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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, June 6, 2006

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

Prayers.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, may I draw your attention to the presence in the gallery of our former colleague, Senator Erminie Cohen.

SENATORS' STATEMENTS

IMPERIAL ORDER DAUGHTERS OF THE EMPIRE CONFERENCE CANADIAN HARD OF HEARING CONFERENCE

Hon. Catherine S. Callbeck: Honourable senators, this past weekend I had the privilege of being involved in two national conferences held in my home province of Prince Edward Island.

In Summerside, I was honoured to address the national conference and annual meeting delegates of the Imperial Order Daughters of the Empire, also known as the IODE. The theme of their conference was "Catch the New Wave," and the members learned through workshops, seminars and speakers new ways to continue their 106-year tradition of helping children, youth and those in need. This organization has accomplished many extraordinary things since it began.

The Canadian Hard of Hearing Association held its annual conference and trade show in Charlottetown. Delegates saw the latest in technology for people with hearing problems and listened to Sue Thomas, the inspiration for the television series, *Sue Thomas, F.B.Eye*.

In addition, our former colleague Senator Gauthier was honoured in absentia for his work on behalf of Canadians who are hard of hearing. We all know that this is a well-deserved honour and know the tremendous work he has done and continues to do.

• (1410)

The fact is that one in ten Canadians has some form of hearing loss. This number is expected to rise to 17 per cent over the next seven years. Hearing loss is the largest disability in the country.

These are just two of the many national conferences that are taking place in my home province this year. Prince Edward Island has become a very popular location for national organizations to hold their annual meetings and conventions, with excellent

facilities, challenging golf courses — some of which are internationally recognized — beautiful scenery and, of course, our famous Island hospitality.

Each conference last weekend was a great success. I wish to take the opportunity to commend the volunteers of these two organizations. They are truly committed, and they dedicate a great deal of time, effort and energy to helping others. They can all be justifiably proud of everything they have accomplished.

D-DAY AND CANADIAN FORCES DAY

Hon. Michael A. Meighen: Honourable senators, it is 62 years ago to the day that the Third Canadian Infantry Division and the Second Armoured Brigade took part in Operation Overlord, the invasion of mainland Europe. Their goal on D-Day was to establish a bridgehead on a beach code-named "Juno" — a beach where a Canadian museum now stands in recognition of our nation's accomplishment and sacrifice.

[*Translation*]

Juno Beach was an eight-kilometre-long, heavily guarded open expanse. Canadian soldiers fell in great numbers under enemy fire, but they persevered and reached their goal. That was D-Day, when Canadian troops succeeded in gaining more ground than all of the other Allied forces.

On that one day, 340 Canadians were injured and 574 killed. Most of the dead now lie in two beautiful Canadian cemeteries nestled in the picturesque Normandy countryside.

It was neither the first nor the last time that Canadian men and women fought bravely in a war to protect our freedoms and our way of life.

[*English*]

Although we pause to commemorate D-Day annually on June 6, we must never forget the sacrifices and accomplishments of our Armed Forces subsequent to this day. Besides playing a leading role in bringing the Second World War to an end, Canadians have fought side by side with our allies for decades in campaigns such as the Korean War, the first Gulf War, NATO operations and UN peacekeeping operations around the world, defending those values we hold dear. Currently, our men and women are engaged in a similar effort in Afghanistan.

Two days ago, another event took place to honour the men and women of our Armed Forces. June 4 marked the fifth annual Canadian Forces Day. According to the Chief of Defence Staff, General Rick Hillier:

Canadian Forces Day gives the public a chance to show their support for the work of our soldiers, sailors, airmen and airwomen who wear the maple leaf on their shoulder defending Canada and promoting Canadian values around the world.

As Canadians, we from time to time take for granted our current way of life — our freedoms and our rights to participate in cultural and political events, and our rights to live under a government of our choice. We owe the preservation of these freedoms to the men and women who wear our uniform — those who wore it in the past and those who wear it today.

[*Translation*]

I invite all senators to join me in recognizing all of those who served our country in the past, as well as the men and women who so proudly wear the maple leaf today.

[*English*]

The present-day accomplishments of our Armed Forces, both regular and reserve, build on a proud tradition. Today, men and women of the Armed Forces continue to make us proud and are a fitting tribute to the legacies and sacrifices of the Canadians in uniform before them.

DIABETES DAY ON THE HILL

Hon. Marilyn Trenholme Counsell: Honourable senators, June 5, 2006, was the first ever Diabetes Day on the Hill. Volunteers living with diabetes, in communities across Canada, came to Ottawa to raise our awareness of the seriousness of diabetes.

Diabetes is a disease which directly causes over 5,000 deaths per year and contributes to about 25,000. In economic terms, diabetes costs Canadians more than \$9 billion annually, including both direct costs and those stemming from premature death and lost productivity.

• (1415)

Over 2 million Canadians have diabetes today and more than 3 million will be diagnosed by 2010. The incidence in diabetes among children under age 15 has tripled since 1971. Type 2 diabetes, which was once considered something one developed after the age of 45, is increasingly being diagnosed in those under 20. Data from the United States suggests a 10- to 30-fold increase in the number of children with type 2 diabetes over the past 10 years. It is an epidemic among Aboriginal peoples in Canada, with the national age-adjusted prevalence three to five times higher than that of the general population. Type 2 diabetes is beginning to emerge in Aboriginal children as young as five years of age.

Honourable senators, it is no surprise that one in three children born in 2000 will develop diabetes at some point during their lifetime. Two risk factors for developing type 2 diabetes are being overweight and being physically inactive. In 2004, 26 per cent of Canadian children and adolescents aged 2 to 17 were overweight or obese, and 8 per cent were obese. In adolescents aged 12 to 17, the overweight-obesity rate of this age group more than doubled and the obesity rate tripled. For children aged 6 to 11 years and adolescents aged 12 to 17 years, the likelihood of being overweight or obese tends to rise as time spent watching TV, playing video games and using the computer increases. Each week 25 per cent of Canadian kids spend more time watching TV or playing video games than they spend in school. Research shows that 50 per cent of Canadian children are simply not active enough.

[Senator Meighen]

Honourable senators, to prevent type 2 diabetes, the most important thing we can do for our children is to teach them that it is fun to live healthy and active lives.

[*Translation*]

Honourable senators, each one of us can do something to help Canadian children and youth stay healthy, eat well and become more active.

Diabetes is a lifelong illness. Our children and youth must have a good foundation for lifelong health. We must focus our actions on preventing diabetes because this is a priority for Canada and the rest of the world.

[*English*]

CHINA

SEVENTEENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Hon. Consiglio Di Nino: Honourable senators, the words “Tiananmen Square” for me conjure up images of treachery, barbarism, cowardice, murder and denial of the most basic human rights. The Chinese leaders who gave the military orders on that fateful dark night of June 4, 1989 are guilty of all these things. They ordered the butchering of hundreds if not thousands of men and women. These young demonstrators were all Chinese citizens, the future of their country. The evil men who committed these atrocities did so because these young people were demonstrating for things that we take for granted every day, such as basic rights and freedoms. The brutal crackdown of the Chinese leaders reverberated throughout the world and sent a cold chill across all lands. That was 17 long years ago, yet brave and courageous Chinese citizens still demonstrate today against these tyrants, and are arrested and jailed by the Chinese police. It is these valiant people I wish to salute today. They keep the flame of hope alive and they honour the memory of those whose lives were so brutally stomped out on June 4, 1989.

I urge all honourable senators, all Canadians and, indeed, the whole world to demonstrate solidarity with these Chinese people who tirelessly toil eventually to slay the dragon and bring democracy to China.

WALK THE WORLD FOR SCHIZOPHRENIA

Hon. Lillian Eva Dyck: Honourable senators, on May 29 in Ottawa there was a Walk the World for Schizophrenia. This event is a major fundraiser that assists the Schizophrenia Society of Canada in its important work. In Saskatoon, the Walk the World for Schizophrenia normally occurs in the fall, and this year it will be held on September 24. I have participated in this walk along the banks of the South Saskatchewan River many times in support of the Schizophrenia Society of Saskatchewan.

