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Thursday, October 20, 2005

THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Thursday, October 20, 2005

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I go to Senators' Statements, I would like to introduce some guests.

First, we have in our gallery guests of the Honourable Senator Watt, Mr. Sol Sanderson and Ms. Elsie Sanderson.

Mr. Sanderson has been involved for some 40 years in the field of First Nations politics and is an important spokesperson and expert on constitutional treaty issues. Ms. Sanderson is a member of the Saskatchewan Indian community and serves as the clerk for the Federation of Saskatchewan Indian Nations. Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of 55 members of the Société Saint-Jean-Baptiste, a well-known French-Canadian association in Sherbrooke. Mr. Marcel Bureau is the executive director and Ms. Micheline Dupuis is the president. They are here at the invitation of the Honourable Senator Pépin. On behalf of all senators, welcome to the Senate of Canada.

SENATORS' STATEMENTS

FREDERICK JOHNSON AWARD

CONGRATULATIONS TO RECIPIENTS

Hon. Lucie Pépin: Honourable senators, on October 15, the Centre for Research-Action on Race Relations gave out its Frederick Johnson Award.

This award, which honors individuals who have achieved outstanding results in fighting racism, is named after a Black Montreal man who, in 1898, disputed racial segregation in public establishments.

This year's recipients include Marie-Célie Agnant, Giliane Obas, Gladys Charmant, May Chiu, Cécilia Escamilla, Margaret Wilheim and Fehmida Khan. These mothers belonging to various racial and ethnocultural minorities in Quebec are members of Mothers United against Racism. Their slogan is "To the ends of the earth for the love of our children." These women are fighting against discrimination, particularly racial profiling, to which the young people in their communities are arbitrarily subjected by police authorities.

Four Black Quebecers, Cupidon Lumène, Céliane Célissa, and Michèle and Ronald Champagne were also award winners for their refusal to suffer in silence. They took their employer before the Human Rights Commission. In 2000, many years after the end of racial segregation, these four individuals were being subjected to working conditions reminiscent of that dark period.

In the year 2000 no less, they were prohibited from using the cafeteria for Whites. They had to make do with a small, dirty shed lacking even the bare essentials. They were also subjected to inappropriate comments equating them with apes. After proceedings that lasted four years, they won.

By bestowing this award on these four Quebecers, a call for vigilance has been launched. It says that there are still victims of racism due to the indifference and inaction of unions, the general public and, obviously, governments.

Yet, many Canadians are affected by daily expressions of prejudice based on race. For example, people are systematically refused employment because their name is different; others are considered a threat or a target because they are Black; still others are looked down on or viewed differently because they are Aboriginal.

This year, the Centre for Research-Action on Race Relations created an honorary award, bestowed on the Honourable Irwin Cotler for his lifelong commitment to human rights over racism, anti-Semitism and hate crimes.

• (1340)

I would ask honourable senators to join with me in congratulating the Centre for Research-Action on Race Relations and all of the award winners for refusing to sit by and do nothing when the dignity of others is threatened.

[*English*]

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Janis G. Johnson: Honourable senators, Monday, October 17, was International Day for the Eradication of Poverty. This event calls on us to think about our progress and our government's progress against the poverty that affects people around the world. Although Canada is lucky not to suffer from the grinding poverty that grips much of the world, there is still a long way to go before poverty in our country is beaten or even significantly reduced. Not everyone has benefitted from Canada's economic success or the billions of dollars that have accumulated in our federal coffers. Our poverty rate remains high, and the struggles associated with it have not diminished.

Evidence of our failings in this respect is not hard to find. The Canadian Association of Food Banks reported last year that the number of Canadians using food banks has doubled since 1989, while the population at large has increased by only about 10 per cent. This trend is not likely to change in the coming year because high energy costs will force many families to choose between heating their homes and eating.

One of the most vulnerable groups in society, children, are often the first to suffer in tough financial times. Here in the nation's capital, the Ottawa Food Bank helps 38,000 people every month, over 15,000 of whom are children. Given that Canada is considered one of the most prosperous nations in the world, how can we possibly justify 15,000 hungry young bellies in this city alone? How do we explain the persistently high incidence of child poverty in a country that has seen eight federal surplus budgets in a row?

Poverty in Canada is often generational, and it disproportionately affects immigrants, visible minorities and Aboriginal people. As honourable senators are aware, this issue is of particular importance for members of First Nations on reserve and in urban centres. It is encouraging news that the provincial premiers have pledged to end Aboriginal poverty by 2015. This tremendous undertaking will require more federal help and collaboration than the provinces currently receive — not only financial assistance but also in terms of new approaches and creative thinking.

Honourable senators, our country's continued economic success depends on all Canadians working to their greatest potential. Sadly, our governments have failed to nurture that future productivity by neglecting today's less fortunate families and children. However, we cannot lay all the blame on the policy makers. It is the responsibility of every Canadian to ensure that the battle against poverty gets — and stays — on the government's radar. A country with our financial record should have made greater strides by now against this battle than we have made. I call on all honourable senators to summon and direct the political will needed to fight poverty and defeat it, once and for all.

[*Translation*]

THE HONOURABLE JAMES F. KELLEHER, P.C., Q.C.

TRIBUTE ON RETIREMENT

Hon. Madeleine Plamondon: Honourable senators, when the Senate resumed this fall, I saw our colleague the Honourable James Kelleher, tiptoeing out of the chamber. He was retiring. I was surprised and sad that there had been no notice, but I learned later that this was what he wanted. I wish to pay tribute to him today, regardless.

I sat on the Standing Senate Committee on Banking, Trade and Commerce with Senator Kelleher, and in particular, I got to know him far better this year in Brazil, at a meeting of the Inter-Parliamentary Forum of the Americas. I discovered him to be a man filled with humour, who was always prepared to generously share his knowledge and experience. This brief tribute will certainly not do justice to his long career, but in preparing it I discovered what all those in politics have long known: he was a man devoted to his country.

He put his experience as a lawyer specializing in business law to the service of Canada, serving in the important position of Minister of International Trade. He was involved in negotiating and achieving the Free Trade Agreement. He defended Canada's position in the world economy in the Uruguay Round, and I could go on and on. Appointed Solicitor General in 1986, he was then appointed to the Senate in 1990.

I came to greatly appreciate this serious man, though he was not one to take himself seriously, on the Standing Senate Committee on Banking Trade and Commerce, particularly through his anecdotes on political life. His opinions are greatly sought after; he was Vice-Chair of the Special Senate Committee on the subject matter of Bill C-36 and, shortly before retirement, of the Special Senate Committee on the Anti-terrorism Act.

[*English*]

He is gifted with great qualities and human values. He is a man with great insight and a marvellous sense of humour. He is the kind of person one likes to remember.

NEWFOUNDLAND AND LABRADOR

STEPHENVILLE— EFFECT OF TORRENTIAL RAIN STORM

Hon. Ethel Cochrane: Honourable senators, late last month, torrential rains battered the Stephenville area of Newfoundland and Labrador. More than 150 millimetres of rain fell in only 12 hours, leaving the area in a state of emergency. Some homes were swept clear of their foundations, some sank down as the earth beneath them shifted and some were washed away completely. Cars were overturned, trees were uprooted, bridges and roads were washed out and water and sewer lines were damaged severely. The flood left absolute devastation in its path. More than 150 houses were destroyed or deemed uninhabitable. Hundreds of people were evacuated from homes to which they will never return. An entire neighbourhood had to be evacuated as a result of massive destruction of the water and sewer infrastructure system. Most of the displaced have moved to apartments temporarily, while others are staying with families and friends.

Honourable senators, for a town of about 8,000 people, the extent of the damage is just incredible. Adding to all the frustration and despair, residents have learned that insurance does not cover flood damage; it is simply considered an act of God — a natural disaster. While government has stepped in to provide assistance, at this time it appears that not everyone will receive help. For example, I heard about a family that was renting its home while the father engaged in seasonal work outside the province. They have been told that they do not qualify for assistance. In a similar case, the homeowner had all of his belongings stored in the basement while his home was rented. When the flood came, a rush of water and mud filled the basement, destroying virtually all of his stored possessions. Sadly, these stories are not unique.

Many residents worry that they will be burdened with mortgage payments with no home to show for those payments. Imagine owing tens of thousands of dollars on something that was wiped out in the blink of an eye. Yet, in the midst of all the destruction, while people watched their belongings being washed away, or trapped in mud and becoming worthless before their eyes, there were countless examples that inspired hope. The community came together. People ensured that neighbours were out of danger and brought them to safety, and they shared what drinking water they had. Officials have said that it will take a long time to restore the town to pre-disaster conditions. It has been estimated that it could take 18 months before decisions have been made about all the homes affected.

Honourable senators, I commend the people of Stephenville for their strength and their resilience at such a difficult time. I thank all those involved in the relief effort and cleanup, as well as those who have donated funds to the Stephenville Area Flood Appeal. Support is still needed and much remains to be done, but I am hopeful that, with continued assistance and time, the town will be well on its way to recovery.

BATTLE OF BRITAIN

SIXTY-FIFTH ANNIVERSARY

Hon. Joseph A. Day: Honourable senators, a special anniversary took place last summer on August 12 — the sixty-fifth anniversary of the Battle of Britain, which was a major campaign of World War II. The Battle of Britain was an attempt by Nazi Germany's Air Force, the Luftwaffe, to gain air superiority over British airspace and destroy the Royal Air Force in preparation for an amphibious assault on the British Isles. Secondary objectives were to destroy aircraft production and to terrorize the British people, with the intent of intimidating them into seeking an armistice or surrender.

On August 12, 1940, the German Air Force struck Britain, attacking radar stations, bombing airfields and engaging British fighters. By that time, the Nazis had already overrun Belgium, the Netherlands and Northern France by using the "blitzkrieg" technique that relied on close coordination between ground troops and the air force. It is widely believed that had the Germans succeeded in their aim of destroying the RAF, they would have been able to invade Britain relatively easily. This was at a time when Great Britain was the only European power resisting Nazi Germany, even though Great Britain did enjoy massive support from her Commonwealth partners.

