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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, November 16, 2004

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding, I wish to draw your attention to the presence in our gallery of the High Commissioner from Australia to Canada, Tony Hely, and his wife, Wendy Jeffrey.

Welcome to the Senate of Canada.

and all facets of our lives fall under his benevolent scrutiny. He encourages us to build stronger, to think bigger and to be better. Senator LaPierre is a patriot par excellence and a humanitarian in the service of all Canadians.

Honourable senators will remember Senator LaPierre's recent Address in reply to the Speech from the Throne of this Thirty-eighth Parliament. In it he declared that Canada "must be an instrument for creating peace and harmony around the world," as faithful an articulation of the intended aims of our foreign policy as I have ever heard.

[Translation]

In that fervent speech, he tried to awaken in Canadians the desire to learn more about themselves.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended for the purpose of paying tribute to the Honourable Senator Laurier LaPierre, who will retire from the Senate on November 21, 2004.

I remind honourable senators of the rule regarding the time limit of three minutes per senator.

Hon. Jack Austin (Leader of the Government): Honourable senators, our colleague, Senator and Dr. Laurier LaPierre, established an exceptional career long before he was summoned to the Senate of Canada in 2001. He is an academic, a broadcaster, an authority on our constitutional history and a lover of Canadian culture. An ardent promoter of all things Canadian, he became an Officer of the Order of Canada in 1994.

Senator LaPierre has also been a professor at McGill University, Chair of Telefilm Canada and he hosted his own show, *Laurier Presents*, on the Cable Public Affairs Channel. However, as we all know, he first rose to prominence in Canadian consciousness when he became co-host with Patrick Watson of the CBC's *This Hour Has Seven Days*, which had a short but energetic life. He is the author of an authoritative biography on Sir Wilfrid Laurier, a book I have read with reverence both for the author and for the subject.

Senator LaPierre's deep love for our country has been regularly made evident in the media as he discusses our nation's strengths, its challenges, its identity and its future. His Canada is boundless

Senator LaPierre's contribution to that effort, and his work with the Historica Foundation, have enabled Canadians of all ages and from sea to sea to learn more about our wonderful country. It can be stated with absolute conviction that he has praised the merits of Canada throughout his entire life, and paid tribute to the spirit of a country that knows no equal, a country truly unique in the world.

[English]

In this, his friends and colleagues would agree, including long-time friend and colleague Patrick Watson, who passed on a few words to me for this auspicious occasion:

Laurier LaPierre's passion for Canada is widely known. Let me add only that his unfailing loyalty to his friends, among them his beloved country, marks him as one of the most extraordinary human beings I have ever known.

We are honoured here in the Senate of Canada to have benefited from his experience and fully expect that Senator LaPierre will continue to be feisty and articulate in defence of Canadian values. We wish him well as he enters a new phase full of choices and opportunities.

[Translation]

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, it is now my turn to have the honour to pay tribute to Senator LaPierre, who will be retiring from the Senate on November 21, after sharing a few years with us here.

Canadians first came to know Laurier LaPierre as co-host of the groundbreaking public affairs program *This Hour Has Seven Days*. His dogged determination to get to the truth behind current events set the benchmark for all public affairs programming since then, not just in Canada but in the United States as well.

[English]

However, Senator LaPierre is much more than a pioneer in public affairs programming. He is a publisher and author, many of his books dealing with his great love, Canada. Canada, Laurier and Quebec are among his favourite subjects for his literary talents. He is also an educator, having been on the faculties of the University of Western Ontario, Loyola College and McGill University, as well as visiting professor of journalism at the University of Regina. However, it is for his work here in the Senate that we appreciate Laurier's commitment to Canada. He tirelessly advocated for a standing Senate committee on culture and heritage. While we have yet to establish such a committee, we all appreciate his commitment to the advancement of Canadian culture and the preservation of our heritage.

Senator LaPierre has also displayed his love for the history of Canada and for Canada's agricultural roots through his role as Honourary Chair for the Historica Foundation's Heritage Fairs Programme. As he has often commented, being a champion of Canadian heritage is a most rewarding pursuit.

• (1410)

Senator LaPierre is a man of many talents — talents he has shared with us since 2001. We are truly fortunate to have witnessed at first hand his devotion to our great country.

On behalf of the Conservative caucus in the Senate, Laurier, I wish you well as you enter another phase of your life, which to date has been a highly public contribution to the growth of Canada. We wish you well; à santé, senator.

Hon. Joan Fraser: Honourable senators, as we move through life, and as the decades pile up and the hair turns gray, one of the hardest tasks or challenges that we face is to retain the capacity for wonderment and for passion. We come to think we have seen it all. We no longer feel wonder; and we find it harder to become truly impassioned about anything — which does not mean we do not care but, too often, simply that passion is gone.

Senator LaPierre, more than anyone I know, has preserved intact his capacity to feel wonderment about the beautiful things of this world — about children, about natural beauty, about our country and about our history — and his capacity to feel passion, not least rage, about the things that are wrong with the wonderful world that he sees and that he wants us to create. It has been an inspiration, in a real sense, to be able to sit in this chamber and to work in committee with someone who has those wonderful qualities.

I feel doubly fortunate because at the beginning of my career he was an inspiration to me. I was a young journalist in the mid-1960s and Senator LaPierre was one of the people who demonstrated to us all not only that journalism could and did matter but also that journalism could — and did, when properly done — move whole societies. He never stopped doing that. He never stopped working to change whole societies for the better. For both of those things, Senator LaPierre, along with all the other things that honourable senators have mentioned, I give you my most humble thanks and all of my good wishes.

[Senator Stratton]

Hon. Mobina S. B. Jaffer: On September 18, 2001, four senators were sworn in. This group included myself, Senator Léger, Senator Lapointe and, of course, Senator LaPierre. We all came from different walks of life and we all hoped to be instrumental in the work of this place. Although Senator LaPierre was granted the shortest time of all of us to accomplish that task, there can be no question that he has left a strong mark here.

In 2001, I knew Senator LaPierre in the same way that many Canadians know him best: through his work on CBC's *This Hour Has Seven Days*. However, unlike many Canadians, I have had the privilege to be his seatmate in the Senate for these past years. I now know him better, not only as a public figure but also as a person.

Senator LaPierre is one of the greatest communicators that we have. When he speaks, he has the ability to bring an issue to life and raise it right to the rafters of the chamber and beyond — and he does this with great passion. When Senator LaPierre talks about something, you understand not just what he thinks about it but also how he feels about it.

Since his appointment, Senator LaPierre has taken a lead role when it comes to addressing media concentration within this country. He has also been a strong supporter of gay marriage rights and the inclusion of sexual preference in the hate crimes section of the Criminal Code.

On a personal note, besides being my seatmate in the Senate, for most of my time here Senator LaPierre has been a great friend to me. Without him, I might have had greater difficulty finding my way around Ottawa. He has been a guide and an inspiration to me.

Most of all, I think, all of us will remember him for the real passion that he brought to this institution. I know I will not be the only one who is sad to see him leave us so soon. However, I know that he will always be the Honourable Laurier LaPierre, O.C., and that he will be sure to lend his voice whenever it is needed to help keep Canada the greatest country in the world.

Vive le Canada!

Hon. Terry M. Mercer: Honourable senators, it is my pleasure to pay tribute today to my esteemed colleague Senator Laurier LaPierre. We are all aware that Senator LaPierre is well-known and respected across Canada for his achievements as an author, a communicator, a commentator, a journalist and an educator. There is no question that he is possessed of an immense curiosity and willingness to learn and to teach. These are qualities by which all Canadians should define themselves.

An Officer of the Order of Canada since 1994, Senator LaPierre has dedicated his Senate career to being a staunch supporter of culture and heritage in Canada. His amazing capacity for advocacy on issues that matter to millions of Canadians is the envy of us all. Honour, respect and generosity are values that all Canadians hold dear. Senator LaPierre has shown his outstanding generosity and hospitality through many dinners and celebrations that bring Canadians together from all walks of life for great discussion and dialogue. As well, he possesses a much envied art collection that inspires would-be collectors of all ages.

Honourable senators, I would like to point out a specific incident from March 20, 1966. Senator LaPierre was so moved by an interview with the mother of a very young Stephen Truscott that he shed a tear on camera. In some eyes, this was unorthodox behaviour for a journalist, but in my eyes it only heightened my respect for a person of profound emotion, touched with love for the human race.

