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Thursday, April 21, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Thursday, April 21, 2005

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

Prayers.

SENATORS' STATEMENTS

PARKINSON'S DISEASE AWARENESS MONTH

Hon. Serge Joyal: Honourable senators, with the consent of this house and in our tradition, I should like to deliver a message that Senator Pitfield wishes to bring to your attention today.

I would take this opportunity to draw to your attention that April is National Parkinson's Disease Awareness Month in Canada and around the world. Today marks the fortieth anniversary of Parkinson Society Canada.

[*Translation*]

To date, 100,000 Canadians have been diagnosed with Parkinson's disease and, without a cure or treatment, experts predict that this figure will double over the next decade. In addition, Canadians living with Parkinson's have trouble getting the specialized care they need because there are considerably fewer neurologists.

[*English*]

Please join me in offering support to Parkinson Society Canada as they work to fund research to find a cure and to deliver support programs that are essential to those battling Parkinson's disease today.

THE HONOURABLE P. MICHAEL PITFIELD

CONGRATULATIONS ON BECOMING HONORARY CHAIR OF PARKINSON SOCIETY CANADA

Hon. Serge Joyal: Honourable senators, I should draw your attention to the fact that Senator Pitfield has been appointed the Honorary Chair of Parkinson Society Canada.

Hon. Senators: Hear, hear!

Senator Joyal: I am sure you will join me in expressing our support and admiration for the dedication that Senator Pitfield has brought to his work in this chamber and for the effort he has demonstrated on behalf of all Canadians. He is a model for all those who fight this difficult disease, as well as a great contributor to the building of our country.

Thank you, Senator Pitfield.

Hon. Senators: Hear, hear!

FOREIGN AFFAIRS

CHINA—RESPECT OF RIGHTS OF TIBETANS

Hon. Consiglio Di Nino: Honourable senators, last year on this day, we had the pleasure of welcoming His Holiness the Dalai Lama to Ottawa. His visit to Canada reminded us that in today's world, filled as it is with violence and age-old hatreds, there is another world, and that is the commitment to achieve peace through dialogue rather than conflict. His visit also reminded us of the grim situation in Tibet, a homeland he has not seen in almost five decades.

Honourable senators, I once again urge our government to do all it can to support the efforts of His Holiness to reach an accommodation with the Chinese that respects the fundamental rights of Tibetans. I believe we have both an opportunity and an obligation to speak in support of the Dalai Lama's quest for a just and lasting solution to this long-standing issue.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise in the Senate today in recognition of National Organ and Tissue Donor Awareness Week. Organ and tissue donation is indeed the gift of life. Organ recipients are given a chance to be healthy again, to be with their families, and to enjoy their lives to the fullest.

Over the years, the number of people who can benefit from organ donation has grown because we have made great strides in the field of medicine. What is possible today is indeed remarkable. However, despite these medical advances, still not nearly enough viable organs are available for transplant. As a result, more than 4,000 Canadians desperately waited for organ transplants in 2004. Sadly, 242 of them lost their lives while waiting.

Honourable senators, you may be surprised to learn that Canada ranks in the bottom half of industrialized nations regarding organ donations. The Canadian rate of organ donations transplanted from deceased individuals was only about 13 per million of population last year.

To make matters worse, almost one third of all organs appropriate for transplant were wasted because people did not share their wishes regarding organ and tissue donation with their family members. In most parts of Canada, families make the final decision on organ donation, even if their loved ones left a signed consent or registered their intention with the province.

Honourable senators, I should like to take this opportunity to thank those Canadians who have already made such arrangements and to ask them to make certain that their families are fully aware of their wishes. In addition, I strongly urge all those who would consider being a donor to learn more about the requirements in their own province and to take the steps necessary to become an organ donor. In doing so, we can all help to give so many other Canadians the precious gift of life.

• (1340)

HER MAJESTY QUEEN ELIZABETH II

FELICITATIONS ON SEVENTY-NINTH BIRTHDAY

Hon. Anne C. Cools: Honourable senators, I rise today to join most of the world in wishing Her Majesty Queen Elizabeth II a happy and joyous seventy-ninth birthday.

Honourable senators, this extraordinary woman was the child of extraordinary parents, King George VI and Queen Elizabeth, the Queen Mother, both of whom endeared themselves very deeply to Canadians in the royal visit of 1939. En passant, that visit was conceived by Winston Churchill and our own Prime Minister William Lyon Mackenzie King as a means of organizing a meeting between President Franklin D. Roosevelt of the United States of America and King George VI, because of the looming danger of Hitler's Nazi Germany.

Her Majesty, as you know, has lived a life that has been dedicated to the notion of the leader as servant and, to my mind, a life of enormous civic duty and public responsibility. About Her Majesty, I would like to say that she herself is deeply endeared to Canadians. Last summer, at the sixtieth anniversary celebrations of D-Day, it became clear to every single person there — I was not there of course — that she was the most significant individual present. She meant the world to Canadian veterans. We should understand that these young men — they are old men now, those who are left — went out to fight many years ago. They went out to fight for God, Queen and country.

Honourable senators, this is a concept that means a lot to me, and it means a lot to those old veterans. It is a concept that I would like to see renewed and reaffirmed, because if you do not stand up for God, Queen and country, then you stand for your own ambition and vanity, I believe. I always remember the great words of Lord Acton, that power tends to corrupt and absolute power corrupts absolutely. I was raised to believe that the question of the sovereign should be a question that is settled. My school mistress used to say one should never trust anyone who wants to be king or queen.

In closing, Her Majesty Queen Elizabeth, this marvellous woman, this lover of horses, this breeder of horses and thoroughbreds, is a great friend of Canada. I would like to say once again that she has lived to the best of her ability the high concept of public service in Christ the King. She is a great woman, a great queen, a great parent and a great servant. God bless the Queen and may she have many, many more happy birthdays.

Hon. Senators: Hear, hear!

THE CHARTER OF RIGHTS AND FREEDOMS

TWENTIETH ANNIVERSARY OF PROCLAMATION OF SECTION 15

Hon. Shirley Maheu: Honourable senators, this week we celebrate the twentieth anniversary of the proclamation of section 15, the equality provisions of our Charter of Rights and Freedoms. Section 15 is an integral part of our living, breathing and growing Charter tree. It enshrines women's rights, our multicultural identity and all our deeply held values of equality. It

defines how to treat each other and it is our fundamental acknowledgement of our shared belief in each other's dignity.

Our Charter is the culmination of the Magna Carta of 1215, the great English Bill of Rights of 1689, our own Quebec Act of 1774 and our Constitution Acts of 1791 and 1867. The latest of our important Canadian constitutional documents is the Civil Marriage Act that currently makes its way through the other place. As we await its passage here, let us remember that our last great human rights battle was also fought right here on Parliament Hill. In 1917, some women were given the right to vote in Canada in the Wartime Elections Act, but reactionary Canadians were strongly opposed to the vote for women during peacetime, let alone universal suffrage for women. These reactionary elements claimed that women were feeble-minded and only suitable for domestic and reproductive purposes.

The leader of this point of view in Quebec was none other than Cardinal Villeneuve, who stated, before he won his red hat, that women do not hold the natural right to participate in the government of civil society. His approach to civil rights sounds a lot like the anti-gay rhetoric of today. The campaign against civil rights for women was so strongly promoted by reactionary elements that it was not until 1944 that women got the right to vote in Quebec.

Honourable senators, these reactionary elements always lose. Unfortunately, before they lose, they leave a trail of prejudice, bitterness, misinformation and plain, old-fashioned bigotry. Their tactics to diminish the dignity of some Canadians tend to be disingenuous. The reactionary rhetoric of the 1920s, 1930s and 1940s of the last century to relegate some Canadians to the back of the bus resembles the reactionary rhetoric of today against our gay community.

Some members of the House of Commons have been using the same kind of vocabulary to diminish gay rights that was used against women's rights. In fact, honourable senators, by changing a few words in the current debate, we could have easily imagined them speaking against women's rights 75 years ago — the same sentiments, the same tone and the same intolerance. The passage of the Civil Marriage Act will honour the 20 years of positive growth of some human rights achieved by way of section 15 of our Charter.

Hon. Senators: Hear, hear!

BRAZIL

INTERNATIONAL CONFERENCE ENTITLED ADVANCING RACIAL EQUITY: A DIALOGUE IN POLITICS

Hon. Donald H. Oliver: Honourable senators, more than 186 million people live in Brazil. Fifty-four per cent are Black. The country has a vast array of natural resources and has a thriving agricultural sector. Brazil's GDP in Canadian dollars was estimated to be \$691 billion in 2003. It is by far the largest and most populous country in South America, and is a leading economic power and a regional leader.

Honourable senators, Brazil is also in a racial crisis. Blacks hold 83 per cent of the manual jobs. Blacks also earn on average 45 per cent less than their White counterparts. Of the discriminated groups, Black women are especially oppressed because they are subject to double and triple discrimination — gender and race, as well as social origin, which is associated with the first two types of discrimination. The division of labour in Brazilian society remains largely unchanged from when it became an independent nation in 1822. As with colonial rule, racial discrimination is the basis for inequality and social exclusion.

Honourable senators, with that background, I was asked to speak at the landmark international conference held last week in Brasilia, Brazil, called *Advancing Racial Equity: A Dialogue in Politics*. I was asked by Brazilian officials to speak about how Canada's multicultural framework has functioned as an institutional model for integrating racial and ethnic minorities. Conference organizers hoped that a Canadian presence would shed some light on potential building blocks to assist Latin American policy makers in their struggle for a less unequal society.

My speech focused on how Canada is a country of immigrants whose economic success is predicated on our ability to attract ethnic minorities from around the world. In Canada, racial integration is an economic necessity. However, I also explained the historical background of Canada's cultural duality, and how biculturalism provided the basic condition for accommodating diversity in that the accommodation of two cultures raised the possibility of accommodating additional cultures.

