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(HANSARD)

Tuesday, June 14, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Tuesday, June 14, 2005

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE VIOLA LÉGER, O.C.

The Hon. the Speaker: Honourable senators, I have received a letter, pursuant to rule 22(10), requesting that the time provided today for the consideration of Senators' Statements be extended for the purpose of paying tribute to the Honourable Viola Léger. It is my understanding that tributes may go beyond that 15 minutes into our period for Senators' Statements.

Is it agreed, honourable senators, that I call on Senator Léger when tributes to her are completed rather than at the end of the 15 minutes?

Hon. Senators: Agreed.

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with great sadness that I rise today to pay tribute, personally and on behalf of the government, to a great friend and respected colleague. Senator Léger was appointed to the Senate four years and one day ago.

We wish you the best on the occasion of this anniversary, senator, but how sad that this will be the last such anniversary we celebrate with you in this honourable place!

[*English*]

Born a little while ago in Fitchburg, Massachusetts, Senator Léger was educated both in Boston and in Moncton, New Brunswick. As her sister New Brunswicker, an Acadian and a former teacher, I had the great honour of being her sponsor here in the Senate.

[*Translation*]

With her arrival among us, the Honourable Senator Léger injected a fresh wind of renewal into our institution by raising neglected issues, with that incredible conviction and the magnificent natural eloquence that has been her trademark for so long.

Day after day, in this chamber, never taking time off, Senator Léger has stood up for difficult and often challenging causes. I think, in particular, of three major issues: the rights of Canada's Aboriginal peoples, the rights of linguistic minorities, and the importance of artists. Her statements, her speeches, her inquiries and questions, punctuated by her wisdom, humour and countless

poems that could one day make our Hansard a bestseller, have always been eagerly awaited and listened to with attention and pleasure.

Senator Léger has been one of the most conscientious and appreciated members of the Standing Senate Committee on Official Languages. I also know that her colleagues on the Standing Senate Committee on Aboriginal Peoples will find it difficult, if not impossible, to replace her commitment.

The Senate will soon lose one of its finest actors, and I say that in every sense of the word.

Senator Léger, during all the years that you have been active in the theatre, was it for the same reasons that moved Jean Marais, "to feel those sensations that life does not bring you"? However, in reading your biography, it is clear that life has brought you a great deal and that it continues to enrich you every day. You have been teacher, artist, actress, director, theatre manager in both of our country's official languages, which you defend so ardently. I believe and hope that you have adopted the theatre to give voice to the vitality of our beloved Acadia. For that reason alone, our people will be eternally grateful to you.

Hitchcock said, "What is drama, after all, but life with the dull bits cut out." Bouctouche will soon regain its Sagouine, but we, here, will continue with our roles, having lost an irreplaceable colleague.

You are going back to the theatre, Senator Léger. We will have to carry on without your many talents and your wisdom. Thank you for having enriched us all, honourable senator.

Au revoir, Mme Léger, and until we meet again, my dear friend.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, it is an honour, but a sad one, for me to speak of the departure of Senator Léger, who will soon be retiring from this chamber.

She has served her region, her country and her party during her four years in our venerable institution. She has been a member of several committees, most notably the Standing Senate Committee on Official Languages and the Standing Senate Committee on Aboriginal Peoples.

Honourable senators, no one else could have carried so well the Acadian torch or better represented the Acadian people of New Brunswick in this chamber than Senator Léger. The consummate ambassador of Acadian culture and one of the best known, if not the best known and most respected artist in New Brunswick, her achievements in the field of arts and culture are unmatched.

Her contribution to the spread of the French and Acadian culture as well as the promotion of French-speaking Canada have always remained dear to her heart and will be forever unforgettable. Proud Acadian that she was, Viola Léger made her name in the title role of *La Sagouine*, a role she made her own

for 30 years and close to 2,000 performances across Canada, Europe and the United States. This grande dame of the arts, teacher, actress and storyteller has also played in film and television productions.

Viola Léger holds degrees in education and arts, as well as numerous honorary doctorates, including the one from St. Thomas University for which I had the honour and privilege of reading the citation.

Senator Léger has amassed numerous honours throughout her career, including the Chevalier de l'Ordre de la Pléiade, the Médaille du Conseil de la vie française en Amérique, and she was made an Officer of the Order of Canada.

Honourable senators, it is obvious that Viola Léger's body of work has been immensely rich and vast. She is the brightest of the stars in the firmament of Acadian arts and culture. I will close with a brief quotation from the senator herself:

Through literature and theatre, Acadia expresses itself. Through painting, sculpture, cinema and videos it expresses its vision of the world. Through dancing, it shows its strength and vitality. It is through our artists that we realize that the Acadian identity is as broad as life, because it knows no boundaries. The arts are a people's soul.

• (1410)

Thank you, senator, for your friendship and your service at home in New Brunswick and in Canada.

Hon. Eymard G. Corbin: Honourable senators, as the dean of senators and of all parliamentarians from New Brunswick, I want to say to you, Senator Léger, that it has been a joy for us to have you here. We cannot help feeling a certain sadness at your departure, though.

We are aware of your eagerness and anticipation at the prospect of being back on stage in proper theatre — as opposed to this one. I want to thank you, on behalf of the senators who sit on the Standing Senate Committee on Official Languages, both for your unfailing presence and for your contributions to our work.

I know we did not give culture enough attention on this committee, and you often reminded us of our duties, never missing an opportunity to stress culture's vital importance. It will surely be your legacy to this institution. I take some pride in the fact that, as you have pointed out, it was in Grand-Sault, my birthplace, that your vocation for the theatre first took wing, while you were teaching there.

Rising above your fame and your charm is the fact that you are and will remain one of the great heroines of modern Acadia and an inspiration to the Canadian francophone community.

You alone were qualified to take on the brilliant and affectionate character of *La Sagouine* of Antonine Maillet, that other eminent Acadian, who brought such honour to her origins and to the place where your heart truly lies. There is no need for my recalling the many other roles you have played, which do you no less credit.

[Senator Kinsella]

Senator Léger, we are in your debt for honouring this institution by your presence these past years. Our memories of you will be very fond indeed, I can assure you.

My best wishes go with you, dear colleague, in the pursuit of your eminent career and noble profession. Go now.

[English]

After all, darling, there is a life after the Senate!

[Translation]

Hon. Pierrette Ringuette: Honourable senators, Senator Léger is a grande dame of the theatre and, of course, a grande dame of Acadia, and now we must add, a grand dame of the Senate.

Viola has had many roles in her career, and, in each case, she has been an inspiration to her audience.

As a teacher, she inspired her students with her knowledge, her teaching expertise and her dedication. As an actress, she inspires her audience through the vividness of the character she portrays. As an Acadian, she inspires the public with memories of the past, the perseverance of a people and its future potential. As a francophone, Viola inspires her listeners with her engaging, authentic and down-to-earth language. Of course, as a senator, Viola has inspired us with her dedication to representing minorities by reinforcing the importance of culture in recognizing and understanding ourselves as Canadians, with her speeches filled with love and emotion for individuals and matters of interest.

Honourable senators, Viola is undoubtedly a grande dame wherever she goes. As New Brunswickers, we have been particularly touched by her portrayal of the title character in *La Sagouine*, in which Viola relives the sad reality of this Acadian woman of yesteryear with the humour that past generations needed to survive, and a reminder for future generations.

Here is Viola in the act entitled *Spring*:

This land, 'n the sea. Even then, she's the one that made us, 'n looks like us the most.

Usin her as a mirror, our eyes turned deep 'n blue. 'n having watched so long fer fish deep in the water, our cheeks rose high 'n our brows grew close. That's why we end up lookin like the sea that surrounds the country. Yep, that's what they says. They says we got a low 'n raspy voice. Maybe true. 'n that we don't talk fast.

Well, a person's gotta take 'mself for what he is, 'n not try to talk 'n walk like other folks. Nope, a person's gotta look like the land that made him 'n fed him, 'n that's what ties him up at home 'n makes him ache. 'n wakes up in the Spring, it does.

Dear Viola, before you take your leave from the Senate, I want to thank you and, above all, to wish you many more springs under the Acadian star.

[English]

Hon. Mobina S.B. Jaffer: Honourable senators, on September 18, 2001, four senators were sworn in: Senator Léger, Senator Lapointe, Senator LaPierre and I. Since that time, Senator Léger has been ever present in the chamber, quietly playing an effective role as senator.

Honourable senators, Senator Léger has brought such dignity to this chamber that she will certainly be missed. For me, she has been a colleague and a French teacher; she introduced me to the French theatre; and, most of all, she has been my friend. Senator Léger, your counsel to us and to me certainly will be missed.

[Translation]

You will be missed.

Hon. Madeleine Plamondon: Honourable senators, most people across Canada know Viola Léger as an artist. Today, I would like to pay tribute to the person behind the character of *La Sagouine*: the honourable senator who has enriched the Senate of Canada with her personality.

To acknowledge someone is an opportunity not only to rediscover the person we thought we knew but also to thank this person for all that she has brought us while we worked together. It also a means of focusing all our attention on Viola Léger for a moment, to tell her that we love her and that she will be remembered.

Honourable senators, the Senate is a special place, one inhabited by all those who have passed through it. This is a place where history is made. We can feel it when we first set foot in this chamber; the solemnity of the place, and the enormous contribution of our predecessors. Everyone leaves his or her mark here, and you are leaving yours as well.

Before coming to the Senate, for me, Viola Léger was *La Sagouine*, a character with boundless humour and a great philosophy.

I will, however, let others give an overview of your career as an artist, and focus on the friendly, sensitive and supportive person that you are.

When I first arrived on Parliament Hill, I knew no one. I knew names, but I did not know anybody.

• (1420)

As an independent senator, I did not have the camaraderie of colleagues in caucus. The office I was assigned in the Victoria Building would have been bare had it not been for the flowers and words of welcome from Viola Léger, and she has kept this up: a word of encouragement here, friendly notes there, a smiling face across from me every time I was here in the Senate. I will miss her.

Senator Léger, I was very honoured when you invited me to your table when you received the Ordre de la Pléiade, one of the many honorary distinctions you have received in your life.

As a senator, Viola Léger was the perfect representative of Acadian francophonie. Her pride is and always will be an inspiration to those who know that our origins are our roots. Without roots, we cannot grow. When she talks about her Acadia, she lights up and her enthusiasm is infectious.

Senator Léger is also very sensitive to francophone communities outside Quebec. During a recent trip to the Northwest Territories, on the invitation of Senator Sibbeston, I saw the gratitude in the eyes of our francophone hosts when you spoke to them and graciously agreed to take part in the photo sessions. You were sympathetic to the fact that they are a minority in Yellowknife and that they are fighting to keep a French-language radio station.

Yes, Senator Léger is a grande dame of the arts. She is also true to her Acadia and the francophonie. I will particularly remember her as someone who is endearing, welcoming, sensitive, and loyal: a friend!

Au revoir, Viola.

[English]

The Hon. the Speaker: Honourable senators, the 15 minutes for Tributes have expired. We are now on Senators' Statements.

[Translation]

Hon. Maria Chaput: Honourable senators, I am somewhat sad today because my colleague and good friend Viola Léger will be leaving this place within days.

As we all know, she is a grande dame of the theatre, a top-notch cultural ambassador for Acadia who has had an illustrious career on the stage and the small and large screen, who has taught, and who has received many honorary degrees and awards.

She is one of a kind, and the mere mention of her name gives rise to immense pride in Acadia and throughout The Francophonie, in this Acadian artist who has become such a powerful symbol of Acadian culture and heritage, its very personification.

What you do not know is that, this coming fall, she will be honoured by the Montreal Botanical Garden when this world-class institution names a flower after her. The new variety of day lily is described as a perennial of discreet and humble nature. Discreet and humble it may be, but it is sturdy and survives to reappear spring after spring after spring.

