



CANADA

Debates of the Senate

1st SESSION

• 38th PARLIAMENT

• VOLUME 142

• NUMBER 51

OFFICIAL REPORT
(HANSARD)

Tuesday, April 19, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, April 19, 2005

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

Prayers.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to call your attention to the presence in our gallery of participants in the Parliamentary Officers' Study Program. We also have representatives of the Secrétariat général of the Assemblée parlementaire de la Francophonie, the Benin National Assembly, the Senate and the National Assembly of Cambodia, the Cameroon National Assembly, the Parliamentary Centre of Canada and the Quebec National Assembly.

On behalf of all senators, welcome.

[English]

We have as well, honourable senators, in our gallery, members of the Nattivak Hunters and Trappers Association in Qikiqtarjuaq, Nunavut; members of the Torngat Fish Producers Co-operative Society in Makkovik, Newfoundland and Labrador; as well as Mr. Wally Anderson, MHA for St. John's, Newfoundland and Labrador. They are the guests of Senator Adams.

Welcome to the Senate of Canada.

SENATORS' STATEMENTS

LIVING WILLS

Hon. Sharon Carstairs: Honourable senators, recently our newspapers, radios and televisions were filled with the struggle between the husband of a woman in a persistent vegetative state and her parents. These events outlined for me the importance of having an advance directive, often called a living will.

Honourable senators, it is not fair to leave spouses and children without clear direction about our wishes at the end of our lives. Do we wish to be put on a ventilator? Do we want artificial hydration or nutrition through intravenous or a feeding tube? These are choices that each and every one of us should make when we are well. Legislation exists across this country making such directives legal. However, it has no real value if we do not have a directive or if no one else knows we have one.

The report of the Euthanasia and Assisted Suicide Committee, *Of Life and Death*, and the subsequent report, *Quality End-of-Life Care: The Right of Every Canadian*, made it clear that the most important part of an advance directive is the discussion with families of your intentions. Both my parents were on ventilators

at the end of their lives. In both cases, I was the family member who had to order the ventilator removed. It is not an easy thing to do, but when you do it with the comfort of knowing that this is what the loved one wanted, you do it as an act of love.

I have recently updated a power of attorney for personal care, and I recommend that all honourable senators do the same. I am sure that honourable senators have a will. I encourage you to take the next step and remove from your loved ones a very difficult burden by providing them with the instructions and the ability to do what you want.

RACIAL PROFILING

Hon. Donald H. Oliver: Honourable senators, Canada is falling behind the rest of the world in how we combat the use of racial profiling.

This is the main thesis of the soon-to-be-released, 90-page report commissioned by the Department of Justice, entitled *Racial Profiling: A Discussion Paper*. A copy was obtained by *The Globe and Mail* last month, and according to *The Globe and Mail* columnist John Ibbitson, its contents reveal the federal government is simply not treating racial profiling with the urgency and determination that it deserves.

According to Ibbitson's column on April 6, "When it comes to defending the rights of visible minorities, Anne McLellan is Minister No."

According to Ibbitson, the Department of Public Safety and Emergency Preparedness is trying to stop the Department of Justice from releasing the report because it "confirms that police and security officials sometimes use race as a primary reason for investigating or detaining individuals..." In fact, when she testified before the Special Senate Committee on the Anti-terrorism Act on February 14, Minister of Public Safety and Emergency Preparedness Anne McLellan stated categorically, in response to a question from Senator Jaffer: "Canada does not racially profile."

• (1410)

However, the problem, honourable senators, is that there is far too much evidence to the contrary.

In 2001, an Ontario Crown prosecutor stated in the trial of basketball star DeCovan Brown: "Racial profiling is a definite problem here in Canada, one that warrants corrective action."

In February 2004, the Nova Scotia Human Rights Commission ruled in the hearing of boxing legend Kirk Johnson: "The practice of racial profiling is being carried out by members of the Halifax Police Department."

Six months ago, honourable senators, Justice Anne Molloy stated in her ruling in the trial of Kevin Khan: "The only reason he was stopped by the police was because he was black and driving a nice car and for no other reason."

Honourable senators, I am quite frankly embarrassed to have to continue to call your attention to these injustices, as I have done on February 4, 2003, February 3, 2004, and most recently, on October 7, 2004.

Enough already; no more rhetoric. We know racial profiling exists. We need concrete action to combat it.

If the Department of Justice report can help end this abhorrent form of discrimination, then Canadians deserve the right to read the report.

NATIONAL VOLUNTEER WEEK

Hon. Joan Cook: Honourable senators, this is a very special week in which to honour the 6.5 million Canadians per year who, without pay, give of their time and skills to serve their fellow humans, animals and the environment.

I wish to highlight the work of volunteers at the Pottle Centre, a non-profit social centre of which I was a founding member 25 years ago. The Pottle Centre provides mental health consumers in the St. John's area with a safe and relaxing environment and offers them lunch, recreation and literacy programs. Its volunteer program harnesses the skills and enthusiasm of students and other community members as well as its own clients' desire to help maintain and promote the centre by performing tasks such as cleaning and helping with the newsletter. Community members usually get involved through academic programs, such as nursing, social work and therapeutic recreation.

Client volunteers achieve a sense of purpose and accomplishment by giving back to the centre that serves them and "paying it forward" by helping their fellow clients. Community volunteers gain a better understanding of mental illness and, in the case of students, get hands-on experience in their future field of work. They also experience all the joys of forming friendly bonds, which can mean the world to clients. A 23-year-old Pottle Centre client said of the student volunteers: "The students make me feel very good. They are all so nice and having them around means I have something to do."

With its staff of two, the Pottle Centre's volunteers are its lifeline. Without them, the programs could not be delivered.

Of course, there are many organizations throughout the country that, like the Pottle Centre, rely on the generosity of skilled volunteers. While the spirit of Canadian generosity is great, there are signs that Canada's volunteer force is eroding. Seventy-three per cent of Canadians do not volunteer at all.

I believe all Canadians must take responsibility and do our part for the volunteer force, for example, by coordinating a fundraising event, cleaning up a park, or tutoring a new Canadian in English or French.

It is also important that we instill in our children the rewarding spirit of volunteerism by encouraging them to participate in community activities.

In the words of Mother Teresa, "We cannot do great things. We can only do small things with great love." During this National Volunteer Week, we thank Canada's volunteers for exemplifying this maxim.

ELECTION OF CARDINAL JOSEPH RATZINGER AS POPE BENEDICT XVI

Hon. Consiglio Di Nino: Honourable senators, there is good news. For those who have not heard, today the College of Cardinals elected the two hundred and sixty-fifth Pope after just four ballots. Cardinal Joseph Ratzinger of Germany is the new Vicar of Christ and will be known as Pope Benedict XVI.

In his speech to the crowds in St. Peter's Square, those people who witnessed the puffs of white smoke and heard the ringing of the bells, he described himself as a "simple and humble worker in the vineyard of the Lord."

He chose his name after Pope Benedict XV, also known as the Great Peace Pope, who reigned through the Great War, World War I.

Pope Benedict, who gave the homily at Monday's public Mass, was close to our beloved John Paul II, who called him his trustworthy friend. I am sure all honourable senators will join in sending His Holiness good wishes and wishing him the best of luck, and may God bless the Holy Father.

MS. LESLIE WEIR

CONGRATULATIONS ON RECEIVING ADVANCED CERTIFIED FUND RAISING EXECUTIVE ACCREDITATION

Hon. Terry M. Mercer: Honourable senators, two weeks ago I attended the forty-second annual International Fundraising Conference in Baltimore, Maryland.

As one of only 415 certified fundraising executives in Canada, and Chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada, I was honoured to witness the presentation of an Advanced Certified Fund Raising Executive, ACFRE, accreditation to Leslie Weir of Winnipeg, Manitoba. Ms. Weir is only one of five individuals in Canada to receive such accreditation.

Certification as an ACFRE requires successful completion of four stages in a rigorous qualification process, including written examinations, a portfolio review and an oral peer review.

To be eligible, individuals must currently work in the fundraising profession and must have attained 10 years of full-time professional fundraising experience. They also must currently hold the Certified Fund Raising Executive, CFRE, accreditation and demonstrate strong volunteer service to non-profit organizations.

Honourable senators, Ms. Weir has been active in the philanthropic sector since 1978. She is currently Director of Gift Planning at the Health Sciences Centre Foundation in Winnipeg and serves as President of the local chapter of the Association of Fundraising Professionals in Manitoba.

She has held key development positions at the University of Manitoba and worked on behalf of the Canadian Diabetes Association and the United Way of Canada in Winnipeg.

Ms. Weir joins Jim Allen of Toronto, Pat Hardy of Winnipeg, Dr. Bill Hallet of Toronto, and Daniel Clapin of Ottawa as one of these five ACFREs in Canada. These individuals have shown tremendous dedication to charitable organizations in Canada and its many volunteers.

Honourable senators, I am sure you will join me in extending congratulations to Leslie Weir on this prestigious accreditation, particularly during National Volunteer Week.

NATIONAL VOLUNTEER WEEK

Hon. Marjory LeBreton: Honourable senators, today I would like to say a few words on the occasion of National Volunteer Week. From April 17 to 23, Canadians who give of themselves through volunteerism are honoured for their efforts. It is true that everyone likes to be appreciated for their work, but I can think of few groups more worthy of our gratitude and admiration than volunteers. They freely donate their time and energy to help neighbours and strangers alike.