• (1350)

Of course, Canada was one of those Commonwealth partners, and Canadian airmen played an important part in the Battle of Britain. Over 100 Canadian pilots flew on fighter operations during the Battle of Britain. Another 200 fought with the RAF's Bomber Command and Coastal Command. Many more served on ground crews, keeping the fighters, bombers and patrol aircraft flying. These Canadian pilots distinguished themselves not only in the Battle of Britain but also in later battles. Joining the British and Canadians were pilots from Australia, New Zealand, South Africa, Czechoslovakia, France and Poland as well as from the United States. It was a multinational effort to defend democracy.

The significance of the Battle of Britain is more than a matter of aircraft destroyed and medals earned. It was the first time that air power saved a nation. Not only was it a military victory, it also gave the Allied forces hope for the future. For Canada, the Battle of Britain marked the first occasion when Canadian airmen flew in Canadian units in a sustained battle. The leadership provided by those experienced flyers was instrumental in the rapid development of the Royal Canadian Air Force. Their services and sacrifices will not be forgotten.

[*Translation*]

ROUTINE PROCEEDINGS

CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Serge Joyal: Honourable senators, pursuant to rule 58(1)(i), I give notice that at the next sitting of the Senate I will move:

> That the Standing Senate Committee on Conflict of Interest for Senators have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the *Conflict of Interest Code for Senators*.

[*English*]

QUESTION PERIOD

INDUSTRY

MR. DAVID DINGWALL—REGISTRATION AS LOBBYIST FOR BIONICHE LIFE SCIENCES INC.

Hon. David Tkachuk: Honourable senators, yesterday I had some questions in regard to Mr. David Dingwall. I wish to return to the subject of Mr. Dingwall's lobbying activities. We ended our questioning yesterday with not knowing how much money Bioniche actually got. The leader said Bioniche did not get any and I said it was $3 million or $4 million, which was a guess. The paper reported, and there is information now, that they received some $17.9 million in those two contracts that Mr. Dingwall worked on.

I wish to go back and quote from Graeme McRae, the President and CEO of Bioniche, who said that his consultants were used "to assist in the application for funds, which was a complicated process due to the complexity of the projects." He said,

"consultants." That is plural: not one consultant, Mr. Dingwall, but "consultants." A search of the lobbyist registration data bank turns up only one registered lobbyist for Bioniche: David Dingwall. He turns up as a consultant.

When you register as a consultant, you have to say you are a consultant who works on contingency fee or on fee for service. He marked down in 2003, some three years after Bioniche received the money, or two and a half years after the contracts were completed, that he was a contingency consultant. No one else was registered; only one consultant.

Has the government determined if there were other consultant lobbyists involved in the granting of some $17 million in technology partnership loans? Were they also paid on a contingency basis over and above the $464,000 that went to David Dingwall?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Tkachuk for the question. He is right. I was under a misapprehension with respect to whether Bioniche had received funds. I am advised that they were awarded two contracts by Technology Partnerships Canada in 2001: one for $7.6 million and the other for $9.6 million. My number would then be $17.2 million.

I am also advised that it is not illegal to hire a lobbyist under Technology Partnerships Canada, but that lobbyist must be registered and the company is prohibited from paying a contingency fee or success fee. Under the rules, should a breach be found, the Government of Canada's recourse is to the company with which it has a contractual relationship. I am further advised that Bioniche engaged Mr. Dingwall to assist in the application for funds, which was a complicated process, as was said yesterday by Senator Tkachuk. Mr. Dingwall received approximately $350,000 for his services.

On Friday, September 23, 2005, Industry Canada informed Bioniche that the structure of compensation for consultants did not conform to the government's rules, and Bioniche was under default. As a result, Bioniche entered into a settlement with Industry Canada whereby the company will pay to the government an amount equal to the portion of the consultant's fees that were in dispute, plus the costs of the audit.

With respect to the specific question regarding other consultants, honourable senators, I will have to take notice and make inquiries. I have no information to provide at this moment.

Senator Tkachuk: This whole matter is interesting because the point is that it was irregular, illegal — I am not sure of the exact words — but definitely they were not eligible for the loan if they paid a contingency fee. They paid someone $350,000 to know the paperwork, which was Mr. Dingwall. The paperwork is clear and the rules are clear that you cannot pay a contingency fee. Mr. Dingwall being the expert he is — even though this was his first contract — should have known that he could not have received a contingency fee after the $17.2 million in loans were granted.

The second point is that the firm that received the money should have known that they could not pay a contingency fee because, in 2003, Mr. Dingwall registered as a contingency fee lobbyist for that very firm.

• (1400)

All of a sudden we have a public record that is known to Mr. Dingwall, that is known to the Government of Canada, that is known to the firm itself, and it is some two years later that the money is paid back. I would say the only reason the money was paid back is that this matter became public knowledge through the newspapers; not because it was not public knowledge.

Therefore, the company then paid the government back after the story made the newspapers, and it was on the front page of the *National Post* and *The Globe and Mail* and everything else. Considering their behaviour and Mr. Dingwall's behaviour, will they be eligible to apply for more loans from the Government of Canada?

Senator Austin: Honourable senators, in answering the question, I do not accept the narrative that Senator Tkachuk has provided to the Senate, but I will respond in the following way: The Minister of Industry, who is responsible for this legislation, the Lobbyist Registration Act, has said that the determination of the audit was that there was no deliberate intention of a breach of the regulations by any party, but there was, in fact, a breach of the regulations and that amounts to a default under the contractual terms. The remedy for that default has been the recovery by the government of the fees paid to Mr. Dingwall. So far as the government is concerned, that default under contract has been remedied, and I believe that Bioniche is eligible — or at least is not ineligible by virtue of this event.

Senator Tkachuk: Honourable senators, I just pulled this material off the Internet today. It is a report of the public registry and is in the name of Mr. Dingwall, headed: "Consultant Lobbyist Detail Report." The report says that Mr. Dingwall registered for Bioniche under "Contingency Fees: Yes," in 2003, and he backdated it to 2001. My narrative is correct. In 2003, it is a matter of public record that he was paid a contingency fee.

When this registration was complete, what action did the Government of Canada take with regard to the foundation from which he obtained the money — to recover the money?

Senator Austin: Honourable senators, I do not follow the question, but I will read it and take notice in the hope that there is some answer I could provide.

FOREIGN AFFAIRS

DENMARK—HANS ISLAND SOVEREIGNTY CLAIM

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. I want to express my appreciation for his reaction to questions yesterday about avian flu, and to assure him that where I am coming from today does not alter the fact that I will revisit that question very shortly.

Can the Leader of the Government tell the chamber the present state of discussions with Denmark with respect to Hans Island?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will assume that all of us are familiar with the claims for sovereignty by Canada and by Denmark with respect to Hans Island, which is located in Davis Strait between Ellesmere Island and Greenland. It is a very small island and it is situated in the centre line of distance between Canada and Greenland, and probably that centre line goes across that island. That is what I was told.

As honourable senators know, there have been demonstrations of sovereignty recently by both Canada and Denmark, which have led to discussions. On those discussions I cannot report in any detail, but both countries have agreed to stand off from further actions and permit their discussions to continue.

While I am on my feet, I do want to say that one of the more important relations that Canada has with Denmark is, of course, the Inuit relationship between the peoples of Nunavut and the peoples of Greenland. Canada does want to foster the development of that relationship.

Senator Forrestall: My question is partly to assure ourselves that we, in fact, understand the situation clearly. That is a very sensitive relationship, and one for which we must have full regard. To achieve a full awareness and understanding, could the Leader of the Government confirm that Denmark continually sends Canada diplomatic notification when it "visits" Hans Island?

Senator Austin: Honourable senators, it is part of the current stand-down arrangement that each of the countries will notify the other if there is an intention to visit that island. A further part of that stand-down arrangement is that it will not be visited for the purpose of furthering the claim of sovereignty. The dispute is accepted by both sides. What is now sought is a pragmatic and equitable settlement.

Senator Forrestall: Honourable senators, could the Leader of the Government in the Senate confirm that Canada has sent a diplomatic note to Denmark, or does send one? He has indicated that we do so in order to make a diplomatic visit. What do we do when we dispatch a military expedition to Hans Island, as we did this summer; that military visitation accompanied by our esteemed Minister of National Defence? Was that preceded by a diplomatic notification to Denmark and, if so, what was the response?

Senator Austin: Honourable senators, I will need to make inquiries. I know that the Minister of National Defence indicated that a message was sent. I do not know whether a diplomatic note was sent, but I will ascertain the facts more accurately. I can, however, say that the stand-down arrangement occurred after that visit.

HEALTH

2004 FIRST MINISTERS' MEETING ON THE FUTURE OF HEALTH CARE—BENCHMARKS FOR MEDICALLY ACCEPTABLE WAIT TIMES

Hon. Wilbert J. Keon: Honourable senators, my question for the Leader of the Government in the Senate concerns the establishment of national benchmarks for medically acceptable wait times.

In 2004, the health accord committed the provinces to create evidence-based benchmarks in five priority areas by the end of this year. Media reports over the last week have indicated that at least three of the provinces will not be able to meet the deadline. Conflicting statements have also been attributed recently to Dr. Brian Postl, the federal wait times adviser, as to whether he believes the deadline will be met.

Can the Leader of the Government in the Senate tell us that the federal government believes national benchmarks will be established in each priority area by December 31?

• (1410)

Hon. Jack Austin (Leader of the Government): Honourable senators, with reference to the question of Senator Keon, I am advised that there was a story in a Canadian Press news wire on October 10, 2005 alleging Dr. Postl, who is the federal adviser on wait times, had indicated there would not be enough evidence to set benchmarks by December 31, 2005. He issued a statement that same day clarifying his comments. In that statement, he said he believes there will be evidence-based benchmarks in the priority areas in time for the deadline set out in the 2004 first ministers' memorandum. There is no doubt that there is both the capacity and the evidence needed to set up these benchmarks.

He also said to the media on October 10 that the December 31 deadline is the beginning of a much longer process since the 2004 agreement I referred to acknowledged the need for national standards and the need for flexibility in achieving that comparability.