This disease is one of the most serious mental health disorders. Its incidence is about one in one hundred persons or about 300,000 Canadians. The main symptoms of schizophrenia are delusions and hallucinations, thought disorder, lack of motivation and social withdrawal. The onset of the disease is usually in early childhood, which often disrupts the individual's education.

• (1420)

Adult schizophrenics often find it difficult to maintain employment for a sustained period of time. Furthermore, the chronic nature of the disease contributes to ongoing social problems. As a result, individuals with schizophrenia are greatly overrepresented in prison and in homeless populations.

Antipsychotic drugs are the main vehicle used to treat schizophrenia. The atypical antipsychotics have fewer side effects than the older typical antipsychotics, but unfortunately, significant weight gain is often associated with some of the newer drugs. Antipsychotic drugs effectively treat the positive symptoms of schizophrenia, such as hallucinations and psychosis, but improvements in the negative symptoms, such as social withdrawal and decreased motivation, are more difficult to achieve. Thus, antipsychotic drug treatment is usually combined with other elements, such as educational support, primary care services, hospital-based services and community support, for example, proper housing and employment.

According to the Schizophrenia Society of Saskatchewan, there is a critical shortage of professional caregivers, doctors, psychiatrists and nurses that needs to be dealt with in the near future. In addition, there is a need for safe and decent housing for individuals being released from the hospital; there is an immense need for community support for the individuals suffering from schizophrenia; and most importantly, there is a great need to change the public attitude toward individuals suffering from schizophrenia.

As honourable senators will know, the Standing Senate Committee on Social Affairs, Science and Technology released its report, *Out of the Shadows at Last*, on May 9. The Schizophrenia Society of Canada and the provincial schizophrenia societies strongly support the recommendations contained in the report and they are encouraging the government to move forward on its implementation.

Honourable senators, there is an urgent need for the federal government to move quickly to establish and fund the Canadian Mental Health Commission.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of His Excellency Foued Mebazaâ, President of the Chamber of Deputies of the Republic of Tunisia. Also with him are His Excellency the Ambassador of Tunisia and a delegation of deputies of the Republic of Tunisia.

On behalf of all of the senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

RENEWAL OF PROPERTY QUALIFICATION

LIST OF SENATORS TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 135, I have the honour to table the list of senators who have filed a renewed Declaration of Property Qualification.

[English]

STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Banking, Trade and Commerce, entitled, *Consumer Protection in the Financial Services Sector, the Unfinished Agenda*.

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

• (1425)

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons with a Bill C-15, to amend the Agricultural Marketing Programs Act, to which they desire the concurrence of the Senate.

Bill read first time.

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

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

[Translation]

BUDGET IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Bill read first time.

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

[English]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave, I propose that this bill be read the second time tomorrow.

[Translation]

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

Hon. Senators: No.

Senator Comeau: I move that this bill be read a second time at the next sitting of the Senate.

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

[English]

Hon. Joseph A. Day: Honourable senators, normally when we are asked to abridge time, we are told why.

The Hon. the Speaker: Senator Comeau, do you wish to explain?

[Translation]

Senator Comeau: Honourable senators, I discussed the matter with the Deputy Leader of the Opposition, and we agreed to proceed with second reading tomorrow, given the time of year and the resulting workload for the committees.

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

Hon. Senators: Agreed.

On motion of Senator Comeau, notwithstanding rule 57(1)(f), Bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[English]

QUESTION PERIOD

FINANCE

EQUALIZATION FORMULA—EXCLUSION OF NON-RENEWABLE RESOURCE REVENUES

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I return to last week, when I asked the Leader of the Government in the Senate a series of questions on the fiscal balance and how a Conservative campaign promise to exclude non-renewable resources revenue from the equalization formula had been transformed into a mere preference.

• (1430)

In response, the government leader said there were many views on the issue and asked us to wait for the report of the expert panel. The expert panel made its report yesterday. According to Al O'Brien, who chaired the panel, the report does not take into account the accords reached by Prime Minister Martin with the provinces of Newfoundland and Labrador and Nova Scotia.

Can the Leader of the Government in the Senate assure honourable senators and the citizens of those provinces that the government will honour those accords?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for that question.

The Prime Minister and the government do not intend to alter the offshore agreements that were reached in 2005 with Nova Scotia and Newfoundland and Labrador.

Senator Hays: Honourable senators, the expert panel proposes that one half of natural resource revenue be included for purposes of the equalization formula. Will the Leader of the Government in the Senate tell us whether her party's election promise to exclude those revenues will still be honoured?

Senator LeBreton: As the honourable senator knows, this report, better known as the O'Brien report, was commissioned by the then Minister of Finance in March 2005. We just received the report yesterday, and in view of all the headlines about the other issues that were happening, many of us have not had a chance to read it until today. This report has now been received. The Minister of Finance is looking carefully at the recommendations of this report, along with many others that he has received. It is only prudent to wait until the Minister of Finance and the government have had a proper opportunity to respond to this and other reports before we deal with the question of equalization and fiscal balance.

Senator Hays: I thank the minister for those answers. However, it now becomes a question of what is the work plan. What is the plan in terms of the decision-making process that will lead to our hearing from the government on what it proposes to do on the questions that are now in play? Will this be addressed soon or at a later time?

This is a subject, as the minister knows, that has concerned a number of premiers. We would probably all agree that it would be well to settle those anxieties as soon as possible. When are we likely to see steps being taken to do that?

Senator LeBreton: The government will carefully consider the recommendations of the expert panel, and it will also consider and review the Council of the Federation Report and the June 19 report of the Canadian Federation of Municipalities before consulting with the provinces, territories and other interested parties in order to come forward with a response and a proposal in the early fall.

[Translation]

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. When Quebec Premier Jean Charest gave the opening address on Monday at the Economic Forum of the Americas, organized by the Conference of Montreal under the ever-capable leadership of Gil Rémillard, he criticized the fact that some people — meaning the Harper government — are questioning the Kyoto Protocol.

Mr. Charest said that the Kyoto Protocol is our best weapon against global warming. He went on to say that we have a huge moral obligation to future generations, and that his government intends to meet that obligation.

Given that Canadians in general and Quebecers in particular attach a great deal of importance to all environmental issues, can the honourable minister assure this chamber that her government will have the courage to examine its conscience and alter its position on the Kyoto Protocol, in keeping with what Canadians want?

• (1435)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fox for his question.

I do not believe that anyone questions the good intent of the Kyoto Protocol. The government and Minister Rona Ambrose have clearly stated that the commitments made in Kyoto cannot be achieved. When Minister Ambrose represented the Government of Canada at the conference in Bonn, she simply told the truth and stated the obvious. That was the case with most other industrialized nations. The Kyoto Protocol goals, however laudable, are not realistic. As we have stated, emissions in Canada have increased since signing on to Kyoto.

With regard to comments made by the Premier of Quebec, I do not believe there is any disagreement that most people support the overall intent of the Kyoto Protocol. The only difference is that the federal government is speaking openly and honestly with respect to informing Canadians of something they should already know, that there is no way the country can live up to the commitments set out in the Kyoto Protocol.

Minister Ambrose is working on several fronts and will shortly be presenting proposals with regard to the issue of greenhouse gas emissions and a made-in-Canada policy.

[Translation]

Senator Fox: Honourable senators, I would like to ask a supplementary question. At the same conference, the Deputy Prime Minister of Great Britain — also an industrial power — wanted to exceed the Kyoto objectives. He stated that his

government was undertaking to exceed the targets. It took a certain amount of political courage to make that kind of commitment.

In addition, in Montreal this past weekend, at the annual meeting of the Federation of Canadian Municipalities, which has over 1,400 representatives of Canadian cities — large, small, and medium-sized — the members supported the position of the previous government. They stated that they could even surpass the Kyoto objectives. This is at odds with the response given by the honourable minister.

Furthermore, Quebec Premier Charest, urged the Bloc Québécois to vote against the budget in the House, given the government's position on Kyoto.

In light of what I have just said, if the government is serious about promoting the interests of Quebec, could the minister tell us whether, given the strong expression of support by municipal officials and the international community, the government would be prepared to re-examine its position and to show the necessary political courage to admit that it was wrong and to allow the Minister of the Environment to address the federation in future without having to duck out at the last minute?

