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(HANSARD)

Thursday, June 9, 2005



THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, June 9, 2005

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair. [Translation]

Prayers.

SENATORS' STATEMENTS

HEALTH

SUPREME COURT OF CANADA—DECISION INVOLVING SERVICE STANDARDS

Hon. Marjory LeBreton: Honourable senators, I rise to congratulate my Senate colleagues on all three sides of the chamber, past and present, who have served on the Standing Senate Committee on Social Affairs, Science and Technology for their enormous contribution to public policy. As senators are probably aware, the Supreme Court of Canada today released a decision that in large part is based on our 2002 report on the acute health care system in Canada. Our report, entitled *The Health of Canadians The Federal Role: Final Report: Volume Six: Recommendations for Reform*, showed that there are solutions to our health care problems that do not necessitate the establishment of a parallel private system, but rather that it was the obligation of government to provide health care service.

The court has recognized that governments have an obligation to meet reasonable service standards and not allow waiting times to harm the well-being of individual Canadians. I quote from the Supreme Court decision:

The evidence...shows that delays in the public health care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for public health care.

I, along with my Senate colleagues who intervened in this case at this time last year, believe this will help force governments to provide timely services and improve health care for all Canadians.

The court observed that it is, and I quote again from the decision:

...only the very rich, who can afford private health care without need of insurance, to secure private care in order to avoid delays in the public system.

Although the court said, "The public policy objective of health care to a reasonable standard within a reasonable time is not a legal principle of fundamental justice," as stated before, we found otherwise.

We were happy that the Supreme Court of Canada accepted our recommendations in this regard, and I particularly want to single out three colleagues who are no longer in the chamber with us: Senators Robertson, Morin and Roche. On behalf of all committee members, I am very pleased that our position was taken so seriously by the Supreme Court of Canada.

Hon. Senators: Hear, hear!

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

AUTHORIZATION OF ITALIAN CHANNEL

Hon. Marisa Ferretti Barth: Honourable senators, the Italian community has received great news. The CRTC has made history by announcing that it has approved the RAI Italian public network for digital distribution by cable television and satellite service providers. I am very pleased with this CRTC decision. The Italian community will now have access to Italian language television 24 hours a day. Canada is thereby joining the many countries which were already broadcasting RAI International programming. A highly cultural bridge has just been put in place between our country and Italy.

Italian Canadians will be able to enjoy a television channel that brings them closer to their native country. RAI will also plunge the younger generations, those who were born in Canada, into an Italian universe, thereby helping them preserve their heritage and their very beautiful Italian language.

I want to take this opportunity today to thank the members of Parliament, particularly the Minister of Canadian Heritage, the Honourable Liza Frulla, who listened to her community.

[*Editor's Note: Senator Ferretti Barth continued in Italian.*]

Honourable senators, like me, she is an Italian. I want to thank her and I am very happy that she listened to her community. I would also like to acknowledge the outstanding work of numerous Italian organizations which have consistently forged ahead with this plan, in spite of the difficulties encountered.

I also want to thank our Italian-speaking friends —

[*Editor's Note: Senator Ferretti Barth continued in Italian.*]

— who never gave up hope of finding some small piece of their history on television. These older people have always supported this cause, and many of them even came to Ottawa to raise members' awareness of the importance of an exclusively Italian-language television channel. Finally, many thanks to those who have contributed directly or indirectly to this good cause.

[English]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2005-06

FOURTH INTERIM REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

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

Thursday, June 9, 2005

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

THIRTEENTH REPORT

Your Committee, to which was referred the Estimates 2005-2006, has, in obedience to the Order of Reference of Monday, March 7, 2005, examined the said estimates and herewith presents its fourth interim report.

Respectfully submitted,

DONALD H. OLIVER
Chairman

(For text of report, see today's Journals of the Senate, Appendix, p. 987.)

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

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

• (1340)

[Translation]

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

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 9, 2005

The Standing Senate Committee on Transport and Communications has the honour to present its

SEVENTH REPORT

Your Committee, to which was referred 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, has, in obedience to the order of

reference of Thursday, April 14, 2005, examined the said bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the bill.

Respectfully submitted,

JOAN FRASER
Chair

(For text of observations, see today's Journals of the Senate, p. 979.)

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

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

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. David P. Smith, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, June 9, 2005

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FOURTH REPORT

Pursuant to its order of reference dated May 31, 2005 from the Senate your Committee is pleased to report as follows.

1. On May 31, 2005, the Senate adopted a motion by Senator Banks that the following question be referred to your Committee:

That the *Rules of the Senate* be amended in Rule 96 by adding, in subsection (7), the following:

In particular, clause-by-clause consideration of legislation shall not be dispensed with unless with leave.

2. On June 7, 2005, your Committee heard from Dr. Gary O'Brien, Deputy Clerk and Principal Clerk of the Senate, and Dr. Heather Lank, Principal Clerk, Committees Directorate of the Senate.

3. On May 18, 2005, a point of order had been raised in the Senate with respect to Bill C-15, An Act to amend the Migratory Birds Convention Act, 1994, and the Canadian Environmental Protection Act, 1999. At a meeting the previous day, the Standing Senate Committee on Energy, the Environment and Natural Resources had, by a majority vote of seven to three, adopted a motion to dispense with clause-by-clause consideration of the bill and to report unamended to the Senate. The Committee had, accordingly,

reported the bill without amendment, but with observations. After a lengthy debate in the chamber, the Speaker *pro tempore* ruled that, while committees are regarded as the masters of their own proceedings, the motion to dispense with clause-by-clause of a bill appeared to be irregular, in that it had the effect of preventing members of the committee from having the ability to move amendments. The Speaker *pro tempore* did not feel that she had the authority to undo decisions that had already been taken by the committee and accepted by the Senate. However, the Speaker indicated that your Committee might wish to consider the practice with respect to clause-by-clause consideration of a bill, and the advisability that it be dispensed with through leave, rather than by motion, to ensure that no rights to which a Senator is entitled are unduly infringed.