This honour will mean that our friend, the great Acadian, the senator, the actress and the woman, will live on forever for all those who love and admire her. Congratulations.

I knew of Madame Léger long before she knew me. Her reputation preceded her. But, with my appointment to the Senate in 2002, I discovered another aspect of this wonderful woman. By working with her I became more aware not only of what a great lady of the theatre she was, of course, but also of what a proud Acadian she was, proud of her culture, proud of her roots, a woman of warmth and generosity, of great humility, whose love for the theatre was unconditional.

[English]

Honourable senators, I will shortly be losing a colleague in the Senate, but I have gained a friend for life. Our responsibilities as senators have brought Senator Léger and I closer together on many issues of common interest, not the least of which are Canada's official languages and our efforts to represent, as best we can, the interests of Canada's French language and Acadian communities.

Senator Léger, you have given much to our country — as an actress, artistic director, teacher, cultural ambassador and, more recently, senator. May you reap due rewards for your charms and charisma and for all that you have given us as a nation.

[Translation]

Farewell, dear colleague, and may God bless you.

Hon. Lucie Pépin: Honourable senators, today we mark the departure of a colleague for whom I have the greatest respect.

Like many Canadians, I knew Senator Léger from movies and television, where she played many leading roles, including that of *La Sagouine*, the character she has also been bringing alive in the theatre for more than 30 years now.

Throughout her working life, Senator Viola Léger has contributed to the development of the arts in Canada. In the Senate, our colleague always emphasized, and for good reason, the importance of artistic creation because of the part it plays in the vitality of Canada as a nation.

You have remained a strong supporter of culture throughout your time with us. The speech you gave on May 19 comes to mind. That speech, which you are leaving us as a legacy, it reminds us of our responsibility to take up the challenge of maintaining and safeguarding Canadian culture in all its diversity.

One need not spend a great deal of time with Senator Léger to realize how fond she is of Acadia, that piece of land she has pinned to her heart. Senator Léger cares about the development of the Canadian francophonie, but she also cares about the recognition of the Aboriginal peoples' contribution to Canada's heritage, a contribution which, we have to admit, is unfortunately not always appreciated as it should be.

On a more personal note, I would like to tell our dear colleague how grateful I am for her help in the performance of my duties as Acting Speaker, by sitting in for me on the Standing Senate Committee on Social Affairs, Science and Technology.

[Senator Chaput]

This characteristic generosity of yours, Senator Léger, your contagious sense of humour, your respect for others, your touching and inspiring simplicity and, above all, your uncanny ability to make things simple are all traits by which I will remember you.

I join my honourable colleagues in wishing you health and much happiness in your return to the stage. I do hope that what lies ahead in your already rich career will be rewarding.

I would very much have liked to offer you a poem, but I will borrow the words of a famous song to tell you:

This is only goodbye
Until we meet again.

This is only goodbye for a little while; I have no doubt about it.

[English]

Hon. Sharon Carstairs: Honourable senators, it is with a great deal of sadness that I say farewell to Senator Viola Léger on her retirement from this place. I think it is fair to say that no one presently in this place will be able to match her eloquence in the reading of prose and poetry. No one in this place will be able to replace her understanding of theatre as an actor from New Brunswick working in the French language.

I know that, from the very first, she found this place a somewhat unnatural setting. However, she gave it her all and, in her unique way, she made a very special contribution. Her grace, her dignity and her incredibly warm voice will not easily be forgotten.

Hon. Nick G. Sibbeston: Honourable senators, I take this opportunity to say to Senator Léger that she has made a real contribution to the Aboriginal peoples of Canada by her participation on the Standing Senate Committee on Aboriginal Peoples. She has been a most diligent and faithful member of our committee. She has participated in all committee meetings and has asked emphatic, passionate, profound and probing questions, often throwing a witness into a state of surprise. One could see them scrambling in trying to respond to Senator Léger's questions.

Senator Léger responded to my invitation to senators this spring to travel north to visit Yellowknife, Fort Smith and the diamond mine. I cannot help but remember, as we were leaving Yellowknife on a small plane flying north to the diamond mine, seeing the delight and youthful wonder on her face as we flew into the vast, pristine land of ours in the North.

• (1430)

It was a glorious, crispy, cold morning, and I know that she felt like the true Canadian that she is. She said, "I wish every Canadian could see and experience this." Obviously, it was a very delightful experience.

I want to thank Senator Léger for her participation on our committee. She made it her mission at the Senate to improve the plight of Aboriginal peoples in our country, and she has done that. We will miss her very much.

[Translation]

Hon. Lise Bacon: Honourable senators, our colleague Senator Léger will soon complete her service in the Senate. When she arrived in this chamber, Senator Léger shared with me her desire to find a special place from which to raise those issues that she considered priorities. We can now testify to the contributions of our colleague, especially in defence of the interests of linguistic minorities in Canada and in promoting the spread of the French language, to name but two of her favorite subjects.

Whenever one thinks of Acadia, the character created by Antonine Maillet, *La Sagouine*, springs instantly to mind. Viola Léger, who was able to play that role marvelously well, has been, without doubt, the living incarnation of the cultural vitality that characterizes Acadia. She has also demonstrated on many occasions her commitment to the spread of the French language, with unique mastery, subtlety and aplomb.

The remarkable contribution of Viola Léger to the Senate deserves to be recognized. The presence among us of an artist whose concerns lie with the world of culture and the inventions of the mind has brought a new diversity to the Senate.

That is a valuable contribution, because exposure to different horizons makes us more open and questioning. Literature and the theatre play a significant role in our lives. Great words and the actors who bring them to life help us to fill an essential need, the need to dream and to allow imagination to guide us.

Actors move us to question reality. They are teachers who let us discover the world through the different emotions they bring to life in us. Those who tell a story can transform us. Senator Léger, in her way, has also transformed us. We should be proud to have had her as a colleague.

[English]

Hon. Tommy Banks: Senator Léger, you have not been with us long enough. We all wish you would be with us a great deal longer. I know that you do also because, despite your distinguished career, you have witnessed astounding performances here. I know that you will miss our performances, and we will certainly miss yours.

It is not often when any of us speak in this place that all of our colleagues are enraptured. Each time you have risen to speak, regardless of the subject matter, your delivery has held this house in rapture, and “rapture” is precisely the right word.

You came here after having established a famous character, *La Sagouine*, in the Canadian theatrical and literary milieu, but you have impressed us with your own character, which is of the highest quality. We will miss you greatly. I hope you will come back to visit us often, Senator Léger.

[Translation]

Hon. Viola Léger: Honourable senators, I have not prepared a speech, because I gave my speech on May 19. That was my legacy to the Senate on arts and culture. Now, I am going to follow the recommendation of one of my great mentors Senator Jean Lapointe who always says, “I will be brief!” I will take my cue from him and simply offer my thanks.

Thank you, Senator Losier-Cool, for having been my sponsor and for having been there for me! Many, many thanks to Suzanne Belliveau. I do not know what I would have done without her. I had an assistant who welcomed a senator who knew nothing, but who thought she knew a good deal. So, it was not easy. Thank you to Momar Diagne for helping me to express what I wanted to say.

Thank you to the staff of the Senate. In particular, the greeting of the security staff. I was not accustomed to that. I enjoyed it. Many thanks to the white gloves, it was wonderful. Thanks to all the pages, to the Usher of the Black Rod, to the Mace Bearer. Honourable senators, thank you for having enriched my life.

[English]

The Hon. the Speaker: I remind honourable senators that those who might wish to continue tributes to Senator Léger are invited to do so under Order No. 23 under “Other” on the Order Paper.

Hon. Jean Lapointe: Honourable senators, I wished to speak before Senator Léger spoke. I do not know whether I will be breaking a rule if I speak now. Senator Léger is a close friend of mine, and I will be very brief.

[Translation]

Honourable senators, in a short while my great friend, the Honourable Viola Léger, will be leaving the Senate. We will be losing not only a senator whose presence was felt throughout this chamber but also a woman of great culture who has represented Acadia with brilliance. Like the night stars, she brought her sparkle to this place.

Viola, my colleague, my friend, my confederate, I wish you health, and, if God grant me time, I dream that one day we may perform together on stage. You are dear to me, and I want you to know that all your colleagues in the Senate have recognized your true worth. I will close by saying that, in a corner of my heart, there will be a perpetual tear every time I see the void left by your departure.

[English]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

2004-05 ANNUAL REPORT ON PRIVACY ACT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table a report from the Office of the Auditor General, Privacy Act, for the fiscal year ended March 31, 2005.

**NATIONAL DEFENCE
AND CANADIAN FORCES OMBUDSMAN**

2004-05 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table the annual report 2004-05 of the Ombudsman, National Defence and Canadian Forces, *A Time of Change — A Time for Change*.

• (1440)

STUDY ON ISSUES RELATED TO MANDATE

SECOND INTERIM REPORT OF ENERGY,
THE ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE TABLED

Hon. Tommy Banks: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, an interim report entitled: *Sustainable Development: It's Time to Walk the Talk*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

**STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS, DIRECTIVES
AND REPORTS**

INTERIM REPORT OF OFFICIAL LANGUAGES
COMMITTEE TABLED

Hon. Eymard G. Corbin: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on Official Languages, entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to Postsecondary Level*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON NATIONAL SECURITY POLICY

TOWN HALL MEETINGS—
NOVEMBER 2004-JUNE 2005—
REPORT OF NATIONAL SECURITY
AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on National Security and Defence concerning town hall meetings conducted by the committee from November 2004 to June 2005.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY
OF VETERANS' SERVICES AND BENEFITS,
COMMEMORATIVE ACTIVITIES
AND CHARTER PRESENTED

Hon. Michael A. Meighen, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, June 14, 2005

The Standing Senate Committee on National Security and Defence has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Thursday, November 4, 2004, to examine and report on the services and benefits provided to veterans in recognition of their services to Canada, respectfully 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,

MICHAEL A. MEIGHEN
For the Chair

(For text of budget, see today's Journals of the Senate, p. 1003.)

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON NATIONAL SECURITY POLICY

MEETINGS HELD IN UNITED STATES— APRIL 14-21, 2005—REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Senate Committee on National Security and Defence concerning meetings held in the United States from April 14 to 21, 2005.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

MEETINGS HELD IN EUROPE—MAY 6-12, 2005— REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Senate Committee on National Security and Defence concerning meetings held in Europe from May 6 to 12, 2005.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ENTITLED *BORDERLINE INSECURE* TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on National Security and Defence entitled *Borderline Insecure*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

MEETINGS HELD IN AFGHANISTAN— MAY 16-18, 2005—REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the thirteenth report of the Standing Senate Committee on National Security and Defence concerning meetings held in Afghanistan from May 16 to 18, 2005.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CRIMINAL CODE CANADA EVIDENCE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Bill read first time.

The Hon. the Speaker: 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.

[English]

CANADA BORDER SERVICES AGENCY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-26, to establish the Canada Border Services Agency.

Bill read first time.

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

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

QUESTION PERIOD

CANADA-UNITED STATES RELATIONS

NORTH DAKOTA—DEVILS LAKE DIVERSION

Hon. Janis G. Johnson: Honourable senators, my question is to the Leader of the Government in the Senate. It concerns the Devils Lake water diversion project, which, as he knows, is now scheduled to open on July 1, despite our efforts.

Can the leader comment on the letter to the editor published in *The Globe and Mail* on June 9 by John Dickson, chargé d'affaires at the U.S. embassy, who wrote that Canada could have had many of its answers about the current Devils Lake project answered if it had chosen to engage in an International Joint Commission study on a previous Devils Lake proposal by the U.S. Army Corps of Engineers in 2002? What is the government's response to this assertion? Could the leader also explain why the government did not pursue an International Joint Commission study of this previous proposal?