Honourable senators, I will miss Laurier, but I will also miss his staff, Doris Cowley and Ann Charron, as I walk by their office every morning. Their smiling faces, always pleasant to me, will be missed in that corner of the East Block. I have no doubt that they, and all of us here, will miss Senator LaPierre's smile as well.

I want to wish Senator LaPierre and his partner, Harvey Slack, all the best for the future. Honourable senators, you all know by now that I seldom criticize former Prime Minister Jean Chrétien's judgment, but I must say that I disagreed with him on Senator LaPierre's appointment — it should have happened much earlier.

[Translation]

Hon. Jean Lapointe: Honourable senators, as Senator Jaffer has said, when we four were appointed to the Senate, I was delighted to meet up with this highly talented man again. I say "again" because, although he may not remember it, I have fond memories of being a guest on one of his programs. I thus have had the opportunity to come to know this man of integrity, this indefatigable worker, the brilliant, generous, sensitive and charming Senator LaPierre.

We became friends and allies, and have supported each other through some memorable verbal battles with a certain lady colleague.

In private, the venerable Senator LaPierre has sometimes said he was getting a bit senile. My dear Laurier, if you are a bit senile, I am a merry fool.

[English]

The Hon. the Speaker: Honourable senators, I regret to advise that the time for tributes has expired. Still on the list are Senators Banks, Spivak and Trenholme Counsell. I understand there will be a request under Notices of Inquiries to return later this day to tributes to Senator LaPierre.

• (1420)

Before I call on Senator LaPierre, I should like to draw your attention, honourable senators, to the presence in our gallery of Harvey Slack, Senator LaPierre's partner, and Carolyn Rompkey, the wife of Senator Rompkey.

Welcome to the Senate of Canada.

[Translation]

Hon. Laurier L. LaPierre: Honourable senators, I want to begin by thanking all of you for your kind words and for making me seem less senile than I thought I was. Thank you for this tribute. My friend Senator Léger told me that if I am senile at 75, she only has a year to go before it is her turn. I must say to Madame Léger: "You will never become senile, my dear, never ever."

[English]

I prepared some notes but I cannot read them.

Senator Joyal: Do you want my glasses?

Senator LaPierre: No, I do not need glasses; I will not be able to read them anyhow.

I must say from the heart that I thank you all for your hospitality and generosity of spirit. You took a simple orphan coming out of nowhere and you transformed him into a human being that you can bring to your house for dinner. Therefore, I thank you for that. I thank those of you who have agreed with me; and those of you who have not agreed with me, I thank you as well, but you are still wrong!

I should like, in passing, to offer my apologies to Senator Cools. Pride and an overcharge of arrogance launched a war between us. It had absolutely nothing to do with her; it had to do with me. I want to apologize to her for that, because I think at times I humiliated her. This I can do quite easily, and not always willingly. It stopped me from being able to tap into that deep well of knowledge that she has about parliamentary life, parliamentary history and parliamentary practice. Therefore, if someone sees her, tell her that I am the poorer for not having become her friend and for having turned myself away from her friendship. For that I am terribly sorry, Madam.

Now I would like to tell you something else. I love people. I have a hard time not loving people. I do not know why, I just have a hard time; whether they be males or females, it makes no difference to me. There are things I do with one that I do not do with the other, but that is another matter. I do not need to go into that at this time.

I found in the Senate a source of friendship, but I also found inspiration: inspiration in the work that was being done; inspiration in the ideas that were being proposed; inspiration in the tasks that we gave ourselves, and the astonishing amount of work that senators have done and are doing. However, I objected to the language, which I found always so stilted and which looked highly ridiculous, useless and easy to misunderstand on television. I also objected to the ceremonies that go on and on, and to the seniority that is an obstruction to freedom and things of that nature. However, I have adjusted myself to all of that, especially under the guidance of Senator Bacon who, whenever I said something improper, would look at me as if to say, "This is it, young man. You are out of here." I have remained, therefore, always the same polite and gentle man that I was meant to be.

I have learned a lot here. I thought that I had come here with a lot of knowledge but I learned more than I had known previously. I learned how it all works. Before that, I only had vague ideas of how it worked, and most of those ideas and opinions were not really valid. I also learned that ideas matter, that the defence of ideas can be carried out in the spirit of humanity, and that it is possible to be polite, gentle and kind and, at the same time, to make points that kill. This is a kind of technique that I have always loved.

I have also been impressed by the immensity of the minds around me, and especially those who shared in the struggle to legalize or decriminalize gay relationships and also to have the assent to same-sex marriage. I thank you again for your role in that, Senator Murray.

I find that I have accomplished certain things here, there and everywhere. I would have liked to have accomplished more, but that could not be. I would have liked to have been more brilliant, but that could not be. I would have liked to take you all to dinner and buy you a lot of good Scotch, but that could not be since I do not have the income of Senator Austin.

I liked the idea of talking with you about problems and matters that really were important to me and to you. I found that most things that I cared about, you cared about as well, and sometimes more strongly than I did.

To the Leader of the Opposition, I offer my thanks and my gratitude for his long friendship and knowledge of me and some members of my family, and for his kindness for now and then tapping me on the shoulder to calm me down. I also want to thank the leaders and the whips of my party for having guided me along.

To Harvey Slack, I say thank you. None of this would have been possible without you. Your kindness and your generosity have made that possible, and I thank you very much indeed. Also, to the members of my family, both immediate and elongated — which is all the same at the end of the day — I also thank you. To the kind people who sit at this table, and the kind people who sit over there and immortalize my words through various kinds of machinery, I thank you all for performing your tasks; and as well you, Your Honour, and the pages.

[Translation]

Good luck and thank you. I will be back. Au revoir; I will be back.

[English]

Hon. Senators: Hear, hear!

THE SENATE

PUBLICATION OF PAMPHLET ENTITLED “CANADA — A CONSTITUTIONAL MONARCHY”

Hon. Serge Joyal: Honourable senators, it is a great pleasure for me today to draw your attention to the publication by the Senate of a pamphlet entitled, “Canada — a Constitutional Monarchy/Le Canada — une monarchie constitutionnelle.”

In fact, it is a premiere. In my recollection, this is the first time that a House of Parliament has dared, might I say, to explain for the benefit of all Canadians the nature of our constitutional monarchy. To use an expression that is popular in some milieux, it is “politically incorrect” to allude to Canada as a constitutional monarchy.

I suggest to honourable senators that the pamphlet will be helpful in any public debate on the future of our institutions of government because it will bring factual information to the

[Senator LaPierre]

debate. This project of publication stems from the portraits of monarchs — French, British and Canadian — that adorn the foyer of the Senate and the Salon de la Francophonie. If those works of art are to remain within the Senate precincts, we should be able to inform visitors to Parliament of the reasons for their presence on our walls.

[Translation]

As the pamphlet says:

The Crown occupies a central place in our Parliament and our democracy, founded on the rule of law and respect for rights and freedoms.

[English]

The Crown embodies the continuity of the state and is the underlying principle of its institutional unity.

[Translation]

The pamphlet contains a portrait of each of the 14 sovereigns who have ruled Canada since 1534 and describes how, under each of them, Canada has progressed from being a French colony to a British colony to an independent dominion and, finally, a fully sovereign country.

[English]

It is an honour to invite all honourable senators to read through the pamphlet and realize how our country has evolved as a full sovereign nation in an evolutionary process that has maintained our roots with our glorious past and our hopes for a peaceful nation and world built on respect for the rights and freedoms of all of its citizens.

• (1430)

I should like to thank the members of the Standing Committee on Internal Economy, Budgets and Administration and its chair in the previous Parliament, Senator Lise Bacon; the Senate's Communications Directorate, in particular Diane Boucher; the members of the Art Advisory Committee of the Senate and its retired former chair, Senator Richard Kroft; and, of course, Fonds Canadiana and Director General Harvey Slack, for their support in the production of the publication, which is hereafter available to all visitors of Parliament.

JUVENILE DIABETES

Hon. Wilbert J. Keon: Honourable senators, I draw your attention to a very special group of young Canadians who have travelled from all regions of the country to Parliament Hill today. All of them are living with juvenile or type 1 diabetes, a serious autoimmune disease that can lead to many devastating and life-threatening complications. Juvenile diabetes affects more than 200,000 Canadians, many of them children, and is the leading cause of kidney failure, amputation, blindness, nerve damage, heart disease and stroke.