4. Your Committee has reviewed the procedures and practices in the Senate and in other legislative bodies, and has considered various procedural authorities. The role of a committee to which a bill has been referred is to review the text in detail, and to approve it or to consider such changes as may be necessary or desirable to reflect the committee's legislative intentions. It is the right of any Senator to propose amendments to individual clauses, or to insist on the formal procedure whereby each clause of the bill is considered separately. There are times when for legitimate reasons the members of the committee are prepared to modify this procedure, but it can only be done with the agreement and consent of all members of the committee who are present. Your Committee notes the practice of Senate Committees whereby appropriate notice is given to the members of a committee before commencing clause-by-clause consideration of a bill.

5. After a careful consideration of the issues involved, your Committee agrees with the principles underlying the proposal of Senator Banks. We believe that this amendment to the rules respects the rights of all Senators, and the traditions of the Senate.

6. Your Committee has agreed to recommend a slight modification of Senator Banks' proposed rule change. We agree that this will clarify the situation for the future, and avoid any ambiguity, while at the same time achieving a balance between committees being masters of their own proceedings and the rights of individual Senators. Senator Banks has indicated that the re-worded provision is in keeping with the spirit and intent of his original motion.

Your Committee recommends that the *Rules of the Senate* be amended by adding after subsection (7) of Rule 96 the following:

(7.1) Except with leave of its members present, a committee cannot dispense with clause-by-clause consideration of a bill.

Respectfully submitted,

DAVID P. SMITH
Chair

[Senator Smith]

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

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

DEPARTMENT OF SOCIAL DEVELOPMENT BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-22, to establish the Department of Social Development and to amend and repeal certain related Acts.

Bill read first time.

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

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

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

BILL TO AMEND—FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-40, to amend the Hazardous Materials Information Review Act.

Bill read first time.

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

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

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Eymard G. Corbin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on November 3, 2004, the date for the presentation of the final report by the Standing Senate Committee on Official Languages on the application of the *Official Languages Act* be extended from June 15, 2005, to June 15, 2006.

[English]

LIFE OF MARGARET ANN MICK

NOTICE OF INQUIRY

Hon. Lorna Milne: Honourable senators, pursuant to rule 56, I give notice that at the next sitting of the Senate:

I will call the attention of the Senate to the life of Margaret Ann Mick, the first female Peace Officer killed in the line of duty in Canada.

CONFERENCE BOARD OF CANADA

REPORT ON MAXIMIZING TALENTS OF VISIBLE MINORITIES—NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 57(2), I give notice that on Wednesday, June 15, 2005:

I will call the attention of the Senate to a new report: *Business Critical: Maximizing the Talents of Visible Minorities, An Employers Guide*, and how this study by the Conference Board of Canada can lead to fundamental changes in the hiring and promotion of visible minorities in the public and private sectors, including the Senate of Canada.

QUESTION PERIOD

HEALTH

SUPREME COURT DECISION INVOLVING SERVICE STANDARDS—GOVERNMENT RESPONSE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. As indicated in Senator LeBreton's statement, an important decision was rendered by the Supreme Court of Canada affecting medicare in Canada. Medicare, as we know it, has been subjected to a fair amount of questioning in terms of underfunding by this government. Can the Leader of the Government advise this house as to the intent of the Government of Canada in its response to this decision?

Hon. Jack Austin (Leader of the Government): Honourable senators, I should like to concur with the remarks of Senator LeBreton made in Senators' Statements with respect to the work of our Standing Senate Committee on Social Affairs, Science and Technology and its important and famous recommendations, including the health guarantee.

• (1350)

The Supreme Court of Canada has clearly acknowledged in this decision that there are reasons in law to consider what steps should be taken to provide timely health care to Canadians.

The case is known as *Chaoulli and Zeliotis v. Attorney General of Quebec and Attorney General of Canada*, although the case was based on interpreting the Health Insurance Act and the Hospital Insurance Act in Quebec, which prohibit private insurers from covering health services that are publicly insured by the Régie de l'assurance maladie du Québec. The appellants alleged that the restrictions imposed by that legislation and the Quebec charter violated their right to life, liberty and security of the person under the Quebec charter and under section 7 of the Canadian Charter of Rights and Freedoms. The lower courts — the Superior Court of Quebec and the Court of Appeal of Quebec — dismissed these cases.

However, on appeal, the Supreme Court of Canada ruled 4 to 3 that the provisions of the Quebec statutes and the Quebec charter unduly limited rights to health care. With respect to the Canadian charter the court was divided. Therefore, there is no opinion on whether the Canadian Charter is in any way a bar to the application of the appellants.

The judgment is long and detailed and will take some time to understand in its entirety. However, in the realm of public policy, and perhaps even in politics, this issue will clearly gain the renewed attention of the public.

Senator Kinsella: Honourable senators, I am glad the minister has recognized and stated that political decisions are very much part of the crisis that currently exists in the health care system in Canada. Some of those political decisions were taken by his Prime Minister when he was the Minister of Finance. For over a decade, the government made major cuts to health care in Canada. As a result, the issue of timeliness of care became a crisis with which the courts were seized, and the Supreme Court has made an important decision on that.

We are of the view that the current government has broken the system and that it needs to be fixed. We should like to hear what specific plans the government has to fix the broken public health care system.

Senator Austin: Honourable senators, thereupon hangs a considerable debate in Canadian public life. First, the health care of Canadians is administered by the provinces, and the provinces make the decisions on how to deliver health care, not the federal government.

