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Wednesday, June 29, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Wednesday, June 29, 2005

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

Prayers.

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

June 28, 2005

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 28th day of June, 2005, at 5:30 p.m.

Yours sincerely,

Curtis Barlow
Deputy Secretary
Policy, Program, Protocol

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Tuesday, June 28, 2005:

An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005 (*Bill C-43, Chapter 30, 2005*).

An Act to amend the Statistics Act (*Bill S-18, Chapter 31, 2005*).

[*English*]

SENATORS' STATEMENTS

INALIENABLE RIGHT OF ABORIGINAL SELF-GOVERNMENT

Hon. Gerry St. Germain: Honourable senators, the government's policy on Aboriginal self-government, the so-called "inherent right policy," is not about rights and not about self-government; it is about implementation and negotiation. It focuses on reaching agreements on how self-government will be exercised. It works to prevent litigation or even a legal definition of the inherent right it acknowledges may be enforceable through the courts.

In the negotiation process, government decides who comes to the table as well as the topics, the terms, the time-frame and the costs. Since the express purpose of the self-government branch is to represent Canada in the negotiations on self-government agreements, negotiation, as practiced, makes adversaries of the government and the people it should protect. Negotiation puts self-government on the table and, if it is on the table, it can be bargained away.

Canada's practice has drawn the attention and the disapproval of the Special Rapporteur of the United Nations Commission on Human Rights, who recommends:

That from a human rights perspective, it should be clearly established in the text and spirit of any agreement between an Aboriginal people and a government in Canada, and supported by relevant legislation, that no matter what is negotiated, the inherent and constitutional rights of Aboriginal peoples are inalienable and cannot be relinquished, ceded or released, and that Aboriginal peoples should not be requested to agree to such measures in whatever form or wording.

Legislation giving force to current negotiated agreements does not enforce self-government; it protects the bargain. Negotiation does not help Aboriginal peoples to navigate the waters we sail together; it narrows the channel and charges a toll.

The negotiation process has kept important cases away from the courts while creating litigation as Aboriginal peoples try to practice their inherent rights to self-government and make the government comply with earlier court decisions.

The Special Rapporteur suggests legislation, in particular the First Nations Government Recognition Bill, Bill S-16, as a possible alternative.

Though denied full autonomy, Canada's Aboriginal peoples continue to build government structures and recover Aboriginal law. The question is: What will the Canadian government do on this basic question of rights?

Negotiations do not create economic stability, stop teen suicide or heal the great rifts caused by the Indian Act. All relevant studies and, more important, the constant calls of the people, are for Canada to live up to its claims to ardently support self-government and to stop negotiating away this fundamental human right.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

Hon. Jerahmiel S. Grafstein: Honourable senators, tomorrow, the fourteenth annual session of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe will meet in Washington, D.C. The OSCE, as an international

parliamentary and government organization, emerged from the Helsinki Process in 1975. It is composed of 55 states from Vancouver to Vladivostok. Now it has become the world's largest organization actively dedicated to human rights, democratic rights, economic development and security in the OSCE region.

The Canadian delegation will be led by the Honourable Senator Di Nino. I am privileged to serve as senior officer for the Parliamentary Assembly composed of parliamentarians from all 55 states representing all parties. I also serve as the Head of the Liberal, Democratic and Reform Political group there. This is the first time that the OSCE Parliamentary Assembly will meet in North America and augurs to be the largest and best attended in its history. The three standing committees have been hard at work all year preparing draft reports and resolutions for consideration by the assembly as a whole.

Two weeks ago, in the historic city of Cordoba, Spain, the OSCE convened an equally historic Conference on Anti-Semitism and Other Forms of Intolerance. I was privileged to attend and speak to the role of parliamentarians in combating anti-Semitism, the oldest form of discrimination. I was pleased that all of our ideas and recommendations were included in the final text of the declaration.

• (1340)

This conference is a follow-up to a series of conferences attended by parliamentarians, held in all regions of the OSCE in the last five years, including Berlin, Rome, Paris, Vienna, Copenhagen, Oporto, Brussels, Rotterdam, Maastricht, Washington and others.

The conference culminated with the Cordova Declaration Against Anti-Semitism and Other Forms of Intolerance, which was adopted without objection by all 55 countries, including Canada.

Later today, I intend to table the Cordova Declaration on Anti-Semitism and Other Forms of Intolerance as a motion for consideration by the Senate and then by the Senate Committee on Human Rights as mandated by the text of the Cordova declaration.

Fighting the war against anti-Semitism and other insidious forms of intolerance is the work of every parliamentarian. Now is the time for the Senate to do its work.

LOVE AFRICA

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to inform honourable senators of a recently created not-for-profit grassroots organization of Nova Scotians who are working together to raise funds for the Stephen Lewis Foundation to help the millions of children orphaned by the AIDS crisis in Africa. The organization is called Love Africa.

Love Africa is mobilizing every school, church, business and community organization in and around Cape Breton, Nova Scotia, to raise the funds necessary to assist orphans and other AIDS-affected children in Africa in every possible way, from the payment of school fees to the provision of food and housing.

[Senator Grafstein]

Love Africa encourages Nova Scotia youth to give what they have for Africa's orphans. The Boularderie Elementary School in Boularderie East, Nova Scotia, for instance, recently held the very first "Walk for Africa," raising \$1,000, and the A.G. Research Inc., the biggest IT services company in Eastern Nova Scotia, agreed to provide office space for Love Africa free of charge.

The goal is to raise \$1 million for Africa's orphans. In less than one year, Love Africa has already raised \$140,000.

On August 13, Love Africa will hold its most ambitious project to date. In the spirit of Live Aid and Band-Aid, Cape Breton musicians will take up instruments to help Africa's orphans by holding a 12-hour outdoor concert on Sydney's waterfront. The concert is being organized by legendary Cape Breton singer Fred Lavery. The concert's steering committee consists of seven members: 2003 Nova Scotia Business Hall of Fame Laureate Irving Schwartz, former provincial NDP leader Helen MacDonald, Claudia Yakimchuk, Greg Rathford, Jeanne Ferguson, and Cape Breton folksinger Eric Whyte.

The concert lineup represents an eclectic mix of Atlantic Canada's finest musical performers, specializing in a mixture of Cape Breton, Scottish and Irish musical genres.

Cape Breton University will present Stephen Lewis with an honorary degree during the concert festival, and CBC Radio will be recording the entire event to play on local and regional shows throughout the province.