[English]

Senator LeBreton: No one questions the good intentions of the previous government in terms of the Kyoto Protocol and the desired outcome. The problem is that they were not able to live up to these commitments and the situation became worse.

We can respond in this place to interesting comments made by premiers. I took note of the particular comment the honourable senator attributes to Premier Charest.

• (1440)

I go back to what I have said many times: This government will approach this issue seriously and realistically. It will deal with a made-in-Canada approach, one I am sure which, when Minister Ambrose announces it, will be clear, realistic and effective. It will be a plan that will set us on the road to reaching our targets.

[Translation]

INTERGOVERNMENTAL AFFAIRS

MANITOBA—RECOGNITION OF AGREEMENTS WITH PREVIOUS GOVERNMENT

Hon. Maria Chaput: Honourable senators, I address my remarks to the Leader of the Government in the Senate. On Wednesday, May 31, I asked a supplementary question concerning the agreements in principle on early learning and child care.

I have with me the documents, which include a copy of the agreement in principle signed by the Government of Canada and the Government of Manitoba on April 29, 2005. I know full well that similar agreements were signed across Canada. I have an information sheet indicating the programs that will be cancelled or will not be developed in French Manitoba if this agreement is not renewed.

I would like to point out to the Leader of the Government in the Senate that the francophone community in Manitoba has its sights set on early childhood services in French in each of the communities where a French school is located, that is 19 of our communities in Manitoba.

For French Manitoba, the abolition of the bilateral agreement, the agreement on early learning and child care, will mean no funding for new infrastructures, thus precluding the building of the urban daycare centre in Saint-Vital; no new places in five daycare centres or early childhood services in the rural areas, La Broquerie, Saint-Vital, St-Jean-Baptiste, Lorette and Sainte-Agathe; no scholarships for people aiming for careers in early childhood development, although the scholarship was an incentive for people taking special courses, and these people signed an agreement that they would work two years for us before going elsewhere; and no more funding for the new early childhood leadership course at the Collège Universitaire de Saint-Boniface.

Would the Leader of the Government in the Senate like me to table these documents? Does her government still intend not to renew the agreements despite the fact that this decision will have a negative impact on early childhood development in francophone minority communities?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank the Honourable Senator Chaput for her question.

The honourable senator asked a similar question last week, at which time I asked specifically that her concerns with regard to the programs she mentioned be set down and that I be able to respond to them properly. I would be happy to have the documents to which the honourable senator refers.

In answer to whether we will undo what we said we would do in terms of the agreements that the previous government signed, the answer to that of course is no. We will bring in our own child care policies.

However, I appreciate the specific issues that the honourable senator has raised. I would be happy to respond to each and every one of them. I have mentioned previously, however, that there were many issues concerning things that were to happen but they never happened. That is a different matter. As I have said, nothing from nothing is nothing.

If these are specific plans and programs that the honourable senator says are being affected directly, I would be happy to respond to each and every one of them.

FOREIGN AFFAIRS

HAITI—DEATH OF FORMER ROYAL CANADIAN MOUNTED POLICE OFFICER MARK BOURQUE

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate.

[Senator Chaput]

There have been disturbing news stories in the last few days over the death of Mark Bourque, a retired RCMP officer who was killed while serving with the United Nations mission in Haiti. The reports allege that his was a death that could have been prevented. In fact, as there are many troubling questions surrounding his death, the UN has launched its own investigation.

Does the government support this investigation, or will the government launch its own investigation?

• (1445)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Munson for his question. I saw both reports on Mark Bourque and found them very disturbing.

I am certain that the Minister of Foreign Affairs and the Minister of Public Safety are well aware of this matter. I will take that question as notice and will respond with a delayed answer.

Senator Munson: I thank the Leader of the Government for that answer and will look forward to the delayed answer.

The stories also suggest that the family has been kept out of the loop. The family has not heard from our government or the UN. I urge the honourable senator to consider that as well.

Senator LeBreton: As I said, those reports were very disturbing, especially when one realizes that the hospital was so close by and that there were other UN soldiers there. I will certainly make every effort to answer that question.

THE CABINET

NOTICE OF MEETING

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

Like everyone in Quebec, I was fascinated to see news media reports yesterday and today that a cabinet meeting is planned at the Citadel in Quebec City on June 22-23, leading up to the Fête nationale. You can understand why this is interesting to all of us from Quebec.

Can the Leader of the Government confirm that this meeting is planned? If so, could the honourable senator explain why we know about the time and place of cabinet meetings in Quebec City but not in Ottawa?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have read the same news reports. I have not received confirmation that there will be a cabinet meeting in Quebec City.

If we do go to Quebec City on the evening of June 22 and the day of June 23, it will be a wonderful opportunity for us to profile our new young cabinet and how many of the cabinet members are truly bilingual and able to communicate with the people of Quebec, unlike most of the Liberal leadership candidates.

[Translation]

Senator Fraser: Honourable senators, I would like to congratulate the Leader of the Government for her colleagues' bilingualism, youth and brilliance.

Who knows, the Senate may sit on Friday, June 23. Can she tell us whether she or the Minister of Public Works and Government Services will be in the Senate that day?

[English]

Senator LeBreton: Honourable senators, if the Senate is sitting, and if there is a cabinet meeting, perhaps with two weeks' notice I can be forgiven for being absent from Question Period.

Senator Fraser: That is why I thought it would be appropriate to put the question early.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENSE—ARMAMENT SPECIALISTS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Downe.

[English]

STATUTES REPEAL BILL

NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO RECEIVE DOCUMENTS AND EVIDENCE ON STUDY OF BILL S-5 IN THE THIRTY-EIGHTH PARLIAMENT

Leave having been given to revert to Notices of Motions:

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

That the papers and evidence received and taken on Bill S-5, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, by the Standing Senate Committee on Legal and Constitutional Affairs during the First Session of the Thirty-eighth Parliament be referred to the Standing Senate Committee on Legal and Constitutional Affairs for its study on Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.

• (1450)

ORDERS OF THE DAY

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

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill S-3, to amend the National Defence Act to bring our military justice system into accord with the civilian courts with respect to the registration of sex offenders.

Currently, there is no system during a court martial to require an individual convicted of a sexual offence to register information as may be required by the civilian courts. Bill S-3 seeks to correct this difference, while taking into account the operational needs of our forces and the rights and obligations of our soldiers.

[Translation]

The bill will also make changes designed to enhance the current federal sex offender registry.

[English]

As Senator Nolin mentioned in his speech introducing this bill, Bill S-3 is substantially similar to a bill that was introduced by the previous government in the last session of Parliament.

Other honourable senators have noted that the previous bill, S-39, passed second reading and was the subject of six separate meetings in the Standing Senate Committee on Legal and Constitutional Affairs. Some of the concerns raised in these meetings have been addressed in the bill before us.

One thing that is of the utmost importance to many honourable senators is to ensure that we never bring disrepute on our Canadian Forces. As we all know, our forces are currently representing Canada abroad in Afghanistan and elsewhere, and some have even made the supreme sacrifice on our behalf.

[Translation]

I feel it is important that every time we mention our Canadian forces over there, we pay tribute to their efforts, heroism and bravery.

[English]

In my previous role as Canada's Special Envoy to Sudan, I had the opportunity to work with some of the hundred or so Canadian troops stationed in Darfur. I saw the bravery and commitment of our Canadian Forces first hand. They have left behind comfortable homes here in Canada and have been deployed to a harsh environment in an effort to help those who have nothing in this world.

The expertise and commitment to professionalism of our forces in the face of difficult and unpredictable circumstances was astounding. Our Canadian Forces represent us to the world, and Canadians are extremely well represented by those men and women. We should recognize them not only for their sacrifices, but also for the successes which all too often go unsung.

Even if we do not always agree with the policies that lead to a deployment of troops, there can be little doubt that our forces will always conduct themselves as shining examples of the values that have made our country so great.

It is therefore worth noting that the bill before us today deals with some exceptionally rare circumstances. While it is our duty to give these new measures careful consideration, weighing them on their individual merits, we must also recognize that they will likely not be used with great frequency.