Second, we could go on exchanging views, to no good effect, about how the public debt of Canada was increased dramatically by the Mulroney government and the importance of the steps taken by the Minister of Finance of the day, the Honourable Paul Martin, as he then was, to deal with a debt that could have ruined the entire economy of Canada and ended health care in Canada.

Under Prime Minister Chrétien and Finance Minister Martin, we took the necessary steps that the Mulroney government avoided, for their own political reasons, to put the economy back in the best condition of any economy of any developed country today. We brought in eight consecutive budgets that were not based on borrowing and deficits. We reduced the debt-to-equity ratio by more than half.

Senator Stratton: Thanks to the GST.

Senator Austin: These measures were taken by the Chrétien government and Paul Martin as Minister of Finance.

I am aware that, in her speech on the inquiry with regard to the budget, Senator LeBreton argued that the Mulroney government laid the foundation for the recovery of the Canadian economy. That is one of the most amazing arguments I have heard in a very long time, and I intend to reply to it during the budget debate.

Senator LeBreton: I was quoting *The Economist*.

Senator Austin: Honourable senators, now that I have chased Senator Kinsella's red herring all over the carpet, I do want to answer the serious part of his question.

Everyone in this chamber, and probably in Canada, knows by now that the federal government, in agreement with the provinces, has undertaken to transfer \$41 billion over the next 10 years to the provinces in order to deal with timely care for Canadians. We did not blame the provinces. We are not even blaming the Mulroney government, although they deserve to be blamed. We did the job that Canadians needed done.

Some Hon. Senators: Hear, hear!

Senator Austin: Obviously, we as a government anticipated the problem, although it stared every Canadian in the face. The Senate addressed the problem in what I think is one of the finest analytical studies on health care of any time. I look forward to hearing the views of our colleague Senator Kirby when his committee returns to Ottawa after its study on mental health care.

The federal government and the provinces will meet to discuss the implications of the *Chaoulli* case and to design a single-payer system based on the Canadian health model and the health guarantee laid out by the Senate committee.

Senator Kinsella: Honourable senators, having heard the honourable minister's apology for the failed health program of his government, we remind the honourable senator that the last 12 years, starting with a cut of some \$25 billion from the health delivery system, is what caused the long waiting periods in the provinces.

If that, honourable senators, is the record of what the government has done during the past 12 years, how many years will Canadians have to wait for the deliverables under the so-called "health care fix for generations"?

• (1400)

Senator Austin: Honourable senators, I wonder if I could give some advice to the opposition from the secret Liberal handbook?

Some Hon. Senators: Oh, oh.

Senator Austin: Have honourable senators seen the reports in today's papers with respect to the increase in support for the Liberal Party and the decline in support for the Conservative

Party? Does it occur to anyone on the other side that there must be a reason for that? It appears that the Conservative side does not understand that Canadians want to get on with problem solving and to stop complaining about the past.

ALBERTA—EFFICIENCY OF HEALTH CARE SYSTEM

Hon. Leonard J. Gustafson: Honourable senators, can the government leader explain why Alberta has the most advanced medical system in Canada, by far, and why senior citizens get much more in Alberta than they do in, for example, Saskatchewan?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, I agree with Senator Gustafson that Alberta has an excellent health care system. As honourable senators are aware, Alberta has an excellent economy, based not only on its oil and gas but on other resources as well. Alberta is not running a deficit, and will soon have its debt paid off. There may be some explanation in what I have said.

FINANCE

BUDGET 2005—EMPLOYMENT INSURANCE ACCOUNT

Hon. Gerald J. Comeau: Honourable senators, Bill C-43 made it out of committee today and was reported to the House. The Employment Insurance chief actuary recommended that an EI level based on the economic forecast of the Minister of Finance be made without regard to the surplus in the EI account.

When the EI account was established almost a decade ago, the finance minister of the day, Paul Martin, said that the purpose of the account was to build a cushion against future increases. What was not said at the time was that the account would be used to reduce the deficit, along with \$25 billion in cuts to health care.

Can the Leader of the Government in the Senate advise the Senate what the government intends to do with the \$47 billion in the Employment Insurance account? Would it be fair to conclude that the money will not be used to prevent or reduce future EI increases, that the money was originally collected under false pretences in order to reduce the deficit?

Hon. Jack Austin (Leader of the Government): Honourable senators, this is an old chestnut — as they said in Victorian times — and I have replied time and again to this question that the government stands behind the Employment Insurance fund with its entire balance sheet. All the resources of Canada back the demands of Canadians who use that fund.

Senator Comeau: Honourable senators, that was not the main point that I was raising, but we will go on. This surplus will continue to be reported in the accounts. Will this \$47 billion continue to be reported year after year in the accounts as a reminder of the \$47 billion pretext, or will the government find some way to get it off the accounts some time in the future, and how will that be done?

Senator Austin: Honourable senators, I believe Senator Comeau is aware that there are measures in the other place that deal with this particular problem.

ACCURACY OF FINANCIAL FORECASTS

Hon. Gerald J. Comeau: Honourable senators, one of our continuing concerns is that the accuracy of the estimates passed on to the actuary is based on the forecast of the Minister of Finance and that these forecasts have been grossly understated. I am talking about huge numbers.

The opposition in the other place asked for the estimates to be passed on to an independent estimator rather than the Minister of Finance, who continues to make faulty forecasts year after year. Why would the government refuse to go to an independent forecaster and continue to rely on the inaccurate estimates of the Minister of Finance?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thought Senator Comeau was aware of the statements of the Minister of Finance with respect to this matter; that is, that 10 different economists are asked to make forecasts and then those forecasts are averaged by the Department of Finance. Those forecasts, as well as any comments with respect to the way in which they think the economy will grow, are made public.

The Bank of Canada has an econometric computer model that calculates the Canadian economy and its performance. It, too, is part of the forecasting that is available to the economic community.