All money raised from the concert will be donated directly to the Stephen Lewis Foundation, which will use the proceeds for education, health care, infrastructure and other capacity-building needs for orphans in Africa.

Honourable senators, Love Africa not only exemplifies the giving spirit of my province, it also illustrates in a practical and significant way the growing concern of Canadians who want to end poverty in Africa.

MONGOLIA

INAUGURATION OF NEW PRESIDENT

Hon. Joseph A. Day: Honourable senators, today I would like to talk to you about Mongolia. I would like you to think about Siberian Russia and the part of China north of Beijing, and also think of the home base of the great Genghis Khan, from which he extended his empire to Asia and Eastern Europe.

Last week was the inauguration of the new President of Mongolia, Mr. Nambaryn Enkhbayar. I was honoured to be in Ulan Bator to participate in the ceremonies on behalf of the people of Canada and the Canada-Mongolia Parliamentary Friendship Group.

It is wonderful to witness Mongolia's rapid progression from a communist nation to a pluralistic democracy. In 1990, the democratic reform process began in Mongolia with the fall of the Soviet Union. This process led to a new constitution in

February of 1992. In addition to establishing Mongolian independence, the new constitution restructured the legislative branch of government, creating a multi-party system, a unicameral legislature and a presidency.

In June of 1993, the first popular presidential election was held. Regular elections have been held every four years since, with orderly transitions in the presidency being respected.

Mongolia is strategically important for many reasons, honourable senators, but the two most often cited are its mineral deposits and its geographic location between Russia and China. It is also close to other countries in the east of which honourable senators will be aware.

Located in Mongolia are rich deposits of copper, coal, gold and many other minerals and metals. In fact, mining represents more than 40 per cent of Mongolia's export earnings and has become its largest industry. Canadian mining companies have invested more in Mongolia than any of the other G8 countries. These Canadian mining companies have trained large numbers of Mongolians and continue to do so. In addition, they have made substantial contributions to local public services in Mongolia, such as the creation of schools and hospitals. To many Mongolians, they are model corporate citizens and they are a welcome economic partner.

Mongolia is also of interest to Canada due to its unique location, as I have indicated, between Russia and China, and close to North Korea.

China's resource needs are such that Mongolia has a natural, wealthy and willing market just south of its border, similar to Canada. However, Mongolia wishes to replicate the Canadian strategy of purposely building political and economic links with a wide variety of nations throughout the world in order to avoid becoming entirely dependent on their larger neighbours to the north and south. They call this their "third neighbour policy."

Honourable senators, Mongolia's evolution as a democracy is a model and is deserving of our continued support. I urge you to keep that country in mind as it builds its democracy.

ROUTINE PROCEEDINGS

SPEAKER'S DELEGATION TO JAPAN

REPORT TABLED

Hon. Daniel Hays: Honourable senators, I request leave to table a report that covers the information relating to a Speaker-led visit at the invitation of President Oogi of the House of Councillors of Japan to that country. The visit took place May 19 to 24 of this year.

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

Hon. Senators: Agreed.

CRIMINAL CODE CULTURAL PROPERTY EXPORT AND IMPORT ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Wednesday, June 29, 2005

The Standing Senate Committee on Foreign Affairs has the honour to present its

SIXTH REPORT

Your Committee, to which was referred Bill S-37, An Act to amend the Criminal Code and the Cultural Property Export and Import Act, has, in obedience to the Order of Reference of Wednesday, June 15, 2005, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PETER A. STOLLERY
Chair

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

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE PRESENTED—NUMBERING OF SENATE BILLS

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

Wednesday, June 29, 2005

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

FIFTH REPORT

Pursuant to its order of reference from the Senate dated June 16, 2005, your Committee is pleased to report as follows.

1. On June 16, 2005, the Senate adopted the following motion that had been introduced by Senator Rompkey:

That, in order to facilitate references to the various classes of bills introduced in the Senate, namely government bills, public bills or private bills presented by Senators, the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report upon establishing a new system of numbering for Senate bills.

2. On June 21, 2005, your Committee heard from Dr. Gary O'Brien, Deputy Clerk and Principal Clerk of the Senate, and Mr. Charles Robert, Principal Clerk, Procedure, of the Senate.

3. The Senate's current practice is to assign numbers sequentially to bills following their presentation. In other words, bills introduced in the Senate are numbered consecutively, with no indication as to whether they are government bills, Senate public bills, or private bills.

4. As Dr. O'Brien explained, Senate bills were originally designated by letters. This system remained until 1958, when Senate bills began to be identified numerically and divorce bills were distinguished from non-divorce bills. The lack of differentiation between different types of bills stems from the time when there was no procedural distinction between bills introduced by the Government or individual Senators.

5. In the House of Commons, since 1974, Government bills are numbered consecutively from C-2 to C-200, while private Members' bills are numbered consecutively from C-201 to C-1000. Although private bills are rarely introduced in the House, they are numbered beginning at C-1001.

6. The proposal is to develop a new numbering system for Senate bills. The classification of bills would avoid on-going confusion, facilitate references within Parliament and among the public, and clarify the applicable procedures.

7. Your Committee agrees that a new system of numbering Senate bills would be appropriate. After consideration of various options, including the practices in other legislatures, your Committee believes that the simplest solution would be to adopt a numbering system that parallels that of the House of Commons. (Bill S-1 would continue to be the *pro forma* bill that is introduced at the beginning of each session of Parliament.)

Your Committee recommends that, beginning with the next session of Parliament, the Senate adopt a system for numbering Senate bills as follows:

S-2 to S-200 will be reserved for bills introduced by the Government;

S-201 to S-1000 will be reserved for Senate public bills introduced by individual Senators; and

S-1001 and up will be reserved for private bills.

Respectfully submitted,

DAVID P. SMITH
Chair

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

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

• (1350)

PERSONAL WATERCRAFT BILL

REPORT OF COMMITTEE

Hon. Ethel Cochrane, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, June 29, 2005

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

TENTH REPORT

Your Committee, which was referred Bill S-12, An Act concerning personal watercraft in navigable waters, has in obedience to the Order of Reference of Tuesday, June 1, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

ETHEL COCHRANE
Deputy Chair

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

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

CIVIL MARRIAGE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-38, respecting certain aspects of legal capacity for marriage for civil purposes.

Bill read first time.

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

Senator St. Germain: Never!

Some Hon. Senators: Now!