I had the privilege of meeting with some of these young people today. They shared with me the promising research that is taking place in Canada and around the world that could lead to a cure for juvenile diabetes. However, more research dollars are needed to make a cure a reality. Indeed, we only fund research in this area at about one eighth the level of our American colleagues.

Honourable senators, here are some of the interesting facts. Type 1 diabetes affects 1 in 500 people. People of any age can develop type 1 diabetes. Most people with type 1 diabetes have no other relatives with diabetes. Parents, brothers and sisters of those with type 1 diabetes have approximately a 1-in-20 chance of developing it. Type 1 diabetes is not inherited, but the risk of it can be of genetic makeup, even when there are no known cases of type 1 diabetes on either side of the family.

Juvenile diabetes research foundations work tirelessly to raise research dollars, but they need further support from the Government of Canada to invest in the future of these children and provide more funding to Canadian type 1 diabetes research. We spend billions of dollars each year on health care delivery to these patients, but we are only funding the research at one eighth the level of our American colleagues. We must do better than that.

[Translation]

THE SITUATION IN PALESTINE

Hon. Marcel Prud'homme: Honourable senators, Mr. Palestine is dead. But as I told the Montreal newspaper *La Presse*, there are tens of thousands of Arafats among the children in refugee camps all over, who are just waiting for the right moment to take on the cause of freedom and true justice for this nation that has been scorned, mistreated, robbed, humiliated, terrorized, isolated and stripped of its dignity.

One day this proud and noble nation must be given back what has largely been taken from it, with the complicity or agreement of Canada, since November 29, 1947.

On that day, the United Nations adopted a resolution dividing Palestine into two states, one for the Palestinians and one for the Jews, and making the holy places international. The votes were 33 in favour, 13 opposed and 10 abstaining. This resolution was well-prepared and written with the help of a justice of the Supreme Court of Canada, Mr. Justice Ivan Rand. Canada's Under-Secretary of State for Foreign Affairs, Lester B. Pearson, was one of the main suppliers of the votes needed to adopt resolution 181.

Soon, before the Senate adjourns for Christmas and the New Year, I shall present a Notice of Inquiry into Canada's role in the Israeli-Palestinian conflict. Thirty years ago, on November 13, 1974, I was present at the United Nations for the speech by President Arafat, who was reaching out to us, but we let him down. I was appointed as a delegate by Pierre Elliott Trudeau, who always honoured me with his trust.

Yasser Arafat has left us, and his brother, Dr. Fathi Arafat, President of the Palestinian Red Crescent — which parallels the Red Cross — has gone to join him as well, for he died yesterday.

Honourable senators, I invite you to reflect upon all that my country, Canada, could have contributed to attain peace and justice in that region of the world. Why were we unable to play a true leading role in the resolution of this immense tragedy? Those who have obstructed this role over the years must be named.

I shall conclude by reading what I said to *La Presse* on Saturday, November 13, from page A18:

We will have to pay if we do not settle the Palestinian situation. I have always compared it to a cancer that will spread over the earth and bring nothing but problems.

I said that in 1970 in Egypt, at the conference of parliamentarians for peace in the Middle East, and I repeat it today. Rest in peace, dear friend — Palestine shall live!

[English]

UNIVERSITY OF OTTAWA

COMMUNITY LEARNING PROGRAM

Hon. Laurier L. LaPierre: In September 2004, the University of Ottawa launched a community service learning program as part of its academic options. This is one example of how "Canada's University" promotes Canadian values and demonstrates the best in young Canadians. Community service learning allows students to shape and improve their society, while at the same time gaining a deeper understanding of the course material. Students engaged in community projects and through various means relate their experiences back to the courses. Already, nearly 80 students are actively engaged, assisting various elements of our society.

We in the Senate should take this opportunity to applaud this marvellous program that encourages social responsibility and compassion in our young people. Please join me in congratulating the University of Ottawa for creating such a dynamic and valuable educational experience.

Honourable senators, while you are at it, you might applaud Doris Cowley and Ann Charron, who have helped me for four and a half years to be the brilliant and magnificent person that I am.

Hon. Senators: Hear, hear!

MOTHERS AGAINST DRUNK DRIVING

Hon. Marjory LeBreton: Honourable senators, this morning at a 10 a.m. press conference, Mothers Against Drunk Driving, or MADD Canada, urged the federal government to eliminate the use of conditional sentences for violent impaired driving crimes — the Criminal Code's definition of impaired driving causing death and impaired driving causing bodily harm.

Petitions were signed by 33,530 individual Canadians calling on the Minister of Justice to act on Canadians' desire to see an end to the use of conditional sentencing for offenders of violent crimes where a person has been killed or seriously injured.

The use of conditional sentences for violent impaired driving crimes is a travesty of justice. It is a travesty that a person who has killed or seriously injured another innocent victim is given the opportunity to avoid prison time that he or she so richly deserves. After all, prison time is part of our correctional services in Canada and is most appropriate with the worst types of crimes where there has been a death or serious injury.

MADD Canada speaks from the victim's perspective on this issue. Not enough is said about the value and respect of a human life in today's judicial system. For victims and their families, the use of conditional sentencing where a person has been killed or seriously injured is an insulting example of how our system is tilted toward consideration of the offender. It is time for our federal government to correct how and when conditional sentences are used in our country. Parliament needs to clarify for what crimes conditional sentences are intended. Parliament must ask: Is the use of conditional sentencing appropriate where a life has been taken or a serious injury has occurred?

The majority of the country's provincial justice ministers and attorneys general support the elimination of conditional sentences for violent crimes. In fact, the federal Minister of Justice has been asked by his provincial counterparts to end the use of conditional sentences in cases involving violent crime.

Honourable senators, public opinion polls tell us that the majority of Canadians, 70 percent, oppose the use of conditional sentences for persons convicted of a violent crime. Two in three Canadians, or 65 percent, support MADD's call for the elimination of conditional sentences for violent impaired driving crimes. Our judicial system and federal politicians have to catch up with the public in this country today.

The new President of MADD Canada, Karen Dunham, is here along with Andrew Murie, MADD Canada's CEO, to say to the government, to the Minister of Justice and to Parliament: Put a stop to the use of conditional sentencing for violent impaired driving crimes.

• (1440)

DIABETES

Hon. Marilyn Trenholme Counsell: Honourable senators, I have more to say on the subject of diabetes. Today I pay tribute to Sir Frederick Banting by bringing to the Senate a subject near and dear to my heart, namely, diabetes mellitus.

Diabetes in Canada today is an epidemic. More than 2 million Canadians, or one in 14, live with diabetes. Research indicates that the incidence of diabetes will rise by an astonishing 72 per cent by 2016. Amongst First Nations, Metis and Inuit peoples in Canada, the incidence of diabetes is even greater. Aboriginal peoples are three to five times more likely to have diabetes, to be diagnosed with diabetes earlier and to die from complications sooner than other Canadians.

Another growing tragedy is that greater numbers of Canadian children are being diagnosed with type 2 diabetes. Twenty years ago, we did not hear of children with type 2 diabetes. Why is this

happening? Sadly, 85 per cent of children with type 2 diabetes are either overweight or obese at the time of diagnosis. Today, one in three of Canada's youth is overweight or obese. In New Brunswick in 1998-99, 33.8 per cent of children were overweight compared to 9.9 per cent in 1981.

We know that being overweight and physically inactive are two of the many-high risk factors for developing type 2 diabetes. With early diagnosis, aggressive treatment, supportive education and lifestyle changes, type 2 diabetes, as well as the costly complications associated with that condition, can be delayed and even prevented. It is not easy to convince someone with a mild elevation of blood sugar — early diabetes mellitus — that years from now, he or she may lose a leg, become blind or suffer kidney failure. This, and much more, is the heartbreaking story of diabetes mellitus.

Losing just 5 to 10 per cent of weight can make a difference to the health risks, and today the individual is a full partner in managing his or her own diabetes. However, prevention should top the agenda. Research has proven that people at high risk of developing diabetes who went on intensive healthy eating and active living regimes reduced their risk of developing type 2 diabetes by 58 per cent.

Education is key. Lifestyle changes are fundamental. Exercise is just as important as the food we eat. Communities must focus on skating rinks, swimming pools and recreational programs, but parents should be the first responders to this challenge. On a personal note, I am suggesting a book and a skipping rope for every child at Christmas: something for the head and something for the body.