Volunteers are essential to the daily operations of 180,000 Canadian charities, churches and non-profit organizations. Volunteers involve themselves in a wide variety of activities, such as cooking meals, working in the health care field, coaching sports teams, counselling, teaching and providing administrative support. While volunteers take on these roles for many different reasons, the central motivation is the same for everyone. It is one of the most basic of human impulses — a simple desire to help where help is needed most.

This week, organizations and communities across the country will recognize these contributions during various awards ceremonies and other events. They will put a spotlight on work that, although appreciated, often goes unnoticed. Perhaps we, as a society, do not properly recognize the contribution of volunteers often enough. This week serves to remind us that many aspects of our society could not function without them. Rural communities are especially reliant on dedicated volunteers, as they often supplement services that otherwise might not be available.

National Volunteer Week also provides an opportunity for many charitable organizations to recruit new volunteers and promote much-needed fundraising campaigns. It is vital for these organizations to continue to expand their base of support and introduce more people to volunteering. In turn, new volunteers will come to know the personal and professional advantages that can be gained through their involvement.

• (1420)

Honourable senators, there are roughly 6.5 million volunteers across Canada. During this special week, it is important that we say a big thank you to all of them. Because of their selfless work, our communities and our country as a whole have benefited beyond measure.

[Senator Mercer]

ROUTINE PROCEEDINGS

INTERNATIONAL POLICY STATEMENT

TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a document entitled *Canada's International Policy Statement — A Role of Pride and Influence in the World*.

[Translation]

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF GOVERNMENT POLICY FOR MANAGING FISHERIES AND OCEANS PRESENTED

Hon. Gerald J. Comeau, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, April 19, 2005

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

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, October 28, 2004 to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel and adjourn from place to place within Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

GERALD J. COMEAU
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 760.)

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

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

[English]

AGRICULTURE AND FORESTRY

BUDGET—REPORT OF COMMITTEE ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, April 19, 2005

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

FIFTH REPORT

Your Committee, was authorized by the Senate on Tuesday, October 19, 2004, to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 767.)

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

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

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE CERTAIN STANDING COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages and National Security and Defence be authorized to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding one week.

QUESTION PERIOD

THE ENVIRONMENT

KYOTO PROTOCOL—PLAN OF COMPLIANCE

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. Last Thursday in the chamber, in response to my question on the government's plan to meet Canada's Kyoto targets, the government leader stated:

I also appreciate the fact that the critic for the Conservative Party in the other place, MP Bob Mills, stated publicly that his party supports the Kyoto process.

The truth, as stated by Mr. Mills in a letter to the media dated April 14, is:

Canada's emission reduction targets under the Kyoto Accord are unattainable, and the Liberal government's plan comes nowhere close to reaching them. The Conservative Party will have a made-in-Canada environmental policy that will set our own targets and our own timelines for eliminating smog and bringing cleaner air to Canada.

Let me be clear: The Conservative Party does not support the Kyoto accord as it stands because the timelines in it are not reasonable. The Conservative Party supports the reduction of greenhouse gases because that makes sense. We want greenhouse gases to be reduced, but in a correct way.

Honourable senators, why is the government asking Canadians for a commitment of billions of their dollars to a plan that is unattainable, lacks detail and relies on buying foreign carbon credits, which only leads to further pollution in developing countries? I refer specifically to Russia and others of that ilk. Why would we give credits to industry whereby they could pay developing countries huge sums of money, thus buying themselves out of a deep hole? That truly accomplishes nothing except to encourage those countries to continue their polluting ways because they do not have much industry for them to achieve their objectives. Paying them to buy credits is not the way to go.

Hon. Jack Austin (Leader of the Government): Honourable senators, the statement made by Senator Stratton was not succinct, but at least he clarified his party's position, which is an unusual way to use Question Period. However, the honourable senator did ask a question and I thank him for giving me the opportunity to speak to Canada's plan for the Kyoto Protocol.

The plan seeks to achieve the targets to which Canada agreed in 1997. These targets were established in the commitment made by Canada at Rio in 1992. The plan is interacting with provincial governments and the private sector.

As well, I will speak to Canada's municipalities and citizens. The Standing Senate Committee on Energy, the Environment and Natural Resources has given us a most interesting and useful analysis of the One-Tonne Challenge, to which the government has asked Canadians to respond. Obviously, it will take an enormous, collective effort on the part of all Canadians to reach these targets.

• (1430)

Why would we want to achieve such targets? First, we need a sustainable environment, and second, we believe that we can grow our economy in a productive way while achieving a sustainable environment and its objectives.

A great amount of new technology that will be part of our economic system will come forward. We want Canada to play a leading role in that technological evolution with respect to environmental management.

Honourable senators, there is only one planet; there is only one global ecosystem. Pollution that takes place in China floats into our Arctic. It floats across this country. Acid rain comes from the United States. There is no question that, in some of our past economic endeavours, we have sent polluting particles to other parts of the world. The Kyoto Protocol is trying to achieve a world-wide agreement to control greenhouse gases and to stabilize our environmental system. While we do not have exact scientific evidence, the bulk of our scientists believe that human behaviour has done much to change the climate of this planet.

As Senator Adams and Senator Watt have told us, we are seeing enormous changes to the Arctic environment in which they live. We have seen foraging. We have seen unusual plants in the Arctic. We are also seeing the rise of our oceans because of the melting of the ice cap.

I thank Senator Stratton for allowing me to make these statements. It is not our purpose to purchase credits from other countries, but it does benefit the planet if we do so. It costs us to preserve some of our economic activity, and we owe the planet what we take from the planetary commons.

Hon. A. Raynell Andreychuk: The Honourable Leader of the Government in the Senate has talked about why greenhouse gas emissions must be curtailed. I do not think that is where the quarrel or difference is. The problem is how to accomplish it.

The Canadian Council of Chief Executives wonders why, eight years after the Kyoto Protocol was signed and more than two years after its ratification, there has yet to be a clear national discussion about its real impact on Canadians. Mr. Thomas d'Aquino wonders why we have to bring down these levels of greenhouse gases and do our share to be in compliance with Kyoto in three to seven years when we could have spread it over 15 years and thereby cushioned the economic impact on Canadian businesses.

Why did the government not move on the Kyoto Protocol? Why are they now taking credit when, had it been managed in a more appropriate manner, taxpayers and Canadians would not be suffering?

Senator Austin: Honourable senators, I have said many times in this chamber that this government seeks consensus among governments in Canada and with the private sector. The Kyoto

plan, the Project Green, which is now being placed before Canadians, is a consensual plan and one that is designed to achieve the Kyoto objectives.

To move on from there is to engage in a debate during Question Period. I understand the differences that may now be developing between the government's policy and that of the official opposition. I would welcome a debate in the Senate on Kyoto and on the environment.

Senator Andreychuk: The debate is not with the opposition in the Senate. The debate is with the Chief Executive and President of the Canadian Council of Chief Executives, a body that represents 150 leading Canadian enterprises. They are saying that there has not been a national debate. They are the ones who are saying that the crunch will be on industry and that it could have been spread out. It is worth noting and taking into account their point of view, not that of the opposition.

Senator Austin: If the honourable senator's representation is that their point of view is more important than that of the opposition, what can I say?

The Canadian Council of Chief Executives has done good work and represents a certain part of the economic system with a very particular point of view. However, may I point out that, with respect to the auto industry, which is a part of that organization, the government has come to agreements with respect to voluntary performance, and targets have been set. In addition, with respect to large emitters, the government has also come to agreements and, likewise, targets have been set.

We could begin to see who within the council Mr. d'Aquino is representing, but his view is a generic one. The Kyoto plan has specific targets set by major industries to achieve Kyoto goals.

Hon. Mira Spivak: Honourable senators, I think Minister Dion is to be congratulated for finally having brought in any plan after such a long delay.

Not only our own Senate committee but also many other people have urged that the Kyoto plan include specific measures — tax measures, fiscal incentives — but we do not see a great many of such things in this plan. I am wondering whether that is something that should be contemplated.

Is this something that the Leader of the Government can tell us about, or are these particular taxes and fiscal incentives that have been so urgently urged on the government for quite some time now not to be considered?

Senator Austin: This plan is full of incentives. The government has set up a very large budget to move its Kyoto plan forward, and there are a number of targets. We are looking at investments in the order of \$10 billion between now and 2012 in order to realize the anticipated reductions of about 270 megatons. We will be making annual assessments of climate change initiatives and investments.

[Senator Austin]

The key to Senator Spivak's question is that the plan begins with targets and with the Canadian community taking responsibility for what must be achieved. If there is a need for regulatory discipline, that need will emerge and a Canadian consensus as to what should be done will also emerge.

Senator Spivak: I am not referring to subsidies and money that is being spent. I am asking about the kinds of measures that have been talked about, such as tax incentives, "feebates" and things of that sort; in other words, using the tax system to reward those who are environmentally correct as opposed to those who are not in that category. That is what I am referring to.

Senator Austin: Honourable senators, for those who are behaving in accordance with the plan, the incentive funding will be of assistance and those targets will be achieved. If I understand the question correctly, we will put in place regulations to allow for compliance monitoring and emissions trading. Our preferred regulatory tool will be CEPA, the Canadian Environmental Protection Act, and its approach to efficient regulation.

• (1440)

As honourable senators know, and Senator Banks is well aware, CEPA is being reviewed in the other place under the legislative requirement for a periodic review. Our own committee, headed by Senator Banks, is also taking under review some parts of the CEPA program. Perhaps the specific interests of Senator Spivak could be referred to Senator Banks and the committee for consideration.