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

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Your Honour, I know we have rules stating that second reading will take place two days hence, but I propose that we proceed with debate at the next sitting of the Senate so that we can accelerate the debate.

Some Hon. Senators: Agreed!

Some Hon. Senators: No!

Senator Robichaud: Move it into committee.

Senator St. Germain: We are going to keep you here all summer! I will be here, too!

The Hon. the Speaker: I take it that this intervention is a point of information or order, which, under our rules, can only be raised following Routine Proceedings and before Orders of the Day. I will see Senator Prud'homme at that time.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

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

Hon. Wilbert J. Keon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered, in accordance with rule 95(3), to sit from September 19 to 23, 2005, even though the Senate may then be adjourned for a period exceeding one week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PARKS CANADA HISTORIC SITES

Hon. Serge Joyal: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology study the following and report to the Senate within three months after the adoption of this motion:

1. The designation by the Historic Sites and Monuments Board of Canada of the Montreal residence of Louis Hippolyte Lafontaine, Prime Minister of United Canada from 1841-42 and 1848-51, located on Overdale Street as a National Historic Monument to be purchased and managed by Parks Canada;
2. The creation of an Interpretation Centre at this Lafontaine residence for the purpose of promoting knowledge about the development of Responsible Government in Canada including the part played by Robert Baldwin, co-Prime Minister and Attorney General of Upper Canada, Joseph Howe from Nova Scotia, Charles Fisher from New Brunswick, and Lord Elgin, then Governor General of United Canada;

3. The role of Parks Canada in establishing a network of historic sites across the country to promote an understanding of our parliamentary democracy and the contributions made to this end by various Prime Ministers throughout our history.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY APPLICATION OF CHARTER OF RIGHTS AND FREEDOMS IN THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE CORDOBA DECLARATION ON ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that on Wednesday, July 6, 2005, I will move:

That the following declaration adopted at the 2005 OSCE Conference on Anti-Semitism and on other Forms of Intolerance, in Cordoba, Spain, be referred to the Standing Senate Committee on Human Rights for consideration and report no later than 16 February, 2006:

Cordoba Declaration

Based on consultations it is concluded that OSCE participating States,

Inspired by the spirit of Cordoba, the City of Three Cultures;

Recognising that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE comprehensive concept of security;

Reaffirming that acts of intolerance and discrimination pose a threat to democracy and, therefore, to overall security in the OSCE region and beyond;

Recalling that participating States have committed themselves to ensure human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction without distinction of any kind and will therefore provide to all persons equal and effective protection of law;

Recalling the decisions of the OSCE Ministerial Councils at Porto (MC.DD/6/02), Maastricht (MC.DEC/4/03) and Sofia (MC.DEC/12/04), and the need to promote implementation of commitments and operational follow up to the work started in 2003 and continued with the OSCE Conference on Anti-Semitism, (Berlin on 28 and 29 April 2004), the OSCE Meeting on the Relationship Between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes, held in Paris on 16 and 17 June 2004, and the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, (Brussels on 13 and 14 September 2004);

Acknowledging that the purpose of this Conference was to analyze the status of implementation of these commitments and operational follow up at the national level throughout the OSCE region, highlighting progress and best practices with respect to said implementation, including, but not limited to, promotion of interfaith and intercultural dialogue, and the areas of monitoring, data collection, legislation, law enforcement, education and the media;

Commemorating the sixtieth anniversary of the end of the battles of World War II and mourning the tens of millions of people who lost their lives as victims of the war, the Holocaust, occupations and acts of repression, and condemning all forms of ethnic cleansing and recalling our commitments to take every possible action to ensure that attempts to commit genocide are prevented today and in future as well as our commitments to combat these threats, including through the OSCE, and our rejection of any attempts to justify them;

1. Recall the importance of promoting and facilitating open and transparent interfaith and intercultural dialogue and partnerships towards tolerance, respect and mutual understanding and ensuring the freedom of the individual to profess and practice a religion or belief, alone or in community with others through transparent and non-discriminatory laws, regulations, practices and policies;
2. Condemn without reserve racism, xenophobia, anti-Semitism, and other forms of intolerance and discrimination, including against Muslims and Christians, as well as harassment and incitement to hate crimes motivated, *inter alia*, by race, colour, sex, language, religion or belief, political or other opinion, national or social origin, birth or other status; and reaffirm their existing OSCE commitments in this field;
3. Recognize that some forms of intolerance and discrimination may have unique characteristics and origins and require proper definition, but the methods to fight against them are, in many fields, similar and include efforts in monitoring, data collection, legislation, law enforcement, education, the media and promotion of dialogue;
4. Reiterate that international developments or political issues never justify racism, xenophobia, or discrimination, including against Muslims, Christians and members of other religions; and that international developments or political issues, including in Israel or elsewhere in the Middle East, never justify anti-Semitism;
5. Reject the identification of terrorism and extremism with any religion, culture, ethnic group, nationality or race;
6. Underscore that the primary responsibility for addressing acts of intolerance and discrimination rests with participating States, and recognize the importance of implementation, through competent authorities by participating States of the commitments agreed to by the Ministerial Councils in Porto, Maastricht and Sofia, as well as other relevant international instruments in the field of tolerance and non-discrimination, and in this regard:
 - Recall the commitment to develop effective methods of collecting and maintaining reliable information and statistics about anti-Semitic and all other hate motivated crimes and following closely incidents motivated by intolerance in order to develop appropriate strategies for tackling them;
 - Recall that legislation and law enforcement are essential tools in tackling intolerance and discrimination and that the authorities of participating States have a key role to play in ensuring the adoption and implementation of such legislation and the establishment of effective monitoring and enforcement measures;
 - Recall the importance of education, including education on the Holocaust and on anti-Semitism, as a means for preventing and responding to all forms of intolerance and discrimination, as well as for promoting integration and respecting diversity;
 - Recall the important role of the media including the Internet in combating hate speech and promoting tolerance through awareness-raising and educational programmes as well as highlighting positive contributions of diversity to society;
7. Commend ODIHR for setting-up the new Tolerance and Non-Discrimination Programme, and in this regard:
 - Encourage ODIHR's activities offering advice to participating States on Holocaust education and remembrance, on establishing programmes offering assistance to participating States, in the fields of legislation, law enforcement, and data collection, and on sharing best practices on the issues of racist, xenophobic and anti-Semitic propaganda on the Internet;
 - Recognize the importance of enhancing the cooperation of participating States with ODIHR with respect to the effective implementation of these programmes and activities;