Honourable senators, Latin America's legacy of systemic discrimination has been avoided in the public debate for over a century. Hopefully this conference will help to give a public voice to the nearly 100 million Blacks who are victims of Latin America's ongoing racial crisis.

POPE BENEDICT XVI

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay respects to His Holiness Pope Benedict XVI. As a student of the church, always rich in symbolism, to take the mantle of St. Benedict, the patron saint of Europe, offers interesting insight into the Pope's stewardship in the future direction of the church.

I had the opportunity to meet the Pope when, as Cardinal Ratzinger, he visited Toronto in 1985. He was there to speak at a mass public meeting at Varsity Arena entitled, *An Evening with Cardinal Ratzinger*. I was delighted to attend and join 8,000 enthusiastic members of the audience in this moving event organized by our great and good friend Dennis Mills and made possible by the generous support of Frank Stronach.

• (1350)

Earlier, the late Cardinal Carter invited me to a small, private dinner to meet this eminent cardinal. I knew of his participation as an advisor to the Cardinal Archbishop of Cologne in the

sessions of Vatican II. I was surprised to find myself as the only non-Catholic in this small, select company that included my friend and one of Canada's and the world's greatest outstanding scholars, Father Jim McConica, then President of St. Michael's College. I learned more of Cardinal Ratzinger's participation as a key adviser in the formulation of Vatican II. I was told by Cardinal Carter and my friend Dennis Mills and Father Jim McConica that we would share a common interest in the changing attitude of the church as manifested by Vatican II.

During the dinner, I was allowed ample time to enter into a direct discourse with the new Pope. I came away deeply impressed by being in the presence of a superior, brilliant mind, deeply engaged in the momentous issues of Vatican II and, above all, his humble and very gentle demeanour.

As Pope John Paul II did, I believe Pope Benedict XVI will surprise all as he forges a different path for the church, assaying, as his predecessors have, to fill the capacious footprints of the first fishermen.

The name "Benedict" comes from the Latin word for "blessing." May we hope that the new Pope's work brings blessings to his followers and the entire world.

ROUTINE PROCEEDINGS

OFFICIAL VISITS

REPUBLIC OF TRINIDAD AND TOBAGO, URUGUAY,
REPUBLIC OF INDONESIA—REPORTS TABLED

Hon. Daniel Hays: Honourable senators, I have the honour of tabling the report of an official visit to the Republic of Trinidad and Tobago made February 21 and 22, 2005; a report covering an official visit to Uruguay for the inauguration of President Vasquez, February 29 to March 5; and a report of an official visit to the Republic of Indonesia from March 14 to 17, 2005.

PARLIAMENT OF CANADA ACT SALARIES ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, April 21, 2005

The Standing Senate Committee on National Finance has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred Bill C-30, An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts,

has in obedience to the Order of Reference of Thursday, April 14, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER
Chair

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

Hon. Jack Austin (Leader of the Government): Honourable senators, with leave, now.

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

Some Hon. Senators: Agreed.

Hon. Anne C. Cools: I do not understand. Why are we not proceeding in the usual and proper way?

Senator Austin: Honourable senators, if there is a senator who wishes to again return to debate on Bill C-30, of course we should not give leave now. I had not heard that there was a senator who wanted to participate in the debate. Parliament is about to go into a break. It would be convenient, quite frankly, for the government to have this legislation receive Royal Assent so that it can be implemented by the public service.

Senator Cools: Honourable senators, I believe it is customary, when unanimous consent like this is requested, to provide the chamber with an explanation. When such consent is sought, it is usually to do the reading later this day. I wonder why the double urgency. It is one urgency to do everything today; it is a second urgency to try to give third reading right now. Once an explanation is given, it all begins to make some sense. There will be third reading debate right now; is that correct?

Senator Austin: Honourable senators, if Senator Cools wishes to participate in the debate, I would be happy to move that the bill be read again at the next sitting.

If Senator Cools is simply asking for an explanation, I have given the explanation. Royal Assent is scheduled for this afternoon. My request is meant simply for the convenience of the chamber, not for any other reason. It would be convenient to the government for the bill to receive Royal Assent so that it can be implemented. It is retroactive to April 1, 2004. There is no urgency to it. It is simply a polite request on my part to honourable senators if there is no need to occupy the agenda with this bill at a later time.

Senator Cools: Honourable senators, I did not refuse consent. I was asking for clarification as to whether there would be some debate today at third reading, which is now. I do not know who the sponsor of the bill is, but perhaps the sponsor can begin third reading debate.

Senator Austin: I would be happy, honourable senators, to ask for leave for later this day.

Senator Cools: That would be better.

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

Hon. Senators: Agreed.

On motion of Senator Austin, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

[*Translation*]

OFFICIAL LANGUAGES

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

Hon. Eymard G. Corbin, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, April 21, 2005

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

FIFTH REPORT

Your Committee, which was authorized by the Senate on November 3, 2004 to study and to report on the application of the *Official Languages Act*, respectfully requests the permission to adjourn from place to place within Canada and to travel inside Canada for the purpose of such study, and requests the approval of funds for fiscal year 2005-2006.

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,

EYMARD G. CORBIN
Chair

(*For text of budget, see today's Journals of the Senate, p. 816.*)

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

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

[English]

**INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION**

NINTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 21, 2005

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

NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006.

Internal Economy, Budgets and Administration

Professional and Other Services	\$ 3,000
Transport and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 3,000

Official Languages (Legislation)

Professional and Other Services	\$ 17,700
Transport and Communications	\$ 500
Other Expenditures	\$ 500
Total	\$ 18,700

(includes funding for conference attendance)

GEORGE J. FUREY
Chair

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

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

• (1400)

NATIONAL FINANCE

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

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that later this day I will move:

That, in accordance with rule 95(3), the Standing Senate Committee on National Finance be empowered to meet on Monday, May 2, 2005, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

CONFERENCE ON WOMEN'S RIGHTS

NOTICE OF INQUIRY

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 56 and rule 57(2), and following my attendance last week in Paris at a women's rights conference organized by the French Senate and the Mouvement français pour le planning familial, I give notice that on Tuesday, May 3:

I will call the attention of the Senate to the Millennium Development Goals, more particularly to Goal number 3, seeking to promote gender equality and to empower women.

[English]

**SITUATION IN SUDAN AND ROLE
OF CANADA'S SPECIAL ENVOY**

NOTICE OF INQUIRY

Hon. Mobina S. B. Jaffer: Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the situation in Sudan and the role of Canada's Special Envoy for Peace in Sudan.

**EFFICACY OF GOVERNMENT
IN IMPLEMENTING KYOTO PROTOCOL**

NOTICE OF INQUIRY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that on Tuesday, May 3, 2005:

I shall call the attention of the Senate to the failure of the government to address the issue of climate change in a meaningful, effective and timely way and, in particular, to the lack of early government action to attempt to reach the targets set in the Kyoto Protocol.

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. Yesterday in the chamber, Senator Austin stated: "...the government's Kyoto plan has been widely accepted by both the business and environmental communities."

Unfortunately, that is not what I heard. An article in the *Calgary Herald* states:

Mr. Tom Adams, Executive Director of Energy Probe, a national energy and environmental watchdog, said a coast-to-coast transmission grid poses risks to Canadians in terms of delivering reliable service. Moreover, it is “grossly unfair” because it would cost taxpayers tens of billions in tax dollars to benefit mostly Ontario.

Mr. Thomas d’Aquino, President of the Canadian Council of Chief Executives, which represents 150 leading Canadian enterprises from all sectors of the economy, said in the *National Post* that the Kyoto plan will impose “huge costs on taxpayers and will fail to meet its goals.”

Mr. Matthew Bramley of the Pembina Institute, an environmental policy research organization, told the CBC that “taxpayers are going to take a stiff burden of costs to find emission reductions for Kyoto, while industry is really going to be asked to make overall what represents an economically insignificant contribution.”

I have next a press release from the David Suzuki Foundation, which reads:

Canada’s climate change plan lets big polluters off the hook and doesn’t send a strong message to industry that our economy must become cleaner and more efficient to compete in the global marketplace.

Greenpeace criticized the plan when it stated that it is:

...inadequate to achieve Canada’s Kyoto mission reduction target within the time frame required by the Protocol.

These criticisms do not have wide acceptance, as the leader had stated. Will the Leader of the Government in the Senate tell us why Canadians are being asked to spend \$10 billion of taxpayers’ money on a plan that many environmental and business groups, and even a Liberal minister, thinks will not work?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is most interesting to have this question from Senator Stratton and to listen to his quotations from various advocates coming from 180 degrees of difference in terms of approach and policy. Hearing the Pembina Institute comments next to the Suzuki Foundation comments is quite a straddle. However, the best way to pursue the government’s Kyoto plan in this chamber is in response to Senator Andreychuk’s inquiry, of which she gave notice. This side welcomes the inquiry because it will provide an opportunity to provide more detail for clarification of government policies in respect of its Kyoto plan and the Green Project. This side looks forward to participating in such an inquiry.

Senator Stratton: I am delighted to have the opportunity to enter that debate as well, and I thank Senator Andreychuk for putting forward her inquiry, if for no other reason than to find an answer to why it took so extraordinarily long for the government

to come up with a plan of action on the Kyoto Protocol. Does the Leader of the Government have an answer to that extraordinary delay of seven or eight years? It is costing Canadian taxpayers far more now than it would have cost had this plan been instituted a while ago.

Senator Austin: Honourable senators, the house will be able to discuss, debate and, perhaps, disagree on the plan during the course of the inquiry. I have said in this chamber more than once in response to the same question from Senator Stratton that whereas in 1997 certain targets were accepted by Canada for its Kyoto obligations, those targets must be developed in terms of methodology and a sharing of costs with the various levels of government and the private sector. The government would not act simply to issue a ukase to the Canadian people on how this plan should be developed and implemented. This government is one that achieves consensus through a process of discussion, and we have achieved consensus amongst governments and the major players in the economy with respect to the Kyoto plan.