There are really no secrets with respect to the basic data, but different economists give weight in different ways to different factors in the economy, depending on what economic schools they have decided to represent. We will never get a uniform forecast as to how the future will unfold on which everyone will agree, but the Government of Canada does not rely only upon its own internal calculations. The government puts out an aggregated forecast of a number of private-sector economists.

NATIONAL REVENUE

CANADA REVENUE AGENCY—
TAXATION OF RED CROSS HIV TAINTED BLOOD
COMPENSATION FUND

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Red Cross compensation fund for people who contracted HIV through tainted blood.

Former Supreme Court Justice Peter Cory, the trustee of the fund, has told *The Globe and Mail* that the federal government has taxed the new investment income that has been earned on the original amount placed in private trust for victims.

As of the end of 2004, the federal government has collected over \$2.3 million in taxes from the fund. Mr. Cory said that this is immoral and is calling upon the federal government to do the right thing and to put a halt to taxation of the fund as soon as possible.

Could the Leader of the Government in the Senate tell us whether the federal government will follow the advice of Mr. Cory and cease the taxation of this fund?

Hon. Jack Austin (Leader of the Government): Honourable senators, I wish to emphasize a point that Senator LeBreton made, that is, that the question relates to taxation of income earned by the trust in question. In Canada all foundations and trusts, without distinction or discrimination, pay tax on their income. There is no exception or exemption for any particular charitable trust. The question is not just one of would it not be nice if this particular trust had a tax-free status — and it would be nice — but the tax-free status of literally hundreds of foundations and trusts that hold money for charitable and remedial purposes.

Honourable senators, the government has noted Mr. Cory's representations, and at this moment I do not have a further response to give to the request.

Senator LeBreton: Honourable senators, Mr. Goodale, the Minister of Finance, has said that the government is weighing whether an exemption should be made in this case contrary to the rules that apply to every other private trust.

Mr. Cory claims that a precedent has already been set, as trust funds set up for persons who contracted hepatitis C through tainted blood have been exempted from taxes for several years. Could the Leader of the Government in the Senate confirm whether Mr. Cory's claim is valid? If so, why is the federal government reluctant to extend the same exemption to persons who contracted HIV from tainted blood as it did to the people who contracted hepatitis C?

• (1410)

Senator Austin: Honourable senators, the contribution to the trust for the beneficiaries of hepatitis C was made by the Government of Canada. Its capital was created by the Government of Canada.

With respect to the trust to which Mr. Cory refers, those were contributions made by Canadian citizens. It is not the practice of the government to charge interest on capital which is contributed by Parliament.

HEALTH

MANITOBA—CHRONIC DISEASE PREVENTION
INITIATIVE—FEDERAL CONTRIBUTION

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In 2003, the Province of Manitoba asked the federal government to match its commitment of \$8 million over five years to a chronic disease prevention initiative. Recent reports have stated that the federal government would offer the province considerably fewer dollars; reportedly, the amount is \$3 million over five years.

As a result of the lack of federal support, the Government of Manitoba has said that it will have to go ahead with a reduced version of the initiative which focuses on community programs aimed at preventing disease and poor health. Could the Leader of the Government tell us why the federal government will not adequately support this initiative?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information on the nature of the programs involved. Senator Stratton refers to community programs. If he has further information he can give me privately, I would be happy to pursue his inquiry to see whether I can provide him with a full response.

Senator Stratton: Honourable senators, when Canada hosted a World Health Organization chronic disease forum last November, the federal government made much of its commitment to preventive medicine. In March, the Minister of State for Public Health began a process to determine a set of national health goals that the government says will prevent chronic disease. Despite these public displays, when it came time to supply funding for an initiative that could yield positive results in this area, the federal government would not provide Manitoba with a sufficient amount of money to carry out its plans in full. After much public trumpeting by the federal government, why would the federal government not be willing to back up its words with actual funding?

Senator Austin: Honourable senators, hopefully Senator Stratton will expect us to do proper due diligence on the request, the nature of it, the way in which it will be administered, and the benchmarks to discover whether the use of funds has been effective in the terms of the program. Those are all issues that the government will have to consider.

In the absence of knowing any details that would respond to the questions of the honourable senator, I will again make my offer to pursue the matter if Senator Stratton will tell me more specifically what he has in mind.

TRANSPORT

INFRASTRUCTURE PROGRAM— CONTRIBUTIONS TO WESTERN CANADA

Hon. Leonard J. Gustafson: Honourable senators, a recent report of the Western Transportation Ministers Council concluded that Western Canada “desperately” needs more than \$15 billion in additional transportation funding or it will suffer from diminished economic growth, increased highway safety concerns, less competitive cities, increased traffic congestion and increased pollution. This conclusion was reported in *The Vancouver Sun* of May 25 of this year.

In addition to calling for renewed focus on a list of infrastructure projects in need of our attention, the report states that infrastructure investment has not kept up with economic growth in Western Canada.

Has the Leader of the Government in the Senate read the report to which I refer? Is he aware of the situation? What is the federal government doing to deal with it?

Hon. Jack Austin (Leader of the Government): Honourable senators, I did read the news story in *The Vancouver Sun*. It is probably no secret to honourable colleagues that I read *The Vancouver Sun* every day, and that story did attract my attention.

At this stage in its priority matrix and in discussions with provinces and cities, the federal government has targeted the provision of new infrastructure funding to Canada’s cities and communities. Honourable senators are aware that this is a \$5-billion fund over the next five years.

In addition, the Government of Canada is transferring its portion of the gas tax to cities and municipalities. I am sure honourable senators saw the reactions at the meeting held last weekend in St. John’s by the mayors and the Federation of Canadian Municipalities to the funds flowing to cities as a result of the passage of Bill C-43, the government’s budget bill.