- Encourage ODIHR to continue co-operation with other OSCE institutions and other organisations, such as the United Nations Committee on the Elimination of Racial Discrimination (CERD), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC), and Task Force for International Cooperation on Holocaust Education, Remembrance and Research;
- 8. Encourage the ongoing activities of the three Personal Representatives on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, on Combating Anti-Semitism, and on Combating Intolerance and Discrimination against Muslims, and welcome their ongoing role in raising awareness of the overall fight of the OSCE to combat discrimination and promote tolerance;
- 9. Underline the crucial role national parliaments play in the enactment of the necessary legislation as well as serving as a forum for national debate, and commend the work done by the Parliamentary Assembly of the OSCE in raising awareness in the implementation of the OSCE commitments regarding racism, anti-Semitism, xenophobia and other forms of intolerance and discrimination;
- 10. Recognize that civil society is a key partner in the fight against discrimination and intolerance and that enhanced communication and dialogue between participating States and civil society can advance implementation of commitments and operational follow up at the national level.

In other words, we should have time to absorb what the minister has said and reconsider clause by clause at the next meeting.

I would like the minister to check the agenda for tomorrow with respect to the Social Affairs Committee and its meeting in the morning. The agenda now states that the committee will hear from the ministers on Bill C-22 and Bill C-23, and then move right to clause-by-clause consideration.

How could we agree last week that after hearing from the Minister of Finance on Bill C-43 we needed to pause before proceeding to clause by clause and then this week change our minds with respect to Bill C-22 and Bill C-23? Perhaps the Leader of the Government in the Senate is unaware of the committee's intentions. Would we not want to carry out the same procedure with respect to these two bills as we did with Bill C-43?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer I should give is that the committee is the master of its own business. If it is unanimous in wishing to proceed, then, obviously, it can do as it wishes.

With respect to the situation to which Senator Stratton refers, of course, there was no unanimity, just the contrary.

• (1400)

Senator Stratton: I expect that since the Leader of the Government was talking on principle last week with respect to Bill C-43, he would agree in principle that indeed this procedure should be the case. We should hear from the minister one day, consider what he had said that day and do clause-by-clause review the next day. Would the leader not agree with that as a principle for this chamber?

Senator Austin: I just answered the question, Senator Stratton. Perhaps you missed what I said.

Senator Stratton: I appreciate that. I want to have that agreement from the Leader of the Government, a simple yes or no. He must realize there will not be unanimous consent on this side with respect to clause-by-clause review in committee.

Senator Austin: I am reminded that a committee does not need unanimous consent to do clause-by-clause review. However, it does need unanimous consent not to do clause-by-clause review. Did I say that right?

Senator Di Nino: That is a Liberal explanation.

Senator Stratton: If that is not equivocation, I do not know what is.

LABOUR AND HOUSING

CANADA MORTGAGE AND HOUSING CORPORATION—REQUEST BY MINISTER FOR STUDY ON REVERSE MORTGAGES

Hon. Donald H. Oliver: My question is for the Leader of the Government in the Senate. I am aware of his admonition of long preambles, which I normally avoid, but I have an introduction to the question.

QUESTION PERIOD

THE SENATE

TIMING IN COMMITTEE HEARINGS BETWEEN TESTIMONY OF MINISTERS AND CLAUSE-BY-CLAUSE CONSIDERATION

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. Last Thursday, June 23, the government leader extolled the virtues of not rushing clause-by-clause consideration of a bill at committee. He pointed out the following regarding the questions that were asked of the Minister of Finance concerning Bill C-43:

...the Minister of Finance is allowed a day or so to provide the answers to those very important questions. It is the business of this chamber to hold the executive to account — how many times have we heard that from the other side? — and to obtain answers from the government before legislation is passed by this chamber.

The Minister of Labour and Housing has asked the Canada Mortgage and Housing Corporation to investigate models for government-backed reverse mortgages. Reverse mortgages allow older homeowners to convert part of the equity of their homes into cash without having to sell their homes or take on additional monthly bills. In a regular mortgage, the homeowner makes monthly payments to the lender. In a reverse mortgage, the homeowner receives money from the lender and does not pay it back for as long as you live in the home. Instead, the loan must be repaid when you die, sell your home or no longer live in it as your principal residence.

Reverse mortgages can help homeowners who are house rich but cash poor stay in their homes and still meet their financial obligations. Reverse mortgages have been available in Canada for 19 years, and the current government has been in office for 12 years. Approximately 6,000 seniors currently have a reverse mortgage, which is not a particularly large business volume, perhaps explaining why there is only one company in the game. However, the market will likely grow in the years ahead as the number of seniors grows.

Was this instruction to investigate a commercial role predicated by an analysis that determined that this was the only way to make seniors feel more comfortable about reverse mortgage, and that this could not be achieved through regular means? Has the government looked to determine if there is a need to enact consumer protection measures such as in the areas of cost disclosure and cooling-off periods?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have a specific answer to the part of the presentation that was a question. I will ask the Minister of Housing, who is responsible for CMHC, to advise me further.

Honourable senators, I do not think that in principle it is undesirable for CMHC to review the reverse mortgage business to see that it meets appropriate public standards, as suggested in part of Senator Oliver's question.

Senator Oliver: Who is really being protected, the homeowner or the bank? Traditionally, mortgage insurance with CMHC protects the lender or the bank, not the homeowner. CMHC insurance ensures that the bank gets paid, not that homeowners get to keep their homes. The homeowner and not the bank pays this insurance fee.

One of the reasons given for why the government may want to get into this game is that it would allow CMHC to insure these mortgages. Why does the government perceive the need to insure reverse mortgages? Who will benefit from this insurance, the lender or the homeowner, and how much in additional fees will it cost those taking out these loans.

Senator Austin: Those are good questions, honourable senators. Perhaps once I am able to provide a preliminary response from the Minister of Housing, the appropriate committee in the Senate might wish to initiate a policy study in this area.

I wish to respond to one part of Senator Oliver's statement. It is true that the financial institutions are the insured, but that is for the benefit of the homeowner. If there was not insurance, the

credit rating of individuals would have a larger impact on whether they had access and, in addition, the interest rate might be at the cost of the homeowner.

However, these issues should be wrapped into any further work the Senate may want to do.

Senator Oliver: The problem with that is the homeowner has to pay all those additional fees to CMHC.