According to the previous Minister of National Defence, only 17 individuals have been charged with offences that would be covered by the bill before us since the sex offender registry came into effect. The number of persons convicted by court martial each year of sexual offences is not large — about three per year, on average. It is important, nonetheless, that military courts be given the authority to order persons convicted of sexual offences to report and provide the required information to the Sex Offender Information Registry.

The idea of requiring sex offenders to register their information with authorities is not a new one in this chamber. Not only did we approve of the original Sex Offender Information Registration legislation in 2004, but also in principle during the last session of Parliament as Bill S-39. Honourable senators have accepted that the sex offender registry is a legitimate and useful tool to assist police in investigating certain crimes of a sexual nature.

Therefore, it is essential that we have a system to require those convicted to register the information, and to ensure that it is kept confidential and accessible only to those who use it for a legitimate purpose.

• (1455)

Senator Nolin has already told the chamber that this system was set up by the original Sex Offender Information Registry legislation, but that legislation did not apply to the military justice system. This has left Canada's military justice system behind. This has left Canada's military justice system out of step with Canada's civilian court system.

[Senator Jaffer]

Bill S-3 seeks to bring the two systems into line while taking into account the operational requirements of our Forces. It amends the National Defence Act and makes some changes to the Criminal Code and the Sex Offender Information Registry. Most aspects of this legislation have already been touched on in some detail; however, there are some sections that should be mentioned again.

One of the key differences between the amendments in Bill S-3 and the original Sex Offender Information Registry legislation are the authorities given to the Chief of Defence Staff to suspend the application of certain obligations for those who are subject to the Code of Service Discipline. In addition, the Chief of Defence Staff would be given the authority to exempt individuals from some reporting requirements if that information could jeopardize operational security. Under Bill S-3, the Chief of Defence Staff would be required to report the use of these powers to the Minister of National Defence.

These authorities given to the Chief of Defence Staff do not exempt Canadian Forces members from their obligations under the Sex Offender Information Registry Act. A member's obligations will continue and these authorities are meant only to provide a measure of flexibility when conflicts between these two legal regimes arise.

The Chief of Defence Staff would also be able to designate registration centres inside or outside Canada to allow compliance with the Sex Offender Information Registry by those subject to the Code of Service Discipline.

The existence of these powers raises a number of legitimate questions. What sort of circumstances might require the use of these powers? How will it affect the rights and obligations of those required to register under the act? Are there adequate checks and balances placed on the Chief of Defence Staff when exercising these powers? Of course, these powers also raise the question of whether or not those convicted of sexual offences should be allowed to serve as part of our Canadian Forces at all.

It is extremely important to me that our Forces not be brought into disrepute. These men and women represent us to the world and, therefore, the question of whether to retain an individual convicted of an offence of a sexual nature is a serious one. We have to remember that this bill deals with the question of whether or not individuals who are convicted of such offences under the military justice system should be required to register and, if so, how they should do so. Whether or not they should be retained in the Forces is not directly covered in this bill and has traditionally been an internal decision made on a case-by-case basis.

These types of convictions have been relatively rare and in most cases, the convicted individual has been released from the Forces. In cases where they have been retained, they have been subject to probation and counselling.

I am confident that our Forces exercise the same professionalism and commitment to excellence that I have observed in the field, and I am convinced that they will continue to do so. Nonetheless, there are aspects of the section that we will want to look at in the committee.

Another issue is retroactivity. Under proposed section 203.7 of the National Defence Act, the Canadian Forces Provost Marshal can compel any person serving a sentence for an offence under this act, to register his or her information. This is similar to a provision of the original Sex Offender Information Registry Act which was debated at length at the time of its passage.

The Sex Offender Information Registry is intended as a tool for law enforcement. The obligations it places on those convicted are intended to enhance public safety; they are not intended as an additional form of punishment.

Despite the stated intention of the government to introduce full retroactivity into the Sex Offender Information Registry, the requirement to register in Bill S-3 only extends to those who are still within the justice system at the time of the bill's passage. This is the same as in the original legislation. This way it strikes an appropriate balance between the legal rights of offenders and the public right to the greatest possible safety.

Overall, the policy directives of Bill S-3 are similar to those introduced in Bill S-39 of the previous Parliament. Although the current government has made some changes to that bill, to which our colleague Senator Nolin and others have alluded, many are motivated by the fine work of our committee in the last Parliament.

- (1500)

Last week I attended a conference in the United Kingdom dealing with the effects of conflict on women and girls. One of the major preoccupations of the participants was that military justice be every bit as aggressive as civilian justice in cases of sexual abuse.

I know our soldiers act appropriately but it is nonetheless important that we send a strong message. It is equally, if not more important, that authorities have all the information they need to investigate and punish sexual offences when they occur in our Canadian Forces.

Therefore, I am happy to support this bill in principle at second reading and look forward to an opportunity to examine it in greater detail in the Standing Senate Committee on Legal and Constitutional Affairs.

On motion of Senator Joyal, debate adjourned.

[*Translation*]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Cools*)

Hon. Pierre Claude Nolin: Honourable senators, Gatineau Park is a gem in the National Capital Region's crown. It is wholly located in Quebec and spreads out between the Ottawa and Gatineau Rivers. It stretches over some 50 kilometres and covers more than 36,000 hectares of forests, mountains, rock, streams and lakes that are characteristic of the Canadian Shield landscape.

Under the auspices of the National Capital Commission, the federal government owns over 29,000 hectares, or some 80 per cent of the park. Quebec holds the property titles on roughly 6,000 hectares, or 17 per cent, and individuals and others own roughly 855 hectares, or nearly 2 per cent of the park. This includes the roads that belong to the municipalities or the Province of Quebec.

The park has dozens of lakes and hundreds of ponds. It accommodates over 50 species of mammals including some that are considered endangered or at risk, such as the Canadian lynx and wolves. It is home to nearly 230 species of birds. The park is wholly within the boundaries of the regional county municipality of Collines-de-l'Outaouais, of which three quarters of the neighbouring land is farmland. Its southern most tip extends into the urban area of the City of Gatineau. These aspects, however, deprive the park of connections with adjacent natural environments.

This park offers the million and a half residents of the greater National Capital Region direct and easy access to a natural region of incomparable beauty. For over 100 years, the park has been the destination for outdoor recreational activities such as hiking, biking, canoeing, downhill skiing, cross-country skiing, birdwatching, camping, picnicking, riding, snowmobiling and snowshoeing. The list goes on. There are over 1.7 million visitors to the park each year.

Cultural attractions are also a vital part of the life and history of the park. The Mackenzie King Estate is a tourist destination for over 60,000 visitors a year. The Wakefield Mill bears witness to Eastern Canada's past in the lumber industry and the Gatineau Park visitors' centre located in Chelsea offers a variety of services throughout the year. In addition, two official residences, one on Lac Mousseau, or Harrington Lake, and one at The Farm, add to the historical importance of park policy.

Its location, however, may also be seen as a curse in terms of the preservation of the ecosystem. Human activity can have an impact on natural regions. The constraints humans can impose on the environment in our mad rush to enjoy it, to travel through it or to live beside or within it can disturb or even destroy the natural habitat so dear to us. The sectors on the periphery of the park are becoming increasingly urbanized.

A number of roads cut through the park. They serve local communities. They also provide access to recreational and heritage sites in the park. However, they can fragment borders, contribute to the erosion of natural habitats, increase ecosystem fragility and take away some of the wildness of certain sections of the park. In addition, they can complicate the control of public use of the park.

Honourable Senator Spivak, speaking on May 2, at second reading, said the following about the need for and importance of Bill S-210:

Gatineau Park is a federal park, not a national park like Banff or Riding Mountain National Park. If Gatineau Park were a national park, an act of Parliament would define its borders. To change them, officials would need to tell us why they want the park to grow or to shrink. If Gatineau Park were a national park, nothing could alter its size or shape without the consent of Parliament.

We know that as a federal park, the borders of Gatineau Park are mutable. They have changed a great deal in recent years. The advantage of Bill S-210 is that it would give Gatineau Park the same kind of statutory protection and parliamentary oversight that we have granted all other significant parks in this country — parks not within sight of the Peace Tower.