Senator Keon: I thank the Leader of the Government for that answer.

I appreciate there are some complexities associated with this, but I think the job is doable. I think this deadline could be met.

I also express some disappointment on behalf of my colleagues in the Standing Senate Committee on Social Affairs, Science and Technology that a major recommendation that we made has not been followed. I think the recommendation would solve this whole thing; that is, that we provide a health guarantee for patients.

Some Hon. Senators: Hear, hear!

2004 FIRST MINISTERS' MEETING ON THE FUTURE OF HEALTH CARE—HOME CARE DEADLINES

Hon. Wilbert J. Keon: I have another inquiry about home care.

It has been reported that the agreements on home care will not be met at this deadline, either. I believe this is a truly serious situation. I think the entire area of primary care, home care and so forth is not being dealt with quickly enough. Indeed, this area will have major implications if we are struck with a pandemic.

Could the Leader of the Government tell me if he thinks the government can meet the home care deadlines?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to make inquiries with respect to the home care deadlines.

As Senator Keon is well aware, provincial health ministers are meeting this coming weekend. I hope they continue to focus on the issues of wait times in all their aspects.

I also hope that Senator Kirby and Senator Keon, who received the distinction of a special invitation to be present at this health ministers' meeting, will press again the exceptionally valuable suggestion regarding wait times to which Senator Keon referred.

NATURAL RESOURCES

MACKENZIE VALLEY PIPELINE— PROGRESS OF NEGOTIATIONS

Hon. Lowell Murray: Honourable senators, I would like to ask a question about the proposed Mackenzie Valley Pipeline Project.

I am aware that the government has made certain commitments to economic and social activities in the event of the project going ahead. However, my interest today is to obtain a report as to the status of that proposed project as we speak.

Is the government awaiting decisions by the proponent companies? Are the companies waiting for decisions by the government? What is the position of the Aboriginal communities at the moment? One reads in the media that all but one of those communities have reconsidered their earlier demand for taxation rights on the pipeline.

In a word, how soon will we know whether this proposed project is a go or whether it is not on for the foreseeable future?

Hon. Jack Austin (Leader of the Government): Honourable senators, starting from the conclusion of Senator Murray's question, the development and construction of the Mackenzie Valley pipeline is of the highest priority in government policy. To that extent, the government has offered a half billion dollars during the construction project to deal with social and economic development impacts that are the multiplier effect of the construction of the pipeline.

The negotiations between the federal government, the territorial government, the Aboriginal communities and the pipeline developers is not concluded, as far as I am aware. There are still differences with respect to some of the Aboriginal communities in their requests for right of taxation and a guarantee of minimum revenues.

On the other hand, the risk assessment by the pipeline developers is also one that Aboriginal communities keep continuously under review, as the government does. We are unable to come to a conclusion with respect to the risk assessment without knowing what the concluded negotiations are with all of the other parties.

Senator Murray: Honourable senators, as I am sure the minister knows, some of the developers have, or believe they have, other options.

The question that is in my mind at the moment is whether the parties, including the government, are working under any self-imposed deadline to conclude these negotiations. When will we have a definitive word as to whether this is going ahead or whether it is off for the immediate future?

Senator Austin: Honourable senators, I do not have any advice to give with respect to deadlines, and I cannot provide definitive words. I will make specific inquiries. There is a cabinet committee that has the pipeline specifically under its responsibility.

As all of us know, there are differences of view as to what is an appropriate or acceptable investor rate of return. The proposed developers of the pipeline are of course wishing to ensure that all the risk that can be shifted to other players is shifted. That is fair and normal in business and commercial negotiations.

The people who have rights over land want a maximum revenue commitment, and the territorial government has important revenue aspirations with respect to the pipeline. Of course, the Government of Canada would like the pipeline to go forward on terms that are least onerous to the Canadian taxpayers.

Senator Murray: Honourable senators, I have a quick final supplementary question occasioned by the reply the minister has given.

As an experienced political observer as well as a minister of the Crown, would he like to speculate on the appetite of the Canadian people for concessions to oil companies under present circumstances?

Senator Austin: I will take note of your comment, Senator Murray.

[*Translation*]

RULES, PROCEDURE AND THE RIGHTS OF PARLIAMENT

MOTION TO AMEND RULE 32— SPEAKING IN THE SENATE

Hon. Madeleine Plamondon: Honourable senators, my question is for the Leader of the Government in the Senate. Some time ago, we had discussed having a simultaneous interpretation system for our Senate colleagues who speak Inuktitut. I want to know where things stand.

[*English*]

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to inform myself with respect to the state of that particular item on the Order Paper.

• (1420)

[*Translation*]

Senator Plamondon: I would like to add that such a system would be consistent with what the Governor General of Canada, Michaëlle Jean, said in her speech about eliminating the spectre of all the solitudes. We must begin in the Senate: the first solitude is being unable to communicate.

[*English*]

Senator Austin: I will respond by saying that my impression is that we asked a committee of this chamber to consider that item, and the matter is before that committee at this time.

FISHERIES AND OCEANS

PRIVATIZATION OF RESOURCES— USE OF OFFSHORE LABOUR

Hon. Gerald J. Comeau: Honourable senators, the Leader of the Government in the Senate will know that those of us who have shown interest in the fisheries have, for some time, been looking at the impact that privatizing the fisheries resource might have on communities. We learned last week that Clearwater Seafoods had decided to eliminate 40 jobs in North Sydney, Nova Scotia, and 26 jobs in Grand Bank, Newfoundland, using as an excuse the fact that it could not compete with Chinese labour and therefore would move the primary processing of Arctic surf clams to China.

As the Leader of the Government in the Senate and someone who sits in cabinet, I think the minister and cabinet should be aware that a difficult message is sent to Canadian workers when a resource owned by Canadians — the fishery — and jobs are transported to China because of cheap labour rights and what are probably less stringent environmental regulations. They are basically going after cheap labour.

Would the Leader of the Government in the Senate undertake to bring this matter to cabinet as it looks at the continued privatization of the fisheries resource, as this might be one of the areas of concern to cabinet? We may want to institute a moratorium or at least slow down the privatization of those stocks if the companies that are given the stocks use them to ship jobs offshore.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will treat Senator Comeau's question as a representation and refer it to the appropriate ministers for a response. I am sorry that I cannot give a more substantive answer to a question that, while it sounds simple, raises profound questions with respect to markets, globalization and trade issues, provincial authority and shareholder rights.

While I am on my feet, I wish the Standing Senate Committee on Fisheries and Oceans, chaired by the Senator Comeau, great success in its visit to British Columbia. Salmon is as important to me as the fisheries of the Atlantic are to the honourable senator.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a response to an oral question raised in the Senate on October 19, 2005, by Senator Tkachuk regarding Technology Partnerships Canada and Bioniche Life Sciences.

INDUSTRY

MR. DAVID DINGWALL—REGISTRATION AS LOBBYIST FOR BIONICHE LIFE SCIENCES INC.

(Response to question raised by Hon. David Tkachuk on October 19, 2005)

The Technology Partnerships Canada (TPC) program has accounted for over $14 billion of small businesses investing in research and development and technology.

That being said, it is not illegal to hire a lobbyist under Technology Partnerships Canada. A lobbyist must be registered and a company is prohibited from paying a contingency fee or a success fee. Should a breach be found, the Government of Canada has recourse to the company with which it has a contractual relationship.

Bioniche Life Sciences Inc. was awarded two contracts with TPC in 2001, one for $7.6 million and the other for $9.6 million.

Bioniche engaged Mr. David Dingwall to assist in the application for funds, which was a complicated process due to the complexity of the projects. Mr. Dingwall received approximately $350 000 for his services.

On Friday, September 23, 2005, Industry Canada informed Bioniche that the structure of compensation for consultants did not conform to government rules and, accordingly, Bioniche was put in default under the program.

As a result, Bioniche entered into a settlement with Industry Canada, whereby the Company will pay to the government an amount equal to the portion of the consultants' fees that were in dispute, plus costs of the audit.

THE SENATE

INTRODUCTION OF PAGES

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to introduce two new pages.

Jamie Mouawad was born in Moncton, New Brunswick, to Lebanese parents and is proud of her Canadian and Lebanese cultures. Jamie is in third year in the International Studies and Modern Languages program at the University of Ottawa.

David Taylor was born and raised in Edmonton, Alberta. He is in his first year of studies in Ethics and Society at the University of Ottawa.

Welcome to you both.

Hon. Senators: Hear, hear!

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, Tuesday, October 18, 2005, Senator LeBreton raised a question of privilege claiming that her rights as a senator had been infringed by certain activities that she attributed to the Standing Committee on National Security and Defence. Senator LeBreton contends that the committee met Monday and Tuesday morning without issuing a notice as required by rule 92(1). In addition, the senator explained that these committee meetings were conducted without simultaneous interpretation and outside the assigned time slot allocated to the committee. In consequence, the senator argued that she had been deprived of her rights under rule 91 to attend and participate in those meetings, even though she is not a member of this committee.

[*Translation*]

By way of response, Senator Kenny, who is the Chair of the National Security and Defence Committee, explained that the meetings beginning Monday and Tuesday morning were not in fact committee meetings. Instead, they were private meetings involving a senator and a group of individuals assisting him and some members of the Library of Parliament in preparing research. Even though members of the committee were advised of these meetings, this was done only as a matter of courtesy and in an effort to be transparent. In the end, as Senator Kenny recounted, only one senator took him up on his offer and then for just a brief time. Had the meetings been official, like the meeting held Monday afternoon, Senator Kenny insisted that all the rules for notice, interpretation and transcription would have been followed.

[*English*]

Several senators then intervened. Senator Tkachuk supported the views expressed by Senator LeBreton. Senator Banks, on the other hand, admitted to holding similar preparatory meetings for his committee. In his comment Senator Meighen warned against the proliferation of semi-official or unofficial meetings. There is a risk, as he indicated, that many will come to believe that the real purpose of these meetings is to do indirectly what cannot be done directly.