• (1410)

I have also said, honourable senators, in this chamber that the plan is not one that has specific programs with unalterable targets. The plan is dynamic. We will live with our experiences as the Kyoto application unfolds, and we will make the changes that need to be made.

INTERNATIONAL TRADE

BOVINE SPONGIFORM ENCEPHALOPATHY— CLOSURE OF BORDER TO CANADIAN CATTLE— INTERVENOR STATUS IN MONTANA COURT CASE

Hon. Leonard J. Gustafson: Honourable senators, my question relates to an application for intervenor status in the Montana courts in regard to opening up the border to Canadian cattle. Today, honourable members of the Conservative Party, Belinda Stronach, International Trade Critic of the Official Opposition and Diane Finley, Official Opposition Agriculture Critic, announced that a group of concerned Conservative members will apply for intervenor status in the Montana courts.

Why has the government not applied for this status? Why would the Government of Canada leave it to the opposition to do the government’s work? Is this a tactic that the Prime Minister is using to negate his obligations to Canadian farmers? This is a serious situation which warrants a response.

Hon. Jack Austin (Leader of the Government): Honourable senators, the situation is that the United States Department of Agriculture has intervened, seeking to set aside the interim decision of Federal Court Judge Cebull in the Montana case brought on by R-CALF. The position of the United States Department of Agriculture is in exact conformity with that of the Government of Canada. Nothing can be improved in the way of representation before that court by the Canadian government being an additional party. We stand on the public record as being entirely in support of the United States Department of Agriculture and its position in that litigation.

I do not know whether the application of certain politicians in this country, as outlined by the honourable senator, for intervenor status in that case will improve the opportunity for the Canadian cattle producers to win that case. I do not know whether it will be seen by the Americans as pure political opportunism, something having to do with nothing more than the current political environment in Canada. I hope it does no damage to the position, and I hope that the action was taken on competent legal advice.

Senator Gustafson: Honourable senators, the fact is that a lawyer who appeared at the press conference today, and who represents a firm that acts both in Toronto and Washington, indicated in the release that there was a good chance that they would get a hearing in Montana and be able to put forward the case for Canadian farmers regarding the border. He is obviously well educated and well versed in the situation, and the firm is taking it upon itself to represent the members of the opposition.

Again, my question is: Why has the government not stepped up to the plate and done its job in this regard?

Senator Austin: Let me repeat my response to Senator Gustafson. The best intervenor is the United States Department of Agriculture, which is intervening in exactly the way the Government of Canada would intervene, and we support that intervention by the United States Department of Agriculture.

Our position cannot be improved beyond the position the United States Department of Agriculture is taking, which is seeking to set aside the decision of Judge Cebull. I certainly hope that the actions that the honourable senator has announced here, of which I was not previously aware, are helpful.

Senator Gustafson: The Minister of Agriculture and members of both sides of this house were present when, in the opening remarks of his speech, the President of the United States indicated that he was in support of the opening of the border. Many Americans, in both Congress and the Senate, support the opening of the border. It is a matter of now dealing with the court in Billings, Montana, and that means dealing with R-CALF and one local judge.

Therefore, the intervention of the Canadians I mentioned, with proper legal advice, would be most helpful.

Senator Austin: As I said, honourable senators, I am not at all convinced of that, but I hope it is true.

PRIME MINISTER

POSITION OF MR. MAURICE STRONG AS UNOFFICIAL ADVISOR

Hon. David Tkachuk: Honourable senators, yesterday, Maurice Strong stepped aside as UN adviser to North Korea. The reason for his action is the close and ongoing business relationship he had with Mr. Tongsun Park, who is now under indictment by U.S. federal authorities investigating the UN oil-for-food scandal. One aspect of that relationship is that Mr. Park allegedly invested more than \$1 million of the money he received in the oil-for-food scandal in a company run by Mr. Strong's son.

You will be interested to know, honourable senators, that another investor in that company that Mr. Strong's son was running was Paul Martin's CSL Group. Mr. Strong has long been associated with the Martin family and, indeed, was first brought to Ottawa in 1966 by Paul Martin, Sr. He was described in *The Globe and Mail* today as an influential mentor, close friend and unofficial adviser to the Prime Minister.

My question for the Leader of the Government in the Senate is: Does Mr. Strong remain an unofficial adviser to the Prime Minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, Mr. Strong is not an official of the Government of Canada and I can answer only on behalf of the Government of Canada, not private individuals.

Senator Tkachuk: Can the Leader of the Government in the Senate reveal to us how much Mr. Strong is paid to serve as the unofficial adviser to the Prime Minister?

Senator Austin: Mr. Strong receives no payment from the Government of Canada.

NATURAL RESOURCES

NOVA SCOTIA AND NEWFOUNDLAND AND LABRADOR—SPLITTING OF REVENUE-SHARING AGREEMENT ON OFFSHORE OIL REVENUES FROM BUDGET IMPLEMENTATION BILL

Hon. Ethel Cochrane: Honourable senators, my question for the Leader of the Government in the Senate concerns the Atlantic accord, which was signed by the Prime Minister and the premiers of Nova Scotia and Newfoundland and Labrador in February.

Instead of bringing forward stand-alone legislation to implement the Atlantic accord, the federal government has tied this historic agreement to 23 other budget provisions in Bill C-43, an omnibus bill of over 100 pages. When the previous Conservative government agreed to an accord in 1985, it took the form of stand-alone legislation.

My question to the Leader of the Government in the Senate is: Will the federal government honour its agreement with these provinces as quickly as possible and split the accord from the budget implementation bill?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Cochrane for the opportunity to make the government policy in this regard clear.

It is a convention that budget bills encompass various issues and items, as does the budget address when it is presented in the other place.

Bill C-43 is designed to implement the government's budget announcement of last February. I am very much aware of the desire by the provinces of Newfoundland and Labrador and Nova Scotia to see passed into law the agreement, to which the honourable senator refers as the Atlantic accord, which is a part of Bill C-43.

• (1420)

The government would like to see this bill passed. Of course, the matter is now in the process of being dealt with in the other place. I am advised it is not the government's policy to split Bill C-43 in any way, shape or form. It is a comprehensive government budget bill, and is presented as such.

I am also advised that there would be no consent from one of the opposition parties to permit the bill to be split, and consent is required under the rules of the other place.

Senator Cochrane: Honourable senators, since the budget considerations in this implementation bill respecting the Kyoto plan were removed from the bill, I did hope that it would be possible for the government to follow this same procedure with respect to the Atlantic accord. I recognize that Bill C-43 is huge and its contents would be the subject of many questions and answers. However, if the Atlantic accord were dealt with separately, it could be passed expeditiously.

I am pleased to hear the leader say that it is the government's wish to deal with this matter quickly because it is estimated that my province will lose between \$1 million and \$3 million every week the matter is delayed. That is a lot of money to Newfoundlanders and Labradorians. Ours is a small province, with a population of less than half a million people.

As a result of the political reality in which we now operate, people in both provinces are concerned about what will happen to the accord if it is not soon passed. If the federal government were truly committed to expedite the passage of the accord, it would support any method to do so now. How can Newfoundlanders and Labradorians and Nova Scotians believe that the federal government truly supports swift implementation of the accord when its words have not matched its actions?

Senator Austin: I disagree with the honourable senator's last sentence. The government has presented its budget. The budget bill has been presented. It is at the disposal of the other place. The government members are prepared to vote for it as quickly as the procedures of the other place permit it to be brought forward for a vote.

However, as I have said to the honourable senator, a party in the other place does not support the Atlantic accord and will not give consent to anything but the most standard way of proceeding in the other chamber. The government can do nothing about that.

Senator Cochrane: Honourable senators, did the party to which the leader alludes agree to removing the provisions respecting the Kyoto plan from the bill?

Senator Austin: I am not sure of the accuracy of the honourable senator's statement with respect to Kyoto, but I will look into that question.

HEALTH

TEST KITS CONTAINING MISLABELLED STRAINS OF INFLUENZA

Hon. Wilbert J. Keon: My question is for the Leader of the Government in the Senate regarding the A/H2N2, the deadly strain of influenza mistakenly sent to laboratories all over the

world, including 20 in Canada. As we all know, we owe a debt of gratitude to our new director of the Public Health Agency for alerting the world of this error.

The World Health Organization has told us that all the samples have been located and almost all have been destroyed. However, many people in the scientific and health care communities, as well as in the general public, are wondering how such a deadly virus was disseminated in the first place. No public explanation has been given.

Could the Leader of the Government tell us what Health Canada has learned over the last several days about how this virus entered our country and was circulated around the world?

Hon. Jack Austin (Leader of the Government): Honourable senators, I answered a question regarding that particular issue last week. I am delighted to hear from Senator Keon that all the samples have been located because, a few days ago, I heard that three samples had not been located, one in Lebanon, one in Mexico and another in one other country. If they have all been located, that is an enormous relief.

We do know that they were unintentionally sent out by a private, non-profit organization in the United States. Somehow, an error was made.

I understand that U.S. authorities are conducting an investigation and will advise Health Canada shortly.

TRANSPORT

TEST KITS CONTAINING MISLABELLED STRAINS OF INFLUENZA—MOVEMENT AND HANDLING OF DEADLY VIRUSES

Hon. Wilbert J. Keon: Honourable senators, this incident and other recent occurrences raise serious questions about the movement and handling of deadly viruses, and about related public safety issues and security concerns.

Last month, a FedEx van carrying anthrax and other biological agents to the National Microbiology Laboratory in Winnipeg was involved in a traffic accident. Fortunately, no one was hurt and the viruses were not compromised.

Could the Leader of the Government in the Senate tell us if the Transport Canada ongoing review of the Transportation of Dangerous Goods Act will look into both these incidents; and when does the department expect to complete its review?

Hon. Jack Austin (Leader of the Government): I will have to obtain information from those departments. I will seek that information as quickly as I can.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a response to a question raised in the Senate on February 23, 2005, by Senator Meighen regarding the pension of Clifton Wenzel.