Having more diabetes educators, dieticians and nutritionists readily available in communities, in health care settings, will ensure that meaningful education is accessible and free. Canada needs a national diabetes strategy that includes immediate action to address the serious diabetes epidemic in our country and tackles the diabetes pandemic in our Aboriginal communities today and tomorrow. Only by acting now can we prevent Canada's health care system from being overwhelmed.

Dr. Frederick Banting's brilliant discovery, in collaboration with Dr. Charles Best and their colleagues, was the first giant step. Let us follow this path with diligence and hope.

WORLD WAR II

ITALIAN CAMPAIGN—SIXTIETH ANNIVERSARY

Hon. Gerard A. Phalen: Honourable senators, it was a great privilege for me to have been a member of the Minister of Veterans Affairs' recent delegation to Italy to mark the sixtieth anniversary of the Italian campaign. This 20-month long battle to liberate Italy saw nearly 100,000 Canadian soldiers fighting alongside Allied forces, thus ensuring us the freedom and liberties we enjoy today. The Italian campaign left almost 26,000 Canadians wounded and 6,000 who died in battle. To repeat the speech I gave in Agira, Italy: So many dead, so many more wounded in body and spirit.

When the battle for Sicily was over, it was the Canadian soldiers who had marched the most miles in the scorching summer heat. They made it up more mountains to engage in more successive battles than any other Eighth Army troops. It was Canadian soldiers who engaged the enemy the most times. All in all, it was a triumph of endurance and initiative. In the end, they became the men who won the respect of friend and foe alike.

When we hear these stories of war, we shake our heads and say, "How horrible." To really understand, however, perhaps it is best to hear about some of those who fought and died in Italy. There were, for instance, the MacKay boys of Prince Edward Island. Both MacKay boys signed up and were sent overseas. Seventeen-year-old Leigh MacKay lies buried in the Canadian war cemetery in Agira. His older brother, Ken, served for two full years in Italy. We were fortunate to have Ken with us in the delegation to Italy. I am sure that the death of 17-year-old Leigh MacKay left a wound on the hearts of both Leigh's parents and his brother, who was fortunate to survive that campaign.

The other thing I fear when I hear statistics like 6,000 dead is that future generations will not feel the impact of these losses. That is why I was so pleased to be part of a delegation that included a youth representative from each province and territory. Through sharing this experience with the veterans, these young people will be lifelong witnesses in reminding their families and communities of what these veterans went through on our behalf. These young people were also witness to the gratitude of the Italian people that was so evident in the meticulous care given to our boys' graves and the genuine gratitude shown to our veterans on this trip. As we always say, it is to the next generation that we pass the torch of remembrance.

Honourable senators, it was a privilege and an honour to participate in this delegation marking the sixtieth anniversary of the Italian campaign, and I hope that this upcoming Year of the Veteran will see many of you visiting our war cemeteries in Italy. You will find it a truly moving experience.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2003-04 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table the report of the Privacy Commissioner for the fiscal year ended March 31, 2004, pursuant to the Privacy Act.

[English]

INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT (AIRCRAFT EQUIPMENT) BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, 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.

Bill read first time.

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

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

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed; and

That the Committee submit its final report no later than June 30, 2005.

• (1450)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular the barriers that exist; the extent to which they are limiting the growth and profitability of the affected sectors; and measures that could be taken by the federal government to facilitate the elimination of such barriers in order to enhance trade; and

That the Committee submit its final report no later than June 30, 2005

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ISSUES DEALING WITH
RATE OF PRODUCTIVITY

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with productivity, in particular the rate of productivity in Canada and in relation to our major trading partners (especially the United States); the extent to which the rate of productivity is limiting economic growth and the well-being of Canadians; and federal and other measures that could be taken to enhance Canada's rate of productivity growth and competitiveness; and

That the Committee submit its final report no later than June 30, 2005.

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

NOTICE OF INQUIRY

Hon. Tommy Banks: Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that later this day I will call the attention of honourable senators to the contributions to the Senate made by Senator Laurier LaPierre, who will retire on November 21, 2004.

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

Hon. Senators: Agreed.

QUESTION PERIOD

HEALTH

NEWFOUNDLAND AND LABRADOR—
INNU SUICIDE RATE—PREVENTION WORKSHOPS

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate regarding Labrador Innu suicide rates. A study from the Newfoundland and Labrador Centre for Health Information has been released which illustrates the dire situation facing Labrador's Innu population. First, on hospitalization figures between 1988 and 2000, the study shows that the suicide rate among younger Labrador Innu is 20 times the suicide rate of other Newfoundlanders in the same age group.

Could the Leader of the Government in the Senate tell us if the results of this study have prompted the federal government to review the efficacy of its suicide prevention programs for Labrador Innu?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for his question. All of us in the chamber are aware of the serious social issues that exist among the Innu of

Labrador. The federal government, along with the Government of Newfoundland and Labrador, has invested a considerable amount of money to change the habitation of one of the major Innu communities. They have moved from one area to another where new housing, schools and service facilities were built, but the social improvement rate there is not attractive. The social progress is disappointing.

With respect to the senator's specific question, I will look into the matter and report as soon as I can.

Senator Keon: Honourable senators, in recent months, a native community in Labrador has witnessed the suicides of four young men, their ages ranging between 26 and 17 years. The community's former chief said that after the second suicide Health Canada was asked for emergency help that it did not provide. The chief also said that two suicide prevention workshops promised earlier in the year were not held. The federal minister said in September that the department would look into those complaints.

Could the Leader of the Government in the Senate tell us if these complaints have been dealt with?

Senator Austin: I will make inquiries, Senator Keon, of the Minister of Health and endeavour to report as quickly as I can.

Hon. Gerry St. Germain: I have a short supplementary question for the Leader of the Government in the Senate. I do not think there is any question that this government — and previous governments — have poured money into this particular community. Has there been any thinking "outside the box," instead of just dumping money in? We have a situation in this particular community where we require one-on-one counselling, and I am not standing here being critical. As Senator Keon points out, four more kids have gone, and so nothing has changed.

This situation started as a result of government dislocating these people from their original grounds and moving them to another community. I think Senator Rompkey, who is sitting right beside the Leader of the Government, knows the situation; I do not have to explain it. I am simply asking whether any thought has been given to thinking outside the traditional box of just giving money?

Senator Austin: I am aware, Senator St. Germain, that neither Senator Keon's question nor your own is based on partisan politics. All of us have a deep concern for the welfare of the Innu community in Labrador, and various efforts have been made by various governments through the last few decades to improve the social conditions there. This group of people was nomadic in its original patterns when it met the European community and, to provide them with services, they were encouraged to settle in various locations. Perhaps those locations were not well chosen, and perhaps they were not well served, once chosen, but the issue today is that the symptoms of social despair are too much at large in that community.

We have, as you recall, tried to deal with problems that related to sniffing gasoline and other practices that were bad for young people's health. We moved many of these young people to centres in Canada where they were given new training and teaching. They were freed, if you like, from the drug control that they were under, but I cannot report at the moment whether any of those programs have made material progress in the lives of those young people.

JUSTICE

COPYRIGHT BOARD—TARIFF INCREASES INVOLVING MUSICAL WORKS—INFLUENCE OF PARLIAMENTARY SECRETARY TO MINISTER OF CANADIAN HERITAGE

Hon. David Tkachuk: Honourable senators, on November 2, during Question Period, I asked the Leader of the Government some questions regarding retroactive fees charged to karaoke bars going back to 1998. I have not yet received an answer, but I would like to pursue this line of questioning a bit further.

At that time, I asked about a decision that seemed to have been made a short time before the election to court favour in the entertainment business. I asked the Leader of the Government to inform the Senate when SOCAN asked the Copyright Board to increase the tariffs, and whether SOCAN bought any tickets for Liberal fundraisers during 2003-04. The Leader of the Government said that he would make inquiries with respect to those questions and seek factual answers.

Honourable senators, to help him along and add to his research, there is a partial answer to my second question: that SOCAN, one rights holder group, had on its official calendar during the election period Sarmite Bulte's campaign fundraiser of June 23. Ms. Bulte was at that time — and still is, I believe — Parliamentary Secretary to the Minister of Canadian Heritage. Her fundraiser was scheduled just days before the June 28 national vote.

My question is: How many other stakeholder groups or rights holder groups who benefited from the retroactive fees held fundraisers for Ms. Bulte during, or even shortly before, the writ period?