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

Senator Johnson: I will ask a supplementary question as well, because July 1 is fast approaching.

The Prime Minister has raised the matter of Devils Lake with President Bush four times in the last 14 months and has assured us that the issue has the President's highest attention. Does the government not find it disconcerting that, despite Paul Martin's diplomacy and assurance, this previous, unrealized proposal is being employed by officials of the U.S. government at this stage in the process? This is my concern. Considering the view articulated by the U.S. chargé d'affaires, what is the government's latest thinking on the prospect of the United States agreeing to an IJC reference on the current project before July 1?

• (1450)

Senator Austin: Honourable senators, I will take that question as notice. It is very similar to the first question.

UNRESOLVED ISSUES

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. The Liberal government has shown us that it is unable to deal with the U.S. on a number of levels. The borders have remained tightly shut to Canadian farmers since May 2003, when a Canadian-born cow was found to have BSE. Trade disputes related to softwood lumber have dragged on for years. The government has made no headway in stopping North Dakota's Devils Lake diversion project, which will greatly damage Manitoba lakes and rivers when the water starts flowing.

Now, according to the *Ottawa Citizen*, the U.S. practice of shipping terrorist suspects to countries where they may be tortured "represents a 'systemic peril' to the RCMP's ability to share intelligence."

Honourable senators, this government is flailing about, unable to get the attention of our neighbours to the south. We seem to be

powerless in this relationship, with four fairly serious issues that have yet to be dealt with. Some have been going on for years. What will Paul Martin do to strengthen our position so that Canada can have some say about what is going on in North America? When will he start doing it?

Hon. Jack Austin (Leader of the Government): Honourable senators, of course, the question is full of empty rhetoric on the part of Senator Stratton. As I have said often, and as I think Canadians understand, the relationship between Canada and the United States is an excellent one. It does not serve Canada's interests for questions of this type, which are empty in facts, to be constantly bruited about, particularly in the media, which can seize on claims and innuendos and not take account of reality.

Honourable senators know that the government has done all that can be done in each of the issues to which Senator Stratton has referred. We have pursued the United States on the softwood lumber issue in every bilateral and international forum and have won repeatedly. If Senator Stratton knows how to move Congress on international trade issues, we would welcome his disclosure.

With respect to the Devils Lake water diversion, I have answered several times that we have made every effort to persuade the United States to make a reference with respect to the unilateral actions of the State of North Dakota. There have been references to earlier studies by the U.S. Army Corp of Engineers, and I have taken notice of Senator Johnson's question so I can answer it in detail. That is not the issue. The issue relates to the unilateral creation of a circumstance by one U.S. state, on which the Secretary of State has as yet taken no action.

The Government of Canada has taken every possible step to deal with the closed border on Canadian cattle over the age of 30 months. It may have escaped Senator Stratton's notice that the United States Department of Agriculture has supported the opening of the border with the United States and that it is a federal court in Montana that has issued an injunction. That is their judicial process. If Senator Stratton knows how to obviate the judicial process of the federal court in Montana, I would welcome his advice.

Honourable senators, this is not a helpful set of questions because it is not fact based.

Senator Stratton: I beg to differ. I mentioned three specific cases: BSE, softwood lumber and now Devils Lake. We have 16 days left to act on the proposed Devils Lake water diversion. What is your government doing?

Senator Austin: Everything that can be done has been done, and it has been done well. If Honourable Senator Stratton knows how to motivate the U.S. courts or the Congress, we would welcome his constructive suggestions.

Senator Stratton: I have a suggestion. How about sending former Prime Minister Brian Mulroney there? We will then see how things can be dealt with.

Senator Austin: Honourable senators, is that a suggestion made by Senator Stratton on the request of former Prime Minister Brian Mulroney?

HEALTH

PUBLIC HEALTH AGENCY—WEST NILE VIRUS AND AVIAN FLU—EFFORTS TO CONTROL AND CONTAIN SPREAD

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government and has to do with the West Nile virus. Last week, I heard serious concerns expressed by global leaders that we could be facing a pandemic of West Nile virus. The cooler temperatures of last summer may have contributed to the low number of human cases of West Nile virus last year. There were only 26 confirmed human cases in 2004, which was significantly lower than the previous year. This summer, however, Environment Canada says that temperatures will be warmer than average, and a resulting rise in the number of mosquitoes could lead to a rise in the number of human West Nile cases. Could the Leader of the Government inform us of the status of Health Canada and the Public Health Agency's preparations to deal with this possible variation?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for his question. This issue is being monitored by the Public Health Agency of Canada, which is based in Winnipeg. As the honourable senator says, the number of incidents is certainly expected to be different than the number during last year's relatively cold and wet season. I cannot add any further information at this time.

Honourable senators, I want to use this occasion to praise the Public Health Agency for its outstanding work in dealing with the Marburg and Ebola viruses which have attracted global attention. I make that comment gratuitously but deservingly, I believe.

Senator Keon: That is fair enough, and I join the minister in highly commending what the agency has achieved thus far.

I have heard that should the virus that causes the avian flu invade domestic chickens, the spread can be controlled by vaccination of the fowl. Could the Leader of the Government make an inquiry and tell us whether such a vaccine is available to Canadians? I know it is available in other countries such as Thailand. Domestic fowl can be vaccinated if the virus happens to get into the domestic fowl pool.

Senator Austin: I will be happy to try to provide an answer quickly.

CANADA-UNITED STATES RELATIONS

DEPARTMENT OF STATE— 2005 REPORT ON TRAFFICKING IN PERSONS

Hon. Consiglio Di Nino: Honourable senators, my question for Leader of the Government in the Senate concerns a report recently released by the U.S. Department of State on international trafficking in persons, one of the most despicable acts against humanity.

Although the U.S. State Department has been critical of our country's efforts against human trafficking in recent years, this

year's report moves Canada back into the highest tier of compliance for the elimination of trafficking. However, the State Department continues to be critical of our government on several different fronts, including the low number of prosecutions and convictions of traffickers, the lack of coordination and data collection on the victims, and the controversial exotic dancer visa program, which the report notes has not been entirely suspended. Could the Leader of the Government in the Senate provide us with the federal government's response to the criticism laid out in this report?

Hon. Jack Austin (Leader of the Government): Honourable senators, our response with respect to the issue of human trafficking and the application of domestic law has been provided by the Minister of Justice, who has announced that legislation is under way to deal with certain aspects that will bring human trafficking under closer supervision and control.

• (1500)

With respect to the report itself, I cannot comment specifically at this moment but I will be happy to provide a detailed answer to Senator Di Nino.

Senator Di Nino: Honourable senators, the report from the U.S. Department of State made repeated mention of trafficking of South Koreans into Canada, noting the possible abuse or lack of a visa requirement. One such passage reads:

Airline passenger analysis shows that the number of Koreans returning to Korea on flights from Vancouver, Canada, is 25 per cent less than the number arriving on flights from Korea, but the ties to trafficking are not known.

Could the Leader of the Government in the Senate make inquiries as to whether the federal government agrees with this particular finding from the U.S. Department of State? If so, are there any investigations underway to determine if there is a link to human trafficking?

Senator Austin: I will take notice of that question. As the Honourable Senator Di Nino is aware, Canada does not have visa requirements with respect to citizens of South Korea seeking to enter Canada.

Senator Di Nino: My concern is the accusation in this report that human trafficking is taking place between Korea and Canada. They are suggesting that this may be one of the areas where we could be taking a look.

I am sure all honourable senators would agree that trafficking is one of the most despicable acts against humanity, particularly when it deals with women and children. This report is asking if we are doing everything we possibly can to stop this insanity, which happens to intrude into our country from time to time.

Senator Austin: Honourable senators, this issue is at the fore in terms of government policy, and I will endeavour to provide whatever additional information I can in answer to Senator Di Nino's question.

ROYAL CANADIAN MOUNTED POLICE

FINANCIAL TRANSACTIONS REPORTS ANALYSIS CENTRE—RESPONSE TO REPORTS ON MONEY LAUNDERING

Hon. David Tkachuk: Honourable senators, according to a Canadian Press story that appeared in several newspapers earlier this month, in 2003 the RCMP did not pursue more than a third of the money laundering tips passed on by the Financial Transactions Reports Analysis Centre of Canada, for the simple reason that it did not have the resources. In Canada's three largest cities, almost half the tips from FINTRAC were abandoned, again because the RCMP did not have adequate resources.

Why does the government continue to pour money into the gun registry budget while failing to provide the RCMP with the necessary funds to pursue tips that could lead to arrests of those who launder the proceeds of crime or who finance terrorist activities?

Hon. Jack Austin (Leader of the Government): Honourable senators, as to the first part of the question, I will make inquiries to determine and advise the chamber whether the RCMP takes the position that it needs additional funds to deal with reports from FINTRAC on money laundering.

As to the other part of the question, the government is firmly committed to its policies relating to gun control and believes that the registration of guns has had an ameliorative effect on the use of guns in the commission of crimes. That is the opinion of the police forces of Canada.

Senator Tkachuk: Last week, the Minister of Finance announced that Canada has agreed to take on the presidency of the Financial Action Task Force for a 12-month period beginning July 2006. This task force was originally created in 1989 to combat money laundering, and more recently has had the fight against terrorist financing added to its mandate.

Now that Canada is assuming the presidency of the Financial Action Task Force, does the government plan to lead by example in ensuring that the RCMP has the necessary resources to pursue all of the relevant money laundering and terrorist financing leads passed on by FINTRAC?

Senator Austin: I do not accept the premise of Senator Tkachuk's question. By taking on the international task force responsibilities, Canada has demonstrated its deep concern for the issue of money laundering and the use of funds for crime and terrorist purposes. The government, as I have said, believes that domestic activities are properly provided for, but I will pursue the first question that Senator Tkachuk asked.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

FIREARMS CENTRE—EFFICACY OF REGISTRY IN REDUCING VIOLENT CRIME

Hon. David Tkachuk: Honourable senators, the Leader of the Government in the Senate, in answering the previous question, said that the gun registry was assisting the police in reducing the crime rate and the murder rate. I wonder if he could produce statistics for the gun registry to support this claim. I would ask that he also produce statistics for the Gun Control Act passed in the 1930s for handguns and table it here to show how handgun control has lowered the murder rate.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will seek that information. It is my information and belief that the use of guns in violent crimes has declined.

NATIONAL DEFENCE

GAGETOWN—TESTING OF AGENT ORANGE AND AGENT PURPLE

Hon. Michael A. Meighen: Honourable senators, the Minister of National Defence recently acknowledged that the U.S. military tested the herbicide Agent Orange over CFB Gagetown in the 1960s. Agent Orange contains dioxin, a proven carcinogenic chemical. New studies indicate that Agent Orange was used as early as 1956, although the government only acknowledges its use in 1966 and 1967.

Yesterday, there was yet another revelation linked to these joint American-Canadian tests. The U.S. Army report indicated that the herbicide Agent Purple, which is three times more toxic than Agent Orange, was also tested over CFB Gagetown in 1966.

My question to the Leader of the Government in the Senate is as follows: Since both the United States and Canada were apparently cooperating on these tests that occurred on Canadian soil, surely the government should know exactly what was tested and when. These herbicides have been known to contain dioxin since 1971. One would assume that American and Canadian authorities have been in contact at some time over the last 34 years to discuss the issue. When will the government come clean and let Canadians know exactly which chemicals were sprayed over Canadian soil, and on what dates these tests occurred?

Hon. Jack Austin (Leader of the Government): Honourable senators, as the Honourable Senator Meighen is aware, these two toxic agents, Agent Orange and Agent Purple, were used in remote areas of the Gagetown base in the 1960s. At that time, they were commercially available and the degree of risk was not known. Much more is known about these chemicals today than was known when they were first used.