VETERANS AFFAIRS

DENIAL OF ANNUITIES—CASE OF CLIFTON WENZEL

(*Response to question raised by Hon. Michael A. Meighen on February 23, 2005*)

There is no question that Mr. Wenzel served Canada with distinction in the Second World War and the years that followed.

The issue of Mr. Wenzel's pension is a complex one that dates back decades.

For this reason, the Minister of National Defence decided to send this case to the Ombudsman.

The minister asked the Ombudsman to complete a full review and to do so without delay.

The minister wants to make sure that there is no injustice and this is why he asked for an independent review.

[*English*]

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT SALARIES ACT

BILL TO AMEND—THIRD READING

Hon. Jack Austin (Leader of the Government) moved third reading of Bill C-30, to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts.

He said: Honourable senators, I do not plan to say very much about this bill since senators are familiar with its contents. It relates to compensation for senators and members of the other place. With passage of the bill, compensation provisions will be severed from existing legislation which links parliamentarians' compensation to that of judges.

As honourable senators know, the quadrennial commission, which reviews judicial salaries, reported a rather aggressive number for judges, and therefore by linkage with legislation, for parliamentarians. The number applicable to judges was based on a new formula adopted by the quadrennial commission. It referenced upper-tier income on the part of the legal profession

and sought to make that upper-tier income and judicial compensation more or less parallel, which may well be justified. That is for another legislative day, I believe.

However, it is not justified to link parliamentarians' income to the income of upper-tier income lawyers in Toronto and Montreal. I wish I could add Vancouver to that, but I do not think Vancouver lawyers make the same kind of money. I could, however, probably add Calgary to that list.

The result is we have now provided in this legislation linkage to an index that encompasses nearly a million Canadian employees but does not include public servants.

• (1430)

The reason for choosing that particular index is so there would be no accusation that Parliament could effect its own income by legislating with respect to the income of a group that included public servants.

Honourable senators, this appears to be a policy widely accepted by the Canadian public. The committee, as reported by Senator Oliver, saw no exception to be taken to this policy and I commend it to the chamber.

Hon. Anne C. Cools: Honourable senators, I rise to take part in third reading debate on Bill C-30. I was listening with some care to the Leader of the Government's intervention. I am always struck by the fact that aggressive numbers — I think those are his words — in terms of salaries or compensation, because they are not salaries, are okay for judges but not for members of Parliament. I find the whole matter distressing in many respects. I would like to make it clear, honourable senators, that members' salaries are not a question that I get involved in very often. I have always left it to other people to determine what we should be paid.

I would like to say for the record that contrary to this notion that judges' salaries have to be so high because it is hard to attract good candidates, the fact of the matter is that on becoming a judge, most lawyers experience a very significant increase in income. As a matter of fact, the data shows that judges are among the highest paid individuals in the country.

Barely a few years ago, in June 2001, I believe, this house passed Bill C-28. Honourable senators will recall that was the bill at the time that linked members of Parliament's salaries to judges. Honourable senators, I would like to remind this house that I objected to that process strenuously at the time on the grounds that it was unconstitutional, unparliamentary and improper.

Talking about aggression, I would like to remind honourable senators that the government of the day, the Liberal government, was aggressive with members here who disagreed with the position that the government had adopted.

Senator Murray: Surely not.

Senator Cools: The government would accept no amendments or changes to Bill C-28. As a matter of fact, I have my Senate remarks of June 13, 2001 right before me. If we were to go to the end of the debate, right at the vote, you would see where His Honour asked for third reading debate and asked if it was the

pleasure of honourable senators to adopt the motion. It says that honourable senators agreed. The record shows Senator Cools saying, "On division." I would like to say, if you think it was easy, believe you me, I left that side of the Senate for good reasons.

Honourable senators, perhaps I can refer back to that debate. On June 13, 2001, I said the following:

Honourable senators, about Bill C-28 and the salaries of senators and members, I will say the same thing. Again, I take no issue with the quantum of the increase in parliamentarians' salaries as proposed in this bill. However, as with the Judges Act, I do take the very same exceptions with the process used to arrive at the quantum for the salaries. In addition, I strongly object to the tying of parliamentarians' salaries to the salaries of the judges, being the salary of the Chief Justice of the Supreme Court of Canada. Bill C-28's clause 1 makes this tie. It establishes a valuation point as the basis for the salaries of members of both Houses of Parliament. It names that valuation point a remuneration reference. That remuneration reference is the Chief Justice's salary. I take strong exception to the statutory inclusion of even a mention of the Chief Justice in the Parliament of Canada Act.

Honourable senators will remember that I felt very strongly and I opposed that strenuously at the time:

Honourable senators, the phenomenon of using the Chief Justice's salary as the valuation base for parliamentary salaries is not an appropriate or a desirable parliamentary action, and is unknown and even unhealthy to Parliament, the high court of Parliament. Bill C-28's technique of enshrining in statute with the link between the salary of the Supreme Court's Chief Justice with the salaries of parliamentarians is not properly respectful of the coordinate constitutional roles of Parliament, the judiciary and the cabinet. Bill C-28 is not respectful and does not honour our constitutional principles and practices around constitutional comity between Parliament, the judges and the cabinet. Furthermore, it undermines those principles.

In any event, that bill passed over the strong objections of some senators.

I would also like to make clear that I had another objection. I objected to the then new phenomenon of paying extra remuneration to members of Parliament and senators to act as chairmen and deputy chairmen of committees. I had problems when that was created. Honourable senators will remember that retired Senator John Stewart, many years ago, had strongly objected to that sort of thing on the grounds that it was unparliamentary. There is a difference between salaries of back-bench members and the salaries of ministers because ministers of the Crown enjoy Her Majesty's preferment. That difference in salary was based on that fact. There is no constitutional reason, however, that can be given for differentiating the remuneration for back-bench members of Parliament. Members of Parliament are equal; their remuneration should be equal.

I contend that if, by an act of Parliament, we can increase salaries for some members, then we can also decrease salaries for some members. It is an important constitutional principle that has been tampered with. I look forward to the day when some of us here will look at the performance of committee deputy chairmen and committee chairmen and do an evaluation on the grounds that they are now being paid to do the job.

Senator Prud'homme: Hear, hear!

Senator Cools: Quite frankly, some are doing lousy jobs. It is the most terrible form of patronage with no proper constitutional basis. I just wish to remind honourable senators of my concerns at the time.

My concerns in 2001 about that bill remain unchanged. It seems that this government is the first to change its mind. Perhaps that is my next point, but the principal objections that I had raised then are as valid now as they were then.

I do not understand why Bill C-30 has been placed on such a fast track. Neither do I understand the lack of interest that members of the Senate have in speaking to it. I would like to record my objections to this government's reversal of a position adopted very recently, just a few years ago, a position adopted with what I would describe as heavy duty force, heavy duty party discipline, many threats and a fair amount of coercion.

I would like to record here again that this government seems to believe that Parliament, this chamber in particular, is a personal fiefdom of the Prime Minister and his office and that this chamber, this house, should change its mind every time the Prime Minister nods. It is an improper thing to ask a house to reverse its position and to adopt a contrary position to what it adopted previously. Perhaps it does not bother some members. However, it bothers me greatly. In my mind, it is the continuation of what I would describe as the consistent and persistent diminution of Parliament and members of Parliament. If the government decided that it did not like the formula it created with Parliament's agreement, it had a few options. It could have lowered the judges' salaries, but it did not do that.

• (1440)

I have deep concerns with the about-faces of this government. This Parliament votes in one direction one day and goes in the opposite direction the next day. I saw that on the question of marriage. The Attorney General of Canada argued on one side of the issue one day and on the other side the next. Obviously, the law had two positions. The law must have two positions if the Attorney General could do that. I argued during the reference that it was an improper and unconstitutional exercise of the powers of the Attorney General, Her Majesty's main law officer.

I do not think this manner of proceeding and operating is conducive to good legislation, good governance or a good result. As a matter of fact, I would say this manner of proceeding and operating is objectionable to the law of Parliament.

I understand that we will be receiving another bill soon on the judges' salaries. There is much background on this matter that I will bring forth at that time. It would be nice if we could find a proper, good and reasonable way to deal with the matter of compensation for members of Parliament. Minister Valeri insisted that this was the right way and so on. I have no doubt it will be a very short time before the government will change its mind yet again. This troubles me deeply.

Honourable senators, perhaps at some time we could have a debate on these underlying principles. When our remuneration, which we used to call indemnities, was linked to judges' salaries, I questioned, and had been questioning for some years, the very legitimacy of the judicial compensation commissions and their processes. In my speeches, I raised the point that the Constitution Act, 1867, section 100, informs that the Parliament of Canada shall fix and provide the salaries of the judges, that is, the section 96 judges. We created the odd process where in fact the judges were fixing their own salaries and Parliament provided them. In addition to fixing their own salaries, the judges were also fixing our salaries as members of Parliament.

As a member of Parliament and a senator who takes her work and oath of allegiance very seriously, I was shocked when I read in the newspaper one morning that Bill C-28 would be repealed and a new regime would be placed before us. That information was announced not by the Prime Minister himself but by certain persons on the Prime Minister's staff. I have great concern about that, and perhaps one day we can have a debate on it.

The staff of the Prime Minister are not credentialed to make these remarks. There are certain fellows over there in the PMO who say a lot. There was always a deep understanding that the staff of the Prime Minister should be very circumspect and guarded in statements they make about members of Parliament, particularly on questions as delicate and sensitive as remuneration. However, that is a question for another day.

Could the Leader of the Government in the Senate use his influence to ensure that his government — a government I supported at one time — seeks more stability, certainty and longevity in the positions it adopts, rather than having two positions, the out-going and the incoming, being held simultaneously on many issues? It is troubling and it is destabilizing to the country and to the Parliament of Canada.

Hon. Lowell Murray: Honourable senators, I understand that there is a taxi with its motor running parked outside the building waiting to whisk this bill off to Rideau Hall for Royal Assent, therefore, for environmental reasons, if for no other, I will not hold up the bill.