TREASURY BOARD

PROPOSAL THAT AUDITOR GENERAL AUDIT RECIPIENTS OF GOVERNMENT GRANTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. The Public Accounts Committee in the other place has completed its study of the sponsorship scandal. One specific recommendation is that the Auditor General be given the power to conduct an audit of the records, files, documents and accounts of anyone who receives a grant, contribution or transfer from the federal government.

Is the government prepared to accept this recommendation and allow the Auditor General to follow the money given to third parties and, if not, why not?

Hon. Jack Austin (Leader of the Government): Honourable senators, the point made by Senator Oliver is under study as to its implications. A decision will be made in due course.

Senator Oliver: The minister's answer will probably be the same for my supplementary question. Within the advertising group of Public Works, both the awarding and the management of contracts were carried out by the same person. The Auditor General has pointed out that these two functions ought to be separated in order to eliminate as much as possible any opportunities for fraud, mismanagement or an override of controls by management. Would the minister advise whether or not the government is prepared to accept that recommendation?

Senator Austin: My answer is essentially the same; the matter is under consideration by Treasury Board.

ROYAL CANADIAN MOUNTED POLICE

REINSTATEMENT OF CONSTABLE ROBERT READ

Hon. Marjory LeBreton: Honourable senators, my question concerns the case of Robert Read, an RCMP constable who, since 1999, has been suspended for blowing the whistle on an alleged cover-up of corruption within the Canadian High Commission in Hong Kong. RCMP Commissioner Zaccardelli has now rejected a recommendation of the RCMP External Review Committee that Constable Read be reinstated.

Could the Leader of the Government in the Senate advise as to why the External Review Committee's recommendation is being ignored and why the RCMP is refusing to reinstate Constable Read?

Hon. Jack Austin (Leader of the Government): I will seek an answer to the honourable senator's question.

Senator LeBreton: Honourable senators, Bill C-11, the so-called "whistle-blower" bill currently before the other place, will not apply to the RCMP. Constable Read exposed the RCMP for covering up evidence and refusing to lay charges. The alleged corruption included criminal gangs, tampering with immigration computers, immigration consultants using mission contracts to facilitate visa processing, the disappearance of 2,000 blank visa forms, and mission staff accepting gifts or bribes from affluent Chinese families.

Could the Leader of the Government in the Senate indicate why the government is unwilling to legislate any kind of protection for RCMP officers who blow the whistle on corruption or on police cover-ups?

Senator Austin: Honourable senators, my response is the same as to the first question of Senator LeBreton.

JUSTICE

COMMISSION OF INQUIRY INTO SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES— FINANCIAL CONTROLS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. I am hoping that the minister can clarify something about how his party has run the government over the past few years. More than a year ago, in discussing the sponsorship scandal, the Prime Minister was quoted by the February 13, 2004, *Globe and Mail* as saying:

There had to be political direction. You have a small group of bureaucrats over here, you have the Crown corporations over here. Somebody was providing direction, I don't know who it was, but that's one of the things the inquiry will find out.

More recently, the Prime Minister has blamed rogue Liberals. For example, from the *Winnipeg Free Press* of April 5, 2005, we are told:

Prime Minister Paul Martin yesterday blamed rogue Liberals who may have “colluded” against his party and Canadians.

During the period that the Prime Minister served as Minister of Finance and vice-chair of the Treasury Board, were financial controls so weak that rogue elements had the power to order around public servants?

Hon. Jack Austin (Leader of the Government): Honourable senators, this issue is before the Gomery inquiry, and that inquiry should be left to do its work and tell us what took place.

Senator St. Germain: Honourable senators, it has now been learned through the testimony at the Gomery inquiry that Lucie Castelli, who ran Paul Martin’s riding office, not only sat on the finance committee of the Quebec wing of the Liberal party, but also asked Groupaction to take over sponsorship contracts from another firm. Last fall, Ms. Castelli was reported to have intervened to secure \$250,000 in sponsorship money for former hockey player and Liberal fund raiser Serge Savard for his group of sports promoters.

In light of the fact that the name of one of his own staff members has been raised in connection with the sponsorship fiasco, would the Leader of the Government in the Senate indicate whether or not the Prime Minister intends to stick by his story that he knew nothing about what was going on and, second, could the minister assure the Senate that there were no other rogue elements on the Prime Minister’s payroll?

Senator Austin: Honourable senators, the Prime Minister gave evidence before the Gomery inquiry, and that evidence is on the record.

With respect to the other matters that Senator St. Germain raises, if they are relevant to the Gomery inquiry, I am sure they will be raised there.

DELAYED ANSWERS TO ORAL QUESTIONS

FISHERIES AND OCEANS

MEETING OF DEPUTY MINISTERS TO DISCUSS AGENDA FOR UPCOMING MINISTERS MEETING—DISAGREEMENT WITH P.E.I. REPRESENTATIVES

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to answer a question, if I may, asked of me by Senator Comeau. He was kind enough to send me a news clipping from Charlottetown’s *Guardian* from April 7, 2005, the headline of which is, “P.E.I. officials kicked out of national fishery meeting.”

I wish to respond by saying that before the meeting senior officials of the Prince Edward Island government were informed by telephone that they would be asked to leave the room during

part of the April 5 meeting of the Federal-Provincial Atlantic Fisheries Committee. They were asked to absent themselves when certain fisheries matters were discussed that may have been relevant to P.E.I.’s legal action against the Government of Canada. The request was made because P.E.I. has commenced legal action; therefore, it would be inappropriate for P.E.I. officials to participate in a discussion of the merits of their particular claim.

POINT OF ORDER

Hon. Gerry St. Germain: Honourable senators, I rise on a point of order. My understanding is that when Question Period is over, it is over, and that Delayed Answers are delivered by way of written script. Has there been a change in policy, or am I mistaken about exactly how this place functions?

The Hon. the Speaker: Honourable senators, I probably should refer to the rules, but my understanding is that Delayed Answers is for the purpose of answering questions that have been put on the record and to which the Leader of the Government in the Senate and his office have prepared a response. They are normally tabled by the Deputy Leader of the Government in the Senate. I am not sure whether it is inappropriate for the leader to make that response, but I cannot think of any reason why it would be inappropriate. I will look into the matter, Senator St. Germain.

Hon. Jack Austin (Leader of the Government): Honourable senators, on the alleged point of order, I have always understood that the opposition senators like to have questions answered orally because it allows them the immediate opportunity to put a further question. However, if Senator St. Germain does not think that procedure is appropriate, I assure him that his suggestion that we not follow it would be welcome to me.

The Hon. the Speaker: I gather that honourable senators wish the point of order to remain open. I was treating it more as a point of information. I will now treat it as a formal point of order and remind honourable senators that points of order are to determine whether or not we are adhering to our rules and the practices that we adopt pursuant to past precedent. We are on the point of order. It is not a time for debate or argument, but rather to determine whether or not a proceeding is in order.

• (1450)

Senator St. Germain: I believe...

The Hon. the Speaker: Very well, go ahead. I wanted to follow my past practice on a point of order of hearing all senators and then referring back to the person who raised the point for the final comment. Senator Rompkey wishes to comment, as does Senator Prud’homme.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I wish to read a delayed answer.

The Hon. the Speaker: I will hear Senator Prud’homme and then Senator St. Germain.

Hon. Marcel Prud'homme: I will be brief, because I may have a question of privilege. I wish the Honourable Leader of the Government would cease calling us members of the opposition. There are many Liberals here and Senator Plamondon and I are independents. That does not mean we are government supporters; nor does it mean we are opposition supporters. When the Leader of the Government talks about the official opposition, he should say so. There are all kinds of people with different political affiliations sitting on this side. I would appreciate that.

Senator St. Germain: Honourable senators, I received a somewhat flippant response from the Leader of the Government in the Senate when he implied that I did not want answers. That was not the point. The question is whether the Senate will allow delayed oral responses to questions. The leader alluded to the fact that we may be able to ask further questions. However, Question Period is over. This is the confusing part. Yet, he makes the reference that maybe we do not want answers.

We certainly want answers to our questions. We want them in Question Period. The Leader of the Government implies that Question Period can be extended when he gives an oral delayed answer and that we are then entitled to ask more questions. That seems out of sync with what Question Period is all about and how it has been handled traditionally for the last number of years.

It is not that I do not like the answers of the Leader of the Government. I do not always agree with them, but the way in which he handled this item, I think, is a bit different. Maybe it is not. I yield to the chair.

The Hon. the Speaker: Honourable senators, it is a fair question, and enough of a point has been raised that I will look at the matter and respond tomorrow to basically what is appropriate during Delayed Answers in terms of a response from the person to whom questions are put.

Senator Rompkey: Honourable senators, I have a delayed answer.

I have the honour of presenting a response to an oral question raised in the Senate on April 14 by Senator St. Germain, concerning bovine spongiform encephalopathy, aid to cattle industry, culling of older animals.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY—AID TO CATTLE INDUSTRY—CULLING OF OLDER ANIMALS

(Response to question raised by Hon. Gerry St. Germain on April 14, 2005)

As part of the Repositioning Strategy, the Government offered a program to help producers deal with older animals. The "Managing Older Animals" program is offered to provinces and territories who determine a need to handle older cows and bulls.

When the Government announced the Repositioning Strategy, we made a commitment to industry to ensure that it remained effective and that, if necessary, modifications

would be made. We continue to monitor elements of the Strategy to ensure they best meet the needs of the industry.

Older animals will form part of the Minister's discussion on a vision for the industry, which includes reducing our reliance on live cattle exports for slaughter to the U.S. and ensuring the long-term profitability of the sector.

Nevertheless, older animals are currently coming to an age where they are naturally being culled from the herd and a number are being included in the national BSE surveillance program.