Senator Austin: We could get into a discussion of the advantages of insurance. I do not know whether Senator Oliver is objecting because CMHC is a public corporation or that he has a view with respect to the reverse mortgage industry itself. I know he has a background on the subject.

The point I wanted to make is that insurance reduces the cost to the consumer across the board because the financial risk is taken away from the financial institution, and the financial institution, therefore, cannot assess higher charges to displace higher risk. The benefit to all the players is in the system.

JUSTICE

COMMISSION OF INQUIRY INTO SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES— REPRESENTATION OF CROWN COUNSEL

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate. Recently, the Gomery commission finished hearing from witnesses, and Mr. Justice Gomery now begins the monumental task of poring over testimony and arriving at his conclusions regarding the sponsorship scandal. The hope would be that Justice Gomery can continue his work uninhibited by pressures from political elites in the PMO or by emissaries of former Prime Minister Jean Chrétien. Moreover, federal government lawyers have the responsibility to maintain public interest and not the interest of a select group of individuals. However, such does not appear to be the case at this time. I quote from a Canadian Press article from the *Moncton Times and Transcript* of June 18, 2005:

Federal government lawyers urged inquiry commissioner John Gomery to clear Canada's two most recent prime ministers — Paul Martin and Jean Chrétien — of any blame in the costly scandal.

"The responsibility to administer what was called the sponsorship program fell with Public Works and the minister of public works," Sylvain Lussier said after making the final submission to the inquiry...

My question to the Leader of the Government of the Senate is: Are the government lawyers acting on behalf of the Crown, or on behalf of the executive?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will try to answer a question that I find a bit vague.

In the proceedings before an inquiry there are several stages. First is the taking of evidence. Second is, after the evidence is in, the argument of counsel representing interested parties with

respect to how the inquiry commissioner should see the evidence. All parties have an opportunity to argue what the evidence means. That opportunity takes place in a trial as well, and that is the factual process to which Senator St. Germain is making reference.

• (1410)

The government counsel are simply making a presentation on the basis of the evidence as they see it, arguing that none of the evidence touches either Prime Minister Chrétien or Prime Minister Martin with respect to any allegations of impropriety. That is the role of Crown counsel with respect to government officials in the widest sense. Whether they be prime ministers, ministers, deputy ministers or directors general, it is the job of the Department of Justice to represent the government in all its official emanations. As Prime Minister Chrétien was Prime Minister during relevant parts of the events alleged, it is the government's obligation to make representations as they see the evidence with respect to him or any other government official.

This policy is very long-standing, and it took place with respect to Prime Minister Brian Mulroney in certain events that may be recalled by Senator St. Germain and others at other times. It is a policy that has no partisanship in it and no politics in it. It is the role of the Crown counsel in the Department of Justice.

Senator St. Germain: I gather what the minister is saying in response is that they represent the federal government.

COMMISSION OF INQUIRY INTO SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES— PARAMETERS OF FINDINGS

Hon. Gerry St. Germain: Honourable senators, my understanding is that the parameters of Justice Gomery's mandate constrained the commission from naming names. The government does not seem to appreciate that role and it wants to protect its own. Why is the commission not allowed to name names of the guilty but encouraged to presume the innocence of Prime Minister Martin and former Prime Minister Chrétien?

Hon. Jack Austin (Leader of the Government): Honourable senators, let me continue my explanation, then. The inquiry commission is not allowed to make findings that would be equivalent to either civil or criminal liability. This commission is not a court, and the evidence presented was not presented under the laws of evidence with respect to court proceedings. It is a fact-finding tribunal, and the inquiry commissioner is fully capable of describing the facts, but not civil or criminal liability conclusions.

HEALTH

EFFECT OF DEBT LOAD OF MEDICAL STUDENTS ON CHOICE OF SPECIALIZATION

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government. Honourable senators, new data that was recently released from the 2004 National Physician Survey found that almost one third of Ontario's first-year medical school students say that their choice of specialization and the location of their future practice will be heavily influenced by their

debt load after graduation. This finding could very well have a large impact on the future of our health care system. If medical students are forced to focus on higher paying fields, such as some of the specialties, and away from those that pay less, which is usually family medicine, our situation with the family doctor shortage will worsen. Could the Leader of the Government in the Senate tell us if the government is aware of this and if they have initiatives under way to deal with this?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot specifically respond except to say that the training of doctors and the administration of the health system is within the competence of the provinces. I imagine that the answer to the question would vary depending on the circumstances in the different provinces.

Senator Keon: As honourable senators know, the federal government is making a major investment in increasing the number of health professionals, and perhaps somewhere in that investment they could deal with this particular issue.

DECLINE IN MEDICAL STUDENTS FROM LOW-INCOME FAMILIES

Hon. Wilbert J. Keon: In any event, honourable senators, something else here is very disturbing. The survey also found that the number of first-year medical students from low-income families has significantly decreased. In 1997, 23 per cent of first-year medical students in Ontario came from low-income families, but last year that number dropped to just 10 per cent. This is very troubling, as we should encourage talented people to pursue a career in medicine, not necessarily rich people.

When the minister raises this item in cabinet, as I hope he will, in the context of some of the money that the government is spending now, perhaps he could remind his colleagues that the next generation of doctors should come from the brightest, best and most responsible students, not from the richest. I am sure the leader agrees.

Hon. Jack Austin (Leader of the Government): Honourable senators, I do agree that access to training as doctors and other health workers should be based on merit and capability and not deterred by financial capacity. I will raise Senator Keon's representations with the Minister of Health and hope to provide him with additional information.

NATIONAL DEFENCE

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

Hon. David Tkachuk: Honourable senators, yesterday, in Delayed Answers to Oral Questions, I received some information to my questions on June 14 about the testing of Agent Orange at CFB Gagetown in the 1960s, and Agent Purple as well. The answers were far from satisfactory, so I want to clarify a few matters.

Yesterday's delayed answer indicated:

To the best of our knowledge, Agent Orange and Agent Purple were not used or tested on any Canadian military facilities other than CFB Gagetown.

What exactly is the state of the government's knowledge on this issue, and what is being done to further it?

Hon. Jack Austin (Leader of the Government): Honourable senators, the state of government knowledge is as disclosed in the delayed answer.

With respect to the second part of the question, an active inquiry is being undertaken by the department. If there is any additional information with respect to the use of these two toxic chemicals, the department feels sure that it will be supplied by public sources and/or by the records which are now being searched.