Bill S-210 first requires cabinet, by Order-in-Council, to fix the boundaries of Gatineau Park as they stand today. The order must be made within 60 days after this bill receives Royal Assent and must be tabled in each House. That requirement may seem onerous. In fact, it would be reasonable to expect that there already is an Order-in-Council or some other document setting out what is currently parkland and what is not. That reasonable assumption would unfortunately be wrong. We must realize that there are very practical consequences to the vagueness of the boundary. Hunters have very little way of knowing when they are in the park or outside its borders — the same for local residents who harvest firewood for their own use.

The location of the park distinguishes it from other natural parks in Eastern Canada, which tend to be in far more remote areas. The park's location, its close connection with the local community and its proximity to urban communities mean that requests are constantly being received to allow public utilities, roads, hydro towers and sports facilities, for example, in the park. All such proposals undermine the park's mission and future and can have a devastating impact on the ability of indigenous species to survive and thrive.

The NCC has been the steward of Gatineau Park since its creation in 1958. It has made every possible effort to focus on preserving the park's natural and cultural heritage.

• (1510)

It is constantly striving to strike a balance between encouraging Canadians to enjoy the park's splendours and ministering to the desperate need to protect the delicate balance of its natural ecosystems.

It has taken the NCC several years to develop a master plan specifically for Gatineau Park, which underscores its determination to vigilantly plan for and manage the park, and to take measures to ensure that it remains protected over the long term.

The park is protected by the National Capital Act, the Kingsmere Park Act, the Species at Risk Act and the National Capital Commission Regulations.

These acts and regulations ensure the protection of various aspects of the park, but they do not protect its borders. Perhaps it is high time to focus on fixing the park borders through legislation.

In 1960, an Order-in-Council authorized the National Capital Commission to purchase land for the park and fixed its approximate borders.

No official boundaries were established; there was only a map with a thick shaded line. The NCC considered this perimeter the official boundary until the 1990s, when it initiated a project to rationalize the boundaries of the park.

The rationalization of these boundaries was undertaken in the years following approval of the original master plan for Gatineau Park.

The criteria used to determine park boundaries included ecological characteristics, natural or artificial barriers, management needs and location of private properties, among others.

The nature of these boundaries was influenced by other factors: construction of large infrastructure projects such as Highway 5 and Chemin de la Montagne — now known as Boulevard Saint-Raymond to those familiar with Gatineau; changes resulting from planning studies such as the 1990 master plan for Gatineau Park; and enclaves of private properties with development potential. That said, this may be the opportune moment to establish definite boundaries for Gatineau Park.

It is appropriate for Parliament to have oversight over changes to the boundaries of this national treasure.

The concept of the National Capital Commission purchasing real property in the park is also worthy of consideration, when possible and doable. However, this is an activity already carried out by the NCC, when in a position to do so, given its financial constraints.

Bill S-210, if adopted, will ensure that committees of the House of Commons and of the Senate could democratically review future proposals for its expansion and clearly establish the value prior to signing any agreement.

The bill before us favours the principle of transparency in managing real property in that it would prevent the sale of any portion of Gatineau Park declared to be of national interest and held in perpetuity for all Canadians and for future generations.

The NCC would have to submit all proposed amendments to the legislation to Parliament, including the Senate, of course; such protection is no different than the protection we already provide to all the other national parks.

Some aspects of the bill could be discussed further. Honourable senators, the Committee on National Finance will consider aspects such as the degree to which the Province of Quebec should have veto power over enlarging the park's boundaries and over its activities and policies. As you can see, that measure alone is worth discussing further. We will have to get informed expert opinions and establish criteria to give the commission the right

of first refusal on the sale of the property within the park and what that entails. As I was saying, there are private parcels of land within Gatineau Park. It would be advisable to look at how to provide the National Capital Commission with the right of first refusal.

Another concern the committee will consider is the role of the minister in providing opportunities for public participation, given the Crown corporation status of the National Capital Commission.

Given the announcement by the Minister of Transport, Infrastructure and Communities on reviewing the mandate of the National Capital Commission, which includes managing Gatineau Park, it could be prudent to resolve the concerns related to the park's boundaries within the context of this review.

In closing, honourable senators, I am convinced that, in general, the proposals in this bill will be strongly endorsed by the residents of the National Capital Region, who will be anxious to see the bill pass quickly, notwithstanding some minor adjustments.

Honourable senators, I encourage all of you to support this important bill.

[*English*]

Hon. Tommy Banks: Would the honourable senator entertain a question?

Senator Nolin: Yes.

Senator Banks: I thank the honourable senator for speaking to Bill S-210 because it is important not only to the residents of the National Capital Region but also to all Canadians. Clearly Senator Nolin has looked into this carefully for he has raised some interesting points that must be borne in mind, including the fact that the creation of either a federal park, as in this case, or a national park requires the agreement of the province where the park is located. That is true of all national parks in Canada. Since the honourable senator has studied the matter carefully, has he arrived at an opinion as to the distinction that is made between national parks, which are across the country, and a federal park, which is unique? I believe that Gatineau Park is the only federal park in Canada. Does he have a personal opinion as to why the government would not entertain making Gatineau Park a national park?

Senator Nolin: When I heard Senator Spivak's comments and read the bill the fact that Gatineau Park is the only federal park in Canada caught my attention. Its singularity is that it has no legal boundaries. The intent of Bill S-210 is to establish and protect legal boundaries to ensure that, in the future, no one could change the boundaries without prior consent of Parliament. Basically, it is the legal physical description of the park that is contemplated in Bill S-210.

The honourable senator's question is much broader than that and I understand his interest in the response. Perhaps his question could be put to witnesses appearing before the committee that will consider the bill. The purview of the bill is focused on enacting the legal limits of Gatineau Park. That is my understanding of the bill's intent.

Senator Banks: I agree. That is the intent of the bill and the honourable senator is right in saying that my question about the simplest way to establish legal boundaries of a park would be to make it a national park. However, that matter would be studied by the committee.

I move adjournment of the debate.

The Hon. the Speaker: We have a motion from Senator Banks. Would Senator Nolin take a question from Senator Joyal?

Senator Nolin: Yes.

• (1520)

[*Translation*]

Hon. Serge Joyal: Honourable senators, I would like to ask another question of the honourable senator. The senator mentioned in his concluding remarks that the committee should discuss other aspects, specifically the role of the Government of Quebec in defining a national park. In I recall rightly, at the time the Canadian government planned to extend the national parks system, it took the trouble to get the approval of the provinces in which new national parks were to be created. The honourable senator has a very good memory. He will recall the whole discussion around the creation of Forillon Park in the Gaspé, among others, and Mingan Park in a region the senator knows well.

Prior to this bill, did the Government of Quebec express any objection to the bill's proceeding? In the event there were no discussions, would the honourable senator consider an amendment that would permit the suspension of the bill's application for a given period of time? That would give the provincial government involved a formal opportunity to express its opinion on the bill.

Senator Nolin: That is a very interesting question. That is why I mentioned certain aspects to be considered when we study the bill. I am not aware of any specific discussions. Given that the Province of Quebec owns 17 or 18 per cent of the land in the park, I do believe that when the National Capital Commission developed its master plan for Gatineau Park, it at the very least began that kind of discussion with the Province of Quebec.

The Minister of Transport, as I mentioned at the very end of my remarks, spoke publicly about the opportunity to do what we are planning to do. I think we should talk to those who have specific responsibilities and can shed some much-needed light on the issues you have raised. I think that Gatineau Park is unique. We must protect its boundary. As I said in my speech, the boundary includes property that is not exclusively federal. That is why we will have to study it in detail and work with that reality. I think that those with executive responsibilities should appear before the committee to provide answers to the questions you raised.

[*English*]

Hon. Mira Spivak: Honourable senators, I would like to shed some light on this subject.

The Hon. the Speaker: It would be in order if you ask Senator Nolin a question.

Senator Spivak: Is the honourable senator aware of the discussion that Quebec would never agree to a national park but a minister in the Quebec government said they have never been asked?

Senator Nolin: Yes, I heard that rumour. That is why I answered Senator Joyal by saying: Let the proper speaking authorities give us their answer to those important questions.