The Department of National Defence is now searching for all available information with respect to when these two toxic chemicals were used and in what areas, and to determine who was affected by them.

I wish to assure honourable senators that if there is any report of health effects from the use of these chemicals, the department will be anxious to assist that individual or those individuals.

Senator Meighen: That is encouraging news, because I think it is new news. Honourable senators are aware that the Minister of National Defence has regularly indicated that some sort of compensation is in the works for veterans. The minister, however, continues to avoid the question of whether or not civilians who worked at CFB Gagetown would also be compensated. These civilians who worked at Gagetown have since developed a plethora of diseases such as cancer and emphysema. Some of these civilians, who were teenagers at the time, were involved in clearing the brush after the aerial release of these toxic chemicals, putting them in direct contact.

Will the government — and I take it from the comments of the leader that it will — take steps to compensate civilians, not to mention veterans? Does the government intend not to do so and to thereby maintain a double standard between veterans and civilians?

Senator Austin: Honourable senators, the question is a good one, and I am happy to answer that the government has programs in place for civilian government employees who may have been affected by the use of Agent Orange and/or Agent Purple.

Where they were employees of private corporations, there is also additional recourse to provincial worker's compensation boards.

• (1510)

GAGETOWN—TESTING OF AGENT ORANGE AND
AGENT PURPLE—TIMING IN RELATION TO STATED
POSITION ON VIETNAM WAR

Hon. David Tkachuk: Prime Minister Pearson was opposed to the Vietnam War and had made that clear, in public, to the President of the United States, Lyndon Johnson. At the same time as he was doing that, was he making arrangements to have the testing of Agent Orange done on Canadian bases? Can the leader determine whether there were other bases where testing of weapons by the Americans for use in Vietnam was done on Canadian soil?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will certainly take the question as notice. I wish to refute immediately any implication of duplicitous behaviour on the part of former Prime Minister Pearson.

Senator Tkachuk: That is too bad.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present five delayed answers to oral questions raised in the Senate. The first is in response to an oral question raised on May 4, 2005 by Senator

Stratton regarding health services obtained by the Prime Minister. The second is in response to a question raised on June 1, 2005 by Senator Angus regarding bank mergers and the release of guidelines.

[English]

The third response is to a question raised by Senator LeBreton on June 7 in regard to Crown corporations extending access to information. The fourth is in response to oral questions raised on May 31, 2005 by the Honourable Senator Oliver regarding the legislative and regulatory framework for federally regulated pension plans, fund to guaranteed pensions. The last delayed answer is in response to an oral question raised on June 7, 2005 by the Honourable Senator Gerry St. Germain concerning malachite green.

PRIME MINISTER

USE OF PRIVATE HEALTH CARE FACILITIES

(Response to question raised by Hon. Terry Stratton on May 4, 2005)

The prime minister visits his doctor at a clinic where anyone can walk off the street and get services. He uses his health card every time to pay for any primary health care services like millions of Canadians.

FINANCE

BANK MERGERS—RELEASE OF GUIDELINES

(Response to question raised by Hon. W. David Angus on June 1, 2005)

The Minister of Finance has indicated that the government's policy paper on large bank mergers would be released in due course.

Given the importance of this issue, the Minister has also indicated that he would like to consult with opposition parties to assess positions and to ensure that a discussion of policy in this area would occur in a constructive environment.

JUSTICE

ACCESS TO INFORMATION ACT—LEGISLATION
TO AMEND—LEGISLATION TO INCLUDE
CROWN CORPORATIONS

(Response to questions raised by Hon. Marjory LeBreton on June 7, 2005)

There are currently eighteen parent Crown corporations not subject to the *Access to Information Act*. (Three of these are wholly-owned subsidiaries required to report as if they were parent Crown corporations.)

The government is currently planning to schedule ten of these eighteen Crown corporations under the *Access to Information Act* by means of an Order-in-Council. We expect the Order-in-Council to be effective as of September 1, 2005, permitting the Crown corporations time to organize and set up *Access to Information* offices, including hiring and training employees.

The government is of the view that seven Crown corporations require additional protections before being made subject to the *Access to Information Act*. Officials in the Department of Justice and the Treasury Board Secretariat are currently working with these Crown corporations to develop appropriate exemptions under the Act to provide stronger protections for commercially-sensitive and third party information. In addition, the Canadian Broadcasting Corporation requires a new exemption under the Act to protect programming and journalistic integrity. These exemptions will require amendments to the *Access to Information Act* and will be submitted to Parliament for review as part of a larger reform initiative.

The Canada Pension Plan Investment Board is a unique Crown corporation in that, like the Canada Pension Plan itself, federal and provincial governments jointly govern it. Any legislative and regulatory changes affecting it must be approved by two-thirds of the provinces representing two-thirds of Canada's population before they can take effect. The Canada Pension Plan has in place a policy review process that requires federal and provincial governments to review the plan every three years. During the current triennial review, which is expected to be completed by the end of this year, federal and provincial governments will review the issue of extending the *Access to Information Act* to the Canada Pension Plan Investment Board.

FINANCE

LEGISLATIVE AND REGULATORY FRAMEWORK FOR FEDERALLY REGULATED PENSION PLANS— FUND TO GUARANTEE PENSIONS

(Response to question raised by Hon. Donald H. Oliver on May 31, 2005)

On May 26, the Department of Finance released a consultation paper on strengthening the regulatory framework for defined benefit pension plans registered under the *Pension Benefits Standards Act, 1985*. The Department of Finance will receive submissions until September 15. The timing of next steps will depend on the outcome of the consultations.

The Department of Finance is seeking views on a broad range of issues with respect to the legislative and regulatory framework for federally regulated defined benefit pension plans. One of these issues is the viability and possible design of a federal pension guarantee fund. The department has not made any commitment to the creation of such a fund. The

paper identifies a number of considerations. Depending on the results of the consultation, the department will provide a recommendation to the Minister of Finance in due course.

CANADIAN FOOD INSPECTION AGENCY

CAMPBELL RIVER AQUACULTURE FARM—PRESENCE IN CHINOOK SALMON OF BANNED CHEMICAL MALACHITE GREEN

(Response to question raised by Hon. Gerry St. Germain on June 7, 2005)

1. Can the government leader please update us on what efforts the CFIA is engaged in to discover how this banned substance made its way into the chinook salmon farm in Campbell River?

When the CFIA was advised, it took immediate recall action to recover all available product.

The CFIA took this action after being advised by the BC Ministry of Agriculture Food and Fisheries (BCMAFF) that they had identified the presence of Leucomalachite green (a metabolite of malachite green) in chinook salmon.

The CFIA continues to collaborate with the province as they continue their investigation. Provincial governments have the responsibility for aquaculture leases and licenses.

On 7 June, 2005, the CFIA issued a Communiqué to federally regulated fish processing establishments and licensed fish importers reminding them of their responsibilities in the production of safe and quality fish and fish products.

2. Can the Minister find out how carcinogenic this chemical is and whether it does pose a danger to those people who consumed the 85,000 fish?

Health Canada (HC) is responsible for establishing food safety standards in Canada. The CFIA's role is to enforce the food safety standards established by Health Canada.

Malachite green (MG) is not approved in Canada for use in any food-producing species, including fish, therefore a comprehensive evaluation has never been conducted. The actual risk to human health from MG/Leucomalachite green (LMG) residues in fish are unknown, however the carcinogenic potential of these compounds can not be ruled out based on the available scientific information from laboratory animal studies. The levels of residues detected in the fish have been extremely small (below 1.5 parts per billion) nevertheless, since the dose response for this chemical is not known, a safe level of exposure cannot be determined. Given the low levels of MG/LMG residues detected in contaminated fish, the probability of serious adverse consequences is considered remote. As a precautionary measure, Canada is taking a zero tolerance policy in order to minimize the risk to Canadians from being exposed to a potential carcinogen.

3. Could the Leader of the Government in the Senate advise us of CFIA's policy for issuing for public alerts?

Public alerts are normally issued with Class I health risks. Such risks (Class I) are of sufficient magnitude and concern that even the additional exposure from small quantities in consumer's possession is to be avoided. This level of risk was not identified for the malachite green contamination in these fish. Health Canada and the CFIA recommended that this issue be labelled as a Class II hazard until such time as new scientific evidence is available and can be evaluated.

Longer term exposure was to be avoided and that is the reason for the removal of the product from further distribution in the food supply.

It was also strengthened with the appointment of a parliamentary secretary to the Minister of Social Development with special emphasis on social economy. These appointments reflect the priority Canadians place on strengthening our country's social foundations.

The minister has been mandated to make SDC the focal point for social policy development within the Government of Canada. His task is to work horizontally within the federal system and in full partnership with other levels of government, voluntary and non-profit organizations, social entrepreneurs and the private sector to promote social well-being and income security for Canadians.

SDC strengthens Canada's social foundations by ensuring that families with children, people with disabilities and Canada's seniors have the supports they need to participate and play an active role in the life of our country. In so doing, it helps to create stronger communities where each and every Canadian is fully included.

Honourable senators, this bill affirms the core values Canadians hold dear. I firmly believe that Canadians share a sense of collective responsibility for the welfare of all members of our communities. We want all Canadians, especially the most vulnerable and disadvantaged, to have the social supports they need to enjoy a good standard of living and quality of life.

For example, quality child care is one of the most critical supports today's parents require. What once may have been considered a luxury is now a national necessity. Parents expect that their children will have quality learning experiences and be well cared for as they pursue family, community and work commitments. That is why the Government of Canada recently confirmed its commitment of \$5 billion over five years, with \$700 million being made available immediately for an early learning and child care initiative to be developed in collaboration with the provinces and territories.

SDC is working to ensure that provinces and territories have the flexibility to best meet the needs of their citizens and also meet a core set of principles agreed to by federal, provincial and territorial ministers in November 2004: high quality, universally inclusive, accessible and developmental.

In addition, the government has made significant investments in addressing child poverty. By 2007-08, the combined National Child Benefit Supplement and the Canada Child Tax Benefit expenditures are projected to reach \$10 billion.

The department's commitment to the social well-being of all Canadians is particularly clear in its efforts to address the needs of today's and tomorrow's seniors. The public pension programs that Social Development Canada administers are critically important sources of income for Canadian seniors. They are also the federal government's biggest single expenditure.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would ask that No. 7 on the Order Paper, Bill C-22, be called first. That is the bill to establish the Department of Social Development. We can then proceed to all other items as they stand on the Order Paper.

DEPARTMENT OF SOCIAL DEVELOPMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs moved second reading of Bill C-22, to establish the Department of Social Development and to amend and repeal certain related Acts.

She said: Honourable senators, I am pleased to have this opportunity to outline what I believe are the many benefits of the legislation before us. I welcome this chance to explain the process leading to the creation of Social Development Canada, or SDC, and to provide a brief overview of the many advantages to Canadians of having a department focused solely on social policy development and implementation. Bill C-22, which is largely administrative in nature, provides a legal basis for the Orders-in-Council of December 12, 2003.

The bill will formalize the legal structure and confirm in law the work of the department since the Prime Minister announced the reorganization of the former Department of Human Resources Development, or HRDC. The decision to split HRDC to create the departments of social development and human resources and skills development reflects the advice of parliamentarians.

The June 2000 report of the House Standing Committee on Human Resources Development and the Status of Persons with Disabilities recommended this division of responsibilities. The capacity to advance the social agenda was enhanced by the July 2004 decision to create a Minister of State for Families and Caregivers, providing a new focal point for the government's commitments with respect to families and those who care for family members.