Unlike Senator Cools, I supported the initiative taken a scant few years ago by the previous government to link the salaries of parliamentarians to those of judges. I did so because, having observed it from outside Parliament, and having been in the Senate for 20-odd years at that time, I was vastly relieved to have some formula apply, rather than putting parliamentarians through the demeaning exercise of having to consider and debate their own salaries.

[Senator Cools]

At the committee, I reflected on the procedures 40 years ago under the Pearson and Diefenbaker governments and some of the posturing by members of Parliament who had given their private agreement to support an increase, and then made a public display of sending the increase back to the Crown, and all the rest of it. I thought the initiative taken by the government and passed by Parliament a few years ago was a good one, because it linked the process to a formula.

As Senator Austin has pointed out, the judicial commission recommended an increase that appeared to some to be excessive. The government had a panic attack and decided immediately, without further reflection, and certainly without consultation, to delink the salaries of parliamentarians and judges. I hope it is not being presented, as I think it may be in some quarters, as an act of great self-abnegation on our part.

The increase suggested by the judicial committee was in the vicinity of 10 per cent. In our own case, if I recall the figures correctly from the briefing book we received, the basic salary of senators as of January 1, 2001 was \$101,000 and change. Little more than four years later, our basic salary, as of April 1, was \$119,000 and change. We are really not doing too badly, I think.

If this basic wage index, or whatever it is called, to which we are now linked increases by something approaching the recent average, the increase would be in the vicinity of 2 per cent. If that happens, the calculation is of 2 per cent of the salary of a member of the House of Commons with a \$25,000 discrepancy maintained between our salaries and those of members of the House of Commons. If that happened, by this time next year we could be making a basic salary in the vicinity of \$121,000 or \$122,000. We should not put on sack cloth and ashes and give the impression that we are badly done by. We are not.

I agree with Senator Cools about extra pay for committee chairs. For a long time I was the chairman of various committees. I was glad to do it without extra pay. I considered it an honour and an opportunity to serve and to learn something about those fields. When committee chairs began being paid, I confess that I did not send the money back; I banked it. However, I do believe there is a problem with paying committee chairs, as has already been alluded to by Senator Cools. It is perhaps more pronounced in the other place because it puts under the Prime Minister's direct patronage an even larger number of people, in addition to ministers, parliamentary secretaries and the like.

• (1450)

The one point I did want to make, however, is that I think we have lost something in this process; that is, the appointment of a commission after every election to look into not just the salaries and benefits of parliamentarians, but also into their other needs, including research needs. It would be good to go back to that system if only to have those matters discussed in a more public forum and contribute perhaps to our own as well as to public education on those matters. Unless that happens, these decisions will be taken privately in the respective internal economy committees of the House of Commons and the Senate. I think public perception of what we are doing here and why we are doing it will suffer as a result.

I urge the government to consider this point. While the salary issue is taken care of by the new formula, it is still a good idea to have a commission every so often to look at the operation of parliamentarians, their offices here and, in the case of MPs, their offices in their constituencies. Therefore, I would urge the government to take that into consideration.

Senator Cools: Would the honourable senator take a question?

The Honourable Senator Murray has had great and extensive experience in government. I do not know that I support the idea, but there are many learned individuals who proposed the idea followed in some jurisdictions whereby commissions study the salaries of high positions, whether it be senior public servants, Order-in-Council appointments, judges, MPs or ministers. The recommendations are part of a total process of looking at all those salaries.

Has the honourable senator given such a system any thought or does he have any knowledge of this? Would it be worthwhile to consider such a system?

Senator Murray: I have not really given that subject any thought at all, honourable senators. My immediate reaction would be that each of the groups to which the honourable senator refers is *sui generis*, and I think it probably makes more sense to have them dealt with separately.

Senator Day: Question!

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I am totally opposed to this bill. I wonder why the debate has suddenly become so urgent on a bill we have just received.

This bill was introduced at first reading in the House of Commons on December 3, 2004. Debate at second reading was on December 8, 2004. It was referred to the Procedure and House Affairs Committee, and they sat from February 17 to 22, 2005, tabling their report on February 23, 2005. The debate at report stage was on March 23, 2005. Debate at second reading was on April 6, 2005 and third reading on April 12, 2005.

In the Senate, first reading was on April 13 and debate at second reading on April 14. The bill was sent to the National Finance Committee, where it was studied on April 19 and 20. Now we are faced with a significant bill and just about have a knife held to our throats as we are urged to "Hurry up, hurry up," as Senator Murray has said. I have great admiration for Senator Murray for his fine work as committee chair.

I wonder if honourable senators have read the bill. There are even annual salaries in this bill for jobs that do not yet exist. I am still trying to find out who is the deputy to our extremely competent government whip in the Senate. There is even an annual allowance for this position. These are all details we should take a close look at.

I have listened carefully to the debate. I am a veteran parliamentarian and I know that talk of MPs' or senators' salaries always results in a national crisis. Demagoguery takes

hold of the newspapers and correspondents, and ultimately fear takes hold of parliamentarians, who are incapable of defending their jobs in the public arena and who capitulate. In the 41 years that I have been a member and a senator, we have tried any number of formulas, as farfetched as some of the reports that we have to table after each election in accordance with the law and that always showed us as receiving astronomical salaries, which we never agreed to. None of the recommendations of any of these committees has ever been implemented.

Then, in 2001, there was a formula that seemed acceptable. I do not have a research office; however, I did research, I listened and I learned that Mr. Martin had voted to increase salaries at that time. Then Mr. Valeri — I am not making this up — introduced a bill, saying that the Prime Minister had committed to returning to the status quo, to going back to the way it was, no more and no less.

[English]

I think Mr. Valeri must have been in deep trouble to be obliged to quote the *National Post*. I did not know that suddenly the *National Post* has become the bible of the Liberals when they get stuck in a corner. I suppose Mr. Valeri was quite stuck to quote and praise the *National Post*, a paper that is not supposed to be the bible. I personally am a fan of *The Globe and Mail*, but certainly not of the *National Post*. Absolutely, without a shadow of a doubt, I read *The Globe and Mail* faithfully because it is a good newspaper and I have no shares in it. I recommend all honourable senators to read at least that newspaper, and *Le Devoir* and *La Presse* for other reasons.

[Translation]

I have read all the speeches from the House of Commons. Do you realize, honourable senators, since we are having this bill dumped on us — no other word will do — as if it were just about a national emergency, that it was debated in the House of Commons? The only ones who voted against it, and that took some courage, were the Bloc — I feel obliged to identify with the courage of a party that is not, at least not yet, my own — and they fought against the hypocrisy of the process of absolute demagoguery that we witnessed in the House of Commons. Not only did they vote against the bill, but they also gave some speeches I would like Senator Murray and others to read. These are speeches that are worth reading because some of the Bloc's arguments are similar to those just used by the senator.

I would have liked our colleagues to take a little more time to read what went on in the other place and to see that the division was eventually held; the only strong opposition to this bill came from the Bloc Québécois and a few other MPs.

• (1500)

Two hundred and thirty-one MPs decided it was not reasonable to have a formula based on judges' salaries. There will never be a perfect formula. There was one that struck me as intelligent, adequate, acceptable and defensible, but, for a small political gain, with the usual cowardly demagoguery, they bowed to public opinion. The public could not care less about MPs' and senators' salaries, since they will always feel they are too high anyway, particularly for senators. Whatever you do, you will never win

this debate. You must believe in your role and your right to be paid for it. It is not about personalities; it is about principles. René Lévesque said, "Don't talk to me about Prud'homme, that one would run even if there was no pay."

A formula was found, perhaps not the best one, but one that all the political parties could agree on. I am going back a few years. The whips all agreed. Mr. Blaikie, a person of faith, was the whip on the committee responsible for this decision and he was not one to spend public money for no reason. Mr. Reynolds, a gentleman, who was a Conservative MP, also sat on the committee, as did Mr. Boudria and members of the Bloc. Everyone agreed to this formula to put an end, once and for all, to the debate every five, six, or seven years on the controversial salaries of members of Parliament and senators, as though we had to apologize for getting paid to work.

I do not understand the urgency. I very respectfully told the leader that I would not oppose the bill. I like to negotiate privately and report back intelligently what we can publicly. Certainly, any one of us could have said no today to the government and that would be the end of it. I am talking now to the nine new senators. You have more rights than you think.

[English]

Talking now to the new New Democratic Party and Progressive Conservative senators, we have more authority than they do in the House of Commons. Once in a while, we should exercise it. Any one of us could have said "no" today, and that would be the end of the desire of the government to send the bill right away to the Governor General, who must be impatiently waiting. If I knew that she was impatiently waiting, I would talk as long as I could and encourage members to talk longer, and I want to be on record as having said that. I do not like the way it is being put to us and the urgency with which it is being put to the Senate. I do not see the urgency, and I do not like the process. For the principle, if someone got up when we are asked to accept third reading, if there was another senator who, for the principle, wanted to force the government to reflect a little, I would certainly ask for a registered vote. I asked about someone else, and I should tell the new senators that we only need two senators to rise, to force a vote. Sometimes members talk a lot, but they try to escape being counted. If there is no vote, I want to be registered as saying that if there were a vote, I would vote against it. As well, when you call for a vote, make absolutely sure that it will be carried on division, and I want the words "on division" to appear in the record tomorrow.

An Hon. Senator: Question!

Senator Cools: I would like to direct a question to Senator Austin.

The Hon. the Speaker pro tempore: He is not the last speaker. I am sorry.

Senator Cools: He could be the last speaker if he closed debate.

Senator Austin: I do not close debate on third reading.

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

[Senator Prud'homme]

Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Austin, seconded by the Honourable Senator Rompkey, that this bill be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Prud'homme: No.

Senator Cools: On division.

The Hon. the Speaker pro tempore: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion will please say "nay."

Senator Prud'homme: Nay.