Although the Honourable Senator is aware, pre-feed ban animals do not pose a threat to human health as measures that the Government undertook in July 2003 to remove specified risk materials from the human food chain remain the most effective measure to protect human health.

ORDERS OF THE DAY

FINANCIAL ADMINISTRATION ACT CANADA SCHOOL OF PUBLIC SERVICE ACT OFFICIAL LANGUAGES ACT

BILL TO AMEND—THIRD READING

Hon. Pierrette Ringuette moved third reading of Bill C-8, to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act.

Hon. Donald H. Oliver: Honourable senators, I rise this afternoon to say a few brief words on third reading of Bill C-8. I have not prepared a formal speech and I do not like to address this chamber without formal notes, but I have been away and I did not want third reading to pass without putting a few remarks on the record about the process. It relates to the role and function of Senate committees. More specifically, it relates to the role, purpose and function of the Standing Senate Committee on National Finance.

Over the past few years, this committee, normally chaired by an opposition member, has developed an enviable record for doing thorough, conscientious, detailed, analytical study of bills and issues of government spending, either directly through the estimates or indirectly through various pieces of legislation. This committee has an enviable record of having made careful study of a number of areas and subjects that resulted in recommendations that later formed part of the public policy framework for Canada. Many other Senate committees have a similar enviable record.

In the case of the National Finance Committee, it was probing questions by members that first brought to light the glaring and escalating costs of the gun registry. It was probing questions from the committee that gave rise to a number of concerns with respect to the funding of foundations. It was the work of the Standing Senate Committee on National Finance that, on the subject of equalization, caused senior officials in many of Canada's provinces to look to this committee as a leader and protector of principles of fairness and equity.

Because members of the committee are appointed and not elected, they have never seemed in the past to have had the same need to be partisan in their approach, as are members in the other place, who use their partisanship as a way of becoming re-elected. Instead, Senate members have traditionally been more objective and looked to the public interest, the ultimate aim being to find ways to develop and create better public policy for all Canadians.

In the case of Bill C-8, honourable senators, I and other senators raised a number of significant issues during second reading debate on the interrelationship between this new agency, the Public Service Commission, the PCO and the Treasury Board. Originally, the president of the new agency made it known that she would like to personally attend to give evidence in response to a number of the significant and important issues raised by honourable senators, but she was not afforded that opportunity.

What could be the rush? In a letter to me dated April 13 that arrived while I was away, Michelle Chartrand, the President of the Public Service Human Resource Management Agency of Canada, indicated:

Unfortunately, I was unable to attend yesterday's Senate Finance Committee meeting regarding Bill C-8. At the same time, my Executive Vice-President, Ms. Monique Boudrias, was out of the country on agency business.

In other words, both the president and executive vice-president were unavailable, but could have been available to appear before the committee in a day or two. Instead, Mr. Dumesnil and Ms. Bouzigon were sent as "resource people."

At the hearing, honourable senators asked a number of significant and important questions about the bill and, for the most part, none of them were responded to completely by the "resource people."

In her letter to me, the president, Ms. Chartrand, said:

I understand that committee members raised a number of important and fundamental questions regarding the Agency including matters related to Human Resources Management. I contacted Senator Day's office yesterday to let him know that I would be more than pleased to appear before the Committee, in the near future, to explain the Agency's mandate and to respond to any outstanding questions.

Here was a senior officer of a major government agency phoning a deputy chair to say that she was aware that there were a number of important pressing issues raised that were not properly answered and that she would like an opportunity to appear before the committee at an early date to respond as president.

Surely, honourable senators, we should afford ministers, deputy ministers and other senior officers a reasonable opportunity to appear to defend their legislation and to answer questions posed by honourable senators. What could be the rush?

In the same letter to me, Ms. Chartrand sent a number of papers and documents that bear on the legislation and that refer, in part at least, to many of the questions I raised in my second reading address before this chamber.

For example, in that letter, she wrote:

In the meantime, please find attached the Agency's recently tabled *Report on Plans and Priorities*...

— known as the RRP —

...for 2005-06, which addresses some of the issues raised by Committee members yesterday morning. I bring your attention to the relevant sections of the RPP, as follows:

- An overview of our *raison d'être*...
- Our financial and human resources information, including the 5 per cent reduction for Expenditure Review...
- Organizational chart: page 34
- HR Planning and Accountability: pages 20-21
- Classification reform: pages 17-19
- Official languages: pages 29-31
- The Youth Internship Program, page 43

• (1500)

I, for one, would have enjoyed an opportunity to have put questions to her on the materials she forwarded. The booklet was 88 pages. She could have been available to appear before the committee this morning, Tuesday. After her appearance, if honourable senators had agreed, we could have considered the bill clause by clause and reported the bill back to the chamber today.

I ask honourable senators what would have been wrong with that? What was the rush to have this matter back in the chamber in my absence without giving the bill a thorough analysis and without affording a key witness, the president of the agency, the opportunity to personally appear?

The very last sentence of Ms. Chartrand's letter to me reads:

Hopefully, these materials will respond to the Committee's immediate information needs. I would, however, like to reiterate my availability to address the Committee members, as you deem appropriate.

What was said in the committee by the acting chair is the following:

She indicated that she would be pleased to appear before the committee and we have taken her up on that. We will make arrangements for her to appear.

No date is set. The bill received clause-by-clause consideration and was reported back to the Senate and is here today for third reading.

Honourable senators, when a question was put to witness Dumesnil about the interrelationship between the Public Service Commission and the new agency, such as, "Is there any overlap in terms of the standards and categories and job classifications?" the response was:

I would prefer to have someone else answering that question because I am not familiar with it.

When Senator Downe asked, "Why is the president not here?" the deputy chair said:

It is our intention with our ongoing mandate to have perhaps the president and the executive vice-president come before us, but we are also interested in moving along with this legislation...

Honourable senators, is that what it means to give sober second thought to major government legislation? If so, is that how Senate committees should be doing their jobs?

On the second page of the letter from Ms. Chartrand, she attached two charts which went to the heart of a number of questions put by more than four different senators at the hearings.

- One showing the complementary roles and responsibilities of the Agency (PSHRMAC), the Public Service Committee (PSC), the Treasury Board Secretariat (TBS) and the Canadian School of Public Service (CSPS) regarding HR management.
- The second describes the roles and responsibilities of the key stakeholders regarding Official Languages (the Agency, the Public Service Commission, and the Canadian School of Public Service, Canadian Heritage and the Minister responsible for the coordination of the Government's Action Plan on Official Languages).

Honourable senators, a number of questions on those matters were raised by senators and they did not receive a proper response.

Thank goodness for Senator Murray who asked:

What would happen if this bill were to be defeated, or if it were to die as a result of an early dissolution of Parliament? ...nothing would happen, life would go on.

Later Senator Murray said:

I point out to you that the House of Commons fairly recently defeated the measure that would have given parliamentary authorization to the demerger of Foreign Affairs and International Trade. We were told immediately that what they had done was really of no practical effect, that life would go on and the departments would remain as they had been for some time, separate ministries. What really would be the effect if this bill were defeated or did not pass?

The witness Bouzigin said:

If I rely on the ruling of the Speaker of the House on this very matter, he indicated that going ahead in that other case did not constitute disrespect toward Parliament.

He later said:

If the bill did not get through, that would not have any direct effect on the validity of the orders passed under the Public Service Rearrangement and Transfer of Duties Act.

Honourable senators, it is well known that the Prime Minister has the authority over the machinery of government. That is not in dispute. On the other hand, all parliamentary committees are doing is giving parliamentary sanction to what has already been done. Surely we could have waited one or two more days to have had the president appear before the standing Senate committee to defend the legislation and answer a series of important questions posed by honourable senators. What could possibly have been wrong with that?

This whole debate raises a wider, more significant and more philosophical question about our roles, duties and responsibilities. It may well be that the Standing Senate Committee on National Finance, when it finishes its other work, including all major legislation before it and to come before it soon, should have a look at where the authority of the Governor-in-Council ends and where the authority of Parliament begins. If we are suffering a democratic deficit, maybe this type of analysis would shed some light on areas where the deficit could be eliminated or at least reduced. Maybe we could find ways to have more effective parliamentary scrutiny.

Honourable senators, I have a genuine interest in understanding more fully the machinery of government and role of Parliament. I, for one, would have appreciated making a reasonable time for Ms. Michelle Chartrand, the President of the Public Service Human Resources Management Agency of Canada, to appear before our committee. I feel bad that she was not afforded that opportunity.

Honourable senators, in conclusion, I have no desire to, in any way, delay third reading and final passage of this bill but wanted to place before you the fact that if the Senate is to do the job the Canadian public would like to see it do, we must not forget what being a body of sober second thought is really intended to mean. We should not deliberately refuse to let important witnesses appear before us to comment on important government legislation. I speak today in hopes that we can also work to restore Senate committees, where once again we are the epitome of excellence and professionalism.

The Hon. the Speaker: I must advise that if Senator Ringuette speaks now —

Senator Ringuette: Honourable senators, I wanted to close debate and reassure all honourable senators that proper information and documentation was presented to the two meetings of the National Finance Committee. All members in attendance were in agreement with the tabled report.

The Hon. the Speaker: With no other senator rising to speak at the third reading debate on Bill C-8, I ask if honourable senators are ready for the question.

Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

STATISTICS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED—VOTE DEFERRED

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, to amend the Statistics Act.