Following a brief comment from Senator Plamondon, Senator Forrestall and Senator Cools also expressed their views regarding the merits of the question of privilege. For his part, Senator Forrestall generally supported the efforts of the National Security and Defence Committee to prepare solid reports addressing complex topics. At the same time, Senator Forrestall suggested that there might be a need to look at the process to avoid any misunderstandings. Taking up on the same theme, Senator Cools proposed that it might be a better approach to consider this problem not as a question of privilege but as an issue that requires study and revue through a different avenue.

[*Translation*]

I want to thank all honourable senators who contributed through their exchanges to this question of privilege. The views that were expressed to the Speaker *pro tempore* have assisted me in understanding the nature of the alleged question of privilege which I must now address in order to determine if prima facie it warrants further consideration by the Senate itself.

[*English*]

The issue is in fact complex and several points need to be carefully considered. As Speaker, however, my primary obligation in considering this complaint is to assess it in terms of the criteria provided in rule 43 that must be met to establish its merits prima facie as a question of privilege. The threshold established by these criteria is fairly high as it must be for any question of privilege.

According to the rule, four criteria need to be met. The alleged breach must be raised at the earliest opportunity. It must deal directly with a privilege of the Senate, its senators or its committees. The grievance to be remedied must constitute a grave and serious breach of privilege. Finally, the issue must be raised in order to seek a genuine remedy for which no other parliamentary process is reasonably available.

[*Translation*]

With respect to the first two criteria, there is no real difficulty. I am satisfied that the complaint of Senator LeBreton was raised at the earliest opportunity and that it involves an issue that touches the privileges and rights of the Senate and its members. It now remains to analyze more closely the two other criteria.

• (1430)

[*English*]

The rule states that a point of privilege must "be raised to correct a grave and serious breach." As Speaker, it is incumbent upon me to make a ruling within the context of the normal operations of the Senate with respect to this point. As was mentioned during the exchanges that took place on the question of privilege, the Senate uses its committees to conduct much of its business to examine bills and inquire into different governmental policies. An adjunct to this work involves the use of subcommittees and, as well, informal private meetings with individuals or groups. Both are common and necessary practices that enable senators to more effectively carry out their responsibilities.

At the same time, there is a need to maintain a certain balance, especially with respect to the use of private meetings whose objectives are designed to serve the broader interests of the committee. A fundamental purpose of the rules and practices followed in the Senate is to provide for openness and accessibility. For this reason, the rules require that public notice be given, interpretation services provided, and proper records of decisions

kept. It is also why rule 91 allows senators who are not members of the committee to attend and participate. It should be noted that subcommittees can and do meet while the Senate is sitting and without public notice. However, in their actions and decisions, subcommittees are directly accountable to their main committee, which operates in full public view. This is not the case with respect to so-called private meetings.

What needs to be asked is whether the use of private meeting can cross the line and become, in substance if not in reality, a meeting of a committee or subcommittee in disguise. If committee meetings are held under the guise of private meeting, there is a serious possibility that the Senate could lose control of its ability to manage its affairs effectively. A proliferation of informal and unofficial private meetings could easily conflict with other committee work or even with the sittings of this chamber itself. The substantial risk of diminished participation by senators could also seriously compromise the Senate's ability to conduct its affairs properly and thoroughly. Seen in this perspective, the abusive use of private meetings could constitute a grave and serious breach under the terms of rule 43(1)(d), and lead to a finding of a prima facie breach of privilege.

[*Translation*]

The final criterion to consider is whether or not there are other parliamentary processes available to deal with this potential breach. This question of privilege has at its core the activity of committees. Traditionally, committees are regarded as the master of their own proceedings. While this does not mean they operate above the *Rules of the Senate*, their less formal nature often creates certain grey areas of practice that our rules do not conclusively govern. An example of a grey area may very well be the situation we are considering today.

[*English*]

As Speaker, I am reluctant to become involved in regulating the affairs of committees. It seems to me that there are other more appropriate mechanisms available to do this. With respect to the issue raised in Senator LeBreton's question of privilege, committees themselves could consider how they might standardize the role of subcommittees in performing the kind of important preparatory work guiding their research efforts. This would likely reduce the need for the sort of private meetings complained of in this question of privilege. It might also be useful for the Rules Committee to look into the matter if it thinks that certain practices need to be more formally regulated. This can be done by the committee on its own authority or it can be done by way of an order of reference adopted by the Senate. There may be other means involving the political leadership of the Senate to address this issue. Given that these different options are reasonably available within the meaning of paragraph 43(1)(c), I am unable to find that a prima facie case of privilege has been properly established in this case.

[The Hon. the Speaker]

ORDERS OF THE DAY

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Massicotte, for the third reading of Bill S-40, An Act to amend the Hazardous Materials Information Review Act.

Hon. Ethel Cochrane: Honourable senators, it is my pleasure to speak today at third reading of Bill S-40, to amend the Hazardous Materials Information Review Act.

The witnesses' testimony on this bill was particularly clear and straightforward. It was invaluable. In my remarks today, I would like to highlight just some of what we were told in committee.

In the words of Weldon Newton, President and CEO of the Hazardous Materials Information Review Committee, or the HMIRC, the workplace hazardous materials information system is, in essence, a hazards communication system. It is required by federal, provincial and territorial governments. It requires product labels and safety documentation to include identification of the hazardous ingredients in a chemical product: the specific hazards posed by the product, the precautions to be taken when handling a product, and the first aid measures to be applied in the event of exposure to a product.

It must be noted that full disclosure of the chemical composition of products does not have to take place if doing so would reveal a trade secret — more specifically, where such a revelation would likely cause economic loss to the claimant or economic gain to its competitor.

The HMIRC was created to review such claims against full disclosure. The commission, Mr. Newton explained, reviews the health and safety documentation of those products, issues compliance orders and provides appeal mechanisms under federal, provincial and territorial legislation. The operations of the commission are overseen by a council consisting of 17 members who represent organized labour, industry, each provincial and territorial government and the federal government.

When the commission receives a claim, it must determine two things: First, whether the information to be concealed is indeed a trade secret; and, second, whether disclosure would have economic consequences to that claimant. If the trade secret claim is not upheld, then the ingredients must be disclosed; otherwise the product cannot be sold in Canada.

Another of the commission's primary tasks is scientific analysis. The commission's role is to ensure that the health and safety information that is supplied to employers and workers accurately and completely describes the hazards of the product and its ingredients.

In the event that a claimant or any affected party challenges a decision of the commission, there is an appeals process that is followed. Basically, when an appeal is launched, it is heard by an independent board made up of representatives from government, labour and industry. Essentially, that is how the system works.

The bill before us presents three amendments to the current process. The first amendment deals with the procedures surrounding trade secret claims. Presently, claimants are required to gather and present substantial supporting documentation. This places a great administrative burden on claimants who must compile the documentation, and on the commission that is entrusted with reviewing each detailed submission it receives.

It is interesting to note that in the 17 years that the commission has been in place, virtually all the claims have been found to be valid. In fact, of the over 2,000 claims that have been received and reviewed, only four have been found non-compliant.

Under this amendment, claimants can simply declare the information for which they are seeking a disclosure exemption and keep the supporting documentation on file so that it can be presented at the commission's request. This is expected to significantly reduce the administrative burden for both claimants and the commission.

Of course, the commission will still have access to supporting documentation; and whenever a claim is challenged by an affected party, full documentation will be required from the claimant. However, this will basically free up the resources of the commission so that instead of mulling over mounds of paperwork, more resources will be available to get health and safety information out to workers and employers.

• (1440)

The second amendment presented in Bill S-40 seeks to shorten the time it takes to get health and safety information out to workers and employers. Currently, when a claimant is found to have inaccuracies in their safety documentation, a compliance order is issued and published in the *Canada Gazette*. This amendment will allow claimants to enter into undertakings with the HMIRC to correct these inaccuracies without having a compliance order issued. By changing the process to allow for the necessary changes without the formal order, fully accurate information will get into the hands of those who need it much sooner than is currently the case.

Honourable senators, this is truly important. When Mr. Newton appeared before the committee, he indicated that on health and safety disclosures, a significant number of claims are in non-compliance. He said that there are usually eight to nine inaccuracies or violations per claim. Non-compliance is simply not an option. When the health and safety of workers and employers in this country are at stake, 100 per cent accuracy is and must be the standard. I am confident that the bill before us will guarantee that any inaccuracies are promptly addressed.

The final amendment that Bill S-40 makes to existing legislation affects the appeals process. Once again, this amendment will have the effect of increasing the efficiency of current practices. With this amendment the commission will be permitted to respond to requests by appeal boards for clarification of the record. Current legislation prohibits the HMIRC from providing input at this stage, even for the purpose of clarification. Appeal boards have often been faced with issues that are, in the words of Mr. Newton, "fairly scientifically or economically complicated and need further clarification from the commission." Therefore, by permitting the commission to step in when needed and sought, the appeals process will be expedited.

Honourable senators, I fully support Bill S-40. The amendments contained in this bill will contribute greatly to the safety of workers and employers who deal with chemical problems. It will mean that inaccuracies in health and safety information will be communicated promptly, which is key, and that the appeals process will be much more efficient as a result of the commission's ability to provide clarification on issues that arise.

When I commented on this bill at second reading in June, I expressed my tentative support for the bill. At that time I wanted to have a couple of unanswered questions addressed before finalizing my decision. I was concerned about the level of input from the provinces and territories on these amendments. I was concerned that according to the act the council may contain as few as four provincial or territorial representatives. The time frame for the development and progress of these amendments also raised questions in my mind. After all, it was back in 1998, seven years ago, that the renewal process began. The amendments before us were proposed in 2002 and now, near the end of 2005, we finally have them before us in this bill. Given that the issues before us were met with the unanimous support of industry, labour, and all levels of government, this bill was especially slow moving.