Obviously, there is a need to provide transportation links in all parts of Canada. These links are, of course, the primary responsibility of the provinces, although the federal government has established over a very long period of time a role in national linkages, such as the Trans-Canada Highway. We have seen in this place the federal government facilitating Highway 30 in Quebec through Bill S-31. I appreciate the support that bill has had in this chamber.

Honourable senators, this is a very large subject, one which the federal government and the provinces will be addressing. We are waiting to see whether the federal council, which is a council of premiers, lists this particular priority ahead of others.

Senator Gustafson: Honourable senators, there seems to be consensus among members of the council that something should be done.

The report goes on to note that transportation spending by all levels of government in Canada has fallen to 1.7 per cent of GDP compared with 2.9 per cent in 1991. Federal contributions have fallen the most — 46 per cent — even though federal revenues exceeded real gross spending by \$14 billion between 1991 and 2001. What will the federal government do to address this very serious trend that is taking place in Western transportation?

Senator Austin: Honourable senators, I have answered the question by referring to a forthcoming discussion with the premiers. However, we have not yet seen their priorities regarding this issue.

In the meantime, the government has decided to reduce dramatically airport rents across the country to facilitate that transportation mode. As well, it is giving real assistance to VIA Rail.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would like to call Order No. 4, Bill S-36, and then the other items as they currently stand on the Order Paper.

• (1420)

EXPORT AND IMPORT OF ROUGH DIAMONDS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-36, to amend the Export and Import of Rough Diamonds Act.

Hon. Consiglio Di Nino: Honourable senators, I am pleased to rise to speak to Bill S-36 and the comments of Senator Peterson.

Bill S-36 provides the Minister of Natural Resources with the authority to change the definition of “rough diamonds” to enable the exclusion of diamonds less than one millimetre in diameter, which are deemed to be of too little value for illicit trade.

The bill also introduces a provision to the Export and Import of Rough Diamonds Act that enables the publication of Kimberley Process Certificates based on import and export statistics. Currently, Canada publishes only Statistics Canada information based on overall import and export declarations. The Kimberley Process Certificate scheme was created in an attempt to stop certain diamond-producing countries from selling diamonds as a means to fund many of the world’s worst atrocities by some of the worst tyrants, butchers and despots in the world.

Four major conflict areas in Africa have been supported by “blood diamonds” or “conflict diamonds.” The Angola Civil War, from 1972 to 2002, resulted in some 500,000 dead, hundreds of thousands displaced and thousands maimed. The main rebel group in Angola, UNITA, controlled 70 per cent of the diamond mines that allowed for hundreds of millions of dollars in revenue to be used for the war effort. The Democratic Republic of Congo Civil War, from 1998 to 2003, which to a degree continues today, resulted in some 3.3 million lives lost. Diamonds and other resources helped to finance those rebel movements. The Sierra Leone Civil War, from 1991 and 1999, ended with 50,000 dead. The main rebel group, RUF, mined between \$25 million and \$125 million annually in diamonds to finance its war effort. In the Liberia Civil War, between 1989-97 and 2000-03, some 200,000 lives were lost and 1 million people displaced. Various rebel groups, particularly Charles Taylor’s government, were supported by “blood diamonds.”

In response, diamond producing countries, companies and traders, along with NGOs and representatives from the diamond industry, convened in Kimberley, South Africa, in 2000 to create a plan to prevent diamonds from continuing to fuel conflicts. Over the next three years, the Kimberley Process Certification Scheme, KPCS, was developed. The KPCS was endorsed by the UN and currently has more than 60 member countries, which represent over 99 per cent of the world’s diamond production.

Senator Peterson reported the number of member countries as being in the mid-40 range, but my information is that the figure is in the 1960s. However, that discrepancy makes no difference to the purpose and intent of the effort.

The KPCS is designed to halt the trade of conflict diamonds and, at the same time, protect the trade of legitimate diamonds. The KPCS applies to rough diamonds only, not to polished diamonds. All participating countries agree to trade in rough diamonds with other participating countries and establish a national import-export scheme.

Honourable senators, Canada is a resource-dependent economy and is heavily involved in peacekeeping and international development efforts and, therefore, truly understands the need to be at the forefront of the development of the KPCS. Publication of KPCS export-import statistics will allow Canada to show the world that we are committed to the KPCS and will set an example for other countries to follow. Canada understands that regulations must be efficient and effective if they are to address properly the needs of all stakeholders.

Canadian diamond mines use a sieve size of one millimetre and greater. Hence, all diamonds one millimetre and smaller are discarded or used for research purposes. These statistics support Senator Peterson’s comments on Bill S-36. However, I would ask that some concerns be examined when Bill S-36 is referred to committee for study. Clause 1 of the bill reads as follows:

“rough diamond” means a diamond that is unsorted, unworked or simply sawn, cleaved or bruted, and that falls under subheading 7102.10, 7102.21 or 7102.31 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*, but does not include diamonds that are of a class prescribed by regulation.

I will speak to that in a moment.

The Ministry of Natural Resources will have the authority to set the technical guidelines to such regulations. Therefore, the Government of Canada must be vigilant in ensuring that regulations are suitable and that companies and organizations do not unduly influence the creation of, or future amendments to, the one-millimetre technical guidelines and allow for the creation of loopholes that would allow traders to export diamonds of greater value outside the Kimberley Process Certification Scheme.

The KPCS participants should work toward establishing an impartial review mechanism that would allow assessments of how the diamond control system is working in practice. One weakness in the KPCS is that there appear to be no penalties or sanctions for member countries found in violation of the scheme. Certainly this needs to be clarified and addressed.

Honourable senators, Canada and its KPCS partners should work toward a comprehensive voluntary strategy to enable the tracking of diamonds from mine to the point of sale. Such a strategy would encompass rough as well as polished diamonds.