[Translation]

Hon. Jean Lapointe: Honourable senators, I have another question. In the current context, should your bill drag out or if there is no improvement, could a real estate developer purchase the land in order to build, up to a park standard, and sell those lots and houses to private persons?

Senator Nolin: As I already mentioned in my comments, the park is protected by various acts and the National Capital Commission Regulations. A situation such as the one you describe is very unlikely. That said, there is nothing to prevent existing owners, since the park already has some private property, from developing land they already own, based on the acquired rights. Here again, there are plenty of regulations to limit such expressions of freedom of property owners. Situations such as the one you describe are all but impossible.

The purpose of the bill is to ensure control over the park's borders. Let us be certain exactly what constitutes Gatineau Park, which does not yet exist. We have a map that is part of an Order-in-Council. However, the drawback of that map is that it is only a graphic representation with no written description. Unfortunately, lawyers and notaries prefer texts, not pictures, and there are no texts.

Hon. Maria Chaput: Honourable senators, here in Canada, we have a network of national parks that was established in 1992. If everything goes as planned with the Quebec government, will this park one day become part of that network?

Senator Nolin: That goes back to the question Senator Banks asked me earlier. Certainly, the Government of Canada could, in future, consider making Gatineau Park part of the Canadian parks network. As I said, the purpose of the bill is to make Gatineau Park a federal park and to establish its physical boundaries. When this precise, legal description is drawn up, a series of mandatory agreements will have to be made between the various owners of the current park. This is not an impossible task.

The park in Banff and other national parks contain private properties. This is not an impossible task, but the technical description must be given a legal framework and must not be modifiable. Parliament must have the final word on the initial technical description of this park and any amendments to it proposed thereafter.

[English]

Hon. Anne C. Cools: Honourable senators, I have been listening to the honourable senator, and I am pleased about his support for this bill, which I will support as well. I get the impression it is widely supported.

The honourable senator spoke of national parks; I would say the term "national parks" is one that is well known and well understood. He has also said that the Gatineau Park is a federal park and the only federal park. Can the honourable senator tell us what a federal park is?

Senator Nolin: I thank the honourable senator for her question. It is a small question that begs for a broad answer, and I do not have the answer. I can say that Gatineau Park is a federal park, not a national park.

Senator Cools: That was my point. No one knows what a federal park is.

Senator Nolin: That is the heart of the problem. Because it is federally owned property, it can be called a federal park. The problem is not with the word "federal" but with the word "park."

Senator Cools: I am sure we will discover all of this in the committee.

• (1530)

I believe senator Banks wanted to take the adjournment. It has been standing in my name. I yield to Senator Banks.

On motion of Senator Banks, debated adjourned.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Di Nino*)

Hon. Norman K. Atkins: Honourable senators, I wish to thank Senator Di Nino for yielding to me.

I rise today to add my voice to those who support Senator Munson's inquiry on the urgent need for funding for the treatment of autism and to thank him for taking the initiative on this important issue.

The Senate cannot look at this situation without understanding the facts about autism. These facts are shocking and discouraging.

The Autism Society Canada defines autism and the spectrum disorders as

...a neurological disorder that causes development disability. It affects the way the brain functions, resulting in serious difficulties with communication and social interaction, as well as unusual patterns of behaviour, activities and interests.

The Autism Society says that one in 166 children is affected by autism or spectrum disorders. Honourable senators, this is truly a worrisome statistic, one that forces us to listen and should force us to act.

However, the crisis in autism goes beyond simple statistics. I am sad to say that it exposes some ugliness in our society. Autism reveals that there is inequity in Canada — inequity in standards of treatment. The fact is that we treat some people with autism better than others. A child diagnosed with autism in Alberta has a much better chance of functioning normally than a child in Ontario or New Brunswick. This is unacceptable for a country that prides itself on equality and on its universal health care system.

In the province of Alberta, widely regarded as the best province for autism treatment, parents of autistic children receive \$40,000 a year per child through the Department of Children's Services. As of March 2002, 654 children had received this funding, of which 318 received the intensive behavioural intervention treatment.

In contrast to Alberta, some provinces do not provide treatment at all, while others, such as Ontario, provide some treatment but not enough to meet current needs. In Ontario there are long waiting lists of children who desperately need treatment. To add insult to injury, the treatment in Ontario, after a certain age, is cut off. Children languishing on waiting lists may finally get to the top of the list, only to be told they are too old to receive treatment. This is outrageous. Is this any way to treat a child?

The question remains, honourable senators: What are we waiting for? It is widely accepted that early diagnosis and treatment is necessary to help children living with autism spectrum disorders. To deny treatment is to increase their chances of spending their adult lives in the care of parents or state-run institutions. We have a chance to help people achieve independence and to prosper. Honourable senators, what are we waiting for?

Investments in health care, social services and education systems may seem costly when we look at them in terms of dollars and cents, but when we compare them to the cost of housing and caring for adults living with these disorders, it is clear to see the benefit in early treatment. The Autism Society Canada now estimates that approximately 200,000 Canadians are currently living with some form of autism spectrum disorder. Add to this the one in 166 children born with some form of autism spectrum disorder and you have a truly national crisis that requires an immediate response.

Therefore, we must develop a strategy to deal with this worrisome trend. Given that the diagnosis and treatment of autism would fall into many areas of provincial jurisdiction, we must increase funding to provinces and territories to provide treatment free of charge, as well as education and training for health care professionals.

Furthermore, we must push Health Canada to begin surveillance on autism diagnosis rates to see how widespread this crisis has become. With this new information, we can develop benchmarks for treatment and provide wait-time guarantees for the delivery of the treatment.

We also need to know more about this terrible disease. Research must be a priority. The federal government must begin funding research into autism spectrum disorders through the Canadian Institutes of Health Research.

Finally, honourable senators, it is essential that the federal government begin to ease the financial burden carried by the families affected by autism. Whether the government provides essential treatment free of charge or offers these desperate families tax breaks, urgent action is required.

Honourable senators, this situation is not getting better. Every day that the government delays taking action, another family goes deeper into debt; another child is knocked off a waiting list because he or she is too old; another family leaves their home to move to a more autistic-friendly province. This is not the Canada of which we are so very proud, honourable senators.

What are we waiting for? Let us take action against autism and help thousands of children and families across Canada. Let us let them know that they are not alone.

On motion of Senator Di Nino, debate adjourned.

[*Translation*]

BUDGET 2006

INQUIRY—DEBATE ADJOURNED

Hon. Daniel Hays (Leader of the Opposition) rose pursuant to notice of May 4, 2006:

I will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on May 2, 2006.

He said: Honourable senators, in preparing for this statement on the Conservative government's first budget, I looked at what my friends opposite said in 1993 when they found themselves in opposition after their long time in the government of Prime Minister Brian Mulroney.

I thought that their remarks would help me determine the best approach as to what attitude to take when one is a member of a party that has just been snubbed by the voters.

• (1540)

Honourable senators, I would like to mention in passing that the rejection of the Liberal government in 2006 was very different from the storm brought down on the Progressive Conservatives in 1993.

I will begin by reviewing what was said by Conservative senators after the first budget of the Chrétien government was tabled by Paul Martin on February 22, 1994.

In examining the speeches given in the months following the tabling of the budget, I was struck by the ambiguity of their remarks, even surprised by their attempts to attribute to others the responsibility for the sizeable problems encountered by the new government.

The speech by Senator Murray on March 16, 1994, reminded me that the unemployment rate of 11.4 per cent had almost reached a new high and that the true deficit was almost \$40 billion. According to Senator Murray, quoting from a newspaper article, it was at a "disastrous" level.

[English]

My friend Senator Stratton cautioned us that there was a “feeling of uncertainty amongst those who invest in our country.” In his speech he went on to ask the following:

Why are we continuing to stagger from financial crisis to political crisis, then back to financial crisis and again to political crisis, repeating the downward spiral ever downward? Is our democracy failing?

Those words, as much as anything, provided an encapsulation of the problems that existed and had to be addressed.

However, from Senator Oliver we were told, “There is no coherent plan for the economy.” From Senator Fernand Roberge we learned that the budget “attacked Canadians from all walks of life.” Senator Brenda Robertson charged that the budget was “a brutal slap to Atlantic Canada” and had “no moral content.”