Honourable senators, I am happy to report that late last month, a range of testimony before the Standing Senate Committee on Social Affairs, Science and Technology put my concerns to rest. The Parliamentary Secretary to the Minister of Health, the Honourable Robert Thibault, spoke directly to my concerns when he appeared before the committee. On the question of time, Parliamentary Secretary Thibault admitted that there were no simple reasons for the delay of the bill. He said that the process was interrupted each time a new minister of health was named; and once the writ was dropped. While I find this to be convenient and a somewhat reasonable explanation, I fear it does not bode well for the government's ability to pass legislation that for all intents and purposes has the full support of all affected parties. Related to my second concern, Mr. Thibault told the committee that the provinces were involved in the entire renewal process and that they fully support the amendments. This sentiment was further supported by labour witness testimony.

Honourable senators, I commend all those who participated in the consultation process regarding these changes. They have provided a shining example of what can be achieved when stakeholders and government work together for the good of all Canadians. My only wish is that the machinery of government functioned as efficiently. Bearing that in mind, I am hopeful that Bill S-40 is nearing the end of its long journey and that it will soon become the law and begin working to protect the interests of all Canadians.

The Hon. the Speaker: I see no senator rising to speak or adjourn the debate. Are honourable senators ready for the question?

Some Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

REMOTE SENSING SPACE SYSTEMS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Robert W. Peterson moved second reading of Bill C-25, governing the operation of remote sensing space systems.

He said: Honourable senators, it is my pleasure to speak at second reading of Bill C-25, governing the operation of remote sensing space systems. Let me take this opportunity to ask honourable senators to give the passage of Bill C-25 their most urgent consideration, based on the timely need for the bill; on the bill's features that are responsive to both government and private sector needs; and on the desire to reap the benefits that this bill could have for government, industry and all Canadians.

Canada's first remote sensing satellite, RADARSAT-1, was launched in November 1995. It was optimized for mapping sea ice off Canada's Arctic and Atlantic coasts to aid in the safety and navigation of vessels there. It was also built to exercise Canada's sovereignty in the Far North by providing information on possible incursions into Canada's exclusive jurisdiction under cover of seasonal darkness or extensive cloud.

RADARSAT-1 was originally designed to last five years, but is now about to complete its tenth year of operation. Over that double lifespan, RADRASAT-1 has proved itself several times over for land use, natural resource and environmental management in Canada, and in other countries around the world. As one example among many, it has mapped Antarctica to obtain remote data so important for humanity's understanding of earth's climate change. At its best, RADARSAT-1 can see with the clarity of eight metres resolution — enough to detect a large combine on a Saskatchewan wheat field or a dump truck hauling ore from one of many Alberta oil sands projects.

The spacecraft's ability to peer at the earth both day and night through fog, smoke and cloud cover has greatly assisted with disaster response and search-and-rescue efforts around the world. Let me cite a few examples. RADARSAT-1's timeliness and versatility contributed to relief operations following natural disasters on numerous occasions. Earthquakes and volcanic eruptions as well as the aftermaths of hurricanes, tsunamis and floods are all clearly visible in radar imagery. The penetrating ability of radar further means that relief officials need not wait for ash or cloud cover to clear over affected regions to acquire imagery of the devastation. Recently, for example, RADARSAT-1 acquired imagery over the South Asian earthquake region, whose relief efforts were hampered by heavy rains. RADARSAT-1 also helped with the search for a Canadian sailor in the South Atlantic Ocean who went missing during a solo yacht race around the world. It stands ready to assist in future search and rescue efforts.

• (1450)

RADARSAT-1 is able to detect small changes in the surface of the earth using the technique of repeat pass interferometry. These types of images are also invaluable for oil companies seeking to monitor their oil wells to detect damage by the subsidence of the earth as oil is extracted from the ground. RADARSAT-1's ability to detect oil slicks on the ocean's surface helps these same oil companies find fresh new undersea reserves by searching for oil seepages. RADARSAT-1's imagery can likewise respond quickly in the event of an accidental oil spill into the world's oceans. Timely access to RADARSAT-1 imagery has assisted a nuclear power plant operator in protecting reactor water cooling intake manifolds from ingesting oil released by a 1997 oil tanker accident in the Sea of Japan.

Honourable senators, it makes me proud to know that Canadian vision, Canadian know-how and Canadian investments have put our nation in the vanguard of these beneficial endeavours in outer space. We must now continue to build upon this first success and prepare the way for the private sector to participate more fully in future successes. The aim of RADARSAT-2 is to do exactly that.

RADARSAT-2 is a Canadian satellite to be launched in December 2006. It will provide data continuity for the operational endeavours initiated by RADARSAT-1, but it will also do much more. RADARSAT-2 will possess a three-metre resolution; a resolution fine enough to recognize a fighter aircraft parked on the tarmac of a military airfield, or good enough to detect a military vehicle in an open field or on the open road. It will also be able to sense four polarizations of electromagnetic energy, unlike RADARSAT-1, which could only sense one polarization. RADARSAT-2 will thus be able to sense the shape of man-made objects. It is this capability that will make RADARSAT-2 especially useful in the detection of surface vessels approaching Canada's shores on three oceans. Thus, while the purpose of the new RADARSAT will remain predominantly civil, its high performance, versatility and timely response will also engender capabilities that could be of some benefit for the military.

RADARSAT-2 will be Canada's first commercially-owned and operated remote sensing space system, a departure from the RADARSAT-1 experience that has its parallels in the previous privatization of communication satellites in Canada. Canada, through the Canadian Space Agency, has pre-purchased sufficient satellite imagery from RADARSAT-2's operators to meet the government's imagery needs over the new satellite's planned seven-year lifespan. A Canadian company, Macdonald Dettwiler and Associates Ltd., has anted up a substantial amount of its own money to service the needs of the Canadian government and to pursue further market opportunities at home and abroad for advanced radar imagery.

Thus, honourable senators, private capital, commercial technology and managed risk-taking have produced a remote sensing space system that can serve both civil and military. This endeavour is to be applauded and will continue to have the government's full support. Given the satellite's enhanced capabilities, however, it is only prudent that the government at the same time ensures that it has the legislative means to regulate these types of missions in the interests of Canada's security.

I ask my colleagues in the Senate to pass Bill C-25 to help ensure that the beneficial uses of this advanced technology will prevail over alternate uses that could be injurious to the security of Canada or its allies. RADARSAT-2, and all other remote sensing satellites that are to follow, whether they use government, private or public-private partnership business models, will benefit from this regulatory control.

Honourable senators, let me now introduce a few features of Bill C-25 to demonstrate how this bill balances the needs of government and the needs generated by business interests to bring about the smart regulation of Canadian remote sensing satellites in Canada.

Under Bill C-25, anyone who operates a remote sensing space system from within Canada must have a licence. The licence requirement extends to Canadian citizens or corporations operating a satellite system from a location outside Canada. In addition to setting out detailed licensing authorities under the proposed act, Bill C-25 also grants the power for the responsible minister to exempt persons, systems or data from application of the act.

This power has been included in the bill to allow exemption from regulation for those remote sensing systems whose performance characteristics would not generate security concerns. The government does not intend to regulate for the sake of regulation. Furthermore, this power allows exemption of systems operated by Canadians in foreign jurisdictions when those foreign jurisdictions agree to licence those operations to the satisfaction of the responsible minister. As such, Bill C-25 fulfils Canada's international obligations to regulate the space activities of its nationals.

As with other licensing regimes in Canada, the one proposed by Bill C-25 will seek to establish a dialogue between the regulated and the regulator. One feature of the bill stands out in this regard. Clause 8 of the bill enables the applicant to have its application approved very early in a satellite's development, even before the complete system characteristics are known in detail. This approval by the responsible minister will remain binding so long as the circumstances under which the approval was granted do not change. With this feature, the applicant can use such approval to secure the necessary private investments, to fund the remote sensing system, and to seek system participants, both domestic and foreign. Once the space system design is known with sufficient clarity, the applicant can apply to obtain an irregular operating licence. Meanwhile, disclosure of the system's capabilities by the applicant will permit the government to assess risk and risk mitigation aspects of a licence, such as may be needed to protect Canada's security, defence and international relations.

Bill C-25 also has been fashioned to intervene in operations of a licensed satellite only to the extent necessary to protect Canada's national interest. It does not intend or seek to intervene in normal commercial business activities or in areas of exclusive provincial responsibility.

It also seeks to keep the overall regulatory burden as light as possible. Bill C-25 was fashioned to focus the regulatory oversight on the operations of the licensee and, through the licensee, on the operations of their major system participants. It was specifically designed not to impact directly on the activities of every individual who might make use of data provided by the licensee and other major participants. The issuance of a licence and the approval of system participants to perform activities under its authority provide a rather simple way to enable domestic and foreign entities to participate safely in potentially sensitive operations. In this manner, Bill C-25 remains focused on sensitive areas that could generate security concerns and leaves benign operations unencumbered by regulation.

The government has, however, reserved certain powers in order to meet the security, defence and foreign policy Canada needs in times of serious crises or conflicts. One such power is the ability to interrupt normal commercial service. According to clause 14 of Bill C-25, only the Minister of National Defence or the Minister of Foreign Affairs may interrupt normal commercial service. These powers could be necessary in the future to ensure that an enemy does not gain access to data from Canadian regulated satellites that could do Canada or its allies harm. The fact that this decision to exercise these extraordinary powers is held at the ministerial level will help to ensure that they are rarely invoked, and only to protect against the most serious threats against national security. The bill is mindful of the importance of the continuity of data supply for the success of a licensee's business.

In keeping with the desire to balance the security needs of the government on the one hand with the business needs of a licensee on the other, Bill C-25 affords the licensee opportunity to make representations to the minister for any decision the minister may make. Sometimes this requires the minister to provide prior notice of an accident. Sometimes this requires the minister to receive representations subsequent to his or her action. The intent of Bill C-25 is to maintain a continuous channel for dialogue between the licensee and the licensor.

• (1500)

Threats to Canada and its allies may change in a dynamic post-9/11 world and foreign competition may arise to challenge Canada's remote sensing leadership. Locking ourselves into a rigid structure would advantage neither the public nor the private good.

Honourable senators, let me conclude with the following summary rationale for the bill before us. As the ownership of high performance remote sensing space systems in Canada transfers from the public sector to the private sector, we need legislation to protect Canada's vital security, defence and foreign policy interests.