Hon. John Lynch-Staunton: Honourable senators, in taking a position on this bill, we have to decide whether we support what I consider a legitimate request by genealogists, family historians and others for access to census records from 1910 to 2005, which are now sealed and limited to employees of Statistics Canada, or whether we honour pledges that have been made repeatedly over the years to keep this information confidential. I certainly side with the latter. The principle of confidentiality and the pledges made are more important than acceding to what are certainly legitimate requests. On the other hand, if every such request means the violation of a pledge, then there is something wrong if we meet those requests.

I am surprised that, other than Senator Milne, no one has spoken on the other side with the same fervour, or anything approaching it, in support of this bill, while those opposing the bill have brought out some excellent arguments. I emphasize, in particular, the interventions made by Senators Comeau, Plamondon and Moore. In addition to Senator Milne, the Leader of the Government in the Senate and Senator Fraser intervened.

• (1510)

Senator Austin's intervention was an argument based on public policy, as if revealing individual information would make a contribution to public policy. He suggested that government decisions cannot be considered permanent, that there are conditions that justify changes to them, and I accept that. However, he did cite as an example a promise made by the first President Bush during a campaign that he would not increase taxes. I find it difficult to accept that a broken campaign promise is equivalent to removing pledges made over many years and enshrined in law. I do not agree that one can be compared with the other.

Senator Fraser showed impatience, which I understand, because this issue has been before us for many years, and said that we should get to a vote because all the stakeholders had been heard from. Not all the stakeholders have been heard from. Those most directly affected have not been heard from. I have not found anywhere any attempt to get in touch with those who have given

information in the last few years to find out whether they would accept that the information they gave in confidence would be revealed at a given time.

All I have been able to find is a paper entitled "Qualitative Research on Public Perceptions of Statistics Canada, The Census and Related Sub-Contracting," which was presented to Statistics Canada in January 2004. It is a survey made by a firm called Patterson, Langlois Consultants. I will read two sentences from the overview:

For the majority of participants the Census represents something of sanctity: the data is something to be protected, and undeniably Canadians...

Most unquestioningly continue to trust Statistics Canada to protect their data, and to be accountable for that protection.

This morning we all received a book put out by Statistics Canada entitled, "2006 Census Questions and reasons why the questions are asked." In that book can be found all the questions to be asked on the long and short form in May 2006, and the reasons behind those questions.

These were gazetted on April 16. Preceding the publication of the questions it is stated:

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry...hereby fixes May, 2006 as the month in which a census of population shall be taken by Statistics Canada and prescribes the questions to be asked in the 2006 Census of Population, as set out in the annexed schedule.

I emphasize the word "prescribes" because, in effect, this is a government-sanctioned questionnaire; it has an air of finality. It is not a suggestion; it is not asking for recommendations; it is fixed.

In the covering letter that came with the book we received, the minister responsible confirms that the questions in the census form are questions that the cabinet has approved for the 2006 census.

Comparison with the 2001 census reveals that there is very little change, except for two major ones, and I am sure that the second one in particular will be of interest.

First, question 51 is followed by a number of questions on the individual's income. Those who have seen the long form will remember that the income information required is very detailed. It includes personal income, business income, farm income, dividend income, pension income, et cetera. In fact, it is the same information that one gives on one's income tax form. The new addition to that part of the census form is question 51 which says:

To save time, each person can give Statistics Canada permission to use the income information already available in his/her income tax files instead of answering Question 52.

In other words, if you give approval in question 51, Statistics Canada can extract all the required information from your income tax file rather than your repeating all that information on the form.

That raises an unintended situation. If census information is eventually revealed because of Bill S-18 and you have not put your income tax information on the census questionnaire, it will never show up, but if you have put it on, it will show. In any event, under the Income Tax Act, income tax information remains confidential, and should so remain.

That is just a comment. More important is question 53, which is preceded by the following:

The following question is for all persons who usually live here including those less than 15 years old. If you are answering on behalf of other people, please consult each person.

Question 53 reads:

The *Statistics Act* guarantees the confidentiality of your census information. Only if you mark "YES" to this question will your personal information be made public, 92 years after the 2006 Census. If you mark "NO" or leave the answer blank, your personal information will never be made publicly available.

Does this person agree to make his/her 2006 Census information available for public release in 2098 (92 years after the census)?

Yes

No.

Questions 51 and 53 do not appear in the explanatory notes. You have to go into the questionnaire to learn that two significant additions have been made, particularly the second one which, in effect, anticipates passage of Bill S-18. It is lifted from clause 18.1(2) of the bill. It tells Parliament that, no matter what it decides, the government has already decided to ask Canadians if they want the information to be made public, even though this bill may not be accepted, either here or elsewhere, or may be modified to extend the 92 years or whatever. To say the least, I find that a form of gross contempt that I will not qualify further.

I am also upset by the fact that throughout the book we received this morning there are continuing guarantees of confidentiality: "All your answers are kept confidential," "This is the law." In the explanatory notes we see:

The *Statistics Act* requires all residents to provide the information requested in the census. It also requires Statistics Canada to strictly protect confidentiality of all information provided by respondents.

I could go on.

Then suddenly, at the end they say, "Despite all we promised you, why don't you let us make that information public 92 years from now?" I think it is improper to have that question put in at this time before Parliament has given its approval. Otherwise, why have the bill before us? Also, why add this comment, which in effect encourages the respondent to give his approval? In the explanatory notes in the book that reproduces the questionnaire, it says:

Consent to the release of census information allows future generations to better understand Canadian society in 2006.

That is not true. There is much more to the release of information than only to help us understand society. This is an editorial comment that is uncalled for.

Colleagues, according to the *Concise Oxford Dictionary*, "prescribes", the term used in the *Canada Gazette*, means to lay down or impose authoritatively. The government cannot claim, as it has before, that that is an honest mistake made by over-eager public servants.

• (1520)

We have had cases in the House of Commons and in this chamber where information has been posted on the Internet or published elsewhere by a government department, leaving the impression that the information was already law when in fact the legislation to make that information law was still before either one or the other House.

Let me read briefly what Speakers in both Houses have said in cases like this; both came to the same conclusion. Speaker Fraser, for instance, on October 19, 1989, said:

I remind everyone in the Public Service that we are a parliamentary democracy, not a so-called executive democracy, nor a so-called administrative democracy.

Our own Speaker, Speaker Hays, spoke on this issue on February 24, 1998. Many colleagues will remember that was at a time when we were discussing the Canada Pension Plan bill, which included a 10-year premium schedule that Parliament had to approve, and that schedule was posted on the Revenue Canada website as if it was official. As soon as this was brought to their attention, Revenue Canada said it was a mistake and took it down. Speaker Hays concluded his ruling by saying:

While I am prepared to accept that no contempt appears to have been committed, I find the actions of the department inexcusable.

I think the action of Statistics Canada to include question 53, a question that is based on a bill presently before this house, is also inexcusable. What is before us is not a so-called honest mistake; it is dismissing completely the significance of any debate here on the bill. It is not the first time the government has shown disinterest in what goes on here, but it also shows contempt for the elected House, which has yet to be seized with Bill S-18; and this not by ill-advised but well-intentioned public servants, but by the government itself, led by a Prime Minister who once again brings dishonour to his pledge to narrow what he identifies as the democratic deficit.

I have resisted temptation to push more aggressively my claim of contempt as provided in our rules, as I have no doubt that should this bill reach the other place, many of its members will, with every good reason, raise it at the appropriate time.

I suggest that to avoid this happening, government supporters here should seriously consider voting down the bill, thereby saving further embarrassment to their elected caucus colleagues and confirming that Parliament is not a puppet of the executive, while at the same time insisting that formal pledges of confidentiality going back decades will continue to be respected.

Hon. Lowell Murray: Honourable senators, Senator Milne must be wondering what she has done wrong in her life. I do not know how many times either she or the government at her initiative has brought in a bill of this kind and it has died on the Order Paper or died with prorogation or dissolution. Here she is staring down the barrel of dissolution and quite possibly contemplating the disappearance of her bill for the time being once again.

It is no secret to honourable senators that in the perennial tension between privacy on the one hand and access to information on the other, and the effort to strike a balance between the two, my instinct has always been to come down on the side of privacy. Therefore, I have opposed most of the previous initiatives brought forward by Senator Milne. I have opposed them because I was relying, as Senator Lynch-Staunton and others have done, on the assurances given by previous governments — some of them written into statute, others proclaimed by way of regulation — that the information would be kept strictly confidential.

I am venturing a little beyond my depth here in discussing a legal issue, but the legal status in recent times has not been as clear-cut, as our old friend Senator Beaudoin would have said, as some senators have made out in this debate. The question, I think, was and is whether legislation passed subsequent to the Census Act and its amendments, legislation such as the Access to Information Act and the Privacy Act, trump the confidentiality provisions in that previous legislation.

I had thought that it did not. I was relying on not only the word of the Chief Statistician of the country, who took quite a strong position on this matter, but also the legal advice he was receiving and had received for some time from the Department of Justice. On that basis, I felt confident not only in the moral and political position I was taking, but also in the legal support it seemed to have.

The committee that had been set up by the former minister, I think it was Mr. Rock, under the chairmanship of —

Senator Lynch-Staunton: It was Mr. Manley.

Senator Murray: In any case, the former Minister of Industry, I think under the chairmanship of retired Justice Gérard La Forest, was not quite as categorical as Statistics Canada and some of us had been. However, the committee came to the conclusion that all things considered and, as they might put it, for greater certainty, legislation would be required to open this up.

The development that was decisive in recent times is that the Department of Justice simply did an 180-degree flip-flop on the issue and came to the conclusion that if the confidentiality or secrecy provisions were contested in the court, we would lose. That was their conclusion. They came to agree with those whose position it was that the subsequent legislation, the Privacy Act and Access to Information Act, trumped the previous statutes.