Senator Tkachuk: The delayed answer indicated that Agent Orange and Agent Purple were tested. The quote read:

... the Government cooperated with the United States to test a number of chemicals at CFB Gagetown, including Agent Orange and Agent Purple.

What other chemicals were being tested, and to what end?

Senator Austin: I will make inquiries, honourable senators.

Senator Tkachuk: The delayed answer also indicated:

Our purpose for these tests was to find more effective ways to deal with vegetation in the training area.

That answer mystified me. Why was it necessary to deal with vegetation in the training area, and what methods were being used at the time that proved unsatisfactory?

Senator Austin: I will make inquiries and provide the information, if I am able to do so, in a delayed answer.

Senator Tkachuk: As well, the delayed answer indicated that there was no evidence to suggest that any civilians outside the base were exposed. I thought that was an interesting answer, because I never did ask that. It said:

It did not involve widespread spraying and there is no evidence to date that any civilians outside of the base were exposed to Agent Orange or Agent Purple.

What about the civilians inside the base?

Senator Austin: Honourable senators, in answer to questions asked by Senator Meighen, I made it clear that all personnel on the base were the subject of review. Senator Tkachuk may recall

[Senator Tkachuk]

Senator Meighen asking me if my use of the word "persons" included civilians as well as military personnel, and I said it did.

• (1420)

[*Translation*]

THE SENATE

ETHICS OFFICER—NOMINATION TO CONFLICT OF INTEREST COMMITTEE

Hon. Marcel Prud'homme: My question is for the Leader of the Government in the Senate.

When will we find out the name of the fifth "commissar", "czar" or "czarina" who will be watching over the shoulder of the ethics commissioner, whom we call the ethics officer? You know that I am utterly opposed to this system. I am repeating the same arguments, and you will probably repeat the same responses. However, I am somewhat better prepared today.

We know already that Honourable Senators Joyal and Carstairs have been chosen from your party. We know that Honourable Senators Andreychuk and Angus were elected by secret ballot from the opposition. According to the democratically adopted rule, to which I objected, these four members, for whom my nickname is "commissars", "czars" or "czarinas", will appoint or elect the fifth member of this committee.

When will we know who it is? Will we find out before Parliament adjourns for the summer? If you tell me it is not your decision to make, then whose is it? If Senator Carstairs has to convene the committee, then say so and we will ask her the question. If you tell me, like the last time, that this is up to the chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, then I will ask him the question. I would have preferred the fifth member to be elected by all the senators by secret ballot, as they do in the other place. Obviously this member would be a Liberal, assuming you have control over your majority. Nonetheless, the fact remains that we have disregarded 11 senators, who have just as much right to be heard and even to lose an election.

[*English*]

Even if they were to lose the election, at least they would have had the right to be treated equally. At the moment, 11 of us have nothing to say. We know nothing. I am not speaking on the others' behalf. However, I am sure they are as upset as I am. We do not know how to conform since nothing is being said to us.

There will be 11 vacancies before Christmas. There will be more independent-minded and more non-associated senators.

Is it possible that an order be made, somewhere, to provide us with an agenda telling us when this fifth person will be elected or appointed? In that way, we will know who to approach so that we may fit into this new system.

Hon. Jack Austin (Leader of the Government): Honourable senators, as Senator Prud'homme noted in his question, he and I have had exchanges on this topic.

The best way I can answer his question is to say this: The honourable senator is well aware that from the beginning of the debate on the issue of a Senate ethics officer and the application of the rules relating to the conduct of senators, this chamber expressed the view that it would not be a matter for the executive to control. Rather, the matter was controlled by the Senate itself through the membership of the Standing Committee on Rules, Procedures and the Rights of Parliament. They produced a code which was accepted by this chamber.

As Senator Prud'homme rightly said, that code provided for the government side to propose two members of a five-member committee and for the official opposition to do the same. That was done by election in our caucus, and, as I understand it, the same took place in the Conservative caucus.

Four senators have been chosen by that process which falls under the rules of this chamber. Those four senators are to select a fifth senator. There is no category that defines who that fifth senator will be, except that it be a senator agreed upon by at least three of the four.

The role that Senator Kinsella and I play is that when we are advised by that committee that they have five persons and have selected a chair, I will move a motion, seconded by Senator Kinsella, adopting that advice and constituting that committee in this chamber. That motion is non-debatable under the rules provided and adopted by the Senate.

After that long background, honourable senators, the short answer is that I do not know any more than the honourable senator does about the fifth person.

[Translation]

Senator Prud'homme: We are not in a kindergarten here, Mr. Minister.

[English]

After 41 years in politics, I do not like to be tutored by anyone. We are not stupid. The minister gave a good answer, but it is a non-answer. I know the executive does not want to get involved. I know that both the Liberals and the Conservatives have had their secret ballots.

Who among these four will take the initiative? Is one of the four waiting for one of the other three to call, or is it the chair of the Rules Committee who will say, "You see what is going on. Come and meet with me and make up your mind. You four have the ultimate authority"? Who will bring these four senators together, whom I can see right now in front of me? Surely, someone must do something.

We have been waiting for their call. We will never get the fifth senator. Someone has to push them. That is exactly why I stand up so often. I know my questioning disturbs some, but that is tough luck. Someone should take the initiative, put these four senators together in a room, in a conclave, and say, "You come out of there when you have chosen the fifth senator."

Senator Austin: Honourable senators, I want to say to Senator Prud'homme that in no way did I intend to patronize him in answering his question. I went out of my way to describe the circumstances so that the chamber might understand the situation exactly. I thought Senator Prud'homme's question was valuable and important to this chamber, and I do not want anyone to believe that I thought otherwise.

With respect to what Senator Prud'homme is saying, he can approach any one of the four and ask them that question. I will do the same out of my own curiosity. I am not concerned with whether they lack the ability to understand what has been given to them under the *Rules of the Senate* and the responsibility for acting expeditiously to discharge their responsibilities. I am not concerned about their getting together. All are eminent senators with long experience in this chamber. They will act appropriately in connection with the responsibilities they have agreed to accept.

• (1430)

ORDERS OF THE DAY

SPIRIT DRINKS TRADE BILL

THIRD READING—DEBATE ADJOURNED

Hon. Grant Mitchell moved third reading of Bill S-38, respecting the implementation of international trade commitments by Canada regarding spirit drinks of foreign countries, as amended.