The invitation to the opposition in the Senate is to not hesitate to take a firm and critical approach to a new government’s first budget when it believes the situation warrants it.

In that vein, let me make it clear that my first and, perhaps, overriding concern is that the generous legacy that has been left to the Harper government by Jean Chrétien and Paul Martin could be put at risk in pursuit of short-term political gains.

As I have noted earlier this session, the budget does not contain the traditional provision for prudence. Its omission, I fear, reinforces the concern that this government intends to pursue a majority government in priority to prudent fiscal management. Canadians do not want a budget of short-term gain if it is to be followed by long-term economic pain.

There is much to be concerned about in the budget. Let me begin with the environment and, more specifically, the government’s position on the Kyoto accord. The government is being evasive and creating confusion instead of taking a position for or against the accord — you cannot do both at the same time — and implementing the policy that follows that decision in an open, transparent and accountable manner.

There is the greatest need for accountability when it comes to managing and respecting Canada’s international agreements and obligations. The Conservative government has let down its fellow members of the Kyoto Protocol. Minister Ambrose says that the government does not plan to abandon this multilateral agreement altogether, yet her rhetoric and the uncertainty created by the budget are giving Canadians and the international community every indication that the government questions the most basic tenets of the accord and will do as little as possible to respect the accord.

It is not a good sign that leading Canadian environmentalists from Greenpeace Canada, the Climate Action Network, the Pembina Institute, the David Suzuki Foundation, the Toxics Watch Society and the Canadian arm of the World Wildlife Fund urged Minister Ambrose to resign her position as President of the Conference of the Parties to the Climate Change Convention in Bonn last month.

[Senator Hays]

Ironically, the government’s indecision is in sharp contrast to the clear position of the eastern premiers who are stepping in to fill the void, pledging to meet their previously agreed environmental targets. Premier Bernard Lord said:

I want New Brunswick to have the largest reduction of air and water pollution in Canada over the next five years.

Prince Edward Island’s Premier Pat Binns said:

A lot of us are trying to take a leadership role there, and hope our federal partners will come along.

Quebec’s Premier Jean Charest said his province was very committed to Kyoto. Indeed, as was observed by Senator Fox during Question Period, he urged the leader of the Bloc Québécois to vote against the federal budget after Ottawa refused to give Quebec the \$328 million the Liberals had previously offered his province for their emissions-reducing programs. “I invite him to do what people have mandated him to do in respect of his responsibilities,” Jean Charest said last Friday of Gilles Duceppe.

Over the years, the Liberal Party has realized that the environment should be one of our priorities. As such, the Liberal government put together a comprehensive plan to tackle the issue. The plan was called Project Green, and comprised approximately 166 environmental programs. It is not clear whether any of these programs exist anymore, as many have had their funding cut or have simply been abandoned.

By contrast, the Conservative government made commitments for just two environmental programs in its recent budget. The first is a tax credit for transit users, and the second a capital cost allowance for forestry bioenergy.

The Liberal government committed over \$5 billion over five years to environmental programs and other initiatives in its budget delivered last year in April. This amount was followed by another \$1 billion to increase the scope of the popular EnerGuide program for residential and commercial retrofits.

By contrast, Minister Flaherty said in his speech on the budget that \$2 billion would be devoted to a made-in-Canada climate change program over the next five years. However, neither was this \$2 billion mentioned in the budget itself, other than the two programs referred to, nor were the Conservative party’s intentions revealed in the ensuing budget implementation bill.

The sum of \$2 billion is a nice sum of money, but it is not \$5 billion as was committed by the previous Liberal government, and the money does nothing for Canada’s environment if there is no plan to go along with it.

One program the Conservatives axed was the popular EnerGuide program that we talked about in this chamber. One would have thought that EnerGuide would have fallen squarely within the government’s made-in-Canada basket of solutions. Environment Canada’s own experts have concluded that this program was reducing greenhouse gases at a cost of \$20 per tonne, while Stephen Harper’s tax credits for transit riders will reduce emissions at an estimated cost of \$2,000 per tonne.

What is the rationale for replacing a program that had households and businesses all over Canada involved in combatting global warming with one that will cost 100 times as much? A credit for bus passes is a good idea. It rewards people for making good environmental choices, but it is not an environmental program.

The Conservative government has indicated that it is interested in joining the Asia-Pacific Partnership on Clean Development and Climate, known as the AP6, led by the United States and Japan. The AP6 has set no targets, no timelines and no penalties. It is purely voluntary. It is multilateral, but with only six members, it is not comparable to the 180 countries who have entered into the Kyoto Protocol. Two of its members, Japan and Korea, are also strong supporters of Kyoto and view this alignment as a supplement to the Kyoto commitments. The member countries of AP6 have had only one meeting, and last week the United States Congress scrapped the funding needed for this initiative. Is this partnership the one Conservatives want to align themselves with?

The Conservative government is, I believe, in a difficult situation. It must decide on a strategy to tackle a wide range of environmental issues, including global warming, and it must explain to Canadians what it is doing. The budget tells us that we have no plan before us. Will the government stay on as a member of the Kyoto Protocol and provide the plans to follow through on its commitments toward the environment, or will it continue to pursue a made-in-Canada global warming solution while continuing to cancel existing made-in-Canada environmental programs it inherited from its predecessor government?

• (1550)

Last year Canada had a plan and was leading the international community on the only plan that exists in the global community. As it stands, we do not have a plan and we do not appear to have the political will or leadership to develop one.

Honourable senators, others in this chamber — and I wish to turn now to my favourite topic, the GST — have questioned the wisdom of the government's budget providing for a 1 per cent cut in the GST rate in the coming fiscal year. We question the wisdom of raising personal taxes in order to pay for that cut.

There have been many articles in the newspapers and statements by economists across the country saying that it may be good politics, but it is bad policy. I do not propose today to focus on that aspect of the debate because the ground was well covered by Senator Austin last week in his speech on Bill S-215, but I do want to raise a concern that I have about this government's approach to reducing the GST rate.

One of the main arguments put forward by the government of Brian Mulroney, when it sought to introduce the GST, was that the Manufacturers' Sales Tax was too complex to administer. We were told that one of the critical founding principles of the new proposed GST would be that it would minimize compliance costs for business and administration costs for government.

Honourable senators, it has been very difficult to find figures or estimates of the costs of compliance and administration. The CRA, Canada Revenue Agency, is not very forthcoming, at least

in written documents that I have been able to find, and there is not much on compliance cost, although I did find an article published by the Canadian Tax Foundation indicating that annual GST compliance costs for businesses were estimated to be between \$1 billion and \$1.5 billion.

With respect to administrative costs for government, while they may be less, they probably approach that number. I am not sure what they would be because, as you know, one of the costs of the GST is fraud on the fund. While much progress has been made in dealing with that fraud, it is difficult at any given point in time to get the exact number. We could be talking about as much as \$2 billion or more on a tax that generates, I believe, \$34 billion.

When the tax is reduced, the efficiency of that tax is severely compromised. I believe, honourable senators, that is one of the reasons at the base of the comments by economists and commentators that this may be good politics, but it is very bad policy.

The other principal reason is that it does not address one of our biggest needs and that is to reduce taxes at other levels. Of course, reducing taxes at other levels would probably have a positive effect, at least on the administrative costs of those taxes.

Honourable senators, this concern is reflected by the Canadian Federation of Independent Business and the Canadian Retail Council of Canada. Two reductions in the tax will add considerably to the cost of compliance. As the cost is already high and as the tax is reduced, its efficiency is decreased: bad policy, and good politics. At some point, the tax becomes so inefficient that one would wonder whether abolition might be something worth considering.

It is more likely that there will be a pick-up in the reduction of the rate. In some articles, I am told, the Prime Minister has invited the province to simply increase where they have a sales tax. This would preferably be a harmonized sales tax, as they have in the Atlantic region or in Quebec, where it is harmonized, which means there may be no reduction. So, not only is it bad policy, it may be bad politics, but good policy for the provincial governments who might pick up the tax. We do not know whether that will happen; we will determine over time if that is the case.