[Senator Lynch-Staunton]

Therefore, the question that faced Statistics Canada and others was what to do. They came to the conclusion that if we were facing the loss of those confidentiality provisions, the prudent thing to do would be to try to build some fences around it in legislation. That is what this bill tries to do, among other things, by asking respondents whether they will agree to have their personal information released in 92 years.

The nub of the question is whether it is more prudent to face what appears to be the legal reality and build some fences around it to get the best compromise that could be achieved under the circumstances, or whether we sit back and wait for a case to emerge in the courts where we will be literally defenceless because the Department of Justice has thrown in the towel.

On that basis, not because I have changed my basic orientation, which is more to privacy than the release of information, but because I think the compromise is an honourable one and the fences are probably as far as we can go at this stage, I said when this bill was introduced in a previous iteration that I would support it, and I will support it now.

Hon. Gerald J. Comeau: Honourable senators, would Senator Murray entertain a question?

Senator Murray says he is relying on the Department of Justice, which in fact did a complete 180-degree turn.

• (1530)

I assume that the honourable senator has complete faith in such a legal opinion. That is, obviously, questionable by some of us other less human people.

However, the Federal Court, in 2004, which is not all that long ago, did say that in order for the documents to be released between 1918 and 2001 the government would need legislation to authorize the release. Is the honourable senator aware of that Federal Court decision and if so, how does he square the Federal Court decision with the justice department opinion that basically says that you do not have a case to stand with in front of the court? Finally, on the question of the great compromise, from 2006 onward we have an opportunity to say no to release, but, in fact, the individuals in the family do not have that option. In fact, it is the head of the family that will have the option to indicate this on behalf of the members of the family, so if the head of the family responds on my behalf, I have nothing to say about it.

How does the honourable senator, the great privacy person, square those three issues?

Senator Murray: In a word, it is not because I have more confidence in the Department of Justice than I had at a particular point. It is simply that if they have done a 180-degree flip flop, as I say they have, we will be left defenceless. They have thrown in the towel, and in a court contest, the issue would be lost. I do not know who will defend the position that the honourable senator is taking. If the government does not take it, who will?

The department reversed itself, and this was the reality that Statistics Canada and the government were faced with, in bringing this bill forward. I am not familiar with the details of the court case in 2004 to which the honourable senator is referring, and I would have to examine it and its implications in light of the Department of Justice's opinion.

As for someone replying on behalf of other members of the family, this is the way it has always been done and it is the way it will always be done in the future.

Senator Comeau: Would the honourable senator, if he says that this is the way it has always been done, find those examples for us? That would be helpful. I am sure our colleagues in the House of Commons would want to see the kind of precedents whereby heads of families are authorized to release the private information of the minors in that family. For example, can the head of the family release the medical information of the minors of the family? Is that person authorized to release such private information? I certainly do not know any other cases. It is not in the Statistics Act.

Senator Murray: They have been doing it, and the information in those censuses up to 1918 has been released.

Senator Comeau: The censuses up to 1918 are an entirely different issue. Under a separate provision, from 1918 onward our predecessors in Parliament enacted an act that gave explicit, easy-to-read rules even I can understand, but prior to 1918, I agree with you, it was a different era.

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?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: I hear some yeas and nays. I will put the question in the formal way.

Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Marjory LeBreton: We would agree to have the vote tomorrow at 2:45 p.m. with a 15-minute bell at 2:30.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote is, so I understand it, at 2:45 with a 15-minute bell. The bells will ring at 2:30.

SPAM CONTROL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Subject-matter referred to the Standing Senate Committee on Transport and Communications on February 10, 2005*)

Hon. Marjory LeBreton: Honourable senators, on Bill S-15, to prevent unsolicited messages on the Internet, there are a number of senators wanting to address this whole issue of spam, which is evolving practically daily. I would like to propose that we restart the clock on this bill.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

On motion of Senator LeBreton, debate adjourned.

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Wilfred P. Moore moved second reading of Bill S-28, to amend the Bankruptcy and Insolvency Act (student loan).—(*Honourable Senator Moore*)

He said: Honourable senators, this bill provides that an order of discharge does not release a bankrupt from the reimbursement of his or her student loan if the bankruptcy occurred within a period of five years after the bankrupt ceased to be a student. Previously, the period was 10 years. There has been some opposition to the amendment of this section of the Bankruptcy Act in the past, but it is my belief that the time has come to make a change. I will now attempt to explain why.

• (1540)

In November of 2003, the Standing Senate Committee on Banking, Trade and Commerce issued a report entitled, *A Review of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangements Act*. This report was the culmination of much study and deliberation, ably guided by our former colleague, the Honourable Richard Kroft, as chair of the committee, and our current colleague Senator Tkachuk as deputy chair. I am proud to have been a part of that study and would now like to see some of our recommendations acted upon — hence, this bill.

It has been four decades since the Government of Canada entered the business of providing financial help to students in order to obtain post-secondary education. In 1964, the Canada Student Loans Program was instituted. This program originally involved a 100 per cent government guarantee covering student loans made by private lenders. This resulted in a situation where government costs soared as a result of covering these debts. Banks were spending little time attempting to obtain payment.

By 1995, it became clear to the federal government that changes were needed. The government created a 5 per cent risk premium program between the government and the banks whereby the risks of non-payment and the management of these loans were assumed by the financial institutions. The federal government paid a 5 per cent premium of the total loan amounts to the financial institutions in order to cover the losses incurred through default and bankruptcy.

In 2002, this agreement expired and the financial institutions demonstrated no interest in maintaining this program, whereupon the federal government resumed responsibility directly through the National Student Loans Service.

As these changes in the National Student Loans Service were taking place, the Department of Finance was also showing an interest in its policy regarding student debt. This interest culminated in 1997 with major changes to the Bankruptcy and Insolvency Act. That year, student loans were made non-dischargeable under two circumstances: One, if a student filed for bankruptcy protection before graduating or ceasing their full- or part-time studies; or, two, if a student filed for bankruptcy protection within two years of graduation.

There was a provision whereby the student who did go bankrupt within two years could apply to have a court discharge the loan debt providing hardship could be demonstrated. For those who applied after the two-year period, normal procedures were followed.

In 1998, further changes were made in the hopes of helping students deal with mounting debts. The 1998 budget included such measures as the extension of interest relief periods, applicable to students who lived below a certain income level, resulting in the possibility of deferment of payments for up to five years after graduation. Federal income tax credits on student loan payments were created, as well as two grant programs, Canada Millennium Scholarships and Canada Study Grants. All of these measures were designed to lighten the load of student debt and to ease the management of this debt.

However, combined with these changes, the non-dischargeable period for student loans was increased from two years to 10. With that change to the Bankruptcy and Insolvency Act, students now would be unable to apply for the discharge of a student loan debt until 10 years after he or she graduated. That is the current legislation.

The Standing Senate Committee on Banking, Trade and Commerce heard from many witnesses regarding this issue. We heard arguments for and against this measure. Indeed, this same committee had considered this issue in 1996 with the introduction

of Bill C-5, which instituted the two-year rule. It was questioned at that time whether student loans should be treated differently from other bankruptcies. The evidence provided in 1996 pointed to the fact that a large number of student bankruptcies occurred during a time when there were other courses of action available, such as debt relief, meaning that bankruptcy was being used before other actions were available. The clear message was that so long as there were other options, bankruptcy should be the student debt relief process of last resort.

In the last round of consideration of this issue, many of the same arguments were heard. On the lenders' side, it is felt that higher-than-average incomes for graduates should enable repayment, that immediate discharge should increase federal and provincial losses, and that programs such as debt relief should enable students to choose this option as opposed to immediately applying for bankruptcy.

One of the strongest arguments made in favour of immediate discharge is made by the students themselves, who maintain that student loans are exactly the same as other forms of dischargeable debt and, therefore, this is discrimination on the basis of age. As we are all aware, the Canadian Federation of Students has launched legal action to dispute this provision, challenging the rule under the equality provisions of the Charter.

The majority of witnesses appearing before the committee favoured a change in the 10-year rule. The Personal Insolvency Task Force recommended that the length of time prior to discharge of student loans be reduced from 10 to five years. Credit Counselling Canada, the Canadian Association of Insolvency and Restructuring Professionals, the Insolvency Institute of Canada and the Canadian Bar Association all supported this reduction.

It is true that the number of bankruptcies involving student loans rose during the 1990s. Policy, as far as student aid is concerned, shifted from grants to loans. The increase in tuition fees, as much as 126 per cent in some instances, according to the Canadian Federation of Students, has resulted in an increase in average student debt from \$8,000 in 1990 to \$25,000 in 1998. The Canadian Federation of Students makes the case that because of the needs-based system, people who come to the process with the least resources were borrowing the most and were often not able to repay their student loan debts.

We are facing the task of balancing the needs of the taxpayer and the financial institutions with the need to maintain an innovative economy through educating our citizens without crippling our students with onerous education loans.

Our committee recognized this reality and the fact that there is no guarantee a student will find the employment required to repay loans and, further, that a post-secondary education does not necessarily result in a lucrative job. At the same time, it would be shirking our responsibility not to take into account stakeholders other than students. The taxpayer pays the interest on these loans until the student graduates and assumes responsibility; the taxpayer also covers the cost of defaulted loans.

Thus, it was the recommendation of the committee that the reduction in time for students to apply for a discharge should be five years as opposed to the current 10. It is my belief that the grant programs mentioned earlier, coupled with the Canada Student Loans Program itself and student debt relief, have facilitated the proposed acceptable period of five years and that this proposal strikes the appropriate balance necessary to account for the needs of both students and lenders.