Diamond retailers understand the effects of the negative publicity “blood diamonds” have created. Hence, Canada should work with the diamond and jewellery industry to enhance support for a comprehensive tracking strategy, to increase public awareness of “blood diamonds,” and to develop a strategy to address that problem. Canada should make periodic random audits of Canadian diamond re-exporters and should carry out random inspections of goods at the point of export to ensure that they conform to shippers’ declarations on the Kimberley Process certificates.

Honourable senators, I urge that these concerns be placed on the agenda of the committee to which Bill S-36 is referred.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Peterson, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

• (1430)

**NATIONAL DEFENCE ACT
CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
CRIMINAL RECORDS ACT**

**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Landon Pearson moved second reading of Bill S-39, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

She said: Honourable senators, on behalf of the Minister of National Defence, I am pleased to support the introduction of this bill to amend the National Defence Act, the Criminal Code, and the Sex Offender Information Registration Act.

This bill is an important part of ensuring that the military justice system continues to reflect Canadian legal norms. It integrates the military justice system with the new National Sex Offender Registry while also accommodating military operational requirements.

Honourable senators, in order to understand what this bill is about, let us look first at the system as it currently exists.

A national registry for those convicted of designated offences — offences that are sexual in nature — was established in December 2004 when the Sex Offender Information Registration Act and certain Criminal Code provisions were proclaimed in force. Offenders convicted of a sexual offence under this system can be ordered by a criminal court judge to report on a regular basis to the police, where they must provide specific personal information. This information is then entered into the database.

This registration process may also apply retrospectively to sex offenders who were serving a sentence for a prescribed sexual offence at the time the Sex Offender Registration Act came into force.

Of course, a person ordered to report to a registration centre can contest the order and also appeal the decision. Under such circumstances, the offender must show that the impact on them would be grossly disproportionate to the public interest in protecting society through the effective investigation of crimes of a sexual nature.

Let me remind honourable senators that the purpose of the registry is to provide police with a new investigative tool that is intended to enhance public safety by assisting them in the investigation of sexual offences by identifying possible suspects known to reside near the site of an offence.

Honourable senators, I am sure everyone in this chamber will agree that it is in the public interest to ensure that the effects of convictions for designated offences at military courts martial are the same as for civilian criminal convictions.

In addition, these amendments are consistent with the commitment that was made last spring by the Minister of Public Safety and Emergency Preparedness to incorporate appropriate convictions from military courts martial in the sex offender registry when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs to discuss the original proposed legislation.

I would stress, however, that the number of military personnel affected by this bill’s amendments is expected to be quite small. I am happy to say that.

The amendments will allow military courts martial to order the registration of those convicted of designated offences; to ensure registration and reporting for the same time period as those convicted by a civilian criminal court; and to require the registration of someone serving a sentence when these amendments come into force.

The amendments will also allow those who are required to participate in the National Sex Offender Registry to continue to serve in the military after a conviction, if appropriate, by providing mechanisms to allow them to fulfill their reporting requirements from within the military operational environment. These mechanisms include the ability to set up registration centres in and outside Canada and provisions to allow reporting to registration centres in Canada from a distance; for example, while on exercise or at sea. Where it is not possible for members of the military to comply within the specified time limits set for the registry, and if military operational circumstances warrant, time limits may be suspended in order to allow them to fulfill their military duties.

Honourable senators, if the current registration process were to apply to certain individuals, they could be required to disclose information relating to an operation that could jeopardize national security, international relations or certain types of

operations. This would not be in the interests of Canada and could potentially jeopardize the safety of others who are involved in a military operation. To avoid this, the Chief of the Defence Staff will be able to decide if this type of information should be included in the sex offender database.

I realize that the sex offender registry's purpose is to ensure that information relating to sex offenders is available to assist police in future investigations of sexual offences. However, let me be clear: with these amendments, the aim of the sex offender registry would still be met.

The location of military personnel in operations is known and could be provided if it is relevant to an investigation.

Furthermore, the rights of individuals under the Charter of Rights and Freedoms have been carefully considered and, as in the case with the system as it functions within the civilian criminal justice system, it is expected that any infringements will be limited to those that can be justified in light of the aims of the sex offender registry.

Honourable senators, the bill also includes amendments to the Criminal Code and the Sex Offender Information Registration Act that will serve to enhance the administration and enforcement of the sex offender register. These amendments, which I have carefully examined and which I can see are not substantial, were developed after extensive consultation with the federal Departments of Public Safety and Emergency Preparedness Canada, Justice Canada and the RCMP, as well as the provinces and territories.

These amendments are necessary to ensure that the sex offender registry operates effectively and in the manner that was originally intended.

Finally, the bill effects a number of relatively minor consequential and technical amendments.

Honourable senators, this bill deserves the support of this chamber so that the sex offender registry can function as intended and to ensure the military justice system continues to reflect Canadian legal norms. These amendments will ensure that convictions at courts martial for designated offences can lead to registration in the national sex offender database.

While doing so, the government recognizes that the military operational environment is unique. The amendments reflect this and provide needed flexibility to see that the aims of the National Sex Offender Registry are met, while accommodating military operational requirements.

I strongly recommend that all honourable senators support the amendments to the National Defence Act, the Criminal Code and the Sex Offender Information Registration Act that are contained in this bill.

On motion of Senator Stratton, for Senator Nolin, debate adjourned.

SPAM CONTROL BILL

SECOND READING—ORDER STANDS

On the Order:

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

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, this item has been referred to a standing committee for discussion. In view of that, it should retain its place on the Order Paper because it has not received second reading. I move that this item remain stood on the Order Paper.