Hon. Jack Austin (Leader of the Government): I recall the question asked by Senator Tkachuk. I do not have an answer to the original question as yet, and I am not sure to what extent I will be able to answer the question he has just asked. I answer for the government to the extent that any government funds are involved. In that respect, I should be able to provide an answer.

Senator Tkachuk: The Canada Elections Act is very clear on the amount of contributions that can be made. What is more troubling is the potential manipulation of the system, namely, what comes first, like tollgating. What I have found is that retroactive charges were made in March, and then a fundraiser followed shortly thereafter. How long in advance was this particular fundraiser planned? Did it hinge on whether retroactive fee schedules would be passed?

• (1500)

Further, were individual members of SOCAN required to pay the cost or was this a contribution from the organization called SOCAN? What contract was there between Ms. Bulte's office and SOCAN? What phone calls were made and who collected the

money? Was it campaign staff or the parliamentary secretary's staff?

Senator Austin: To the extent that the inquiry just made by Senator Tkachuk seeks facts in the possession of the government, I will endeavour to supply an answer at an early time.

Senator Tkachuk: According to an article in the *Toronto Star* on June 14, 2004, Ms. Bulte and her riding association accepted thousands of dollars in campaign contributions from rights holders groups and broadcasters. This acceptance does not signify impartiality on her part, even though she was chair of the copyright reform hearings — a role that requires impartiality — that determine the retroactive fees as well as other copyright reforms. Does the government seriously expect anyone to believe that she was an impartial chair of that committee?

Senator Austin: Honourable senators, I am quite happy to stick with the facts. If Senator Tkachuk has a charge to make against a member in the other place, I would be very interested to hear him make it and base it on facts.

Senator Tkachuk: I did give a number of pieces of information for the minister to work on, since in the past he has required a lot of detail in the question preceding the answer. I am trying to be as precise as possible so that he can answer the questions precisely. I will continue to do that with all other questions.

Senator Austin: I am most grateful to Senator Tkachuk for being as precise as possible, as both he and Senator Stratton know that I like to be quite precise myself.

HEALTH

ADVERTISING TO REDUCE TOBACCO USE

Hon. Mira Spivak: Honourable senators, tobacco kills 47,000 Canadians every year and is still the number one cause of preventable death in this country. With that in mind, on April 5, 2001, the then Minister of Health and the then Minister of Finance, Paul Martin, announced a comprehensive strategy to improve the health of Canadians by reducing tobacco use. They promised \$480 million over five years to Health Canada's Tobacco Control Program. Approximately \$210 million of that total was to be directed toward a mass media campaign, with a particular emphasis on youth and other high-risk groups. In the last six months, however, these ads themselves seem to have gone up in smoke. While spending on advertising to discourage tobacco use was to increase as the five-year program advanced, it is in fact being decreased.

Honourable senators, I will ask a very precise question. What is the government's commitment to placing these important ads in the media and how much has been spent on the ads to date? This question is somewhat politically motivated. Has its promise to Health Canada's program been eroded by the restructuring of government advertising, a restructuring that followed the investigation into advertising and sponsorship spending by other departments?

I realize that the government leader may not be able to answer the question right off the bat.

Hon. Jack Austin (Leader of the Government): Honourable senators, part of the question seeks facts and I will endeavour to obtain them for Senator Spivak.

I believe it is common knowledge, however, that the Government of Canada suspended its total advertising program in order to examine the processes under which the past program was carried out, and the Government of Canada is proceeding with a different model for informing the public of public programs.

Senator Spivak: Is the government's commitment to the amount of money that was to be spent over four years still in place? Is it still a viable commitment and will that sum of money indeed be spent?

Senator Austin: Honourable senators, it is a very precise question and I need to provide a very precise answer.

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM— EXPENDITURES ON PUBLIC OPINION POLLS

Hon. Consiglio Di Nino: Honourable senators, the Auditor General's report that told us about adscam also told us that the government was ignoring its own rules by spending tax dollars on partisan polls. What did the Liberals do when the report came out? Having the usual respect for taxpayers, it immediately shelled out \$127,000 on a poll to help them find ways to soothe voter anger. This poll was taken in the middle of February. Unlike previous polls in the "Listening to Canadians" series, this one was not posted on the Internet. Most of us knew nothing about it until it was reported by Southam News on November 8. Apparently the government released the results the same way it releases most other polls. It sent off copies to the National Library and the Library of Parliament in September. Why was this poll not posted on the Internet at the appropriate time, like all other previous "Listening to Canadians" polls?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would ask Senator Di Nino if he could be more precise in identifying the poll he is inquiring about.

Senator Di Nino: I will repeat what I said. Immediately after the report of the Auditor General came out, the Liberal government conducted a poll, at a cost of \$127,000, to in effect find ways to soothe voter anger over the Auditor General's report. If the leader does not remember all of that, I will obtain the specifics and give them to him in the next day or so.

Senator Tkachuk: They should be able to find that. They have a good research office.

Senator Austin: I believe the honourable senator is referring to a survey called "Listening to Canadians," which was conducted by the former Communications Canada, in accordance with a predetermined schedule, between February 3 and 15, 2004.

[Senator Spivak]

Senator LeBreton: That is right.

Senator Austin: Senator LeBreton says that is right, so I believe I have the right poll.

Senator LeBreton: I think so, but there are so many it is hard to guess.

Senator Austin: It is quite usual for a government, including governments formed by the party opposite, to ask questions relating to public policy in polls. For example, the government has sought the views of Canadians on such issues as the Kyoto Protocol, infrastructure spending and the economy. This particular report is identical to that. It contained no questions on voting behaviour or political party images.

Senator Di Nino: I will ask my question again: Like all other "Listening to Canadians" polls, why was this last one not posted on the Internet but sent, in a rather unusual manner, to the National Library and the Library of Parliament in September?

Senator Austin: I will inquire about the practice of making polls of this kind public and advise Senator Di Nino in due course.

Senator Di Nino: While the minister is doing that, would he also find out exactly who saw this poll prior to it being made public; was it only Communications Canada or was cabinet also given a copy? Can the minister also inform us whether the Liberal election strategy team saw the poll before it was made public?

Senator Austin: Honourable senators, to the extent that I have responsibility for answering that question, I will do so.

CANADA—UNITED STATES RELATIONS

SOFTWOOD LUMBER AGREEMENT— PROPOSAL TO GIVE COLLECTED DUTIES TO LUMBER INDUSTRY—UPCOMING VISIT OF PRESIDENT

Hon. Gerry St. Germain: Honourable senator, my question is for the Leader of the Government in the Senate. The latest dispute with the United States over softwood lumber has caused Canadian lumber firms to close some 50 mills and lay off thousands of Canadian workers. Since the start of the dispute, the U.S. has collected around \$3.6 billion in duties from the Canadian firms.

This week — no friend of ours and a Democrat at that for you Liberals — U.S. Senator Max Baucus, from Montana, plans to introduce a bill to liquidate the duties that have been collected thus far and give the money to American lumber companies. What response does the Government of Canada have to this latest development from their Democrat friends in the U.S.?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, the government has friends of equal consequence in both political parties in the United States.

Senator St. Germain: I am not so sure about that.

Senator Austin: That is the honourable senator's opinion, but I have a different one.

Senator Tkachuk: Why, then, do we not make it public?

An Hon. Senator: Stay tuned.

Senator St. Germain: You have one.

• (1510)

Senator Austin: Second, in response to the question, Senator Baucus of Montana is pursuing what he believes to be in the interests of his constituents, not on the basis of whether he is a Democrat or a Republican, but on the basis of his intentions to continue to be the senator for Montana.

The bill that Senator Baucus has introduced does not have the support of the administration under the leadership of George W. Bush. Canadians are advised by that administration that the bill of Senator Baucus is not a bill that will be supported.

Senator St. Germain: I should like to apologize to Senator Grafstein because he does stand out as an outstanding friend of the American people and an outstanding senator as well.

In a series of rulings over the past two years, the tribunals of the World Trade Organization and NAFTA have consistently upheld Canada's argument vis-à-vis American claims about unfair subsidization. Nonetheless, the United States has repeatedly sought appeals to these rulings.

In view of the fact that the President of the United States may be making a state visit to Canada, can we expect a high-level announcement in regard to the resolution of this issue, or is it this government's strategy to sit back and let the WTO and NAFTA process run the full course with no other evident action being taken at this time?