Likewise, the recent budget announced an increase to the Guaranteed Income Supplement of \$2.7 billion over the next five years. This will help ensure that the needs of this generation of low income seniors, and those who will follow, are met.

Similarly, there will be increases for the New Horizons for Seniors program of \$60 million over five years. Increases to this program will ensure that seniors continue to play active roles in their communities as they move into retirement.

Given the rapid increase in the number of seniors as Canada's baby boomers retire, we must be prepared to meet future needs as well as seize the opportunities these healthier, better educated and engaged seniors will present. SDC's mandate, which will include establishing a national senior's secretariat, will help ensure that this happens.

One of the impacts of our aging population is a growing reliance on family caregivers to help elderly relatives with their everyday activities. This will continue in the coming years, given demographic trends. The 2004 Speech from the Throne committed Social Development Canada to developing a national consultation and engagement strategy to identify measures to improve support for informal caregivers. The Minister of State for Families and Caregivers is currently engaged in a series of national round tables to consult with experts and stakeholders, and with Canadian caregivers themselves.

• (1520)

Honourable senators, people with disabilities rightly expect to be treated with dignity and to have equal opportunities to live life to the fullest. They expect governments to create a level playing field for them in order that they can achieve their full potential, and to reassure them that Canada remains a world leader in social development and human rights.

With SDC playing a leadership role in advancing this goal, the Government of Canada allocates \$6.7 billion a year for income support, tax measures and programs for Canadians with disabilities. This includes \$253 million to help people with disabilities find and retain employment and \$50 million to help families care for disabled children.

Non-profit and voluntary sector organizations and social entrepreneurs are increasingly at the forefront in meeting the needs of the disadvantaged and the disenfranchised. These groups expect to be heard and heeded in discussions about the best ways to build a compassionate, healthy, productive and just society. SDC works closely with the non-profit and voluntary sector under the Voluntary Sector Initiative that, among other things, provides increased opportunities for these organizations to engage in developing public policy.

Social Development Canada is also an integral part of the government's commitment to supporting the social economy — those businesses that reinvest in their community by using their skills and services for social goals. The government has announced that over the next five years it will invest \$132 million in the social economy, recognizing its importance in creating vibrant and sustainable communities.

One of the many strengths of Social Development Canada is its ability to bring all the parties with a role in social development together to see where the many partners' efforts complement each

other and where there are still gaps that need to be acted upon. These strengths enable SDC to take a more cohesive, integrated approach to social development that is linked to the real lives and expectations of Canadians.

A further feature of the proposed Department of Social Development Act of particular importance to Canadians is its protection of the personal information code that respects and protects Canadians' privacy. The code governs the disclosure of personal data and ensures due diligence for the management of personal information. It is based on existing codes found in the Canada Pension Plan and the Old Age Security Act and will operate in conjunction with the Privacy Act. This code will form a detailed framework for all of the department's current and future programs.

Although the majority of the provisions in this legislation are taken from the former Department of Human Resources Development Act, there is one amendment of special interest to Canadians with disabilities. Bill C-22 will repeal the Vocational Rehabilitation of Disabled Persons Act, which became obsolete in 1998 when more modern federal-provincial agreements were reached to enhance programs and services for people with disabilities.

Honourable senators, as necessary as it is to talk about the mechanics of this act and the various responsibilities and authorities it contains, it is even more important to talk about the progress this legislation makes possible. Canadians expect their governments to keep pace with the new realities of the world around us. At the same time, they want to be sure we continue to reflect their unwavering values, ensuring all members of our community share fully in the benefits of Canadian citizenship.

With the creation of Social Development Canada, all of these objectives can be achieved. It is now up to us to work toward the passage of this worthy legislation to ensure that Canadians can count on progressive social policy development that reflects their needs and their priorities well into the 21st century.

On motion of Senator Stratton, debate adjourned.

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

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Bill Rompkey (Deputy Leader of the Government) moved third reading of Bill C-3, to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act.

He said: Honourable senators, Senator Moore is unavoidably absent today. I hope we can find agreement to put this bill to a vote on third reading now. It has been examined thoroughly in committee and my understanding is there are no amendments or observations contemplated. I hope that we can move it along at this point.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, Senator Angus is our critic on this bill and I would like to talk to him before proceeding with this item.

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

[*Translation*]

DEPARTMENT OF HUMAN RESOURCES AND SKILLS DEVELOPMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-23, An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I am pleased to take part today in the debate on Bill C-23, to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts.

[*English*]

The new Department of Human Resources and Skills Development, or HRSD, and the new Department of Social Development, to be created with Bill C-22, are the result of the splitting up of the old Department of Human Resources Development Canada. HRSD has been operating for a year and a half, since December 2003, under an Order-in-Council.

We have had to wait all this time for the opportunity to debate the wisdom of dividing the old HRDC into two parts. The delay is inexcusable. This bill was not even introduced until last November, almost a year after the department was created. There was plenty of time during that year, even with an election, to debate this change. However, there was no opportunity for input from Parliament or from Canadians on the creation of this department. The department was created because Paul Martin wanted it to be created. The end result is that we are debating a change that was signed, sealed and delivered in 2003.

All honourable senators are aware of the terrible cost that would be incurred if we were to try to put the two departments back together at this point. Consequently, we are in the position of having to rubber stamp Paul Martin's decision — so much for his promise to improve the democratic deficit. Honourable senators will remember his call to “reconnect Parliament to

Canadians and renew the capacity of parliamentarians from all parties to shape policy and legislation.” Members of all parties — and I assume that he meant to include the Conservatives — were to have a hand in shaping policy and legislation. I humbly submit that no one other than the Prime Minister has a hand in this bill.

I would have thought that by now Paul Martin would have realized that this is a backward way of setting up a new department. Putting the cart before the horse can lead to a bit of a political mess. We saw this when the House of Commons decided to vote against the government's plan to split up the Department of Foreign Affairs and International Trade. We also saw the government's contempt for the political process when it ignored Parliament's decision and decided to proceed anyway.

It is not my purpose today to try to undo what has already been done. It is my purpose to try to make this new department work better by raising questions about what it does and how it does it.

• (1530)

I do think it is interesting, honourable senators, that HRSD arose from a department that was under close scrutiny back in 2000. Senators will recall that the former Auditor General, Denis Desautels, found massive mismanagement in HRDC. It seemed there was \$1 billion in unaccounted spending, most of which had been directed to Liberal-held ridings, some of which did not even qualify for any funds at all.

The current Minister of Public Works, Scott Brison, was clearly disgusted with the goings on in the Liberal government when he said to the House of Commons in December 10, 2002:

We are all familiar with the HRDC scandal and the fact that under the government billions of dollars were wasted, misdirected and lost for a time, and the Auditor General helped us identify this at the time. However, from a basic competence issue, this is a government that lost billions of dollars for a period of months. It is pretty hard for a Canadian to consider how a government loses billions of dollars. What happened in the next budget presented by the finance minister? The minister for HRDC received a \$1-billion increase as a reward for her gross incompetence.

Ironically, he has since found himself in a position of having to defend waste and, as he called it, “gross incompetence.” Politics is full of these little ironies.

With this bill and its companion, Bill C-22, the old scandal-ridden HRDC appears to have conveniently disappeared and the \$1-billion boondoggle swept from Canadians' minds. The problem was taken care of.

The new department that has arisen to take the place of HRDC seems to have taken on a life of its own. This half of the old department alone is administered by no fewer than three ministers and three parliamentary secretaries, while still being closely linked to its partner, the Department of Social Development. What we are getting is a larger bureaucracy soaking up taxpayers' dollars. This is not my idea of a smaller, responsive government. This is a bureaucratic monster in the making.

I am not sure we need a Minister of Housing, along with a parliamentary secretary, when the area of housing is really a provincial responsibility, aside from the work done by the Canada Mortgage and Housing Corporation in support for communities to reduce homelessness.

The Minister of Housing is also the Minister of Labour who, according to clause 18 of the bill, “may be appointed.” The bill is telling us that Labour is an optional ministry. I think that the government is already large enough without adding an optional minister.

I believe there is value in looking at the new department and critically examining what it does and how it does it. One of my key concerns is a program based in HRSD which is in need of serious overhaul. This program is employment insurance, as it is now called.

Honourable senators, I have spoken about this matter before, year after year, because it is one that requires urgent attention. It is a matter that many people have spoken about over the last several years because that is how long the problem has been dragging on. Unfortunately, very little has been done about it.

EI premiums, which are paid into the EI fund by both employers and employees, are a tax on jobs. They make it more expensive to employ people, and they make it more expensive to work.

When Paul Martin was Minister of Finance, he told the House of Commons Finance Committee on October 17, 1994, that:

We believe there is nothing more ludicrous than a tax on hiring, but that is exactly what payroll taxes are.

Not long after saying these words, he turned the employment insurance system into another source of revenue, using artificially high premiums to balance the government’s books. There have been many changes in the administration and use of employment insurance — or unemployment insurance, as it was once called — since it was created in 1940. However, until Paul Martin came onto the scene, EI premiums had never been used as just another tax.

The problem with the misuse of EI premiums dates back several years. The Auditor General began questioning the size of the EI surplus back in 1999, yet nothing changed and the EI surplus only grew.

Last year, five years later, in a November 2004 report, the Auditor General pointed out that the surplus had increased by \$2 billion since the problem was first highlighted, to reach \$46 billion in 2003-04. No wonder Canadians are a little cynical about paying down the debt. This government is paying down the debt on the backs of Canadians with this tax on jobs.

In a harsh criticism of the government, the Auditor General stated in her report:

[Senator Stratton]

In our opinion, the government has not observed the intent of the Employment Insurance Act. In 2003, the government announced that it would conduct consultations on a new rate-setting process and would introduce legislation to implement a new process for 2005. In the 2004 Budget, the government noted that it was reviewing the results of the consultations and still planned to introduce legislation for 2005. However, the government is yet to address the concern about the accumulated surplus in the Employment Insurance Account.

Honourable senators, the government has introduced Bill C-43, which sets out new rules for setting EI premiums based on the expected cost of the program in the coming year. The EI Commission will set the premiums on the advice of the program’s actuary, who will calculate a rate that will cover costs using forecasts provided by the Minister of Finance. These forecasts may not be independent, which could result in the actuary recommending rates that are higher than needed.

The government could also use “public interest” as an excuse to set a higher rate than needed, but the level of the EI surplus will play no role in setting the premium. This is unbelievable, given that the cumulative EI surplus will balloon to \$49 billion by March 2006. Do not forget that the original reason for the EI surplus was to allow for a cushion to prevent further premium increases and to take us out of a severe recession.

The bottom line is that these are not policies that will get rid of the tax on hiring. This government may be creating a new department, but it seems to me that it is new in name only. In reality, it is business as usual, with EI premiums being used inappropriately and an EI surplus that is continuing to balloon out of control.

We will need to examine some of the concerns that have been raised by the Auditor General about the use of EI premiums as a tax revenue source, concerns that we have been pointing to for over five years, concerns about which the government has done nothing. We need to do something about them. Then we will have a real change that will improve the situation for Canadians and Canadian businesses.

These are all issues that we will look at more closely in committee. I want us to do all that we can to ensure that this department will better meet the needs of Canadians in the most cost-effective means possible. I look forward to doing that.

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

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1540)

[Translation]

AERONAUTICS ACT

BILL TO AMEND—SECOND READING—
POINT OF ORDER—SPEAKER'S RULING—
ORDER WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Mercer, for second reading of Bill S-33, An Act to amend the Aeronautics Act and to make consequential amendments to other Acts.—(*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, on Tuesday, May 31, before resuming debate on the motion for the second reading of Bill S-33 to amend the Aeronautics Act, Senator Tkachuk rose on a point of order because of doubts he had regarding the need for a Royal Recommendation. In making his case, the senator referred to the appropriate Senate rules and to the constitutional provisions which clearly stipulate that any bill seeking the appropriation of public money must be sanctioned by a royal recommendation and must originate in the other place. The senator asked me as the Speaker to consider whether certain clauses in the bill might not need this Royal Recommendation.