Hon. Terry Stratton (Deputy Leader of the Opposition): It is my understanding that this bill is now making progress in the Standing Senate Committee on Transport and Communications, as has been verified to me by the Deputy Leader of the Government, which I appreciate.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators, to leave the item on the Order Paper?

Order stands.

• (1440)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator LeBreton:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on September 14, 15 and 16, 2005, even though the Senate may then be adjourned for a period exceeding one week.—(*Honourable Senator Rompkey, P.C.*)

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

Hon. Senators: Question!

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

Motion agreed to.

**DECENTRALIZATION OF FEDERAL DEPARTMENTS,
AGENCIES AND CROWN CORPORATIONS**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to the benefits to the decentralization of federal departments, agencies and Crown corporations from the National Capital to the regions of Canada.—(*Honourable Senator Losier-Cool*)

Hon. Grant Mitchell: Honourable senators, I am very pleased to join the honourable senators who have already spoken on the inquiry of Senator Downe on the decentralization of federal agencies, departments and Crown corporations to the regions. This is an important debate, one that deserves our support and one that has tremendous implications for the cohesiveness and the unity of this country.

I should like to thank Senator Losier-Cool, in whose name the debate was adjourned and who graciously agreed that I may speak today. I ask permission that, once I have finished speaking, the debate remain adjourned in her name.

Canada's public service has a long and proud tradition of ensuring that it is representative of Canada's diversity in every way. Our public service has made significant strides in ensuring that it reflects Canada's ethnic, linguistic, gender and regional diversity. A modern public service needs to be relevant to Canadians. To do that, Canadians must be able to see themselves reflected in their government at all levels of decision making.

[*Translation*]

I am very much in favour of these initiatives. I agree that, when an agency or a department moves its head office to a region, it has to be able to guarantee that its employees' rights, their linguistic rights in particular, will be respected and will not suffer any negative effect.

[*English*]

One important component of a relevant and effective public service is the presence and visibility of government to individual Canadians. All too often, for those Canadians outside the National Capital Region, decision making and governance is something that happens at a distance, in some other place far away, in Ottawa. The physical distance can breed a sense of removal and alienation from the process that could undermine the sense of legitimacy of federal institutions and detract from national unity.

In a country as geographically and culturally diverse as Canada, it only makes sense that in the 21st century we would be doing everything we can to take advantage of modern technologies to ensure that our public service is as representative of Canada and Canadians as it can be. With modern telecommunications and video conferencing and the fact that data can be transferred

almost simultaneously and certainly instantaneously, there is no longer any reason for every single department to be headquartered in Ottawa.

In fact, as my honourable colleagues pointed out, there have been some very successful examples in the past of departments having been decentralized, including the Veterans Affairs Department in Charlottetown and the Public Works and Government Services Superannuation Directorate located in Shédiac. May I add to this list the very logical and successful transfer of the National Energy Board to Calgary in 1991. This federal board employs 280 employees, including financial analysts, computer scientists, economists, engineers, environmentalists, geologists, geophysicists, communications specialists, lawyers, human resource and library specialists and administrative staff. I am quite convinced that every one of them immensely enjoys living in Calgary. The important thing here is that the jobs include all levels of staff, from administration to specialists to policy-makers.

I think that this last point is very important because it echoes something that Senator Downe pointed out in his inquiry, that between 1994 and 2003, about 70 per cent of EX-1 to EX-5 level jobs, the highest jobs in the public service, were here in the national capital region. This is significant. Decentralizing jobs is not the point here. It is the kinds of jobs that are decentralized. In order to have any impact, the decentralization must have a policy-making impact, and this means whole departments or agencies, not just branches or regional offices.

Decentralizing federal departments and agencies is vital, not only for the obvious economic benefits to the regions but also because of the positive policy impact on decision making itself. A federal public service with a real decision making presence in all regions is more likely to reflect the attitudes and views of Canadians from across the country. This will, in turn, mean a more vibrant public service with a wider base for innovation and ideas.

In addition, the public service would benefit from the wealth of expertise that exists in the regions, particularly in specific fields. In some cases, certain regions have developed real centres of excellence in certain fields, and the location of a federal department or agency in that region could have real benefits in terms of sharing expertise and technology transfer, not only for the region but also for that specific department.

An example of this synergistic relationship was the location of one of the two pillars of the Public Health Agency in Winnipeg last year. That city was already home to the world renowned National Microbiology Laboratory and had resident expertise from a number of other important academic, medical and scientific entities. Now it coordinates the Public Health Agency's infectious disease functions, including epidemiology, and the city is also the base for the International Centre for Infectious Diseases. Winnipeg is now well on its way to becoming a world leader in addressing the threat and impacts of infectious diseases. We need more of these kinds of success stories, and why not?

• (1450)

I applaud the government's recent move of the Canadian Tourism Commission to Vancouver. This move will involve 80 jobs, but the impact is far greater than that symbolically. Prior to this, British Columbia, Canada's third-largest province, did not

have a single federal department with its headquarters in that province. Again, with B.C. as the destination of choice for one third of all tourists coming to Canada, and the 2010 Olympics just around the corner, the synergies are obvious.

I want to make it clear that this is not an argument for a massive displacement of jobs away from Ottawa. I simply feel that as jobs increase, more of the new jobs should be outside the national capital. Over the last five years, the Canadian public service grew by 11 per cent across the country. In the National Capital Region, the growth rate was 19 per cent, or almost 18,000 new jobs. This means that proportionately over the last five years the public service has been centralizing its new growth. The proportion of jobs in the national capital vis-à-vis those in the regions has in fact gone up. I would simply argue that we need a few more examples like the CTC so that when future growth occurs some of it might happen in the regions.

Senator Downe provided us with an example from abroad, Great Britain, to illustrate that other countries are also trying to decentralize their public service. I would like to draw the attention of honourable senators to an example here at home.

