.—(*Honourable Senator Furey*)

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

Motion agreed to and report adopted.

## THE SENATE

### RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Lavigne, seconded by the Honourable Senator Robichaud, P.C.:

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.—(*Honourable Senator Rompkey, P.C.*)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, with respect to this matter, my understanding is that Senator Lavigne, who is the mover of this motion, which is seconded by Senator Robichaud, would agree to amend the motion in the first line of the proposed new rule, 135.1, by deleting the word “shall” and replacing it with the word “may.” If honourable senators would unanimously agree to Senator Lavigne making that amending motion, this side certainly would be prepared to agree to the motion as amended and send the motion to the Rules Committee for further consideration.

**The Hon. the Speaker:** Our rules do provide for a mover of a motion to amend it with the unanimous consent of the Senate. Senator Lavigne, do you wish to request that unanimous consent?

**Hon. Raymond Lavigne:** Yes.

**Hon. Eymard G. Corbin:** Is it in writing and in both official languages? A motion should be made in writing and in both official languages.

**The Hon. the Speaker:** Would it satisfy this chamber if I read the motion in both languages?

**Senator Corbin:** No. What is the standard procedure? I do not want to be difficult, but I simply do not know what “shall” will be in French to replace “doit.”

[*Translation*]

I want to be clear. I understand English, but I want to see the amendment in French, to be comfortable. That is all I am asking.

**The Hon. the Speaker:** The French version of the motion reads as follows:

Qu'on modifie la motion numéro 58 en remplaçant à la première ligne du projet de loi, à l'article 135.1, le mot « doit » par le mot « peut ».

**Hon. Marcel Prud'homme:** Honourable senators, allow me to express a concern. This motion could produce two kinds of senators. I can already see the newspapers saying that senators “may,” rather than “shall,” take an oath of allegiance. If we say “may,” this means it is not mandatory. I put the question to Senator Austin, who is moving the motion for Senator Lavigne: Are there not two ways to take an oath?

[*English*]

Some of those may say they have the option, but I do not. My allegiance would be given to Canada, my favourite part. I have done it before I was asked. I panicked the staff. When I was sworn in, I always added “the Queen of Canada.” I insisted on saying “the Queen of Canada.” It was not technically correct. I would like to have an answer on that.

**The Hon. the Speaker:** Just to clarify where we are on this, senators, we are really now on the time of Senator Lavigne in the sense that he is asking his colleagues for unanimous consent to vary his motion. I am trying to determine whether unanimous consent is likely to be forthcoming. I am getting the sense that Senator Corbin wishes a written copy of the motion distributed before its consideration. That has been our practice in many cases, usually, though, on a longer motion. Nonetheless, the words can be difficult. Let me ask before we go any further whether or not, if we distribute the motion, there is likely to be unanimous consent.

**Hon. Noël A. Kinsella (Leader of the Opposition):** No.

**The Hon. the Speaker:** Senator Kinsella indicates no. I should not necessarily do this, but if you obtained leave, Senator Lavigne, to propose an amendment to your own motion in the form that I have here, then it would be put on the Order Paper in the form that you want it.

**Senator Kinsella:** He has already spoken.

**The Hon. the Speaker:** He already has. Leave is not granted.

Order stands.

[Translation]

## ISRAELI-PALESTINIAN QUESTION

### INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Prud'homme, P.C., calling the attention of the Senate to the Israeli-Palestinian question and Canada's responsibility.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Marcel Prud'homme:** Honourable senators, I am embarrassed because Senator Rompkey told me there was no problem in deferring this inquiry. I have enough experience to know that I am losing one day for debate of this inquiry. This is what I wanted to avoid when I asked him if the adjournment would take place at six o'clock. He said yes. I now understand that I will lose one day on this matter on the Orders of the Day. This is why I did not want to get to this point on the Orders of the Day.

Order stands.

## ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- (a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and
- (b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and
- (c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and
- (d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and

(e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and

(f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and

(g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Gerald J. Comeau:** Honourable senators, I look forward to hearing Senator Prud'homme's comments on this inquiry on the order. By saying a few words today, I will give us the opportunity to hear his comments.

On motion of Senator Comeau, debate adjourned.

• (1820)

[English]

## NATIONAL SECURITY AND DEFENCE

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE— DEBATE ADJOURNED

**Hon. Tommy Banks,** pursuant to notice of March 22, 2005, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on Tuesday, April 5 and Wednesday April 6, 2005, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, the subject matter that is being dealt with by the committee referred to in this motion is as current as today's Question Period. In fact, a question was asked about it today.



It is nothing less than the study of Canada's defence policy, on which a great many questions turn. It is a study which has been undertaken by the Standing Senate Committee on National Security and Defence. I want you to understand that during its recent western trip, when that committee was in Victoria or Vancouver, it was operating under the assumption that, if the Senate did not sit during the week of April 4, that would likely be regarded as a committee week.