It is with this balanced approach to this issue that I ask for your support for this bill.

On motion of Senator Robichaud, debate adjourned.

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-27, respecting Scouts Canada.—(*Honourable Senator Jaffer*)

Hon. Mobina S. B. Jaffer: Honourable senators, it is an honour and pleasure to speak again to Bill S-27, which officially changes the name of Boy Scouts of Canada to Scouts Canada.

I have been involved in Scouting nearly all my life. I was a Brownie, a Girl Guide, a Queen's Guide while growing up in Africa, and a Girl Scout in the United States. For my family, Scouting is a tradition. My mother grew up knowing Lady Baden-Powell, the wife of Lord Robert Baden-Powell, the founder of Scouting. She then went on to become a Girl Guide leader. She continues to be involved in the guiding movement to this day.

When I first came to Canada, I wanted to ensure that I continued to be involved in Scouting and pass this tradition on to my children, the way my own parents had passed it on to me. With my husband, I was a Beaver, a Cub and a Venturer leader. In the 1980s, my husband and I started a co-ed Venturer group, one of the few in the country at that time. We thought that this would be an excellent way to bring together young men and women so that they could learn to challenge and relate to one another.

• (1550)

Honourable senators, I have always supported, and will continue to support, Scouting because I believe that it teaches young boys and girls not only skills that apply to survival in the wilderness but also lessons that they can apply to all of life's situations, in order to, as the Scouting motto states: "Be Prepared." Scouting helps to teach young people to build interpersonal bonds and to become leaders, to confront challenges hands-on and to work as a team. These lessons can be learned only in the kind of environment that Scouting offers.

These were the kinds of lessons that Lord Baden-Powell had in mind when he began the Scouting movement almost one century ago. He thought that it would be a good idea to teach boys some of the skills and ideals of Scouting. Scouts should be strong, courageous and alert; able to read the smallest signs of nature and tracks of animals, and to survive in the wilderness; always ready and willing to help each other and to decide what to do and when to do it. Lord Baden-Powell believed that Scouting affected a young person's education, appreciation of religion and a greater promotion of peace. He set out a number of reasons why Scouting was an important educational experience. He stated that the secret to sound education was to get each pupil to learn for himself instead of instructing him by driving knowledge into him through a stereotypical system.

Lord Baden-Powell had a vision that went beyond simple survivor skills to much larger views on the promotion of peace and justice. He said:

Before you abolish armaments, before you can make treaty promises, before you build palaces for peace delegates to sit in, the first step of all is to train the rising generations in every nation to be guided in all things by an absolute sense of justice.

When men have it as an instinct in their conduct of all affairs of life to look to the question impartially from both sides before becoming partisans of one, then if a crisis arises between two nations, they will naturally be more ready to recognize the justice of the cause and to adopt a peaceful solution, which is impossible so long as their minds are accustomed to run to war as the only resort.

This underlines why I think Scouting is important and why I work to encourage the Scouting experience in my own family and community. As Senator Di Nino mentioned, Scouts Canada is now inclusive of boys and girls. Bill S-27 will formally change the name of the organization in both languages to reflect this.

When I took my own group of co-ed Venturers to the World Jamboree in Kananaskis, Alberta, the experience was particularly rewarding for the girls. The girls learned that they could do outdoor activities as well as, if not better than, the boys. They gained a special confidence as a result. These young Muslim girls learned that they could do anything that the boys could do. They learned that they could take on any challenges and gain more points and awards than their male colleagues. This helped these girls to take on life careers that otherwise they would not have. Today, these Venturers tell me that they are engineers and scientists because they have no mental barriers as to what girls can achieve.

One of the proudest moments for my husband and me as Scouters was when a female member of our Venturer troop told us that she was doing very well in her present work and was able to compete because of the skills she had learned as a Venturer. She told us that being a Venturer taught her that she was as good as any male colleague, and that helped her to alleviate any fears she had of her own limitations.

As a previous Girl Guide Commissioner, I believe that the Girl Guide movement is important for the growth of girls. I believe that the co-ed group helps to build confidence in young people. I want to thank Senator Di Nino for introducing Bill S-27 and I join him in support of its speedy passage.

I urge all honourable senators to take one more step and support the Canadian Scouting movement in their own regions to ensure that our young people are given the opportunity to participate in the unique experience that Scouting offers.

The Hon. the Speaker: Honourable senators, I see Senator Di Nino rising. If he speaks now, his speech will have the effect of closing debate on Bill S-27.

Hon. Consiglio Di Nino: I want to ensure that honourable senators are aware that I have received copies of some letters requesting information on the Scouting movement. I would encourage all to attend the committee hearings to learn first-hand of the Scouting movement.

The Hon. the Speaker: Honourable senators, I consider the debate closed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees), presented in the Senate on April 14, 2005.—(*Honourable Senator Furey*)

Hon. Wilfred P. Moore, for Senator Furey, moved the adoption of the report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ON STUDY OF MATTERS RELATED TO AFRICA ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Foreign Affairs (budget—study on the development and security challenges facing Africa—power to hire staff and travel), presented in the Senate on April 14, 2005.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— REPORT OF COMMITTEE ON STUDY OF ISSUES RELATED TO FOREIGN AFFAIRS ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Foreign Affairs (budget—study on foreign relations in general—power to hire staff and travel), presented in the Senate on April 14, 2005.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino moved the adoption of the report.

Motion agreed to and report adopted.

• (1600)

INTERNATIONAL DEVELOPMENT ASSISTANCE

MOTION URGING GOVERNMENT TO MEET COMMITMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Johnson:

That the Senate of Canada calls upon the Government of Canada to establish a specific timetable that will enable Canada to meet its longstanding commitment to provide 0.7 per cent of its Gross National Income as official international development assistance; and

That the Senate of Canada calls upon the Government of Canada to provide funds, within the budgetary process, to achieve this objective at latest by the year 2015, beginning, with an immediate one hundred percent increase in official development assistance in the next fiscal year.—(*Honourable Senator Pearson*)

Hon. Landon Pearson: Honourable senators, I rise today to support Senator Andreychuk's motion that the Senate of Canada call upon the Government of Canada to establish a specific timetable to meet its long-standing commitment to allocate 0.7 per cent of Gross National Income for Official Development Assistance, or ODA. Canada accepted this target in 1970 and has repeatedly reaffirmed its commitment. Yet, in 2002-03, Canadian assistance represented only 0.28 per cent of its gross national income. While there has been an upsurge in our aid flow, we still have a long way to go.

I agree with what my honourable colleague said about the generosity of Canadians towards those who are less fortunate than themselves, a generosity that was so clearly demonstrated by the overwhelming public response to the tsunami disaster. I am further convinced that, given the opportunity to contribute constructively to the poorest of the poor in other countries, particularly to children, Canadians will always come through. Our ODA, better targeted and managed than it used to be, is one

of the opportunities that we have as citizens of Canada to make a difference, but at the moment it is far from enough to address the major issues that the world's children now confront.

UNICEF 2005's State of the World's Children report is devoted to the most important of these issues. It is appropriately entitled "Childhood under Threat." After the ratification of the United Nations Convention on the Rights of the Child, there have been significant advances in the "fulfillment of children's rights to survival, health and education through the provision of essential goods and services and a growing recognition of the need to create a protective environment to shield children from exploitation, abuse and violence."

These gains are now under threat in many parts of the world, owing primarily to poverty, armed conflict and HIV/AIDS. UNICEF concludes that "swift, decisive action is required to reduce the poverty that children experience, protect them from armed conflict and support those orphaned or made vulnerable by HIV/AIDS."

The effectiveness of that action depends to a great extent on the level of financing available through, among other resources, Official Development Assistance, or ODA, from the world's most affluent countries, including our own. The international policy statement released today concludes in its section on development that we are the first generation in human history to have the means to eliminate poverty. Canada is prepared to act. With the energy, skills and resources of Canadians effectively marshalled in pursuit of this goal, we can make a difference.

I will devote the rest of my comments to "Partners in Development," the World Bank-sponsored report that was prepared by an international commission under the direction of the Right Honourable Lester B. Pearson, the man I was privileged to know and love as my father-in-law, and for whom my admiration only continues to grow. This was the report that introduced the target of 0.7 per cent of gross national product, now known as gross national income, to be devoted to foreign aid. I find that the words he wrote in "Partners in Development" are as relevant today as they were in 1969. The report opens with this statement:

The widening gap between the developed and developing countries has become a central issue of our time.

It continues with this in answer to the question: Why aid?

Even in the best conditions, development will be untidy, uneven, and ridden with turmoil. Great forward movements in history usually are. The thing to remember is that the process, global in scope, and international in nature, must succeed if there is finally to be peace, security, and stability in the world.

If the developed nations wish to preserve their own position in that world, they must play their full part in creating a world order within which all nations, and all men, can live in freedom, dignity, and decency.

In short, we face an essential need and an unprecedented opportunity. International development is a great challenge of our age. Our response to it will show whether we

understand the implications of interdependence or whether we prefer to delude ourselves that the poverty and deprivation of the great majority of mankind can be ignored without tragic consequences to all.

"Partners in Development" is a remarkable report, and one can only wonder what would have happened if we had achieved the goal of 0.7 per cent by 1975, as the report recommended, or by 1980 at the latest. What currents in the flood of history might have been changed by more substantial aid flows? Many of the problems addressed by the commission have been exacerbated since 1969 — the sprawl of cities, the increase in populations, youth unemployment, civil conflict, mounting debts, problems of food security and environmental degradation. New issues have come forward that were either invisible or just emerging at the time, in particular HIV/AIDS and the sexual exploitation of children, desertification and climate change, water shortages, and since 9/11 in particular, the fear and the reality of terrorism. Yet, the strategy recommended by the Pearson report would still work.