The Government of Nunavut, our most recently established government in Canada, is well aware of the challenges of creating institutions that best reflect citizens where there is a vast geography in a region with a widely dispersed population and regional economic disparity. Nunavut has taken advantage of modern telecommunications infrastructure and has established a very decentralized governance structure. In fact, there are only four departments with their headquarters in the capital — executive and intergovernmental affairs, finance and administration, human resources and justice. All other departments are headquartered in other communities. This is a model from which I think we could all take some lessons.

Honourable senators, it is the duty of the federal public service to ensure that Canadians receive the best service possible and that all regions feel they have a stake in their federal government. Our federal public service is one of the strongest public services in the world, and they are to be respected and admired for the work they do. I think, by definition, federal public servants who lived and worked outside of Ottawa would inevitably have a different view, to some extent, of policy, of regional disparities, of regional inconsistencies and of specific regional needs and opportunities.

In this era of technology, with video conferencing, BlackBerry and instantaneous communication, the time is absolutely ripe for us to consider moving progressively more and more of our public service outside of Ottawa. I think that this idea is good for the regions. More important, it would make the public service — and therefore the federal government — more relevant to the people who live in the various regions of this country. It would be a tremendous step toward creating a greater sense of this country from all regions and all peoples in Canada, and a greater sense of national unity.

By supporting Senator Downe's motion to decentralize more federal departments, agencies and Crown corporations to the regions, we will have taken a significant step toward helping all Canadians to feel more included in their government.

On motion of Senator Losier-Cool, debate adjourned.

THE SENATE

RULES OF THE SENATE—MOTION TO CHANGE RULE 135—OATH OF ALLEGIANCE— REFERRED TO COMMITTEE

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.

And on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Lavigne:

That the motion be amended by replacing, in the proposed rule 135.1, the word "shall", with the word "may".—(*Honourable Senator Cools*)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move that the motion standing in the name of Senator Lavigne be not now adopted but that the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Hon. Marcel Prud'homme: Honourable senators, I had intended to speak today to this motion, but if Senator Lavigne is happy with the latest development, I will not be speaking; I will attend the committee instead. However, I have one condition. I want Senator Lavigne to signify that he is happy.

[*Translation*]

If Senator Lavigne is happy, then I am certainly not going to get in his way. My name was placed on the list to ensure that the clock would be put back to zero. However, if he is happy with this, I will not speak.

On motion of Senator Rompkey, question referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[English]

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES**

PERSONAL WATERCRAFT BILL—COMMITTEE
AUTHORIZED TO REFER DOCUMENTS FROM
PREVIOUS SESSIONS TO ITS STUDY ON BILL S-12

Hon. Tommy Banks, pursuant to notice of June 8, 2005, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Transport and Communications during its study of Bill S-26, An Act concerning personal watercraft in navigable waters in the First Session of the Thirty-seventh Parliament and the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament during the study of Bill S-10, and the papers and evidence received and taken during the Third Session of the Thirty-seventh Parliament during the study of Bill S-8, An Act concerning personal watercraft in navigable waters, be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-12, An Act concerning personal watercraft in navigable waters.

Motion agreed to.

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 14, 2005, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 14, 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, June 9, 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		
S-31	An Act to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30	05/05/12	05/06/07	Transport and Communications					
S-33	An Act to amend the Aeronautics Act and to make consequential amendments to other Acts	05/05/16							
S-36	An Act to amend the Export and Import of Rough Diamonds Act	05/05/19	05/06/09	Energy, the Environment and Natural Resources					
S-37	An Act to amend the Criminal Code and the Cultural Property Export and Import Act	05/05/19							
S-38	An Act respecting the implementation of international trade commitments by Canada regarding spirit drinks of foreign countries	05/05/31							
S-39	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	05/06/07							
S-40	An Act to amend the Hazardous Materials Information Review Act	05/06/09							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	05/06/09	0 observations			
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
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-9	An Act to establish the Economic Development Agency of Canada for the Regions of Quebec	05/06/02	05/06/08	National Finance					
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs	05/05/12	0 observations	05/05/16	05/05/19*	22/05
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	05/05/13*	20/05
C-13	An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act	05/05/12	05/05/16	Legal and Constitutional Affairs	05/05/18	0	05/05/19	05/05/19*	25/05
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 Environmental Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources	05/05/17	0 observations	05/05/18	05/05/19*	23/05
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

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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-22	An Act to establish the Department of Social Development and to amend and repeal certain related Acts	05/06/09							
C-23	An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts	05/06/02							
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	05/05/05*	18/05
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	05/05/03	0	05/05/10	05/05/13*	19/05
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
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-40	An Act to amend the Canada Grain Act and the Canada Transportation Act	05/05/12	05/05/16	Agriculture and Forestry	05/05/18	0	05/05/19	05/05/19*	24/05
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

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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
C-45	An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts	05/05/10	05/05/10	National Finance	05/05/12	0	05/05/12	05/05/13*	21/05

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	05/05/05*	17/05
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	05/05/17		
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19	05/06/01	Energy, the Environment and Natural Resources					
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	05/06/01	Social Affairs, Science and Technology					
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23	05/06/01	Banking, Trade and Commerce					
S-29	An Act respecting a National Blood Donor Week (Sen. Mercer)	05/05/05	05/06/01	Social Affairs, Science and Technology					
S-30	An Act to amend the Bankruptcy and Insolvency Act (RRSP and RESP) (Sen. Biron)	05/05/10							
S-32	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	05/05/12							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-34	An Act to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament (Sen. Cools)	05/05/16							
S-35	An Act to amend the State Immunity Act and the Criminal Code (terrorist activity) (Sen. Tkachuk)	05/05/18							

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	05/05/05	0 observations	05/05/10	05/05/19*	
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					

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