What does the new Conservative government do, honourable senators? The new government is reducing the GST, a change that will cost millions. It will reduce the efficiency of the tax, which will be repeated in further reductions, and we know not what in the next budget. Honourable senators, I think we must seriously question whether this move is good policy.

I would like to touch finally on the fiscal balance.

Senator Murray: Imbalance. The Conservatives are not allowed to call it imbalance. They call it balance. The Liberals have always denied that it exists.

Senator Hays: Yes, and I have this rather fat document.

I will now mention a few words concerning the fiscal situation.

The fiscal balance warranted a 140-page companion document to the Budget, but in attempting to understand what the government has in mind I am challenged by the fact that its strategy and objectives are as clear as its strategy and objectives on the environment.

The Constitution has, interestingly enough, detailed allocation of powers. The only two that I am aware of that are concurrent or shared are agriculture and immigration. The environment is not mentioned because it was not a consideration in the mid-nineteenth century and has evolved as a shared power.

As the demand and expectations of society have changed, we have accommodated successfully those demands in a pragmatic way. Leading up to the last election, some provinces were expressing their dissatisfaction with some of the existing fiscal issues, and Prime Minister Harper — then in-waiting — promised to address them. What is the current situation? Benoit Pelletier, Quebec's minister of Intergovernmental Affairs says:

Ottawa has more money than it needs to discharge the functions for which it is responsible, while the provinces have insufficient resources to accomplish the tasks for which they are constitutionally accountable.

I quote it simply to indicate an unhappy province.

Premier McGuinty of Ontario has expressed concern that Ontario could send an even greater portion of its tax dollars to other provinces to fund a level of service it cannot afford for its own citizens; another unhappy province.

Recently, my own premier, Ralph Klein, said he would fight "tooth and nail" and seek a legal opinion to see if his province could withdraw from the equalization regime if non-renewable resource revenue was included in the formula. He got very carried away, obviously, as has been observed in some of the editorials. It was an interesting stance for a number of reasons, not the least of which is the fact that in its election platform on page 43, the Conservative Party vowed to take measures:

...which would ensure that non-renewable natural resource revenue is removed from the equalization formula to encourage economic growth.

It will be interesting to see if and how this election promise is kept.

Yesterday, the blue ribbon panel headed by Al O'Brien, a former Deputy Minister of Finance for Alberta, presented its report to the federal government on the fiscal balance. It recommended including one half of natural resource revenue in the equalization formula and placing a cap on the plan's growth. In the papers this morning we all read how a number of provinces reacted very strongly against the recommendation, including, interestingly enough, Newfoundland. This was also the subject

matter of a question I put earlier today to the Leader of the Government, and I think the answer will be somewhat satisfying to Newfoundland.

The more one examines the way in which the fiscal imbalance question is being politicized, the more it gives rise to serious concern. Norman Spector noted in a recent newspaper column that on the fiscal balance issue Prime Minister Stephen Harper "does not know where he is going, a very worrisome prospect in light of the expectations he has created." He went on to write that Mr. Harper's government "could end up putting the future of Canada at risk, and for no reason other than electoral politics." This is a remarkable comment about the Prime Minister from this particular writer.

Honourable senators, the progress we have made as a nation over the last few years, particularly in fiscal management, is remarkable.

• (1600)

The situation in 1993 is described as a time of staggering from crisis to crisis when compared to the generous inheritance bequeathed to the Conservative government in 2006, which speaks for itself. Instead of building on that legacy, however, the new government has decided to focus on a political objective with scattered tax reduction measures, while ignoring fundamental challenges that face our nation, such as the environment, the productivity of our economy, the accessibility to post-secondary education and the demographic changes that an aging population poses to our society.

The budget fails to address the big issues facing our country in the years ahead and that is why our party does not support it. The government has not kept its promises to the agricultural sector and it is failing our First Nations with a weakened commitment to the Kelowna accord.

On this side of the chamber, we cannot find common cause with a government that does not give priority to the difficult problems facing our country and ignores the real needs of the people of Canada.

I wish to return to the point with which I began my remarks, namely, the 1994 budget. As I described, the members of the Conservative opposition in this chamber were critical of Prime Minister Jean Chrétien's first budget and refused to accept any responsibility for the difficulties the country was in after their stewardship of the public purse. However, they did allow the budget implementation bill of 1994 to pass in the Senate on division, notwithstanding their strong majority and their strong opposition to the budget. For my part, the precedent is a compelling one.

Honourable senators, I do not necessarily speak, however, for all of my colleagues. That will await a study and disposition of the bill in this chamber.

On motion of Senator Tkachuk, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

MOTION TO REQUEST GOVERNMENT RESPONSE TO COMMITTEE'S REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS ADOPTED

Hon. Maria Chaput, pursuant to notice of May 31, 2006, moved:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report of the Standing Senate Committee on Official Languages, entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*, report tabled in the Senate on June 14, 2005, and adopted on July 18, 2005, during the First Session of the Thirty-eighth Parliament; and that the Minister of Canadian Heritage, the Minister of Social Development and the minister of Official Languages be identified as ministers responsible for responding to the report.

She said: Honourable senators, on June 14, 2005, my honourable colleague, Senator Eymard Corbin, then Chair of the Standing Senate Committee on Official Languages, tabled the sixth report of said committee, entitled *French-Language Education in a the Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*. He also moved that this report be added to the Order Paper of the next sitting of the Senate.

Two days later, Senator Corbin moved adoption, seconded by Senator Poulin, and asked the government to provide a complete and detailed response. He took the opportunity given to him as Chair of the Standing Senate Committee on Official Languages to point out that this study had been launched under the auspices of the Honourable Rose-Marie Losier-Cool when she was chair of the committee.

In fall 2004, the committee had the opportunity to hold sessions in Western Canada. It also heard a number of witnesses and experts in the area of French-language education in a minority setting and received advice on the requirements of article 23 of the Charter of Rights and Freedoms with respect to the rights of parents to have their children receive primary and secondary school instruction in their mother tongue.

Let us not forget that education in minority francophone communities affects 160,000 students in 665 schools across the country, excluding Quebec. We must also remember that the Standing Committee on Official Languages believes that the quality of education provided to francophones in this country must not be inferior to that offered to linguistic majorities in Canada. This is required under section 23 of the Charter.

Our former colleague, Senator John Buchanan, expressed the hope that this study would not gather dust in offices, schools and libraries. He said that the document should be an integral part of the curriculum in Canadian schools and universities. He also hoped that the federal government would follow up on the eight recommendations in the report speedily and effectively.

On June 23, 2005, Honourable Noel Kinsella, then the Leader of the Official Opposition in the Senate, described the report as an excellent report and vigorously recommended that the honourable senators read it. Senator Kinsella also noted the following:

Section 23 of our Charter of Rights and Freedoms makes it perfectly clear that children of both francophones and anglophones have an equal right to an education in their first language. Consonant with that requirement of the Charter, obviously there has to be a parallel requirement that they are entitled to receive the same quality of instruction.

In his remarks, Senator Kinsella confirmed what we all know:

...francophones living in a minority community lack the tools and instruments that would allow them to obtain an education equal in quality to that of the linguistic majority. ... By addressing the shortages, we are on track to kill the proverbial two birds with one stone. First, if the quality of instructional programs is improved, enrolment will likely increase.

Among the measures advocated by Senator Kinsella in June 2005, we should note the importance he gave to additional federal funds to ensure the vitality and meet the particular development needs of the minority francophone communities. Senator Kinsella concluded:

Education is underscored by this report. It must be considered as the cornerstone of community development, starting from early childhood and going up to the post-secondary level.

Finally, on July 18, 2005, Senator Lowell Murray, one of the members of the Standing Senate Committee on Official Languages at the time, reminded honourable senators that the committee drew on the provisions of rule 131(2) to call for an official response from the government. The motion was adopted.

The dissolution of Parliament in November 2005 put an end to the period of 150 days the government had in which to respond. It is just as appropriate today to call for such a response from the government.

I would like, in my capacity as Chair of the Standing Senate Committee on Official Languages, to reiterate the call for a response from the government.

Motion agreed to.

The Senate adjourned until Wednesday, June 7, 2006, at 1:30 p.m.

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