[English]

There followed a brief statement by Senator Austin, the Leader of the Government, who doubted there was a need for a Royal Recommendation, though he asked for time to consider the matter. Senator Stratton, the Deputy Leader of the Opposition, then spoke to indicate that another portion of the bill raised additional questions about a possible requirement for a Royal Recommendation. The senator asked whether Part II of the bill, establishing an airworthiness investigative authority, might not involve new expenditures not authorized previously through legislation.

Other interventions were made by Senator Rompkey, the Deputy Leader of the Government, and Senator Cools before I recognized Senator Tkachuk for a second time. I wish to thank all honourable senators for their contributions to this point of order. As Senator Tkachuk indicated in his remarks, this is a challenging issue. For some years now, Royal Recommendations have been attached to government bills without clearly identifying the clauses which authorize the expenditure from the Consolidated Revenue Fund, even though this identification is supposed to be obligatory according to the procedural authorities. As an example, I would cite Marleau and Montpetit, the manual of practice for the other place. It states at page 711 that:

A royal recommendation not only fixes the allowable charge, but also its objects, purposes, conditions and qualifications.

In fact, as was mentioned, this issue was reviewed by the National Finance Committee in 1990.

This point of order is particularly important because of the consequences that flow from it. If it is determined that a Royal Recommendation is required for any part or clause of Bill S-33, then it must be discharged from the Order Paper so that it can be properly introduced in the House of Commons as constitutional practice requires. In order to decide this question to the best of my ability, I have reviewed the bill and studied several past rulings, as well as consulted various relevant procedural authorities. I have tried to be diligent in this respect in particular because I declined the request to carry the discussion on the point of order to the next sitting day.

Clause 17 of Bill S-33 replaces section 5.81 of the Aeronautics Act and would allow, among other things, the Minister of Transport to pay certain costs in clearing lands adjacent to airports of natural growth for safety reasons. The minister is entitled to recover any costs incurred in carrying out this activity from the airport operator who is, in fact, supposed to be responsible for this. In commenting on this provision, Senator Tkachuk recognized that these recoverable payments could be quite small. Nonetheless, he believed that they still constituted a charge on the public purse and that, as a matter of principle, they required a Royal Recommendation.

[Translation]

As to the second objection which was raised by Senator Stratton, I note that the Airworthiness Investigative Authority is to be an individual designated by the minister. This person has to be an employee of National Defence. According to the clause of the amended bill, the scope of this investigating authority is to include the power to investigate, to identify safety deficiencies, to make recommendations addressing identified deficiencies, and to publish reports on any investigations.

[English]

Based on the explanations presented, it is not certain whether either of these anticipated operations would be funded by a new appropriation which would require a Royal Recommendation or by existing allocations established through previous legislation. While it is the presence of a clause specifically authorizing a new appropriation that is supposed to be the trigger for a Royal Recommendation, I would point out that in recent years, the practice has been to use a non-specific Royal Recommendation that details nothing but rather covers many possibilities.

My guarded assessment about whether there is any clear authorization of a new expenditure in Bill S-33 calls to mind the conclusions of the National Finance report in February 1990. More than 15 years ago, the Senate agreed that the present use of the Royal Recommendation is unsatisfactory as a guide to understanding whether or not a new expenditure is being authorized through legislation. The report noted that the form of the current Royal Recommendation in use since 1976 does not define or specify the appropriation approved by the Governor General. This, in turn, leaves members of both Houses, including the Speakers, without a clear statement from the Crown as to what appropriation is being sought.

The committee's report also included some interesting testimony from the Chief Legislative Counsel of the Department of Justice. According to him, in advising the Government House Leader of the House of Commons about

the introduction of government legislation, the department prefers to err on the side of caution. That is, confronted with any dubious case, Justice would normally advise the government to seek a Royal Recommendation to a bill and avoid introducing it in the Senate because it might be ruled out of order. Nothing has changed to clarify the use of the Royal Recommendation since the Senate adopted the National Finance Committee report.

Honourable senators, we are confronted by an unusual situation. My ruling, if it were to permit the Senate to proceed with debate on Bill S-33, would run the risk of being effectively overturned in the other place if a point of order similar to this one were raised there. The Speaker of the other place is duty bound to jealously protect the rights and privileges of that House. Given the uncertainty that Bill S-33 may authorize new expenditures, though I remain unconvinced about this based on the arguments presented to me, it is possible that the Speaker could rule in favour of a point of order challenging the constitutional propriety of introducing legislation with financial implications in the Senate.

Faced with these circumstances, I have come to the following conclusion and make it my ruling that, since there is a plausible case that the bill may involve a new appropriation, second reading debate on Bill S-33 should not proceed. Consequently, unless the Senate wishes to challenge my ruling, I am ordering that the second reading motion of Bill S-33, to amend the Aeronautics Act, as well as the bill itself, be discharged from the Order Paper effectively nullifying all proceedings in connection with the bill.

In concluding, let me repeat that the challenge of assessing the requirements for a possible Royal Recommendation is more difficult than it should be. While the Crown has every right to preserve its prerogatives with respect to financial initiatives that appropriate new expenditures, the exercise of this prerogative should not impede the rights of Parliamentarians, either in the Senate or in the other place, in carrying out their responsibilities to consider and possibly amend legislation. Perhaps the time has come to again review the problems that the National Finance Committee identified in 1990.

Order withdrawn.

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. James S. Cowan moved second reading of Bill S-40, to amend the Hazardous Materials Information Review Act.

He said: Honourable senators, before reviewing the provisions of the bill, I would like to spend a few minutes describing the responsibilities of the Hazardous Materials Information Review Commission, an independent quasi-judicial agency of government. While it may have little public visibility, the commission plays an essential role in the protection of workers' health and safety.

The Hazardous Materials Information Review Act is the authority under which the Hazardous Materials Information Review Commission operates.

[The Hon. the Speaker]

• (1550)

The commission is a part of the Workplace Hazardous Materials Information System, or WHMIS, which is a joint undertaking of labour, industry and the federal, provincial and territorial governments. Under the authority of the federal Hazardous Products Act, WHMIS is the mechanism by which the health and safety information needed to handle hazardous products safely is disclosed to workers using those products.

The information is provided on product labels or material safety data sheets and identifies the hazardous ingredients in a product, the specific risks to the health and safety of those using the product, the precautions which must be taken in handling the material and the appropriate first aid measures in the event of accidental exposure to the hazardous ingredient.

When WHMIS was established in 1987, industry was concerned that there were circumstances in which the full disclosure of information on hazardous materials would betray trade secrets to the benefit of market competitors. For example, a company might find a new application for a hazardous ingredient in a manufacturing process. If the full chemical identity of that ingredient was made available to workers, it would also be made available to the company's competitors, and the company making the discovery would lose the competitive advantage it had gained through that discovery. The commission was created with a mandate to grant disclosure exemptions for bona fide trade secrets while, at the same time, ensuring that the documentation on the safe use of hazardous products provided to workers is 100 per cent accurate.

Honourable senators, I would also draw your attention to the fact that the Hazardous Materials Information Review Act has been incorporated, by reference, into occupational health and safety legislation in all our provinces and territories. The mandate of the commission, therefore, is to balance the rights of employers and workers to full information on the use of hazardous products with the rights of industry to protect trade secrets, not only on behalf of the federal government but also on behalf of the provincial and territorial governments.

Operationally, this means that when a business wants to protect information it considers a trade secret, it makes application to the Commission for an exemption from disclosure and, with that application, includes the required health and safety documentation. This differs from the situation in which there is no trade secret involved. In that case, the health and safety documentation will be subject to inspection by the federal, provincial or territorial government agency responsible for occupational health and safety in the industry in which that business operates.

The commission reviews the economic documentation in support of the claim for exemption from disclosure and determines whether the information meets the regulatory criteria for a trade secret. The commission also determines whether the accompanying material safety data sheet or product label is in compliance with federal, provincial and territorial requirements with respect to providing the information needed to protect the health and safety of those working with the product. If

the commission determines that the information being provided to workers is not in compliance with health and safety regulations, be they federal, provincial or territorial, the claimant is ordered to make the necessary corrections and to provide the commission with a copy of the corrected safety documentation.

The decisions and orders of the commission are published in the *Canada Gazette* so that all affected parties have full information on the corrections the claimant has been required to make. If the corrections are not made within a specified time period, there are remedial measures at the commission's disposal, including steps leading to the prohibition of the sale of the product in question.

Honourable senators, the commission delivers a truly national program. Key to the governance of the commission is its tripartite Council of Governors. The governors represent organized labour, industry, the federal government and all provincial and territorial governments.

The council acts as an advisory body to the commission and provides strategic advice and guidance. It is through the council that the concerns of stakeholders are expressed, and it is through the council that appropriate means of resolving these concerns are identified.

In 1998, with the full support of the council, the commission undertook a review of its operations to make them more effective and to address stakeholder concerns. Through this consultative process, many improvements in the operation of the commission and many mechanisms to deal with stakeholder concerns were identified. These changes have been implemented, except for three that require amendments to legislation.

Honourable senators, it is these amendments that are the subject of this bill. The bill amends the act to allow claimants to declare that the information for which they are seeking an exemption from disclosure is confidential business information. Currently, claimants are required to submit detailed documentation on the steps they have taken to protect confidentiality and on the potential financial implications of disclosure.

This is an administrative burden on claimants and on the commission. Most claims for exemptions are valid. Only two of the 2,200 claims reviewed by the commission have been denied. While generally allowing claimants to declare that information is confidential business information, the commission will collect full documentation when an affected party challenges a claim or when a claim is selected through measures set up to discourage false or frivolous claims.

The bill further amends the act to permit the voluntary correction of material safety data sheets and product labels when those are found by the commission to be non-compliant. As the act now stands, the commission must issue formal correction orders even if the claimant is fully prepared to make all necessary corrections voluntarily. Claimants feel that these orders imply a reluctance on their part to fulfill their responsibilities for workplace safety.

These orders are published in the *Canada Gazette* but do not become binding until 75 days after publication. Allowing corrections to be made without issuing an order will expedite the process of getting accurate safety information into the hands of workers as soon as possible.

Finally, the bill amends the act to improve the appeals process. The amendments will allow the commission to provide factual clarifications to appeal boards when these are needed to facilitate the appeals process. Appeals of decisions and orders of the commission are heard by independent boards with three members drawn from labour, industry and government.

Most of the 16 appeals heard to date would have benefited from this ability to obtain additional explanatory information from the commission, but that is not permitted under the current legislation.

Honourable senators, these are the amendments to the Hazardous Material Information Review Act being proposed by the Minister of Health. They have been the subject of extensive consultation with those affected and have the unanimous support of all stakeholders, and those stakeholders are looking forward to seeing them enacted by Parliament.

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

THE ESTIMATES, 2005-06

FOURTH INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report (fourth interim) of the Standing Senate Committee on National Finance (2005-2006 Main Estimates), presented in the Senate on June 9, 2005.

Hon. Joseph A. Day: Honourable senators, the Chair of the Standing Senate Committee on National Finance, Senator Oliver, is travelling and is therefore not able to begin the debate on this report.

• (1600)

I know that Senator Oliver is satisfied with the content of this report. It was discussed by the committee, and he filed the report. He has also given me permission to proceed with the debate on it and to outline generally for honourable senators the content of our fourth interim report on the Main Estimates for 2005-06.