The Hon. the Speaker pro tempore: In my view, the "yeas" have it.

Senator Cools: On division.

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

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government) moved:

That, pursuant to rule 95(3), the Standing Senate Committee on National Finance be empowered to meet on Monday, May 2, 2005, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Mercer, for the second reading of Bill S-22, to amend the Canada Elections Act (mandatory voting).—(*Honourable Senator Austin, P.C.*)

Hon. Catherine S. Callbeck: Honourable senators, this bill stands in the name of Senator Austin, but I have agreement to speak today.

I am pleased to take part in the debate on Bill S-22, to amend the Canada Elections Act. This bill will make voting in Canada compulsory for every citizen. It means that voting would be mandatory for all eligible Canadian voters.

I commend our colleague Senator Harb for introducing this measure. As he has correctly stated, our democracy depends upon the active participation of our citizens, and voting is the foundation of our democratic institutions. I strongly believe that all citizens have a responsibility to exercise their rights, one of which is the right to vote.

I also agree with Senator Harb that the decline in voting turnout rates is a concern. In the last federal election, barely six out of ten eligible voters cast their ballots. That means that the views and interests of a significant number of Canadians are not fully reflected in the choice of the people who represent them in Parliament.

There are a number of reasons for the decline in voter turnout: voter apathy and disinterest; a growing cynicism about the political process; the failure to engage people, especially young people in public affairs; and a sense of alienation felt by many Canadians who are not full participants in the economic, social and cultural fabric of this country.

These are matters of concern to all those who care about the health of our democracy and the well-being of our democratic institutions. Democracy means people in action. If people do not act, then our democratic system is weakened.

In short, I share the concerns expressed by Senator Harb and others about the decline in voter turnout in Canada and elsewhere. According to the Stockholm-based International Institute for Democracy and Electoral Assistance, voter participation worldwide has steadily declined since the end of the Second World War. During the same period of time, however, the number of countries where democratic elections are taking place has increased.

• (1510)

Having said that, I do not support Bill S-22. While I recognize the importance of the right to vote and the need to increase the participation of people in the electoral system, I do not believe that voting should be made compulsory or mandatory. Compulsory voting is contrary to the most fundamental principles of a free society that represents individual rights and freedoms.

In fact, as has already been pointed out in this debate, the Charter of Rights and Freedoms, which makes provision for the right to vote, can also be interpreted as the right not to vote. One of the fundamental principles of democratic societies is the right of people to vote as well as the right of people not to vote. Every individual should have the freedom to choose, for whatever reason, whether to express a protest, dissent from the process, or express the simple lack of interest in politics as we know it.

I strongly believe that people should exercise their right to vote, but I do not believe that, in a democratic society, they should be forced to vote. Compelling people to vote against their will does nothing to enhance our democratic institutions. The concept of free elections encompasses the freedom to abstain from voting in much the same way that the concept of free speech encompasses the right to remain silent. True democracy means that people can choose to vote or to not vote. It is as simple as that, and that is the main reason I am opposed to this bill.

Aside from this objection in principle, there are a number of practical reasons for not supporting Bill S-22. In a number of jurisdictions where compulsory voting has been implemented, the term is actually a misnomer. On entering the voting booth, a voter does not have to make a choice at all. The ballot can be left blank or it can be spoiled. The idea of compulsory voting in this case is little more than the obligation to turn up at the polls on election day.

A strong case can also be made not only for the right of voter participation but also for the quality of that participation. I agree that it is important that we have an involved electorate, and I would also affirm that it is equally important that we have an informed electorate.

Numerous studies of voting behaviour have consistently identified one common factor: There is a strong correlation between voter participation and the degree of interest and involvement in the political process. That suggests to me that we should be devoting more time and effort to involving and informing voters. That would not only increase the level of voter turnout but would also result in a more informed, involved electorate.

As I said earlier, I do not believe that forcing people to vote or to turn out at the polls is the most effective way of ensuring that all people are being effectively engaged and involved.

It has always been clear that politics is about gaining support for ideas and actions. It is about informing people, getting them involved and securing their support and confidence. It is about getting them out to vote. That is one of the fundamental roles of political parties and of other groups and organizations that have a stake in electoral outcomes.

Democracy has been described as a free market of ideas. That means, if political parties are to succeed, they must compete for the hearts and minds of the people. It is the responsibility of political parties and others active in the electoral process to reach out and earn the support and confidence of voters and to strengthen their participation.

I believe that if political parties worked harder at communicating their messages, mobilizing their supporters and engaging people across the broad spectrum of society, we would see an increase in voter participation, and that would lead to a healthier, stronger political system.

As a Prince Edward Islander, I take some pride in the fact that the province has the highest voter turnout rate in all of Canada. In provincial elections there has been a consistent voter turnout rate of 80-90 per cent. Although that number is somewhat lower in federal elections, Prince Edward Island continually ranks among the highest in Canada in voter participation.

Some of that is due to its relative size, close relationships between people and their representatives, and a political culture that puts a strong value on voting. At the same time, it also reflects the efforts of political candidates to reach out to voters, to involve them and to actively seek their support. I recognize that the scale of politics in Prince Edward Island makes it easier to engage people than in larger ridings elsewhere across Canada, but that means that political parties must find new ways of connecting with people.

Voters need to be motivated. Political parties have an important challenge, opportunity and responsibility to actively encourage greater participation among citizens. They must utilize all the organizational skills and technologies at their disposal to reach out to voters and convince them that the act of voting is important.

Many other measures need to be taken to encourage greater interest and awareness in the political system. The education system can play an important role in introducing young people to the importance of participation in the political, economic, social and cultural life of their country. The media could do a better job in presenting a more balanced view of the issues that affect people's everyday lives. Our political institutions could do a better job of informing citizens about the roles and responsibilities of legislatures, the Senate and the House of Commons. Canadians from all walks of life must be challenged to consider the rights and responsibilities in helping to strengthen the spirit of participation in our democratic society.

Honourable senators, if we are truly serious about increasing the level of voter turnout in this country, then we should devote greater attention to resolving the underlying causes of voter apathy. We need to support and encourage the active participation and involvement of people in decisions that affect them. Only then will we have the full and free participation of people in the public affairs of their country.

Again, I commend Senator Harb for raising this issue. I fully agree with his goal to increase the level of voter participation. However, I cannot agree that making voting compulsory is the most effective means of achieving that goal. Only when people, of their own free will, consciously decide to exercise their fundamental rights and freedoms, will our political institutions thrive and flourish. Consent, not coercion, is the basis of our democratic society.

Hon. Jack Austin (Leader of the Government): Honourable senators, before I ask that the motion for second reading be adjourned in my name, I should like to ask Senator Callbeck a question.

I listened with great care to the comments of Senator Callbeck, and I find myself largely in agreement with them. However, I would like to see those comments in writing, so that I may give them further consideration, before I contribute to the debate.

The honourable senator has raised a number of points that indicate concern about the underlying reasons for lower voter participation. One way the Senate could engage in an analysis of that situation would be to refer the principle of this bill to committee for further discussion and analysis. Would the honourable senator agree to referring, at a minimum, the principle of this bill to committee so that the Senate could consider the aspect of voter participation?

Senator Callbeck: I thank the honourable senator for his question. Certainly, I would agree to that. This area requires an in-depth discussion to determine the underlying reasons for lack of voter participation.

Senator Austin: Honourable senators, I will pay close attention to the arguments that Senator Callbeck has made, with which I am mainly in agreement.

• (1520)

I give notice to honourable senators that when I address the Senate, I will propose that this motion be sent to committee so that the principle of this motion can be studied.

Hon. Anne C. Cools: May I ask the honourable senator a question?

Senator Callbeck: Certainly.

Senator Cools: If Parliament can pass a law to force people to vote, it would seem to me that Parliament can pass a law to force people not to vote. Wherever a positive action can be proposed, so can the negative. Also, Parliament could pass a law saying who to vote for. Has the honourable senator thought about this? That is the first question.

My second question is in regard to voter participation, a rather large and important issue. It has a lot to do with failure of leadership because we are now in an era where leadership simply refers to people in certain high positions, quite often with no leadership ability.

Could the honourable senator respond to those two queries concerning voting and the scope of passing laws, as well as the phenomenon of failed, insufficient or inadequate leadership?

Senator Callbeck: As to what a legislature can pass, I guess it can pass anything, but here we are dealing with legislation to make voting mandatory or compulsory. I am saying that I do not agree with that.

There are many reasons why people are not voting. Certainly, there is voter apathy and discontent. There is growing cynicism about the political process. There are all kinds of reasons.

I agree with Senator Austin that it would be a good idea to send this matter to committee because I think it is an area that requires serious study and action.

[Senator Callbeck]

Senator Cools: I am interested in this discussion because I am very concerned about voter attitude. My analysis of the social condition is that voter apathy is caused and justified by what Canadians see daily on television about government.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, honourable senators, but Senator Callbeck's time has expired. Perhaps she would care to hear this question, answer it and then debate can be adjourned.

Senator Cools: I will move the adjournment.

Senator Stratton: We have always allowed for an extension of time, but we put a fence around it. I suggest one last question from Senator Cools, and then I believe we go back to Senator Austin.

Senator Austin: I wanted to move the adjournment of the debate. I have no problem if there are further questions.

Senator Cools: I thought the honourable senator was yielding the floor.

I have concerns about coercion. I have spent my life working in the field of human behaviour and have seen the negative consequences of coercion. This government has passed a law for everything. Much of that has concerned me. I have a natural resistance to social engineering.

My question to the honourable senator was in respect to the current social and political climate, to the psychosocial dynamics in citizens' minds as they look at their representatives and at their government today. Does she not believe that their attitudes are justified based on what they see and hear? I am not saying their attitudes are correct or desirable. Does my honourable friend not believe or not agree that people are justified in the judgment that they have come to based on what they see daily?