Senator Austin: Honourable senators, as Senator St. Germain knows well, because he is in communication with ministers in the Premier Campbell Government of British Columbia and with leaders in the forest industry, this government has been as vigorous as any government could be in pursuing a two-track policy in dealing with the softwood lumber issue.

The first track deals with the processes of the WTO and of the NAFTA. As Senator St. Germain knows, we have been extremely successful to the point where panels of each of those organizations have found no injury.

The second track is pursuing negotiations with the so-called "coalition for fairness" in the United States. To date, those negotiations have not been successful. Those negotiations are led by the Canadian industry.

President Bush, if, when and as he visits Ottawa — and I hope that visit will be soon — will undoubtedly hear again the Government of Canada position on matters relating to softwood

lumber, to BSE, to a newly imposed tariff on pork and on other trade issues. That is normal bilateral dialogue. We have our issues and they have their issues. The discussions are full and frank, to use the language of every government for many decades past.

COMMENTS BY MEMBER FOR MISSISSAUGA—
ERINDALE—REQUEST TO REMOVE
FROM LIBERAL CAUCUS

Hon. Gerry St. Germain: Honourable senators, given these government-to-government relations and the statements that we are aggressively pursuing the WTO and NAFTA process and are negotiating with the so-called "fair coalition" in the United States, is it possible that the will of the American government has been destroyed by virtue of the derogatory statements made by the Member of Parliament for Mississauga—Erindale and certain cabinet ministers who took positions supporting John Kerry before the recent U.S. election? In all fairness and logic, how do we expect that we will get the cooperation of the American people and the American administration if we continue to knock them? Business leaders in this country have asked that the member for Mississauga—Erindale be removed from caucus because of her statements. Why has that action not been taken?

Senator Mercer: Because he is not the president of us.

Senator St. Germain: I am glad that I have struck a nerve.

Why has she not been removed from caucus and why have the others not been removed from cabinet?

Hon. Jack Austin (Leader of the Government): Senator St. Germain was a distinguished member of the other place and retains his propensity for asking questions in the context of the other place, but I always enjoy them.

Senator St. Germain will understand absolutely that there is no impairment of the relationship between Canada and the United States based on the statements to which he has referred. I have said before in Question Period that Canada's relationship with the United States is at a highly satisfactory level overall and that the interests of the two countries are pursued by professional exchanges and are in no way impaired, nor would one imagine that President Bush would wish to visit Canada if there were any impairment of that relationship.

Senator St. Germain: Do you really believe that, sir?

Senator Austin: Of course I do. I hope that Senator St. Germain does as well.

We have very important interests to discuss and to manage with the United States. By his suggestions, I am sure that Senator St. Germain does not want to impair the capacity of Canada to conduct those negotiations.

Senator St. Germain: Not at all. All I want you to do is take action against the perpetrators.

Senator Austin: With respect to the member of Parliament referred to by Senator St. Germain, as I have said before, we have a tradition in our caucus — because we are Liberals — of a much broader band of tolerance of differences of opinion than on his side.

THE SENATE

CONSULTATION ON ELECTION OF ETHICS OFFICER

Hon. Marcel Prud'homme: Honourable senators, my question is for the Leader of the Government in the Senate. We read in the newspaper that the Senate Code of Ethics is expected to come into force by January 1, 2005. Is the minister still of the same view that every senator will be consulted in regard to the nomination of the Senate Ethics Officer? I can state publicly that I am unaware of any consultation thus far. The honourable senator made the proposal and I voted in favour of the motion that there be ample opportunity and consultation with not only the official opposition but with all senators.

I do not wish to speak for the eight senators who are unattached to any political party. I simply want the assurance of the minister — and in looking at him he seems to be saying yes — that I will have the opportunity to say a word or two so that I can prepare myself to make suggestions in the days to come as to who the new Ethics Officer should be.

Hon. Jack Austin (Leader of the Government): I wish to thank the honourable senator for that question.

Two processes are ongoing. The first is the consultation with respect to the code of conduct. It is my understanding that an arrangement is proposed for a briefing for all senators early next week. Every senator is invited, regardless of party affiliation or non-party affiliation. We will all be hearing the same story at the same point in time. That part of the consultation is underway.

Second, no commitment has been made with respect to the appointment of the Senate Ethics Officer. I am working on the subject, but no decision has been made and I, therefore, have no decision to communicate at this time.

Hon. Jean Lapointe: Honourable senators, when and where will this meeting take place?

• (1520)

Senator Austin: Honourable senators, I can only express my own view that it would be of value to this chamber to have the code of conduct and the appointment of the Senate Ethics Officer in place so that, starting January 1, 2005, we could have this new regime. However, it is very much in the hands of the Senate itself.

We have proceeded with care. The Rules Committee has done an enormous amount of work on a non-partisan basis. As soon as we are much clearer about general approval of the code of conduct by senators, we can move to the next stage.

Senator Smith, the Chair of the Rules Committee, is quoted in *The Hill Times* as saying that he hopes the entire regime will be in place by January 1, and I hope along with him.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table six delayed answers to questions raised in the Senate, starting with a question

raised in the Senate on November 4, 2004, by Senator Keon regarding the avian influenza outbreak in the poultry industry. The second is in response to a question raised in the Senate on November 3, 2004, by Senator Forrestall concerning the criteria an entity must meet to be listed as a terrorist group.

[English]

Next are responses to a question raised in the Senate on October 21, 2004 by Senator Andreychuk concerning child pornography legislation, definition applied to “art works”; a question raised by Senator LeBreton on October 21, 2004, concerning the Guaranteed Income Supplement, effect of the increase in Ontario; a question raised by Senator Meighen on November 4, 2004 regarding the military housing rent increase; and a question raised in the Senate on October 7, 2004, by Senator Stratton regarding Crown corporations and Canada Post.

AGRICULTURE AND AGRI-FOOD

BRITISH COLUMBIA—AVIAN INFLUENZA OUTBREAK IN POULTRY INDUSTRY

(Response to question raised by Hon. Wilbert J. Keon on November 4, 2004)

The outbreak of avian influenza in the Fraser Valley this year was devastating for the B.C. poultry industry. Producers are gradually getting back to full production. Compensation provided by the federal government under the Health of Animals Act has contributed significantly to the recovery process. Payments from the Canadian Agricultural Income Stabilization program will provide participating producers who suffer significant declines in margins further financial mitigation. Other measures taken by industry organizations and both levels of government have also assisted the recovery.

The economic impact of the outbreak was discussed at the Canadian Poultry Industry Forum held October 27-28, 2004. The case for more compensation has been made largely on the basis of lost income to parties affected by avian influenza other than primary producers. We will continue to discuss the issue of compensation with B.C. groups as well as the provincial government (B.C.) but it has not been the federal government's practice to compensate firms and individuals not covered by existing federal or federal/provincial programs when there is a disease outbreak of this type.

Another important issue discussed at the Canadian Poultry Industry Forum was biosecurity. Governments and industry are placing major emphasis on planning for the future — specifically, putting in place biosecurity and other measures to minimize the risk and consequences of future disease outbreaks. Recommendations and follow-up from the Forum are being compiled and should be available by year end.

JUSTICE

NATIONAL SECURITY— LISTING OF AL-TAWHID WAL JIHAD AS TERRORIST GROUP

(Response to question raised by Hon. J. Michael Forrestall on November 3, 2004)

On October 18, 2004, the United Nations listed JAMA'AT AL-TAWHID WA'AL-JIHAD (JTJ) as a terrorist organization, and the Canadian *United Nations Suppression of Terrorism Regulations* (UNSTR) automatically incorporate, by reference, the list established by the United Nations. The Canadian regulations are such that the listing in Canada is automatic once it takes place at the UN, without any recourse to the Governor in Council process.

As soon as the listing is made by the UN, the Office of the Superintendent of Financial Institutions advises Canadian financial institutions of the automatic change to the Canadian list, and requires them to freeze any assets belonging to the designated entity or individual.

More than 480 individuals and entities associated with terrorist activities are listed under the Canadian UNSTR.

Subsection 83.05(1) of the *Criminal Code* clearly defines the criteria Parliament has established for the listing of entities. The subsection reads:

The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Solicitor General of Canada, the Governor in Council is satisfied that there are reasonable grounds to believe that:

- (a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or
- (b) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in paragraph (a).