Honourable senators will be aware that supply bills are dealt with in this place by tradition in a manner somewhat different from normal bills in that we do not usually send supply bills to committee when they arrive. The National Finance Committee studies the Main Estimates, which have been referred to that committee. We study them throughout the year. We have been studying the Main Estimates since they were referred to us in March of this year. These are the Main Estimates for fiscal 2005-06.

Our first report was filed in March and adopted by this chamber on March 22, and formed the basis for interim supply. The final supply for this fiscal year will be voted on in the other place later this evening. We are anticipating that that supply bill should arrive here tomorrow. We will then proceed to second reading two days hence, once first reading takes place. Then we will proceed directly to third reading.

The basis for the committee's background and study of the Main Estimates is reflected in this interim report. This report is called the fourth interim report. Honourable senators will recall that there were two other interim reports filed and discussed in some detail recently, one of them dealing with foundations that our committee studied in detail. An interim report was filed on foundations, and another was on officers of Parliament. Both of those interim reports were dealt with here in the chamber and adopted. This is the fourth interim report, which outlines the activity of your National Finance Committee during the past few months, other than that on those foundations and officers of Parliament that I mentioned previously.

There are two particular areas that I wish to draw to the attention of honourable senators. The first is the Office of the Comptroller General of Canada. This is a new office that has been created. We felt it was important to look into this development and determine how that department will make the finances of the government more accountable and transparent. We had a good meeting with officials from the Comptroller General's department and got a better understanding on how that particular department will work. We had the Comptroller General of Canada himself appear at a hearing. His name is Charles-Antoine St-Jean, and he appeared along with other members of his department.

The second newly created agency that we will continue to look into, because we are developing an understanding of how these departments and agencies will function, is the Public Service Human Resources Management Agency. That management agency is intended to take over certain functions previously carried out by Treasury Board Secretariat and by the Public Service Commission to focus on management issues such as learning and leadership development, official languages, employment equity, human resources planning, classification of employment, values, ethics and human resource systems.

The Treasury Board Secretariat will continue, and will concentrate on the collective bargaining and labour relations matters such as pensions and benefits. The Public Service Commission will also continue, but it will be focused on staffing issues.

As your committee, we would like to continue looking into those issues that your mandate already allots to us. We will continue to study those issues and any other issues that arise throughout the year as we study the Main Estimates for the rest of this fiscal year.

Honourable senators, I believe this report is a fair and accurate reflection of the work that we have done thus far. There is also mention of five bills that have been referred to our committee and dealt with during this fiscal year.

[Senator Day]

I would urge honourable senators to adopt this report that will form the basis for my urging you to support supply when it arrives.

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

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Biron, seconded by the Honourable Senator Robichaud, P.C., for the Second reading of Bill S-30, to amend the Bankruptcy and Insolvency Act (RRSP and RESP).—(*Honourable Senator Stratton*)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, we have had some discussions on this particular item. It is fair to say that those discussions are continuing. I would propose that I be allowed to take the adjournment, pending the conclusion of those discussions, until we see the disposition of the item.

The Hon. the Speaker: I take it that the matter will then stand.

Order stands.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to Rule 96(7)—Clause-by-clause consideration of a bill), presented in the Senate on June 9, 2005.—(*Honourable Senator Smith, P.C.*)

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, I could speak to this report but I do not think there is any controversy relating to this item. This was a matter raised by Senator Banks on clause-by-clause consideration of a bill.

• (1610)

I believe honourable senators are familiar with the subject matter. 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.

Honourable senators are familiar with the background. This rule was adopted without any controversy. It is not really necessary to go into the details unless there are questions.

The Hon. the Speaker: No senator having risen, I take it that honourable senators are ready for the question?

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON GOVERNMENT POLICY FOR MANAGING FISHERIES AND OCEANS

INTERIM REPORT OF FISHERIES AND OCEANS
COMMITTEE—MOTION REQUESTING GOVERNMENT
RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled *Interim Report on Canada's New and Evolving Policy Framework for Managing Fisheries and Oceans*, tabled in the Senate on May 19, 2005.—(Honourable Senator Comeau)

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

He said: Last October, the Standing Senate Committee on Fisheries and Oceans was given an order of reference to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans. On May 19, your committee tabled an interim report on that subject.

In March 2004, the Department of Fisheries and Oceans issued a new *Policy Framework for the Management of Fisheries on Canada's Atlantic Coast*. Regarding the Pacific fishery, a federal-provincial joint task group released a report in May 2004, entitled *Treaties and Transition*, a document that proposes to profoundly transform the way in which fisheries are managed in British Columbia. The task force, which we sometimes refer to as the Pearse-McRae report, proposes to place all Pacific fisheries, including those for salmon, under a property rights-based management.

In response to the task force, in April 2005, the Minister of the Department of Fisheries and Oceans, or DFO, announced changes to the management of the Pacific fishery, with more permanent changes expected in or around 2006. In recent months, the department has been proposing to change how our fisheries are managed across the board on all three coasts. Plans to "modernize" — which is the word used by DFO — Canada's fisheries may permanently and irrevocably alter the marine coastal fisheries. Amendments to the Fisheries Act may soon be introduced in Parliament in order to accelerate this so-called modernization.

Minister Regan does not have an easy portfolio. The Fisheries Act bestows on the minister broad discretionary powers to distribute wealth in the form of fishing licences and fish quotas. In fact, the minister has absolute discretion in providing access to wealth from the fisheries in the form of licences and leases. The mandate, programs and services of DFO therefore directly affect the lives and livelihoods of tens of thousands of people.

While many topics can be included under the caption of the federal government's "evolving policy framework for managing fisheries and oceans" — the committee's order of reference — individual quota licensing was the subject of much discussion in our meetings and in submissions, especially proposals for Pacific salmon. Our particular focus is the impact of the DFO's plans on the residents of coastal communities.

In fisheries, stability is maintained through the imposition of regulatory measures. A variety of strategies are employed to help maintain a balance between fishing capacity and available resources in order to prevent overfishing. These may include restrictions on fishing gear, fishing vessels, the size of vessels, the fishing seasons and in areas of fisheries permission. Setting a total allowable catch, or TAC, is another common measure. For the Pacific salmon, escapement levels are set to allow the fish to return to their spawning grounds.

Individual quotas, or IQs, and individual transferable quotas, or ITQs, have also been put in place in various sectors in Canada. When assigned to vessels in British Columbia, they are called individual vessel quotas, or IVQs. On the East Coast, they are sometimes called enterprise allocations, or EAs, as well as ITQs. If I have everyone sufficiently confused now, I will refer to ITQs from now on.

In the last decade, a key part of DFO's strategic plan has been to decrease its involvement in fisheries management in favour of greater industry involvement in the form of co-management. Individual or private quota arrangements fall within the department's co-management strategy and figure prominently in DFO's 2004 Atlantic Fisheries Policy Framework and the British Columbia Joint Task Force Report.

Individual quotas and licences provide individual fishermen or fishing companies with a right to harvest a certain amount of fish annually. It is a bit like going into a swimming inventory. Fishermen or quota holders are given a percentage of the total allowable catch, which is usually set once per year. Advocates of IQs, especially ITQs, view them as a means of rationalizing the industry and allowing them to operate in a more stable, orderly and efficient manner. Some of the often-cited economic advantages of such a regime include security of access to the resource; the elimination of the costly, derby-style race to the fish, which was traditionally called the tragedy of the Commons; a longer work season and more effective coordination of supply with the market demand; the potential for more effective long-term planning in terms of capital investment and market development programs; and the reduced need for government regulation.

Expanding co-management in self-regulating individual quota fisheries undoubtedly appeals to DFO. Management responsibilities and costs associated with research and monitoring can be further shifted or downloaded to the industry, especially in periods of government cutbacks to the Department of Fisheries' budget.

In Canada, the privatization of fishing rights began in earnest in the early 1980s with the restructuring of the Atlantic groundfish industry. Since then, privatization has been gradual over successive governments and under successive fisheries ministers. For this reason, the subject matter should not be viewed at all as a partisan issue. Ministers come, ministers go, but the bureaucrats live on.

Some senators may recall this important matter of public policy being last examined by the Fisheries Committee almost seven years ago. In their 1998 study, the committee members stated that, in all the presentations made since its creation in 1985, perhaps no other matter had been raised more frequently by witnesses and with as much emotional intensity.

In passing, I will mention that Professor C.E.S. Franks of Queen's University recently said that the Fisheries Committee report was:

...one of the truly useful series of policy documents that I had looked at.

However, I digress.

Also noteworthy is that the individual quota model, also known as the Property Rights-based Management Model, is one that has been embraced by classical economists, by neo-conservative theorists and think tanks, and by certain central Canadian landlocked newspaper columnists and editorial writers. It is a well-articulated economic model, one that has been promoted by the corporate sector in the fishing industry, and one that has long-committed supporters within the federal fisheries bureaucracy. However, many things can go wrong in quota fisheries, and these problems are discussed in our report.

• (1620)

In the past, when there have been stock declines in Canada's commercial fisheries, restructuring and adjustment programs were brought in. These included licence buybacks and early retirement programs, short-term income support, retraining, and economic diversification to assist affected fisheries workers and communities with their transition out of the industry. The department has indicated that in the future it does not plan to offer any new licence retirement programs or buyouts. The last opportunity fishermen had to leave the industry with government assistance was the Canadian Fisheries Adjustment and Restructuring Program of 1998.

ITQs are a powerful device for reducing fishing effort and the number of fishermen in a given fleet. Those who believe their quota share is too small to make a profit may buy or lease quota from others, or sell and leave the industry rather than continuing to fish. Fishermen who find it uneconomic and leave, and those who retire, receive a financial return, which is, I guess, a good thing. The outcome of this rationalization, however, is the consolidation of fleets, with fewer fishermen and fishing boats.

In practice, the total amount of financial capital invested in a fishing fleet increases because of the rising price of quotas. The passing out of ITQs provides a mechanism whereby those who are able to afford it, such as corporations and wealthy investors, can buy ever-larger shares of a fishery. Government may place restrictions on the maximum amount of quota holdings to prevent undue accumulation, but whether these restrictions are enforced can be an entirely different matter. Our committee will review this

again, but concentration restrictions in the past have not been enforced by the Department of Fisheries and Oceans.

ITQs transform fishing licences into tradeable ownership of specific quantities of fish. Initial allocations of fish are "gifted" freely, which amounts to a giveaway or windfall. Predictably, quota recipients are usually staunch supporters of their fishing rights, once in place. There are, however, serious shortcomings.

Parzival Copes, who appeared before the committee in February, said:

What is wrong with the ITQ? It is an invention of theoretical economics that substitutes a simplistic theoretical model for the real world. The model is narrowly focused on achieving short-term market-measured accounting profitability. It ignores many of the actual costs and benefits of the real world of fisheries....

Governments, including those that have introduced ITQs, typically proclaim marine fish resources to be common property resources to be used for the benefit of all the country's people.

The spectacular maldistribution of benefits from ITQ systems demonstrates the utter incompatibility of ITQs with a socially responsible use of a national common property resource.

For subsequent generations of aspiring small-scale fishermen, the consequences are considerable. Whereas in the past they could have expected to save enough to buy a boat and become an owner-operator, the high price of quotas becomes a financial barrier to entering the fishery.

Because fishery resources are common public assets belonging to all Canadians, important policy issues arise. For instance, should the considerable wealth often created by quota licences be somehow limited? Should it be shared in some way with other fishermen? Should it be returned to the federal government as "resource rent" in exchange for the granting of exclusive harvesting privileges? Should "armchair fishermen," or "slipper skippers," be allowed to lease their quotas to others?

A great concern to coastal communities is that quota holders may sell to others who can then move their base of operations to other locations. We have seen this happen quite often. Recently, Clearwater, in Lunenburg, Nova Scotia, decided to move its scallop operation to Shelburne. That was a corporate decision in which the local community had no say whatsoever.