Hundreds of thousands of Canadians are being forced daily into what the Americans call the "underclasses." Most of these people no longer have the wherewithal or the skill to even comprehend what government is doing most of the time. We have created a monster. Does the honourable senator not believe that people's attitudes are a result of that, and that we should do the kind and quality of work that is required to overcome those problems? I say this as a political person who has never had much difficulty engaging the public or building public support.

Senator Callbeck: The decline in voter turnout is not just in Canada but all over. As I mentioned in my speech, the Stockholm-based International Institute for Democracy and Electoral Assistance has said that voter participation worldwide has declined since the end of the Second World War.

On motion of Senator Austin, debate adjourned.

[*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 ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Fisheries and Oceans (budget—study on managing Canada's fisheries and oceans—power to hire staff and travel), presented in the Senate on April 19, 2005.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau moved the adoption of the report.

Motion agreed to and report adopted.

[*English*]

AGRICULTURE AND FORESTRY

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

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and the future of agriculture and forestry in Canada), presented in the Senate on April 19, 2005.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Catherine S. Callbeck, for Senator Fairbairn, moved the adoption of the report.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on consumer issues arising in the financial services sector), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

Hon. Jeremiah S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

• (1530)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—REPORT OF COMMITTEE ON STUDY OF ISSUES DEALING WITH DEMOGRAPHIC CHANGE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on demographics—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO TRAVEL—REPORT
OF COMMITTEE ON STUDY OF DOMESTIC AND
INTERNATIONAL FINANCIAL SYSTEM ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the present state of the domestic and international financial system—power to travel), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY
OF ISSUES DEALING WITH INTERPROVINCIAL
BARRIERS TO TRADE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on interprovincial barriers to trade—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—REPORT OF COMMITTEE ON STUDY OF
ISSUES DEALING WITH RATE OF
PRODUCTIVITY ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on productivity—power to hire staff), presented in the Senate on April 20, 2005.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

THE SENATE

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

On the Order:

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

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

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

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

Hon. Joseph A. Day: Honourable senators, first, I want to thank Senator Lavigne, the sponsor of this bill, and congratulate him on this motion. It has resulted in an interesting discussion in the Senate.

[*English*]

I had the pleasure, honourable senators, of listening to all those who participated in debate on this motion. I have found the remarks interesting and educational. I do not propose to analyze each of the remarks. I did take the opportunity to review each again, and a considerable number of honourable senators agree with the motion. Many agree with the sentiments of the motion that have been expressed, and some reservations were expressed as to being required to take this oath of allegiance to Canada. Others remarked on whether it is correct to require two oaths of allegiance.

Honourable senators, the motion has helped us to focus on the changing character and the changing nature of Canada, and I thank our Honourable Senator Lavigne for helping to point that out. It also helped to focus on the issue of swearing an oath of allegiance to Her Majesty the Queen of Canada, what it means, and whether that is well understood by many, particularly new Canadians. We are bringing in 250,000 new Canadians a year. Are they able to understand the nuances of our Constitution of Canada and heritage? Honourable senators will want to continue to explain that, but we also want to be sensitive to those many new Canadians who might not understand fully our heritage.

That evolution of the mosaic that is Canada, its pluralism and changing nature, can be reflected in the judicial process. We often see someone swearing on a Bible. At one time in Canada, it was swearing on the New Testament. Then we became more sensitive, and we had swearing on the Bible as a whole, the Holy Bible for Christians and Jews. Then we recognized that there were others in Canada to whose religions we were not sensitive, so we expanded to allow for the holy book of different organized religions to be used in swearing. Finally, we evolved into allowing for an affirmation, or a statutory declaration, for those who do not follow an organized religion. I believe that is the evolution that Senator Lavigne was trying to get at with respect to swearing an oath of allegiance to Her Majesty the Queen of Canada whether there is not some way that we could be sensitive to others who may not fully understand the wonderful and rich heritage encased in this expression, without taking away from that.

Senator Lavigne's motion was not to change our Constitution. He made that clear from the beginning. He indicated that he was looking for an opportunity of expression within our rules here in the Senate for those who wanted to express their deep love and affection for our country.

If one reads the motion, honourable senators, Senator Lavigne is proposing to add a section after 135 to our own Senate rules, as follows:

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

Some honourable senators raised a concern about being required, and the word "shall" rang out.

MOTION IN AMENDMENT

Hon. Joseph A. Day: I have had some discussions with Senator Lavigne, and I have an amendment that I will propose to honourable senators. I will have that circulated to each honourable senator. This amendment to the motion that I propose is as follows:

That the motion be amended by replacing, in the proposed rule 135.1, the word "shall," with the word "may."

Honourable senators, with that amendment, I believe we would have something reflective of the spirit of the motion of Senator Lavigne that also touches on the sensitivity that he is asking honourable senators to recognize.

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

• (1540)

Hon. Eymard G. Corbin: I would like this opportunity to put a question to the mover of the motion, if he agrees.

Senator Day: I would be pleased to attempt to answer the honourable senator's question.

Senator Corbin: Thank you, my New Brunswick colleague.

In the opinion of the honourable senator, since the amendment is aimed at amending an existing rule of the Senate that imposes an obligatory oath on all of us, is it his opinion that the proposition is still a rule if it does not carry an obligation?

Senator Day: Part of the motivation for amending this motion was Senator Corbin's strong recommendation that we not create an obligation on honourable senators.

As to whether it is my opinion that replacing the word "shall" with "may" means that taking the oath would not be an

obligation, I see no reason why that rule could not be added to the *Rules of the Senate* to authorize honourable senators to take the oath if they wish to do so.

Senator Corbin: The honourable senator is providing an opportunity for those honourable senators who wish to impose this oath on themselves. That is fine. That is a reasonable explanation, I suppose.

Hon. Anne C. Cools: Would the honourable senator take another question?

Senator Day: Certainly.

Senator Cools: I listened with interest to his expression of concern for new Canadians who may not understand the constitutional system. If I may relate this back to Senator Callbeck's statement, maybe it is our duty to help them understand and to give them some tools.

My understanding of the proposal before us is that it is not of general application to the public at large or to new Canadians at large. My understanding is that this proposition only has application to senators.

Would the honourable senator explain his reasoning in terms of being sensitive to new Canadians and tell us how that applies to the few new senators who come through the Senate door each year?

Senator Day: By setting an example in our rules.

Senator Cools: What does "setting an example" mean?

Senator Day: Adding proposed rule 135.1 to the *Rules of the Senate* would show the outside world what the Senate believes it would be appropriate to allow senators to take an oath if they wish to do so.

Senator Cools: I am bewildered, if not baffled. If the new Canadians of which the honourable senator speaks do not know anything of the Constitution of Canada, how on earth will they know of the *Rules of the Senate*?

Senator Day: Through the educational process that the honourable senator just spoke about.

Senator Cools: What educational process is that?

Senator Day: The one reflected on by Senator Callbeck.

Senator Cools: I engage with the public daily and answer many of these questions.

My understanding of the *Rules of the Senate* is that they are intended to guide proceedings in the Senate, that they are not intended to be tools available to the general public. My understanding is that this place is exclusive of "strangers."

Senator Day: I share the understanding of the honourable senator.

Senator Cools: My understanding, then, is that the rules of this place are not accessible to strangers in a parliamentary sense. I do not mean “strangers” in a colloquial sense but in a parliamentary sense.

Senator Day: The Honourable Senator Cools has been in the Senate for an extended period of time.

Senator Cools: Since 1984.

Senator Day: She has seen many new senators arriving and the many hundreds of people who are here at the time new senators arrive. Certain of those people, when they are here to see a new senator who elects to exercise the oath as outlined in this proposed rule, if the amendment is passed, will have an opportunity to see what goes on in the Senate.

Senator Cools: I am curious. I have been a member of this place for 21 years, and I do not see any new Canadians here. I see senators who were not born in this country, like myself, but I would not describe myself or them as new Canadians. I do not understand who the new Canadians are who will be coming through these doors as senators. It is such a rare thing for anyone to become a senator. To the extent that any Canadian not born in Canada will be appointed to the Senate, I would say they will come well acquainted with this place.

I was not born in Canada, but I would be most disingenuous if I were to describe myself as a new Canadian. I could describe myself as an immigrant, but not as a new Canadian.

The Hon. the Speaker *pro tempore*: I am sorry, honourable senators, but Senator Day’s time has expired.

Senator Cools: I am trying to get Senator Day to explain his premise. So often we hear appeals to all these poor new Canadians. New Canadians quite often are most vigorous —

The Hon. the Speaker *pro tempore*: Senator Day, did you wish to ask for extended time?

Senator Day: Honourable senators, I think we have dealt with this issue. I have taken the last five minutes of Senator Cools’ comments as her speaking on the motion.

Senator Cools: No, Senator Day cannot do that. The rules do not permit him to do this, thank God.

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to speak on this amendment.

Senator Cools: So do I.

Senator Austin: I support the amendment. I believe it is appropriate that the word “shall” should be removed and the word “may” included, because the Constitution specifically provides for an oath of allegiance. Therefore, it is not available to us in this chamber to

substitute or add to the prescribed oath of allegiance. Replacing the word “shall” with the word “may” permits senators who wish to take an oath of allegiance to Canada to do so, but it does not require them to do so.

• (1550)

On the issue of senators taking an oath of allegiance to Canada in the form of the amendment proposed, I do not read that as being limited to senators who come to this chamber after this rule comes into force. Once the rule comes into force, it would apply to all senators. I, or any senator, regardless of how long that senator has been here — and I have been here the longest — could take this oath, should we choose to do so.

I believe that many Canadians would like to affirm their allegiance to Canada, and that derogates not one bit from the oath of allegiance to Her Majesty.

I do want to associate myself with the earlier statement of Senator Cools regarding Her Majesty’s seventy-ninth birthday; and to wish her long life and good health.

Honourable senators, I would move that this motion be sent to the Standing Committee on Rules, Procedures and the Rights of Parliament so that the committee can consider the drafting and other issues. I would advise the chamber that Senator Joyal would like to participate at the Rules Committee, of which he is a member, in a discussion not as to the principle of this oath, but on some other issues, one of which relates to the use of the word “allegiance.” He takes no particular negative position at the moment; he merely wants to examine the constitutional use of that word.