In addition, subsection 83.05(1.1) of the *Criminal Code* states that the Solicitor General may make a recommendation only if the Solicitor General has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in paragraphs (1)(a) or (1)(b).

Subsection 83.01(1) of the *Criminal Code* defines what constitutes a 'terrorist activity'.

It is clear that any decision to list an entity under the *Criminal Code* involves a decision, based on reasonable grounds, by the Solicitor General and a decision, based on reasonable grounds, by the Governor in Council.

At the present time, there are currently 35 entities on the *Criminal Code* list and as the Government has said many times before, the assessment process for other possible listings continues.

As a result of the amendments to the *Criminal Code* introduced by the *Anti-terrorism Act* in 2001, regardless of whether a terrorist group is listed or not, terrorist activities are defined in the *Criminal Code* and it is a crime to knowingly participate in or contribute to the activities of a terrorist group.

CHILD PORNOGRAPHY LEGISLATION— DEFINITION APPLIED TO ART WORKS

(Response to question raised by Hon. A. Raynell Andreychuk on October 21, 2004)

Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act* proposes to replace the existing child pornography defences of artistic merit, education, scientific or medical purpose, and public good with a two-pronged harm-based "legitimate purpose" defence that will only be available for an act that:

- has a legitimate purpose related to the administration of justice, science, medicine, education, or art; and
- does not pose an undue risk of harm to children.

While the existing "artistic merit" defence will not exist, an act that has a legitimate purpose related to art can be considered under the new defence. However, unlike the existing defence of artistic merit in subsection (6), the reforms would require a two-stage analysis to any defence: (1) does the act in question have a legitimate purpose related to art; and if so, (2) does this act pose undue risk of harm to children?

SOCIAL DEVELOPMENT

GUARANTEED INCOME SUPPLEMENT— EFFECT OF INCREASE IN ONTARIO

(Response to question raised by Hon. Marjory LeBreton on October 21, 2004)

The Ontario Guaranteed Annual Income System, or GAINS benefit, is calculated without reference to the amount of GIS a person receives. Therefore, the GIS increase will have no impact on the amount of the GAINS payment a low-income senior receives.

It is our understanding that the Ontario Government's program that provides subsidized long-term care includes the calculation of the OAS and GIS benefits a person receives to determine the amount of the subsidy. Therefore, subject to the various sources of income a person may have in a particular year, including the GIS and any associated increase, the amount of a person's subsidized care could be affected.

The Government of Canada long ago identified the needs of low-income seniors as a key priority and has put in place policies and programs to address their needs. These programs include the Guaranteed Income Supplement (GIS) and the Allowance under Old Age Security (OAS) which assists seniors who have little flexibility or options in addressing their financial needs.

In May 2004, the Prime Minister's Task Force on Active Living and Dignity for Seniors released a report, *Creating a National Seniors Agenda* and recommended an increase in the GIS for low-income seniors to enhance their standard of living and provide them with a better quality of life. The report recommended that the GIS be increased by \$36.12 monthly for single recipients and \$29.10 monthly for couples to reduce the gap in the standard of living between GIS recipients and the working-age population. This priority was reiterated in the most recent Speech from the Throne.

In addition to examining this recommendation, the Government of Canada is looking at working with others including provinces/territories to find additional ways to address the needs of low-income seniors.

NATIONAL DEFENCE

MILITARY HOUSING—RENT INCREASE

(Response to question raised by Hon. Michael A. Meighen on November 4, 2004)

The cost of rent for Canadian Forces housing is applied in accordance with the Treasury Board policy, which is applicable to all government employees living in housing supplied by the Crown. The policy states that rental charges must be based on assessments of what similar housing would cost in the local private market. Therefore, rent is established in consideration of the repairs required.

The Minister of National Defence is currently working with the President of the Treasury Board to make sure that rents on the bases are fair in the light of the conditions of the housing in which the members live.

The maximum possible rent increases for Canadian Forces housing is limited to \$100 per month per year. At the present time, the majority of rental revenues are invested to repair, maintain and address health and safety issues within the portfolio. The intent for the future is that, as the modernization program progresses, less and less of the rental revenues will be required for repair and maintenance. This revenue can then be invested to further the modernization program.

Since 1998, the government has invested over \$400 million in repairs, maintenance and to address health and safety issues within the portfolio and it plans to invest a further \$120 million to renovate, improve and maintain military housing over the next three years.

In 2004-05, 190 units at 9 bases will be upgraded as part of the modernization program. Site by site evaluations are also being conducted. The outcome of these evaluations will determine the number of houses across the country that will be upgraded.

CROWN CORPORATIONS CANADA POST

TAX BREAKS TO EXECUTIVES THROUGH INFLATED EXPENSE CLAIMS

AVAILABILITY TO SENIOR MANAGEMENT OF HONOUR SYSTEM FOR EXPENSE CLAIMS

(Response to question raised by Hon. Terry Stratton on October 7, 2004)

Crown Corporations and Taxes

- All employers in Canada are required to issue T4s for salaries and taxable benefits including federal Crown corporations.
- The Canada Revenue Agency takes action to ensure that everyone meets their tax obligations and to ensure fair treatment for all taxpayers. All individuals, businesses and Crown corporations are subject to a fair and equitable application of the *Income Tax Act*.

Expense Claims Practices at Crown Corporations

- Crown corporations are accountable to Parliament through ministers who are deemed responsible for them, these corporations however conduct their business at arm's length from Government. Crown corporations are responsible for their day-to-day operations, including the management of payroll and expenses.

Expense Claims Practices at Canada Post

- The Deloitte & Touche Audit of Canada Post's Management Practices found that Canada Post's travel and hospitality policies "are appropriate and provide clear direction and acceptable flexibility for appropriate travel and hospitality to occur."
- The Deloitte & Touche examination did identify two exceptions:
 - Senior executive expenses were not subject to internal audit review; and
 - up until January 1, 2002, senior executives self-approved expense claims up to \$500 per claim. **Deloitte & Touche noted at the time of their audit, that Canada Post no longer deemed it appropriate to allow for any self-approval of expense claims.**

- The Board of Directors at Canada Post has put in place a new expense policy which requires that expense claims be accompanied by receipts or other supporting documentation before they are assessed for payment. The new policy applies to all Canada Post employees, without exception. All executive travel and hospitality expenses are now subject to internal audit review.

Tax Audit at Canada Post

- Canada Post has informed the Minister responsible for the corporation that the Canada Revenue Agency is conducting a tax audit at Canada Post.
- The Canada Revenue Agency's compliance strategy may include undertaking verification activities in Crown corporations subject to the *Income Tax Act*. The identification and selection of files for audit by the Canada Revenue Agency are based on impartial and objective criteria using risk-assessment techniques.

Expense Claims of the Former Privacy Commissioner

- Audits and other verification activities are undertaken by the Canada Revenue Agency to ensure that taxpayers comply with the provisions of the tax legislation it administers. The identification and selection of files for audit are based on impartial and objective criteria using risk-assessment techniques to identify, measure and prioritize risk. The confidentiality provisions of the laws administered by the Canada Revenue Agency preclude the disclosure of the tax affairs of individuals or corporations without their written consent.

that the government, genealogists, historians and archivists have worked out a solution to this most complex problem that has bedevilled us for years.

Bill S-18 is a government bill that will allow for the release of historic census records without conditions 92 years after the date of the census. It also contains provisions to authorize Statistics Canada to ask Canadians' permission to deposit their individual census records at the National Archives of Canada for future research purposes. All of the stakeholders support this bill and none are calling for amendments.

From the outset, I want to thank Minister David Emerson for his leadership on this file. From the first time I briefed him on this issue, he understood the urgent need that Canada's genealogical, historical, medical and archival communities have for this information. His common sense approach has allowed this bill to come forward quickly in this Parliament with support from all quarters. He has shown a desire to get this matter taken care of quickly. I hope that all honourable senators will agree that we can move forward on this bill without delay.

Before I get to the specifics of the bill, I want to take a few minutes to explain why so many of us have been fighting for so many years to obtain the release of historic census records. The census is Canada's only record of every Canadian in their family groups. Up until 1998, individual census returns were regularly made available through the National Archives. In fact, over 300 years of censuses covering what is now Canada are stored and can be accessed in their entirety by anyone.

In 1998, though, Statistics Canada announced they would not be releasing any further census records to the National Archives. They took the position that the regulations in legislation governing censuses taken after 1901 prevented Statistics Canada from ever releasing the information to the public. As you can imagine, this announcement took many of us by surprise.