He said: Honourable senators, it is my happy task to speak at third reading of Bill S-38. It is particularly happy because I have been reminded, in the process of dealing with my second agricultural bill here in the Senate, that while so many of us come from heavily populated, urban areas, and perhaps we have become a little complacent about our relationship with agricultural Canada, this bill is clear evidence of how important agricultural Canada, farmers and the farm community are to all Canadians. It is an important reminder that we should consider their importance to us much more intensely than we sometimes do.

This bill has been a happy experience for me in that it has been widely accepted. It is the proverbial win-win circumstance, although I might extend it to be a win-win-win-win-win circumstance. Consumers are happy about it, or at least they will be when they realize its impact on the quality of the wines and spirits they are able to drink in this country. Wine producers and spirit producers are happy with this and have been supportive. Generally, people who will benefit from the jobs and other economic spin-offs from the impact of this bill will be supportive. As well, I believe the quality and the acceptability of this bill has been reflected in the expeditious manner in which the Senate has dealt with this in first and second readings and with how it has been dealt with by the committee.

To summarize, again, just to remind honourable senators, this bill will implement certain protections for spirits and drinks that have been negotiated with the European Union's committee on wine and spirits, with NAFTA under the NAFTA agreement, and with the Caribbean.

Honourable senators, I should point out and address a matter that was raised properly by Senator Kelleher that there appeared to be some confusion about the fact that wine kept appearing in my discussion of this bill, whereas the bill addresses spirits. In fact, the bill does address only spirits, but there is a quid pro quo in the European side that affects wines, and one of the three agreements that we negotiated is with a committee that is responsible in the European Common Market for wines and spirits.

The European Common Market agreement will deal with spirits such as grappa from Italy, ouzo from Greece, and other spirits from Germany, Spain and Austria, as well as Irish whisky and Scotch whisky. The NAFTA agreement will deal with certain spirits from North America: bourbon whiskey, Tennessee Whiskey and tequila, to mention but a few.

The Hon. the Speaker *pro tempore*: Excuse me, Senator Mitchell.

Honourable senators, we cannot hear Senator Mitchell. Would you please lower the tone?

Some Hon. Senators: Order!

Senator Mitchell: Honourable senators, I was explaining to someone earlier today that my experience in the Legislature of Alberta, and here to some extent, has been that I do not get too nervous about speaking in these places because often no one is listening. That is okay. I respect that senators have important things to talk about.

Tennessee Whiskey and tequila are consistent under article 313 of the North American Free Trade Agreement. With respect to Caribbean rum, this legislation defines specifically in proper legislation the definition of Caribbean rum.

As any of my new colleagues who have not yet sponsored a bill will find, there are sometimes wrinkles to be dealt with and debated, and this was no exception. We had a few amendments. These were good amendments properly raised and considered, because on reconsideration of the initial bill the Department of International Trade found that the wording of the bill had to be more precise to better define the spirits being dealt with to avoid confusion in the future. This added precision is also, in part, in response to Senator Kelleher's point about a definition of "spirits," which has been considered. We believe we have met Senator Kelleher's concern because the bill defines specifically the spirits that it deals with.

There was a question raised by the Leader of the Government in the Senate — the first question I have probably ever had in either the legislature or for sure the Senate — about Newfoundland Screech and Yukon Jack.

Some Hon. Senators: Hear, hear!

Senator Mitchell: I know they are listening.

I was asked whether those two spirits, as important as they are in Canadian culture and recreation, were protected in this bill. I may have misled the Senate to some extent by implying that they were protected in this bill. In fact, they are not protected in this bill; they are protected by trademark. That is consistent with this bill; therefore the producers, owners and buyers of these particular spirits should be given some comfort in that regard.

Senator Mahovlich raised the question of slivovitz. This spirit drink, while probably very popular in parts of Europe, did not seem to rise high enough on the radar to be debated or considered in our negotiations with the European committee. Perhaps that will be dealt with in the future. However, I was fortunate to be able to send Senator Mahovlich a bottle of slivovitz. He has not yet confirmed whether it is genuine, but the label seemed to confirm that it was.

Finally, our colleague Senator Oliver did raise an interesting, significant and, I would say, insightful constitutional question as it might have affected this bill. His question related to a ruling in a case with Labatt that Parliament cannot "regulate a particular business or trade." I would like to answer that briefly here.

This matter arises under the federal constitutional authority over federal trade and commerce powers. There are two subsections of federal trade and commerce powers. First are general trade and commerce powers and second are interprovincial and international trade and commerce powers. The *Labatt* case falls within the first, general trade and commerce powers, which really relate to local trade and commerce issues. These agreements, and the provisions that we are implementing in this bill, fall under the second category of constitutional powers, interprovincial or international trade and commerce powers. It is our opinion they properly apply in this case.

Senator Oliver will by now know from a briefing he has received that there is precedence in another case that affected Andres wine in 1987. In that case, Parliament's constitutional authority to legislate to protect geographical indications such as champagne was upheld. That case would again provide comfort for the constitutional application of the appropriateness of this bill.

Honourable senators might properly ask, since we are doing all this for European and North American producers, what we are getting in return. That is an important question. In return, elsewhere in the world, we are getting protection for rye whisky and for Canadian whisky. There are those who understand how significant and important that would be.

With respect to the question of application for wines, the bill itself does not apply to wines, but we are getting certain protections in the European Common Market for Canadian wines. There are a number of provisions. We will get recognition for Canadian wine-making practices and for labelling, among other things.

• (1440)

Here in Canada, the agreement will still allow Quebec grocery stores to sell wines bottled only in Quebec, and British Columbians and Ontarians can be comforted by the fact that their liquor control boards will still be able to make direct retail sales. Ultimately, this agreement will also benefit and protect, in particular, on-farm wineries that have had so much success in various parts of this country in attracting tourism to their wineries for their product.

The most important benefit, perhaps, is the profound and significant economic impact that the results of this bill ultimately will have upon Canadian economies. In particular, this bill will enhance the ability of Canadian spirit and wine producers to gain access to foreign markets in the three jurisdictions that I have been mentioning. It reduces red tape and gives much greater certainty that they will have that access and that they will not see their efforts dispersed and diluted by competition that might steal these important and recognizable names that bring with them the recognition of the high quality of Canadian spirits and wines. We believe it is safe to expect that the spirit and wine industry, as strong as it is today, will become even stronger as a result of this legislation.

Today, spirit producers export about \$500 million worth of spirits. About 80 per cent of the whiskey that is produced in Canada is in fact produced for export, which is significant.