I do not want to cut off further debate. I recognize that the amendment must be put to a vote. However, I give notice that I will move to refer the motion to the Rules Committee at the appropriate time.

Senator Cools: Honourable senators, I wanted to speak to the amendment to the main motion.

The Hon. the Speaker *pro tempore*: Senator Cools, rule 59 provides that notice is not required for an amendment, or an amendment to an amendment, to the question.

Senator Cools: What are you talking about?

The Hon. the Speaker *pro tempore*: In order to refer the question to the committee, no notice is required.

Senator Cools: What is she talking about?

The Hon. the Speaker *pro tempore*: I understand from the clerk that —

Senator Cools: I was not asking —

The Hon. the Speaker *pro tempore*: May I finish what I am saying, Senator Cools?

Senator Cools: I did not ask you for a ruling.

The Hon. the Speaker *pro tempore*: Rule 59 permits Senator Austin —

Senator Cools: That was not questioned.

The Hon. the Speaker *pro tempore*: — to refer his motion to the committee.

Senator Cools: That is not in doubt, Your Honour. I just wanted to be able to speak to the issue here. I wanted to move the adjournment because I wanted to speak to it before it went to committee so that my remarks could constitute part of the reference to the committee, just like everyone else's remarks.

Senator Corbin: Honourable senators, before I pose my question, I would thank the leader for moving that the matter be referred to committee. I will view it as a duty to attend the deliberations of the committee.

The difficulty I would have, and always have had with taking this oath, is that I am already bound by the constitutional oath. I do not think that by piling oath upon oath one will be more loyal. I believe that the proper road to have followed in this instance is that, instead of calling it an oath, it should have been called a declaration of allegiance. That is wherein my fundamental difficulty lies.

Does the Honourable Senator Austin have a view on that? I would be the first to make a declaration of loyalty to my country, even though I was born here and, over the years, my people fought for this country.

Senator Austin: Honourable senators, I, too, was born here and my people have fought for this country as well.

I recognize the point made by Senator Corbin. I believe the best way to proceed, if I may make this suggestion to the chamber, is to vote on the proposed amendment and then, if Senator Cools wishes to adjourn the debate, I personally would have no objection to hearing her in the next few days. I would then move that all the questions raised be dealt with, as is most proper, at the committee.

The Hon. the Speaker *pro tempore*: Honourable Senator Austin, you have put a question before this chamber. Do you wish to withdraw your question so that we may vote on the amendment?

Senator Austin: Yes, Your Honour, I do.

The Hon. the Speaker *pro tempore*: Is leave granted that the question of the Honourable Senator Austin be withdrawn?

Hon. Senators: Agreed.

Senator Cools: I wish to move the adjournment so that I may speak to the amendment before it is voted on; otherwise, I would not be speaking to the amendment.

The Hon. the Speaker *pro tempore*: Senator Cools.

Senator Cools: I said that I would like to move the adjournment. I moved it a little while ago.

Senator Stratton: Just move the adjournment.

Senator Cools: I would like to speak on the proposal put forth by Senator Day.

On motion of Senator Cools, debate adjourned.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.—(*Honourable Senator Day*)

Hon. Joseph A. Day: Honourable senators, time is running out in this matter. I would begin by asking that we keep this inquiry on the Order Paper, because I believe that it is worthy of discussion.

I am pleased to participate in the debate on this inquiry concerning the inequities of the Veterans Independence Program of the Department of Veterans Affairs. This inquiry was set down by the Honourable Senator Callbeck and I would commend her for bringing this matter to our attention. I have had the opportunity to review many of the discussions on this matter, so perhaps I could remind honourable senators of some of the issues that have been raised.

The Veterans Independence Program, VIP, was designed to assist World War II veterans to remain in the healthy and independent environment of their own homes in their own communities rather than being confined to institutions. Each service that a veteran receives under the Veteran Independence Program is based on his or her particular circumstances and health needs.

• (1600)

On December 7, 2004, the Honourable Albina Guarnieri, Minister of Veterans Affairs, announced plans to extend the Veterans Independence Program to housekeeping and ground maintenance services for life for approximately 4,000 additional primary caregivers of veterans. That is not the veterans themselves, but those who give care and assistance to veterans.

This announcement benefits primary caregivers, including eligible spouses and common-law partners and, indeed, it could be friends who are living with the veteran, of all veterans who are in receipt of the Veterans Independence Program services in every year since the program began in 1981. The program was retroactive — a word we hear quite often these days — to assist all of the dependent caregivers of veterans. This was urged upon the minister and the Department of Veterans Affairs by our committee. We are pleased that the minister saw fit to do this and was, in fact, able to make the announcement.

On previous occasions, my honourable colleague Senator Meighen, Chair of our Committee on Veterans Affairs, has expressed his approval of these changes. However, he raised an issue which had been brought to the attention of our committee, that there were spouses and caregivers who did not qualify for the program. Those people, as Senator Meighen outlined, were the spouses or caregivers of veterans who had not, for whatever reason, asked to be included in the program and were not in the program at the time of the death of the veteran for whom they were caring.

Honourable senators can imagine that some of those individuals did not ask because the caregiver was in good health and was able to provide care without any assistance. Perhaps the veteran was too proud to ask for assistance.

We called upon the minister to consider the inclusion of those individuals in this program. I applaud my colleagues' enthusiasm for supporting the initial expansion of the program.

I have given considerable thought to the suggestion Senator Meighen made here a few weeks ago when speaking to this inquiry. The conclusion I have reached is that programs such as the Veterans Independence Program were created to assist our returning veterans from the Second World War. As time went on, the government extended a number of these benefits to wives and spouses of those veterans who were in need, and I applaud that. We are now discussing the extension of benefits to people who have no direct connection with an existing program, people who were not veterans themselves and who were not dependent on the program because their spouses were receiving assistance under the program.

If a veteran who was being cared for by a spouse or caregiver, did not apply for these benefits, we have to ask ourselves whether it is logical for the person who cared for the veteran to apply for benefits in their names after the veteran is deceased. Alternatively, are we asking Veterans Affairs to enter into another policy area that is the domain of another government department? The question is one of either balancing a need or deciding which department should provide that support. We are not suggesting that these individuals do not need help, the question is whether that help should come from a program of Veterans Affairs. This is the central question of the debate in this discussion and in many debates concerning the continuing role of Veterans Affairs Canada.

We must recognize that a line must be drawn somewhere and decide where that should be. If we support non-veterans, then some veterans may not receive the type of support that we would like to be able to give them because Veterans Affairs has created programs to support non-veterans.

It is my belief that individuals who require further assistance in situations that I have just described should explore their available options with other government departments and agencies. I remind honourable senators that Veterans Affairs Canada has a variety of programs designed to assist veterans and that the department fulfills its obligations with a limited budget.

I have been advised by the Royal Canadian Legion that they are currently advocating for a national program of the type that we have just described for VIP that would address the concerns raised by our subcommittee and Senator Meighen. However, the Royal Canadian Legion understands that this program would have to be developed under another portfolio, in combination with various provincial government departments, as opposed to coming out of the limited budget of Veterans Affairs.

To conclude, honourable senators, I believe that the Veterans Independence Program is a good program and that it has been substantially improved with the announcement of the expansion which was made by the Minister of Veterans Affairs, at our urging and the urging of others. The changes announced by the minister will remedy a valid concern over the criterion for dependent caregivers' eligibility. I invite all honourable senators to join with me in applauding the minister's efforts in that regard. Her commitment to those who have served our country is commendable.

I would also take this opportunity to congratulate the minister for introducing Bill C-45, which will, undoubtedly, commonly be referred to as the "new veterans charter." Honourable senators, this was just introduced. I have not had an opportunity to study it fully, although we have had some briefings from the minister, but my understanding is that it will deal with the broader definition of veterans, not only Second World War veterans but also retired RCMP and retired military personnel.

As honourable senators know, members of the Canadian Forces are frequently placed in harm's way during the course of their careers. As a result of career demands, they often experience exceptional stress within their families. As their careers with the Canadian Forces come to an end, many face considerable transition issues when returning to civilian life and find themselves unemployed as a result of an injury or disability.

The comprehensive legislation package from Veterans Affairs Canada will address many issues facing the new generation of Canadian Forces veterans, including, for example, physical and psychological rehabilitation services; earnings support for veterans undergoing rehabilitation, as well as longer-term support for veterans who can no longer work because of service-related illness or injury; and more extensive health benefits to meet the needs of veterans and their families.

Honourable senators, I understand that our new senator, Senator Roméo Dallaire, in his work before being appointed to the Senate, had an opportunity to work on this veterans charter extensively and had a great deal of input. I applaud the Leader of the Government in the Senate for inviting Senator Dallaire to be the sponsor of this bill in the Senate. We look forward to a more fulsome discussion of the bill when it is introduced.

I look forward to reviewing, in detail, the vision proposed by Veterans Affairs, and I hope we will have the opportunity to support this initiative when it comes to this place for discussion.

On motion of Senator Rompkey, debate adjourned.

• (1610)

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

April 21, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified Royal Assent by written declaration to the bills listed in the Schedule to this letter on the 21st day of April, 2005 at 3:33 p.m.

Yours sincerely,

Curtis Barlow
Deputy Secretary, Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, April 21, 2005:

An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act (*Bill C-8, Chapter 15, 2005*)

An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts (*Bill C-30, Chapter 16, 2005*)

[*English*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 3, 2005, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 3, 2005, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

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

(1st Session, 38th Parliament)

Thursday, April 21, 2005

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20		

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	Bill, C-3, An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications					
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14		
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14		
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance					
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	–	–	–	04/12/15	04/12/15	27/04

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 4, 2004-2005</i>)	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 (<i>Appropriation Act No. 1, 2005-2006</i>)	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

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

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations			
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce					
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					

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