As private sector interest in high performance remote sensing space systems in Canada grows, we need legislation to create a transparent regulatory framework so that licensees, investors, customers and governments alike will know in advance the rules of operation for this new area of commercial endeavours.

Finally, honourable senators, we need legislation to demonstrate to other nations that Canada takes its international obligations seriously in terms of regulating the space activities of its nationals.

We need legislation to help Canadian enterprise secure foreign technology, services and markets and thereby better compete in an increasingly competitive world. We need, in point of fact, this legislation.

Honourable senators, Canada has come a long way in the 10 years since RADARSAT-l was launched. With this legislation, we can take Canada's remote sensing space industry to even greater heights of success. RADARSAT-2 will be but one additional step on that journey as Canada builds a framework for future constellations of remote sensing satellites to maintain our leadership in this cutting-edge industry.

The Hon. the Speaker: Senator Peterson, will you accept a question?

Senator Peterson: I will do my best.

[*Translation*]

Hon. Madeleine Plamondon: Honourable senators, a witness who took part in the deliberations of the committee responsible for considering Bill C-25 in the House of Commons told me that some questions remained unanswered. Perhaps Senator Peterson could answer. Will MacDonald, the company that will own RADARSAT-2, have the right to sell information to the United States which could be detrimental to Canadians?

[*English*]

Senator Peterson: MacDonald, Dettwiler and Associates Ltd. won this competition under request for proposal through a number of others. I think the honourable senator asked if they have to sell it. They do not have to sell it to anyone.

Senator Plamondon: Can they sell this?

Senator Peterson: Under a commercial basis, they could sell data information.

Senator Plamondon: That means that they are the sole owner of the data.

Senator Peterson: First, a client would have to make a contract with them for the data it wanted. The Canadian Space Agency has purchased a considerable amount of time, which is just for them. They do not have access to any other source. A firm would have to state what it wanted and then decide whether it is capable of doing it.

Senator Plamondon: Would the Canadian government have the right to decide, or is that decision left to the owner? This would be the first time we have had private ownership of RADARSAT.

Senator Peterson: Honourable senators, I would have to get that information. I cannot answer that question.

On motion of Senator LeBreton, for Senator Di Nino, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY PARKS CANADA HISTORIC SITES— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein:
>
> 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.—(*Honourable Senator Cools*)

Hon. Wilfred P. Moore: Honourable senators, this matter stands in the name of Senator Cools. I have spoken with the honourable senator and she has agreed to yield the floor to me so that I may speak today. I would ask that following my remarks the adjournment stand in her name.

Honourable senators, I rise today to add my support to Senator Joyal's motion of June 29, 2005, calling for the establishment of a historic site of the residence of Louis-Hippolyte Lafontaine in Montreal. This historic site will be dedicated to promoting knowledge of the fight for responsible government in Canada and also the part played in achieving this by Robert Baldwin, Joseph Howe, Charles Fisher and Lord Elgin. This story represents the

seminal point in the history of our country and the Commonwealth, and it is a noble goal to make our citizens more knowledgeable of that struggle.

It is lamented by many in Canada that the historical knowledge of our society of the great events that have made us who we are are little known and celebrated less. Should we expect our citizens to know every date and event of importance in our history? Perhaps not, but we should make every effort possible to remind people of how we arrived here and where we are going. There is no better method of looking into the future than knowing the past. If we do not know where we have been, we cannot know where we are going.

I digress a bit, but I am truly pleased to speak today about our struggle for responsible government, a struggle that some might say continues.

• (1510)

I would like to speak to the second part of the motion with reference to the contributions made by individuals in the fight for responsible government, specifically those contributions made by a son of my province, Joseph Howe. I am humbled to work in the same office that was once occupied by this upstanding Canadian and great Nova Scotian.

Born on the Northwest Arm of Halifax in 1804, Joseph Howe spent his formative years in a one-and-a-half storey cabin. It is somewhat the measure of the man that he died in 1873 in Barrington House, after being named Lieutenant-Governor of Nova Scotia.

Howe's parents were John and Mary Edes Howe. His father was a United Empire Loyalist who emigrated to Nova Scotia in 1780. John Howe would have a tremendous influence on his son, imparting his steadfast belief in the British Empire. For most of his life, the son would spread this word, believing the future of Nova Scotia depended on her relations with Great Britain.

With little money available through his childhood, Joseph Howe largely was a self-educated man, reading whatever and wherever possible. Later in life, Howe would be a great promoter of universal education, believing that every child in Nova Scotia should have the opportunity to learn to read and write, to have access to books, and that every adult who did not have that chance should be afforded the same.

In 1827, Howe became sole proprietor of the newspaper the *Novascotian* and thus began his scrutiny of the local government in Halifax. Over the next several years, he came to learn of the corruption that existed there. Disillusionment with the local magistrates came readily to Howe, especially after participation in some of the grand juries, which oversaw some actions taken by the local magistrates.

Colonial governments of Howe's day consisted of the governor and his council, who were appointed by Royal Authority. The governor of Nova Scotia would have been in constant contact with the minister responsible for the colonies in Great Britain, and it was the governor who made sure these policies were carried out. The governor was responsible for executing colonial laws, administering justice and appointing most administrative and judicial officers. Governors were commanders-in-chief. They were in charge of the defence of the colony and foreign relations. They were considered a branch of the legislature and possessed a veto power over all laws. Their power was exclusive power to grant lands to citizens of the colony.

The colonial council of the colony served as both the Privy Council of today as well as the House of Lords. The chief duty of the council was to counterbalance a legislative assembly, as well as serve as a superior court in some colonies. The Legislative Assembly in Nova Scotia would have been elected from local constituencies, but the power of these assemblies was severely limited by the executive powers above them.

In Nova Scotia, as in most colonies of the Empire, the county would have been the central unit of central government administered by county courts, which were composed of justices of the peace appointed by the governor. One could easily comprehend the stranglehold on power that was possessed by the governor. There was also the further development of local cliques that he appointed that controlled local affairs.

It was in this world that Joseph Howe began to agitate for reform. The first manifestation of this came in 1835 through the *Novascotian*. Newspapers of the day were one of the main vehicles for calling for government reform. However, publishers needed to exercise great caution in doing so.

One must remember that a contemporary of Howe in Niagara, Bartemas Ferguson, publisher of the *Spectator*, was charged with seditious libel for his criticism of the government of Upper Canada. Sentenced to 18 months in jail, fined 50 pounds and ordered to stand in the pillory for one hour each day, it is not hard to see why Ferguson refrained from criticism in the future, but also how the government managed to keep the press in check.

On January 1, 1835 the readers of the *Novascotian* read a letter addressed to Joseph Howe and signed "The People," which accused the local government in Halifax of extorting more than £30,000 from the people of the city over the past years. Use of these letters to the publishers of newspapers were a common tool of criticism of the day, and it was recognized by all that they represented the views of the publisher. Thus, Howe was swiftly charged with seditious libel, and his trial was set for March 2, 1835.

Howe was informed by lawyers that the truth was actually not considered a defence against libel and that his case was a lost cause. In the interim, Mr. Howe read all he could from the law books of the day and attempted to construct a defence. He confessed after the trial to remembering only the first two paragraphs of his speech.

The trial was held in the library of the House of Assembly of Nova Scotia in Halifax. The presiding judge was Chief Justice Brenton Halliburton, an appointment that Howe had criticized as well. The outlook was not bright. The prosecution called one witness to establish Howe's guilt. Howe called none and left his defence to his summation speech before the jury.

Howe spoke for six-and-one-half hours. He spoke of the dangers of the concentration of power in the hands of the few and the urgency of a free press. I quote:

> Will you permit the sacred fire of liberty brought by your fathers from the venerable temples of Britain to be quenched and trodden out on the simple altars they have raised? Your verdict will be the most important in its consequences ever delivered before this tribunal; and I conjure you to judge me by the principles of English law, and to leave an unshackled press as a legacy to your children.... Yes, gentlemen come what will, while I live, Nova Scotia will have the blessing of an open and unshackled press.

Ten minutes later, Howe was acquitted, and as John Ralston Saul has written, "His six hour defence and subsequent acquittal is a defining moment in the arrival of freedom of speech in Canada."

Howe would have much more to say in the future, and this would be in the guise of a politician, his second but perhaps most important career.

In the general election of 1836, against advice from many of his confidants, Mr. Howe ran for the County of Halifax and was elected its representative in the Assembly of Nova Scotia. His platform was straightforward, "...all we ask for is what exists at home — a system of responsibility to the people."

In 1837, Howe introduced his 12 resolutions towards responsible government, demanding much more power for the elected representatives, and thus a check on the executive powers. It is apparent Howe felt that a small colony such as Nova Scotia did not need the exact powers of Great Britain. It must also be kept in mind that Howe believed strongly in the Empire, and he would be loathe to detract from its powers.

However, an unforeseen event occurred which would force Howe's hand in this matter. In the wake of the rebellions of Upper and Lower Canada, Lord Durham released his report advising on what was needed to ease the tensions. The conclusion, as we all know, was responsible government. In a series of letters to the colonial secretary of the day, Lord John Russell, who objected to the report, Howe accepted totally the Durham report and demanded its recommendations be adopted. He stated, "All suspicion of disloyalty we cast aside, as the product of ignorance or cupidity; we seek for nothing more than British subjects are entitled to, and settle for nothing less."

Howe's objections to the status quo in Nova Scotia became more refined and resulted in the strongest statement yet against the executive, the demand for the recall of the Lieutenant-Governor. This resulted in Howe forming a coalition with the Tories in the executive council, one which would last until 1843, with Howe resigning over a disagreement about appointments.

So it was that Howe found himself back at the *Novascotian* where from 1844 to 1847 he would work to stoke the flames for reform and explain the issues in black and white to the people of Nova Scotia.

Thus, due to his efforts, the election of 1847 became an election fought over the issue of responsible government in which the Reformers won a majority, resulting in the end of the Tory hold on the executive, and the first responsible government in the British Empire. Howe was later to say it was achieved without a "blow struck or a pane of glass broken."