Companies may rationalize their operations in larger centres and move their quotas and operators out of coastal communities. Such geographic redistributions not only displace fisheries workers but also create havoc in communities whose economy had historically relied on commercial fishing and fishery-related spin-offs.

Past shifts of quotas and landings, and the jobs that go along with them, have had disastrous effects on fishery-dependent communities. Canso, in Nova Scotia, is perhaps the best known example, but there are many more. The town of Harbour Breton in Newfoundland and Labrador is currently in the news. As a matter of fact, today the Premier of Newfoundland had to stay at the legislature rather than attend an Atlantic premiers' conference on Atlantic issues because of the impact the movement of Fisheries Products International's quotas away from Harbour Breton is having on that community. The town of Harbour Breton is indeed suffering the effects of this system.

Often, the result is that the taxpayer has to foot the bill to pay for the social consequences of such movement of quota, in the form of employment insurance, social assistance, costly economic diversification initiatives, et cetera.

Quota windfalls may also cause divisions within communities between the "haves" and the "have-nots," that is, those who have the quotas and those who do not.

Honourable senators, a 2004 study of the United States' General Accounting Office, the GAO, stated that IQ programs raise "concerns about the fairness of initial quota allocations, the increased costs for fishermen to gain entry, and the loss of employment and revenues in communities that have historically depended on fishing." The GAO outlined measures that could protect community interests and facilitate new entrants in individual quota-managed fisheries, concluding that the "easiest and most direct way to help protect communities under an [individual fishing quota] program is to allow the communities themselves to hold quota."

Interestingly, the GAO study was conducted to assist U.S. legislators in their deliberations on IQ programs, to examine the methods available for protecting the economic viability of fishing communities and to consider ways of facilitating new entry into IQ fisheries, which is exactly what is happening in Canada.

The Hon. the Speaker *pro tempore*: Honourable senator, your time has expired.

Senator Comeau: I have about another three or four minutes. Would honourable senators consent to extending my time?

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

Hon. Senators: Agreed.

Senator Comeau: Thank you, honourable senators.

I am unaware of any similar study or analysis of Canada's commercial fisheries, or whether DFO has ever studied the social impacts of individual quotas on coastal communities.

Those in Canada who do not like the Americans refer to them as right wing and market-oriented. The United States of America is trying to protect its coastal communities, yet no similar study is done when the same problems are faced in Canada. That is interesting.

An American Senate committee report noted that in the United Kingdom, where the introduction of ITQs is being contemplated for the first time, a 2004 report to the Prime Minister's strategy unit recognized that special steps were needed in some of that

country's most remote and vulnerable fishery-dependent communities. Community quotas, or CQs, are being considered in the United Kingdom in order to protect vulnerable and dependent fishing communities. In Canada, it appears that such alternative management systems are not even being considered. Even New Zealand, the arch-right, business-oriented, let-the-marketplace-control-everything country, recognized the need to consider community quotas when it privatized the fishery resources.

Canada's fisheries are socio-economically diverse. Species of fish vary widely in terms of their behaviour, abundance, distribution and market value. ITQs might be appropriate for some species and sectors but not for others. The DFO needs to consider them on a case-by-case basis. The nature of the fishery changes from one area of the country to the next. A one-size-fits-all management approach is not the best approach.

I should also like to mention that committee members have expressed an interest in looking at various other alternative models of fisheries management that directly involve coastal communities and how the communities might be involved in how their coastal resources can benefit them in the future.

• (1630)

The fishery is one of Canada's great public resources and the stakes in this debate are enormous. They include not only the long-term sustainability of Canada's fish resources and the viability of the fishing industry, but also the well-being of hundreds of coastal communities on the East Coast, the West Coast and in the North, where fishing is often the only available source of employment because few economic alternatives exist.

In closing, I wish to point out that the interim report of May 2004 is only a thumbnail account of the work in progress. Many witnesses have yet to appear to share their views with members of the committee. Many issues need to be looked at before the committee presents its final report.

Honourable senators, given that the committee has tabled an interim report, I move:

That the third report of the Standing Senate Committee on Fisheries and Oceans tabled in the Senate on May 19, 2005, be adopted; and

That pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as the minister responsible for responding to the report.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move adjournment of the debate in the name of Senator Hubley.

Senator Comeau: Honourable senators, there is a motion on the floor.

Senator Rompkey: This side does not necessarily disagree with the report, which has good content, or with the motion. However, we would prefer to discuss the report before the question is put on the motion to adopt the report.

On motion of Senator Rompkey, for Senator Hubley, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, did we skip Item No. 105? Senator Kenny would like to speak. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Colin Kenny: With apologies, honourable senators, I had the impression that Senator Stratton would speak to this motion in as much as it was adjourned in his name. I request leave to revert to Item No. 105.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted to revert now or at the end of the Order Paper?

Hon. Terry Stratton (Deputy Leader of the Opposition): This side prefers to revert to the item at the end of the Order Paper, please.

The Hon. the Speaker pro tempore: Leave to revert is not granted.

Hon. Joyce Fairbairn: Honourable senators, I request leave to revert to Item No. 23, the inquiry of the Honourable Senator Léger, standing in the name of Senator Kinsella.

Senator Stratton: If I may, the house seems to be digressing from the Order Paper. The Order Paper should be finished before reverting to those items.

Senator Fairbairn: Certainly.

Senator Kenny: Honourable senators, my earpiece does not seem to be working and, therefore, I am unable to hear all that is being said. That is why I requested leave to revert. I had been sitting patiently watching the Order Paper as the items were being called. I did not hear any response, but when my earpiece did work, I heard that we were two items past Item No. 105.

The Hon. the Speaker pro tempore: The item was stood by Senator Kinsella or Senator Stratton.

Senator Kenny: That is fair ball, Your Honour, but if senators cannot hear what is happening in the chamber, it is hard for them to participate. I do not know if other senators are having this kind of problem, but I certainly did not hear Item No. 105 called, and I sit beside the honourable senator.

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

Senator Stratton: No. This side denied leave before and is denying it again.

The Hon. the Speaker pro tempore: Honourable senators, the item we are dealing with is Senator Fairbairn's request to revert to Item No. 23. Is leave granted?

Senator Stratton: No.

Hon. Bill Rompkey (Deputy leader of the Government): Your Honour, the consensus of the chamber is that the Order Paper be finished before leave is granted to revert.

Senator Stratton: That is all we are asking.

Senator Kenny: I cannot hear the honourable senators opposite when they stay seated and speak. When the microphone system is on, we are not hearing a word. I understand that Senator Stratton said something, but I did not hear it. That is another example, Your Honour. Somebody said something, but I have no clue of what it was.

• (1640)

The Hon. the Speaker pro tempore: Honourable senators, we ask that unless you are saying "stand," if you wish to intervene, you do stand in your place.

SITUATION IN SUDAN AND ROLE OF CANADA'S SPECIAL ENVOY

INQUIRY—DEBATE ADJOURNED

Hon. Bill Rompkey (Deputy Leader of the Government), for Senator Jaffer, rose pursuant to notice of April 21, 2005:

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

He said: Honourable senators, I should like to launch Senator Jaffer's inquiry. She is unavoidably absent at the moment.

On motion of Senator Rompkey, for Senator Jaffer, debate adjourned.

LIFE OF MARGARET ANN MICK

INQUIRY—DEBATE ADJOURNED

Hon. Lorna Milne rose pursuant to notice of June 9, 2005:

That she 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.

She said: Honourable senators, it is my privilege to rise this afternoon to share with you the story of the life of a little-known, early Canadian heroine, Margaret Ann Mick. I sincerely hope that Ms. Mick will be recognized this fall by the Canadian Peace Officers Memorial Association for being the first Canadian

female peace officer to be killed in the line of duty. The story of her heroism, and indeed her life, is one that is undoubtedly unknown by all of us, and I would like to take the time to tell it to you now.

Born in 1861, Margaret Smith grew up in Watertown, Ontario, west of Toronto, and married James Mick in the early 1880s. The couple had four children, three of whom survived infancy. They laid down roots in Orillia, Ontario, where Ms. Mick and her children stayed until 1905. In the late 1890s, though, tragedy struck the family when James Mick died, leaving his widow to take care of their three surviving children.

Margaret was a survivor. She never did remarry. Instead, she moved her young family to Toronto, where she was able to secure a position as matron in the Andrew Mercer Reformatory for Women. Her position there was similar to that of a corrections officer today. She was a guard responsible for securing the prison and keeping both the staff and the prisoners safe. In 1916, Margaret applied to be transferred to the new Toronto Municipal Jail Farm for Women in Concord. This state-of-the-art facility at the time was for low-risk offenders, and it put the prisoners to work growing fruit and vegetables and raising livestock.

Margaret was able to put a very good life together for herself while raising three children all alone at the turn of the century. It was certainly a life that she had every right to be proud of, but it would all come to an end on the night of Sunday, May 25, 1925. Margaret was the only matron on duty that night. She arrived at her shift as usual at 8 p.m. She was unaware that three of the inmates were plotting their escape for that night. This reads like a murder mystery.

While Margaret was taking a supply of clean baby bottles to the maternity wing, one of the smallest inmates, 16-year-old Jennie McMinn, was able to squeeze her tiny body through the bars of her cell. Then, using a spoon that she had smuggled from the cafeteria, she pried open the lock on the second inmate's cell. The two of them lay in wait for Margaret to return.

When Margaret returned to her post, the third conspirator started to complain quite loudly and obnoxiously about a leak in her cell. Margaret walked down the cell block, turned to face the third inmate's cell and started to unlock the door so she could investigate. When she turned her back, the two inmates who had already broken free attacked her from behind. The three of them proceeded to beat her, throttle her and tie her spread-eagle to the water pipes in the cell, and there they left her unconscious. They then made their escape into the night where they hitched a ride down south into Toronto.

Margaret was found dead there, spread-eagled in the cell, the next morning when the next shift came on. The three culprits were eventually caught and spent the next five years in the Don Jail. Five others were charged and convicted with aiding and abetting the crime, and they were also sentenced to time in the Don Jail.

Margaret Ann Mick was an uncommon woman who showed uncommon bravery, both personally and professionally. In a time long before the support provided by the modern social services system, she managed to keep her family together after the death of her husband. In those days, many women were forced to give their

children up for adoption in such circumstances, but her determination would not allow that. She built her career and kept her family close to her, decades before that became the norm.

It has been proposed that Margaret Ann Mick's name be added to the memorial commemorating all those who died serving Canada as police and peace officers this fall. I urge all honourable senators to take the time to visit the memorial that is out behind the Parliament buildings here, and to thank Margaret for her service to Canada and for being a role model to all of us.

On motion of Senator Rompkey, debate adjourned.

OFFICIAL LANGUAGES

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

Hon. Eymard G. Corbin, pursuant to notice of June 9, 2005, moved:

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.

Motion agreed to.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Before going to adjournment, I understand, Senator Stratton, that you do not wish to return to Motion No. 105 which is Senator Kenny's motion, or have you decided to go back to it?

Hon Terry Stratton (Deputy Leader of the Opposition): I think there is still some confusion. What I said was that if there was a request for reversion to items previously on the Order Paper, that we do that at the end of the scroll so that we could deal with it in a rational way rather than being all over the place. That was the reason for my not granting leave at that time.

Hon. Colin Kenny: I request leave to revert to Motion No. 105.

The Hon. the Speaker *pro tempore*: Does Senator Kenny have agreement to revert to Motion No. 105?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Leave is not granted. Senator Fairbairn has asked for permission to revert —

Hon. Joyce Fairbairn: I withdraw that request.

The Senate adjourned until Wednesday, June 15, 2005, at 1:30 p.m.

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