There are over 170 wineries in Canada that today generate over \$400 million in annual sales. About \$75 million worth of Canadian grapes are purchased in the process. Canadian vintners are convinced that this will have an impact and will continue to build exports of Canadian wines from about \$1.5 million annually to some \$5 million over the next 10 years.

This is significant for these industries. It is also significant for rural and regional economies to the extent that this is where we find these wineries and, in some cases, distilleries. Certainly, it supports the agricultural community. It will assist in creating more jobs and much more profound and broader economic spin-offs in many other related economic endeavours in this country.

There are those who think that Canada has trouble working, that the federal structure is somehow cumbersome and that it needs to be restructured. I am not one of those. I like Canada, in many respects, the way it is, but this process is proof-positive again that Canada does work. This bill is a result of negotiations among the federal government, the provinces, consumers and producers, and it is widely accepted and supported. We have had great cooperation from the various departments involved in producing this bill, and I would like to thank them.

This bill, honourable senators, is about jobs, diversification, regional economies and Canada's maturity as a trading nation. It is about everything that is good except, perhaps, motherhood and apple pie. Even at that, this bill is worthy of support, and I would ask that senators do just that.

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

CANADA BORDER SERVICES AGENCY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the second reading of Bill C-26, to establish the Canada Border Services Agency.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, Senator Cools had this item standing in her name. She has advised that she will speak to the bill at third reading.

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on National Security and Defence.

DEPARTMENT OF JUSTICE ACT SUPREME COURT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

On the Order:

Second reading of Bill S-34, to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament.—(*Honourable Senator Cools*)

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, this bill is at day 15. Senator Cools would like to speak to it but is not yet ready to do so. I would ask that it be adjourned in her name for the future.

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

Hon. Senators: Agreed.

On motion by Senator Stratton, for Senator Cools, debate adjourned.

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS

INTERIM REPORT OF HUMAN RIGHTS COMMITTEE AND MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the eighteenth report (interim) of the Standing Senate Committee on Human Rights, entitled, *Canadian Adherence to the American Convention on Human Rights: It is time to proceed*, tabled in the Senate on May 17, 2005.—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk: Honourable senators, I move:

That the report be adopted and,

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

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

Motion agreed to and report adopted.

• (1450)

PROGRESS REPORT ON QUALITY END-OF-LIFE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to *Still Not There. Quality End-of-Life Care: A Progress Report*.—(Honourable Senator Cook)

Hon. Joan Cook: Honourable senators, I rise today to share my thoughts on a subject Senator Carstairs has worked exhaustively to promote — quality end-of-life care. I bring a personal dimension to this debate, having cared for my dad many years ago and having assisted my late husband on his three-and-a-half-year journey not so long ago.

I firmly believe that the goal of palliative care is to provide the best possible quality of life for the terminally ill by ensuring their comfort and dignity and relieving pain and other symptoms. Palliative care is designed to meet not only the dying person's physical needs, but also his or her psychological, social, cultural, emotional and spiritual needs as well as those of his or her family.

As noted in Senator Carstairs' progress report entitled *Still Not There: Quality End-of-Life Care*, over the past five years there has been encouraging progress in providing quality end-of-life care to

Canadians. Most family members who care for the dying now have access to the Compassionate Family Care Leave Benefit, and in most provinces labour codes provide for their job protection. Other examples of positive developments include the creation of an on-line virtual hospice and Health Canada's announcement of \$16.5 million in funding for an educational program for physicians in end-of-life care.

The hospice palliative care community has also made strides in enhancing end-of-life care for dying Canadians, and I wish to tell honourable senators about some of them. According to the Canadian Hospice Palliative Care Association, with the closure of beds in acute care hospitals and cutbacks in the number of hospital-based palliative care beds, more people are being cared for in their own homes or at a long-term care facility.

To provide high-quality hospice palliative care, all care providers require specific training in palliative care. More than 2,100 health care workers, most of whom are paid support workers in the home care sector, have received training through the CHPCA Palliative Care Training for Support Workers project. This number includes 126 workers and students trained in my home province of Newfoundland and Labrador. Four other health care organizations in Canada have also benefited from the program, including ones in Prince Edward Island, Ontario, Alberta and Manitoba.

A train-the-trainer model was used to implement the project, so approximately 140 instructors learned how to deliver the training to support workers, and more than half have since taught the program at least once. According to feedback provided by participants, the project was successful in that they felt they were able to use the knowledge gained to increase the comfort of patients.

In addition to training for support workers, nurses are also taking advantage of palliative care accreditation opportunities. In Newfoundland and Labrador, four nurses wrote the newly developed Palliative Care Nursing Exam and are now certified in the specialty of palliative care nursing from the Canadian Nurses Association.

Informal caregivers have also benefited from support provided by the hospice palliative care community. For example, CHPCA and the Military and Hospitaller Order of Saint Lazarus of Jerusalem developed a handbook entitled *A Caregiver's Guide*. The book, which presents thorough medical and nursing information, is available free of charge to family caregivers.

Although many gains have been achieved in palliative care, as outlined in Senator Carstairs' report, the federal government still has much work to do. The report provides sound recommendations in the areas of national strategy, patient and caregiver support, training and education for formal and informal health care providers, government and citizens working together, and planning for the future.

To echo a truth stated in Senator Carstairs' report, hospice palliative care programs and services need to be integrated into the health care system and not be an additional program that may or may not be available in every community.

Honourable senators, most of us and our loved ones will demand and deserve quality end-of-life care. Now is the time to build on the successes that have been achieved to develop a sustainable hospice palliative care system for all Canadians.

On motion of Senator Corbin, debate adjourned.

[*Translation*]

PROVINCE OF ALBERTA

INQUIRY—DEBATE ADJOURNED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the Province of Alberta and the role it plays in Canada.
—(*Honourable Senator Prud'homme, P.C.*)

Hon. Madeleine Plamondon: Honourable senators, I find this inquiry extremely interesting, particularly since I have a number of things in common with the people of Alberta, and I would ask to have this matter stand in the name of Senator Prud'homme.

The Hon. the Speaker: Honourable senators, this inquiry is at its fourteenth day, standing in the name of Senator Prud'homme, and Senator Plamondon is asking to have the matter again stand in the name of Senator Prud'homme. Is it agreed that we restart the clock?

Hon. Senators: Agreed.

On motion of Senator Plamondon, for Senator Prud'homme, debate adjourned.

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

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