In any case, Howe had achieved his goal of reform and reform within the British Empire. His contribution to responsible government in Canada begins in 1835 with his successful defence at the hands of the ruling power, and it ends with his control of the executive in 1848. It is to Howe's credit that he achieved responsible government in this country without bloodshed, and brought an end to autocracy in British North America. Canada owes Joseph Howe a great deal of gratitude for helping to pave the way.

• (1520)

I would be remiss if I did not inform my fellow colleagues of some of the frustrations I have encountered in my recent attempts to provide knowledge of our country's heritage to the people of Nova Scotia.

There lives in Halifax a gentleman by the name of Michael Bawtree who founded the Joseph Howe Initiative to celebrate the two hundredth anniversary of Howe's birth and his historic accomplishments. During all of 2004 and since, Mr. Bawtree has tirelessly worked, often in period costume, to promote all things Joseph Howe, including the launch of two books. The launch took place in Barrington House, which, as I mentioned earlier, is the residence of the Lieutenant-Governor of Nova Scotia.

Mr. Bawtree has travelled to schools teaching students of the great place Joseph Howe has in the history of my province and our country. Mr. Bawtree is doing in Halifax exactly what the Lafontaine Centre proposed by Senator Joyal would do in Montreal: The promotion of Canada, our history, the great events of the past, and the great men and women who built this country.

However, when I approached the Department of Canadian Heritage to inquire as to what funding might exist to maintain this wonderful initiative, I was informed: "The Department of Canadian Heritage does not have any programs that would provide support for this type of initiative." I was seeking a paltry $15,000 for the Joseph Howe Initiative. Honourable senators, I am very concerned as to why the Department of Canadian Heritage would have no programs which could provide funding for an initiative which is promoting the history of our country. I am sure you share my concern and my puzzlement. It is important to place this concern on the record here in this chamber, where I know Canada's history is not taken lightly.

It is with this recent experience in mind that I lend my wholehearted support to Senator Joyal and his endeavour. The history of Canada is a vibrant one, the result of which has been to create a nation which we know is an example to all. It is only fitting that we commemorate those who have worked to make Canada the great nation that it is, and this is a tremendous

step that we can take in honouring the lives and the efforts of Louis-Hippolyte Lafontaine, Robert Baldwin, Charles Fisher, Lord Elgin and Joseph Howe.

I wish to close by quoting Joseph Howe, who said:

> A wise nation preserves its records, gathers up its muniments, decorates the tombs of its illustrious dead, repairs its great public structures, and fosters national pride and love of country by perpetual reference to the sacrifices and glories of the past.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have a comment, but it could be a question. Let me make it a question.

The Hon. the Speaker: Just to keep our business in order, Senator Moore's time has expired. I know that Senator Rompkey wishes to ask a question, and I know that Senator LeBreton wishes to adjourn the debate. I leave it to Senator Moore as to what happens as to the first matter.

Senator Moore: Honourable senators, I was able to speak today through the courtesy extended by Senator Cools. I asked at the beginning that the adjournment be returned to her. I thought the house had agreed.

The Hon. the Speaker: Just to clarify, Senator Rompkey would like to ask you a question, Senator Moore. For him to do that, you would have to ask for additional time, and you would also have to agree to take the question.

Senator Moore: I am requesting additional time, honourable senators, and I would agree to attempt to answer Senator Rompkey's question.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Rompkey: Honourable senators, I am wondering if Senator Moore knew that Joseph Howe gave his last speech outside of a Rompkey house in West Dublin, Nova Scotia, just to keep the historical record complete.

On motion of Senator LeBreton, for Senator Cools, debate adjourned.

[*Translation*]

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO STUDY EFFECT OF RELOCATING FEDERAL DEPARTMENTS—DEBATE ADJOURNED

Hon. Claudette Tardif, pursuant to notice of July 6, 2005, moved:

> That the Standing Senate Committee on Official Languages study and report its recommendations to the Senate on the following no later than June 15, 2006:
>
> 1. The relocation of federal department head offices from bilingual to unilingual regions and its effect on the employees' ability to work in the official language of their choice;
>
> 2. The measures that can be taken to prevent such relocations from adversely affecting the application of Part V of the Official Languages Act in these offices, and the relocated employees' ability to work in the official language of their choice.

She said: Honourable senators, the motion I am submitting for your examination today is another opportunity for the Senate to contribute to strengthening bilingualism within the federal public service.

Its specific intent is to prevent the relocation of federal department head offices from adversely affecting the relocated employees' ability to work in the official language of their choice.

[*English*]

This motion is another occasion for the Senate to facilitate the relocation of government offices and to ensure that it is done in a manner that is respectful of the law and of federal employees' workplace rights, which are protected by Part V of the Official Languages Act. The aim of this motion is to ensure that the federal government does not have to intervene by way of decree when it is relocating its institutions to undesignated regions for workplace language purposes, and to establish clear policies and guidelines for the federal government to follow in the event of any other move of its offices to undesignated regions.

• (1530)

I fully support the government's effort to decentralize its offices so that more communities may take advantage of the economic benefits and of the federal government's increased presence in the regions. However, such a move must be done according to clear government guidelines to ensure a smooth transition for the federal employees who decide to relocate. We must facilitate the process by ensuring that the federal government is not infringing on its employees' rights and its own regulations.

[*Translation*]

Honourable senators, my purpose in presenting this motion is mainly related to the negative impact on the language of work arising out of the relocation of the Canadian Tourism Commission. Its relocation from Ottawa to Vancouver is to be completed by the end of 2005 and will be increasing operational productivity as well as stepping up the federal presence in Western Canada.

This is an excellent initiative and one I wholly subscribe to. I am in favour of institutions providing services to the public being located outside Ottawa. There are numerous advantages to this decentralization to the regions, as Senator Downe's inquiry of February 2, 2005 clearly showed.

After Senator Downe's presentation, our colleagues Senators Robichaud, Ringuette, Chaput and Mitchell, made eloquent speeches extolling the benefits of a federal presence in other communities across the country.

[*English*]

In a country that is as geographically expansive as ours, the decentralization of government operations can have many advantages. It increases the number of federal employees outside the National Capital Region and increases the government's presence in economically sensitive communities. The Canadian Tourism Commission's move to Vancouver increases the federal government's presence in the Western provinces and provides the possibility of increased employment opportunities for graduates from our French-as-a-second-language programs and francophone schools.

[*Translation*]

This initiative would increase the federal government's presence in certain communities, especially ones with weak economies and high unemployment rates. Moreover, from the perspective of Part VII of the act, moving the Canadian Tourism Commission to British Columbia could be a good opportunity for the government to assist the development of the francophone community in British Columbia, to enhance linguistic duality and to promote the French fact in British Columbia. This would also create more jobs for graduates with knowledge of both official languages.

Relocating the Department of Veterans Affairs to Charlottetown in 1976 is a good example that illustrates what such an initiative can bring to a region. In addition to the economic aspect, Senator Downe mentioned the linguistic aspect to illustrate the impact such moves can have. According to him, one of the effects of moving Veterans Affairs to Charlottetown was a remarkable increase in the use of French.

This move, which occurred before the new Official Languages Act was passed in 1988, combined with other factors, had a positive impact on the francophone community by giving it greater cohesion. In this case, moving Veterans Affairs helped stimulate the vitality of francophone communities and create more jobs for young francophones and francophiles on Prince Edward Island. Minority francophone communities like nothing more than to be supported by our efforts to develop and promote our linguistic duality. I recently had the privilege of travelling to Nova Scotia with my colleagues from the Standing Senate Committee on Official Languages. This trip showed us just how much this Acadian and francophone community, like all francophone communities in Canada, needs support to develop and flourish.

The federal government and its institutions play a key role in reinforcing the vitality and development of francophone communities. However, we must ensure that there are no negative consequences on the ability of relocated public servants to work in the official language of their choice. The relocation of the Canadian Tourism Commission from Ottawa to Vancouver, in other words from a region designated as bilingual for language-of-work purposes, to a non-bilingual region, is an example of the collateral effects that such an initiative may have on the working conditions of public servants. A number of official voices, including that of the Official Languages Commissioner, have stated that, if no permanent measures are taken, the guaranteed right under the Official Languages Act of francophone employees to work in the language of their choice may be compromised.

[Senator Tardif]

[*English*]

The relocation of the Canadian Tourism Commission from Ottawa, a designated region for language-of-work purposes, to Vancouver, a non-designated region, provides a good example of the unforeseen consequences such a move can have on federal employees' working conditions.

Part V of the Official Languages Act recognizes federal employees' right to work in the official language of their choice in certain designated areas. All designated areas are in New Brunswick, Quebec and Ontario. I note that there are none west of Ontario or east of New Brunswick.

Senator Ringuette: Shame!

[*Translation*]

Senator Tardif: These regions were designated following the adoption of the Parliamentary Resolution on Official Languages in the Public Service. This measure, which followed on the heels of the Official Languages Act of 1969, confirmed the right of federal employees in specific situations to work in the official language of their choice. In accordance with the legislation, the federal government had to ensure that federal employees working in such regions benefited from conditions conducive to the use of French or English.

Because Vancouver is not a bilingual location for the purposes of work, the French-speaking employees of the Canadian Tourism Commission who elect to relocate will no longer benefit from all the tools they need to work in their first official language. They will be forced to give up this right, which they enjoyed in Ottawa for a number of years. English-speaking employees who want to practice their second official language in order to improve their language skills will also suffer the ill effects of this situation.

If nothing is done, the federal government and federal institutions, which may relocate to non-bilingual regions, may lose the linguistic skills of existing employees because the latter will no longer be able to work in their second language.

David Emerson, the minister responsible for this Crown corporation, made sure the provision of the Official Languages Act on providing the public with services in French and English would be respected by the Canadian Tourism Commission. Part IV of the act guarantees the public the right to communicate with the head office of a federal institution in the official language of their choice. Paradoxically, even if the employee's position is still designated bilingual, the only time francophones at Canadian Tourism Commission will use their language at work will be in serving the public. Would it not be frustrating to lose your right, overnight, to use your language during meetings and to no longer be able to receive and write internal documentation and material in the language of your choice? Would it not be frustrating to no longer have access to computer programs in the language of your choice? It is difficult enough to relocate and adapt your life. It is even more difficult to conduct your professional life when your rights have been taken away.