Given that, members of the committee then present discussed whether or not it would be prudent to meet during that week in order that it did not get behind on this enormous study. The members of that committee then present determined unanimously — and members here present will correct me if I am wrong — that the committee wished to sit during that week, specifically on the dates of April 5 and 6. It planned to do so and made its work plan based upon that understanding. Among the witnesses who are scheduled for that week is the Chief of the Defence Staff, who is not always that easy to see.

When the members unanimously adopted that position, they were not jumping up and down with glee at the prospect. It was not entirely without grumbling, but it was unanimous nonetheless to spend two full days working. These are senators who expressed a desire to work during that week, and it is on that basis that I have made this motion and ask your support in order that those senators can do their work during that week.

**Hon. J. Michael Forrestall:** I rise in support of the background that Senator Banks has placed before you with respect to this matter. The reality is that it is extraordinarily difficult to get the Chief of the Defence Staff for 15 or 20 minutes, let alone the hour-and-a-half to two or more hours that we would wish him to be with us.

There is a possible solution. It has now become necessary, because of other events, to cancel part of our trip to Montreal, New York and Washington, leaving us with the date of April 14, which is, again, beyond the end of that week. I think it would meet with the leader's view, and certainly I think it would be within the scope of my leadership group's view, that it should be a week of rest for the staff and for Senator Kenny, the chair, and some of the other members of that committee.

There is no way really to amend Senator Bank's motion. We want the authority to sit. The chamber will sit on April 14; we will have the authority because we already have it to travel to hear witnesses. I ask for someone to help me out on how to handle this; how to move it from where we are now to make it a real possibility.

We are frustrated by the fact that we have an opening. We have no knowledge of whether the Chief of the Defence Staff is in the same position. He may be otherwise fully committed.

I speak as the vice-chairman of this very distinguished group. It is my position that it is worth taking that step. I am not asking the mover of the motion to withdraw, because I would intend to support it unhesitatingly. What he suggested to you is the way

things happened. We have work to do and we can get important witnesses — an important witness — before we go down to the United States which is a critical trip for this committee because of what it will report to the government of our country and through the Senate.

I am offering that as a suggestion. I am suggesting, without saying so, that the senator might consider withdrawing his motion. We could defeat it. That would handle it. I would leave it up to others who might want to contribute to the debate, and to this particular point, to intervene and perhaps offer some suggestion.

I can say to you, honourable senators, that I have been instructed so I will do the proper thing.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** To simplify the matter, before we go back and forth again and again, I would adjourn the debate on this item. The next item is the appropriate place to discuss April 14.

**The Hon. the Speaker:** I suppose this could also be adjourned if you wish, Senator Banks.

On motion of Senator Stratton, debate adjourned.

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Tommy Banks,** pursuant to notice of March 22, 2005, moved:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on April 11, 2005, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, as Senator Stratton has suggested, this is a much simpler thing to deal with. I suggest to honourable senators that this is simple housekeeping.

• (1830)

The week that includes April 11 is a sitting week, if I understand correctly. This committee has, since its inception, met on Mondays. Although this Monday falls before the resumption of the Senate, because the date to which we will adjourn will be April 12, I urge honourable senators to accept the principle of the motion, which would permit the committee to sit on its normal sitting day.

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

**Hon. Senators:** Question!

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

Motion agreed to.

**HUMAN RIGHTS****COMMITTEE AUTHORIZED TO MEET DURING  
ADJOURNMENT OF THE SENATE**

**Hon. A. Raynell Andreychuk**, pursuant to notice of March 22, 2005, moved:

That, pursuant to rule 95(3), the Standing Senate Committee on Human Rights be authorized to meet on Monday, April 11, 2005, even though the Senate may then be adjourned for a period exceeding a week.

She said: Honourable senators, I want to put on the record that when these two committees were formed, we were told that our regular and normal sitting hours would be on Monday and that the rules would be amended so that we would not have to move motions such as this. I contend that both the Defence Committee and the Human Rights Committee should be afforded the right to sit within their own time slots on Mondays without having to come here to ask for consent.

**Hon. J. Michael Forrestall**: Honourable senators, that is a very sensible suggestion and I accept it. However, I do not accept that the committees should continue to sit on Mondays. That requires members of committees that sit on Mondays to leave their homes on Sunday to travel to Ottawa, to spend Sunday night here, to attend committee meetings on Monday, and then to attend to Senate business through to the end of the week. It involves an extra day. Some of us have spent 40 or 50 extra days attending meetings in this manner.

However, to streamline matters for the time being and with the clear understanding that it will not be a permanent situation, I would agree to this request.

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

Motion agreed to.

**ADJOURNMENT**

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

**Hon. Bill Rompkey (Deputy Leader of the Government)**: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 12, 2005, at 2 p.m.

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

**Hon. Senators**: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 12, 2005, at 2 p.m.

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# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been **completed**)

**(1st Session, 38th Parliament)**

**Wednesday, March 23, 2005**

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

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0			

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21							
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance					
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology					
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce					
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No.2, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No.3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							

**PRIVATE BILLS**

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

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