Remember that the report was entitled "Partners in Development" and consistently called upon both donors and recipients to work together. For development to work, it stated that aid, trade and investment policies must be integrated into a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries, to which I can only say, more than 35 years later, "Amen."

The eight millennium development goals, fully supported in today's international policy statement, cannot be achieved without our sustained commitment, and that commitment will not be visible to Canadians, to say nothing of the rest of the world, unless we lay out, for all to see, our intended pathway toward 0.7 per cent. I know this benchmark is symbolic but it is a powerful symbol. Five European countries have already surpassed it, and six others, including Great Britain, have said that they will reach it within 10 years. Are Canadians less generous? I do not think so. Given our recent history with respect to ODA, I recognize that any increase in aid will be incremental. There is no reason not to ask for as much as feasible year by year, and no reason at all not to establish a timetable that puts us in the same league as the like-minded nations of Europe.

I thank Senator Andreychuk for her motion, and I urge all of my colleagues to be partners in development.

On motion of Senator Corbin, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE WITHDRAWN

On the Order:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science, and Technology be authorized to meet on Monday, April 25 and Tuesday, April 26, 2005 as part of its study of issues concerning mental health and mental illness, even though the Senate may then be adjourned for a period exceeding one week.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, my understanding is that possibly this motion should be withdrawn from the Order Paper, as it is now irrelevant.

The Hon. the Speaker: Is it agreed, honourable senators, that this motion be withdrawn?

Hon. Senators: Agreed.

Motion withdrawn.

• (1610)

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO ALLOW REINTRODUCTION OF BILLS FROM ONE PARLIAMENTARY SESSION TO THE NEXT—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette, pursuant to notice given on April 14, 2005, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session with a view to including, in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process.

She said: Honourable senators, according to the legislative process and the authorities, we are at the beginning of a new session. A public bill tabled during a parliamentary session can be reintroduced at the same procedural stage as it was at prorogation. This is made possible by the adoption of a motion to that effect or a new provision in the *Rules of the Senate*.

Not being an expert, I therefore proposed to return this motion to the Standing Committee on Rules, Procedures and the Rights of Parliament. I would, however, like to say that this is a kind of insurance policy. We may have an election in 2005, 2006 or 2007. For reasons of efficiency and the reputation of the Senate, it would be an advantage not to have to constantly start over from scratch. I would like to call to the attention of the Senate that, in the 35th and 38th legislatures, 32 bills reappeared several times, examples being the bill to protect Internet messages, the bill to amend the National Anthem, and the one on lotteries.

In short, senators spend a lot of time and energy doing thorough research and studying the issues. They end up having to start their work over with each new session. Out of respect for the work of the honourable senators, all the experts consulted and the people who work generally without remuneration doing in-depth

research and in order to improve the reputation of our institution, we as senators and legislators should adopt this motion.

Our primary role is that of legislator. We must take this role seriously when we introduce a bill of regional interest, in certain cases, or of particular interest, with respect to a matter that is not on the government's agenda. This proposal to amend the *Rules of the Senate* would benefit all honourable senators and our institution. For this reason, honourable senators, I move that consideration of this matter be referred to the Senate Standing Committee on Rules, Procedure and the Rights of Parliament.

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, perhaps I could start by asking Senator Hervieux-Payette a question. In the other place, government bills are reinstated by government ministers. It is the decision of the government whether a government bill is to be reinstated. Does the honourable senator have the same idea in mind here?

In the other place, private members' bills are reinstated if the private members wish them to be reinstated. Does the honourable senator have the same idea in mind for the rules here?

[Translation]

Senator Hervieux-Payette: In fact, honourable senators, reinstating government bills and senators' bills would speak to our efficiency. It is up to the government or the senator in question to reinstate them. Each can always choose not to do so, but starting all over again when a senator has done a study is tedious. Senator Lapointe's bill on lotteries comes to mind as an example. Beginning afresh perpetually is not in the interest of our institution. We will show the value of our role as legislators, senators and government. When the government considers legislation important, it need only reinstate the bill. We will not have to start all over. This approach will benefit all parliamentarians and the operations of our organizations. We must study the motion and make recommendations, knowing that it is perfectly legal to do so.

On motion of Senator Stratton, debate adjourned.

[English]

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Before I move the adjournment motion, I would like to tell honourable senators that Senator Adams and I have been away in the North, where we witnessed a unique agreement between two Inuit communities. I appreciated the assistance of Senator Robichaud while I was away.

The Senate adjourned until Wednesday, April 20, 2005, at 1:30 p.m.

CONTENTS

Tuesday, April 19, 2005

	PAGE		PAGE
Visitors in the Gallery		Royal Canadian Mounted Police	
The Hon. the Speaker	1060	Reinstatement of Constable Robert Read.	
<hr/>		Hon. Marjory LeBreton	1065
SENATORS' STATEMENTS		Hon. Jack Austin	1065
Living Wills		Justice	
Hon. Sharon Carstairs	1060	Commission of Inquiry into Sponsorship Program and Advertising Activities—Financial Controls.	
Racial Profiling		Hon. Gerry St. Germain	1065
Hon. Donald H. Oliver	1060	Hon. Jack Austin	1066
National Volunteer Week		Delayed Answers to Oral Questions	1066
Hon. Joan Cook	1061	Fisheries and Oceans	
Election of Cardinal Joseph Ratzinger as Pope Benedict XVI		Meeting of Deputy Ministers to Discuss Agenda for Upcoming Ministers Meeting—Disagreement with P.E.I. Representatives.	
Hon. Consiglio Di Nino	1061	Hon. Jack Austin	1066
Ms. Leslie Weir		Point of Order.	
Congratulations on Receiving Advanced Certified Fund Raising Executive Accreditation.		Hon. Gerry St. Germain	1066
Hon. Terry M. Mercer	1061	Hon. Jack Austin	1066
National Volunteer Week		Hon. Bill Rompkey	1066
Hon. Marjory LeBreton	1062	Hon. Marcel Prud'homme	1067
<hr/>		Agriculture and Agri-Food	
ROUTINE PROCEEDINGS		Bovine Spongiform Encephalopathy—Aid to Cattle Industry—Culling of Older Animals.	
International Policy Statement		Question by Senator St. Germain.	
Tabled.		Hon. Bill Rompkey	1067
Hon. Bill Rompkey	1062	<hr/>	
Fisheries and Oceans		ORDERS OF THE DAY	
Budget and Authorization to Engage Services and Travel—Report of Committee on Study of Government Policy for Managing Fisheries and Oceans Presented.		Financial Administration Act	
Hon. Gerald J. Comeau	1062	Canada School of Public Service Act	
Agriculture and Forestry		Official Languages Act (Bill C-8)	
Budget—Report of Committee on Study of Present State and Future of Agriculture and Forestry Presented.		Bill to Amend—Third Reading.	
Hon. Joyce Fairbairn	1063	Hon. Pierrette Ringuette	1067
Business of the Senate		Hon. Donald H. Oliver	1067
Notice of Motion to Authorize Certain Standing Committees to Meet During Adjournment of the Senate.		Statistics Act (Bill S-18)	
Hon. Bill Rompkey	1063	Bill to Amend—Third Reading—Debate Continued—Vote Deferred.	
<hr/>		Hon. John Lynch-Staunton	1070
QUESTION PERIOD		Hon. Lowell Murray	1072
The Environment		Hon. Gerald J. Comeau	1072
Kyoto Protocol—Plan of Compliance.		Hon. Marjory LeBreton	1073
Hon. Terry Stratton	1063	Spam Control Bill (Bill S-15)	
Hon. Jack Austin	1063	Second Reading—Debate Continued.	
Hon. A. Raynell Andreychuk	1064	Hon. Marjory LeBreton	1073
Hon. Mira Špivak	1064	Bankruptcy and Insolvency Act (Bill S-28)	
Treasury Board		Bill to Amend—Second Reading—Debate Adjourned.	
Proposal that Auditor General Audit Recipients of Government Grants.		Hon. Wilfred P. Moore	1073
Hon. Donald H. Oliver	1065	Boy Scouts of Canada (Bill S-27)	
Hon. Jack Austin	1065	Private Bill to Amend Act of Incorporation—Second Reading.	
		Hon. Mobina S. B. Jaffer	1075
		Hon. Consiglio Di Nino	1076
		Referred to Committee	1076
		Internal Economy, Budgets and Administration	
		Eighth Report of Committee Adopted.	
		Hon. Wilfred P. Moore	1076

	PAGE		PAGE
Foreign Affairs		Social Affairs, Science and Technology	
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Matters Related to Africa Adopted.		Motion to Authorize Committee to Meet During Adjournment of the Senate Withdrawn.	
Hon. Consiglio Di Nino	1076	Hon. Bill Rompkey	1078
Budget and Authorization to Engage Services and Travel— Report of Committee on Study of Issues Related to Foreign Affairs Adopted.		Rules, Procedures and the Rights of Parliament	
Hon. Consiglio Di Nino	1076	Motion to Allow Reintroduction of Bills from One Parliamentary Session to the Next—Debate Adjourned.	
International Development Assistance		Hon. Céline Hervieux-Payette	1078
Motion Urging Government to Meet Commitment— Debate Continued.		Hon. Jack Austin	1078
Hon. Landon Pearson	1076	Business of the Senate	
		Hon. Bill Rompkey	1078



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