• (1540)

Suggestions have been made to correct this situation which certainly does not encourage employees to agree to go to their new assignment.

On June 27, the Treasury Board approved an implementation principle that temporarily protects employees' language-of-work rights when a head office moves from a bilingual region to a unilingual region.

This begs the question: Would it not be better to avoid the need to issue an order every time a federal institution is relocated? The federal government has shown its desire to decentralize more of its activities. It is likely that other decentralizations will follow that of the Canadian Tourism Commission. In July, after the decision on the tourism commission, 120 jobs at the CanMet lab at the Department of Natural Resources were moved from Ottawa to Hamilton.

What is more, there are persistent rumours that 400 translators at Public Works and Government Services in Gatineau are going to be moved to New Brunswick. In the context of increased relocation of federal government activities to the regions, I think it would be important to examine the matter carefully in order to find lasting solutions.

[*English*]

Since the federal government has indicated that it may consider further relocations of federal institutions, let us ensure that all further decentralizing activities are done according to the federal government's laws and regulations. Let us ensure that it is done in a quick and efficient manner, while still respecting federal employees' rights.

Is not the protection of regions and of minorities one of the roles of the Senate? Let us be proactive and equip the federal government with long-term solutions that will make all future relocations efficient and law abiding.

[*Translation*]

What solutions? How to go about it? There could be a regulation, an amendment added on to the Official Languages Act, or some other approach defined by the Standing Senate Committee on Official Languages.

[*English*]

The Official Languages Committee could also study the feasibility of new designated regions for language-of-work purposes in order to spread more evenly throughout the country the advantages that come with the re-localization of federal offices.

[*Translation*]

My hope in introducing this motion is to make it possible for the Standing Senate Committee on Official Languages to address this matter and come up with some suggestions for the government.

In my humble opinion, an opinion shared, moreover, by a number of my colleagues, reflecting on this matter and collecting some informed opinions is the best way to help maintain the obligations set out in Part V of the Official Languages Act and to consolidate the guarantee federal public servants have of working in the official language of their choice.

The intention behind the decision-makers' choice to decentralize is a laudable one. It is, however, possible that there could be some unexpected outcomes that cannot be overcome without some corrective or accompanying measures.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable Senator Tardif, your speaking time is up. Do you wish to ask for more time?

Senator Tardif: I would like two more minutes.

Hon. Senators: Agreed.

Senator Tardif: Decentralizing public services has an important role to play in bringing the federal administration closer to people, but must not represent a burden to those responsible for delivering services. It must have little or no impact on employees' working conditions.

Between 1974 and 2005, the number of bilingual public service positions rose from 21 per cent to 39 per cent. If public service bilingualism has made major advances, and if we have a public service increasingly attuned to the existence of both official languages, this is in large part the result of increasingly scrupulous application of the Official Languages Act. If we want to continue to have a public service that is even more representative of our linguistic duality, we must be even more vigilant or the progress made so far will be lost.

As a protector of minorities, the Senate must have a say on bilingualism within the public service, particularly where language of work is concerned, as we have in the past on a number of other issues contributing to creating a Canada where diversity is not an obstacle. It is therefore incumbent upon the Senate to examine this thoroughly.

I therefore propose that the motion be referred to the Standing Senate Committee on Official Languages and that the committee report to the Senate no later than June 15, 2006.

On motion of Senator Segal, debate adjourned.

[*English*]

STUDY ON STATE OF HEALTH CARE SYSTEM

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Michael Kirby, pursuant to notice of October 19, 2005, moved:

> That notwithstanding the Order of the Senate adopted on Thursday, October 7, 2004, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report on issues arising from, and development since, the tabling of its final report on the state of the health care system in Canada in October 2002

(mental health and mental illness), be empowered to present its final report no later than June 30, 2006, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until October 31, 2006; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, I would like to make a one-minute explanation for the motion. The order granting the Standing Senate Committee on Social Affairs, Science and Technology authority to study mental health expires at the end of the calendar year. The committee is running slightly behind our original forecast to table our report by the end of November or early December. It now appears that the report will be ready to table on January 19. That is simply a function of the translation and printing problems associated with the production of a very long report.

The purpose of the order is to do two things: to extend the committee's mandate to finish the study; and, second, to table the report in January as soon as it is ready, even though the Senate will not then be sitting.

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

Motion agreed to.

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 25, 2005, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 25, 2005, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

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

(1st Session, 38th Parliament)

Thursday, October 20, 2005

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

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20	05/06/29*	31/05
S-31	An Act to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30	05/05/12	05/06/07	Transport and Communications	05/06/16	0	05/06/21		
S-33	An Act to amend the Aeronautics Act and to make consequential amendments to other Acts	05/05/16	Bill withdrawn pursuant to Speaker's Ruling 05/06/14						
S-36	An Act to amend the Export and Import of Rough Diamonds Act	05/05/19	05/06/09	Energy, the Environment and Natural Resources	05/06/16	0	05/06/20		
S-37	An Act to amend the Criminal Code and the Cultural Property Export and Import Act	05/05/19	05/06/15	Foreign Affairs	05/06/29	0	05/07/18		
S-38	An Act respecting the implementation of international trade commitments by Canada regarding spirit drinks of foreign countries	05/05/31	05/06/15	Agriculture and Forestry	05/06/23	3	05/07/18		
S-39	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	05/06/07	05/06/15	Legal and Constitutional Affairs					
S-40	An Act to amend the Hazardous Materials Information Review Act	05/06/09	05/06/30	Social Affairs, Science and Technology	05/09/29	0	05/10/20		

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act	05/06/14	05/06/20	Legal and Constitutional Affairs	05/07/18	0 observations	05/07/19	05/07/20*	32/05
C-3	An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications	05/06/09	0 observations	05/06/22	05/06/23*	29/05
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-9	An Act to establish the Economic Development Agency of Canada for the Regions of Quebec	05/06/02	05/06/08	National Finance	05/06/16	0	05/06/21	05/06/23*	26/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs	05/05/12	0 observations	05/05/16	05/05/19*	22/05
C-11	An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings	05/10/18							
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14	05/05/13*	20/05
C-13	An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act	05/05/12	05/05/16	Legal and Constitutional Affairs	05/05/18	0	05/05/19	05/05/19*	25/05

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources	05/05/17	0 observations	05/05/18	05/05/19*	23/05
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-22	An Act to establish the Department of Social Development and to amend and repeal certain related Acts	05/06/09	05/06/21	Social Affairs, Science and Technology	05/07/18	0	05/07/20	05/07/20*	35/05
C-23	An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts	05/06/02	05/06/14	Social Affairs, Science and Technology	05/07/18	0	05/07/20	05/07/20*	34/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-25	An Act governing the operation of remote sensing space systems	05/10/18							
C-26	An Act to establish the Canada Border Services Agency	05/06/14	05/06/29	National Security and Defence					
C-28	An Act to amend the Food and Drugs Act	05/10/19							
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14	05/05/05*	18/05
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance	05/05/03	0	05/05/10	05/05/13*	19/05
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 *(Appropriation Act No. 2, 2004-2005)*	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 *(Appropriation Act No. 3, 2004-2005)*	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-38	An Act respecting certain aspects of legal capacity for marriage for civil purposes	05/06/29	05/07/06	Legal and Constitutional Affairs	05/07/18	0	05/07/19	05/07/20*	33/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-40	An Act to amend the Canada Grain Act and the Canada Transportation Act	05/05/12	05/05/16	Agriculture and Forestry	05/05/18	0	05/05/19	05/05/19*	24/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 *(Appropriation Act No. 4, 2004-2005)*	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 *(Appropriation Act No. 1, 2005-2006)*	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05
C-43	An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005	05/06/16	05/06/21	National Finance	05/06/28	0	05/06/28	05/06/29*	30/05
C-45	An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts	05/05/10	05/05/10	National Finance	05/05/12	0	05/05/12	05/05/13*	21/05
C-48	An Act to authorize the Minister of Finance to make certain payments	05/06/28	05/07/06	National Finance	05/07/18	0 observations	05/07/20	05/07/20*	36/05
C-49	An Act to amend the Criminal Code (trafficking in persons)	05/10/18							
C-56	An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement	05/06/16	05/06/20	Aboriginal Peoples	05/06/21	0	05/06/22	05/06/23*	27/05
C-58	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2006 (*Appropriation Act No. 2, 2005-2006*)	05/06/15	05/06/21	—	—	—	05/06/22	05/06/23*	28/05

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-259	An Act to amend the Excise Tax Act (elimination of excise tax on jewellery)	05/06/16							
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02	05/05/05*	17/05
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/06/16						
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations	05/05/17		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19	05/06/01	Energy, the Environment and Natural Resources	05/06/29	0			
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce	05/06/23	1	05/06/28		
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09	Dropped from Order Paper pursuant to Rule 27(3) 05/10/18						
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01		Subject matter 05/07/18 Legal and Constitutional Affairs					
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16	05/06/01	Social Affairs, Science and Technology					
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23	05/06/01	Banking, Trade and Commerce					
S-29	An Act respecting a National Blood Donor Week (Sen. Mercer)	05/05/05	05/06/01	Social Affairs, Science and Technology					
S-30	An Act to amend the Bankruptcy and Insolvency Act (RRSP and RESP) (Sen. Biron)	05/05/10							
S-32	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	05/05/12							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-34	An Act to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament (Sen. Cools)	05/05/16							
S-35	An Act to amend the State Immunity Act and the Criminal Code (terrorist activity) (Sen. Tkachuk)	05/05/18							
S-41	An Act to amend the Department of Foreign Affairs and International Trade Act (human rights reports) (Sen. Kinsella)	05/06/21							
S-42	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	05/07/20							
S-43	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	05/09/28							
S-44	An Act to amend the Public Service Employment Act (Sen. Ringuette)	05/09/28							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce	05/05/05	0 observations	05/05/10	05/05/19*	
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17	05/04/19	Legal and Constitutional Affairs					

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