As I said earlier, over 300 years of Canadian census information was already available in the National Archives and there was no hint that the practice of sending individual census returns to the archives would change. As a genealogist, I was concerned at the time that we would be losing important historical documents forever, but the politician in me thought that this was a mere legislative oversight that could be quickly rectified and that we could then quickly send everyone back to their research. How wrong I was.

The intervening six years have been filled with study, research, debate and negotiations by politicians, bureaucrats, genealogists, lawyers, academics, archivists and judges, both sitting and retired. For the longest time we were all focused on the question of what was the law governing those censuses and what contemporary law affects how we treat those documents.

In a nutshell, the research community felt that perpetual confidentiality had never been promised to Canadians and Statistics Canada was concerned that its regular assurances of confidentiality for decades had to mean something or the integrity of the census would be forever damaged.

ORDERS OF THE DAY

STATISTICS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Lorna Milne moved second reading of Bill S-18, to amend the Statistics Act.

She said: Honourable senators, I sincerely hope that we are nearing the end of this story. On October 27, 1998, just a little more than six years ago, I rose and said:

I give notice that on Thursday next, November 5, 1998, I will call the attention of the Senate to the lack of access to the 1906 and all subsequent censuses caused by an Act of Parliament adopted in 1906 under the government of Sir Wilfrid Laurier.

After six long years of negotiating and fighting since that notice of inquiry, I rise once again on this issue. Today, though, I sincerely hope is different. This time, I am pleased to announce

There were two key studies done on the state of Canadian law on this issue. One was conducted by the Expert Panel on Access to Historical Census Records that was appointed by former Industry Minister John Manley. The panel, chaired by former Supreme Court Justice Gérard LaForest, came to the conclusion that there were no laws that prevented the release of historical census records. In his words:

...we are persuaded that perpetual confidentiality was not likely either assumed or intended by the lawmakers. ... while we find the legal situation ambiguous, we find no convincing evidence that Parliament intended to create perpetual confidentiality. We have come to the view that the release of pre-1906 records constitutes a particularly important precedent when combined with the fact that the release of the 1891 and 1901 census records occurred in concert with the 1983 Privacy Act. We further believe that the passage of time — 92 years in this case — is an important legal and moral consideration and that the release of census records after 92 years in no way violates the original intent of those who developed the census in Canada.

• (1530)

The second legal opinion came to light as a result of the work of the Standing Senate Committee on Social Affairs, Science and Technology when it studied my private member's bill on this issue. In response to questioning from committee members, Chief Statistician Dr. Ivan Fellegi indicated that he had received legal advice on this issue and would be happy to give it to the committee to look at. One of the legal opinions was particularly important from my perspective. Ann Chaplin, a lawyer in the Department of Justice, took the time to try to balance two sections of the regulations governing many of the censuses taken in the early 1900s. One section stated that Statistics Canada employees were not allowed to disclose a person's individual census information, while the other section specifically stated that the individual census records would be kept in the National Archives of Canada. Ms. Chaplin noted:

The rational approach to the various pieces of legislation at play here seems to be one which would prohibit census workers from giving anyone access to individual returns but which would allow census information to be transferred to the Archives and, after 92 years, released in accordance with the Privacy Regulations.

There is no doubt, then, that from a legal viewpoint there is nothing to stop the government from releasing historic census records.

In January 2003, the government came to the same conclusion and released the 1906 census records to the National Archives. Shortly afterward it was put online, and since that time there have been millions of hits to the National Archives' website by those researching family roots or researching Canadian history. The central question remained, though: How should the records from future censuses be handled? After all, it made very little sense to go through this entire debate without also taking a serious look at how future censuses are handled.

When the government released the 1906 census, they also announced that they would introduce a bill to govern the release of census records, including those for censuses that have not yet been taken. That bill was introduced in the Senate and passed. We have already been through this exercise. Unfortunately, it was stalled at second reading in the other place in November 2003 when Prime Minister Chrétien prorogued the Second Session of the Thirty-seventh Parliament. The bill was not revived in the third session.

As I will outline in more detail later, there was not widespread support for the bill introduced last year. That bill would have reduced the access that researchers would have after 92 years for a further 20 years. Some of its contents may have threatened the historic record. The debate on whether to amend the bill caused delays in both the Senate and the other place.

In the year since the first government bill died, there have been substantial negotiations between the government and stakeholders about what a new bill should entail. I am happy to report that there has been compromise on both sides, agreement on both sides, and a new deal has been reached. I want to take the time to go over the various provisions for honourable senators.

Bill S-18 has three clauses that are easily explained. The first clause directs Statistics Canada to turn over the individual schedules for each census from 1911 to 2001 to the National Archivist on the ninety-second anniversary of each census. The National Archivist is then given explicit permission to grant access to this information, without restriction, to any researcher who wants to take a look. Indeed, I expect that shortly after this bill is passed we will be able to find the 1911 census online, alongside the 1906, the 1901 and other censuses that have already been posted online by the National Archives.

The second clause of Bill S-18 states that Statistics Canada will ask Canadians on each census, starting in 2006, whether they will give permission for their census information to be stored in the National Archives. Statistics Canada may then deposit the census information of Canadians in the National Archives only if that person has actively granted permission. If the person answers no to the relevant question on the census or if the question remains unanswered on the census, Statistics Canada will not have the authority to give the information to the National Archives and will not do so.

The third clause is for the purpose of review, which has become standard in so many bills. It states that not less than two years before the third census taken after this bill is passed, there will be a review of the section that governs future censuses. This section was inserted because of concerns raised by many researchers. They want to ensure that the census remains a viable historic record. However, it is conceded by everyone that to the extent that people refuse to allow their census returns to be sent to the National Archives, the quality of the census for research purposes is reduced. The review section allows Parliament to revisit this issue once we see clearly how Canadians respond to the question.

As I indicated earlier, the government did introduce a bill in the last Parliament that was the subject of much debate, and many called for amendments to that bill. I think it is important to highlight both the similarities and the differences between the old government bill and Bill S-18 so that senators may understand the concessions made on both sides of this issue that bring us to the harmony that we have today.

The old government bill contained extensive provisions that would have allowed limited access to the 1911 through 2001 censuses after 92 years and unlimited access to the data after 112 years. Genealogists would have to sign various waiver forms and historians who wanted to do research after only 92 years would have to have their proposed work peer-reviewed first. This was despite the fact that until 1993 census data was routinely released after 92 years with no restrictions. When that complicated provision was introduced, genealogists and historians recoiled at the fact that an entire bureaucracy was being set up to trace their research. They could not understand why that had to be done. They also wondered what the magic of the extra 20 years was and whether there was any policy justification for these provisions.

I discussed this matter with Minister Emerson and department officials, and it became clear that the extra 20-year waiting period and the bureaucracy involved with it did not serve much purpose. In fact, the cost, time and effort of setting up such a bureaucracy would far outweigh any marginal benefit for those who were interested in privacy issues. As a result of these discussions, the government agreed to remove from the bill the extra 20-year waiting time and the resulting bureaucratic nightmare.

As was the case with the old bill, Bill S-18 includes provisions that will allow Canadians to determine whether they will allow their own census information to be deposited at the National Archives. This clause causes significant concern within the genealogical and historical communities. Many are worried that the integrity of Canada's historic record would be unnecessarily degraded if such a measure were passed. Over the last number of months, the potential effect of this section and the reason for its inclusion have been the source of significant discussions between genealogists and historians on the one hand and Statistics Canada on the other hand.

By and large, genealogists and historians understand the two key reasons for including this section in these amendments to the Statistics Act. First, this is not a complicated issue. Canadians can easily understand the choices they are being asked to make and the consequences of their actions. In the end, this is the personal information of Canadians who have the right to determine what happens to that information about their lives. It was in this spirit that the Personal Information Protection and Electronic Documents Act was passed by Parliament to protect Canadians' privacy.

Second, Statistics Canada must ensure an extremely high level of privacy in order to guarantee that there is almost complete participation in the census. Stats Canada genuinely felt that the 92-year waiting period was not a sufficient level of privacy to ensure continued full participation in the census. The census

provides the backbone for Canada's transfer and equalization payments to the provinces and the modeling to predict the consequences and costs of taxation policies and future Canadian demographics, which allows for proper planning of education and health care services across the country. Complete participation by Canadians in the census is key to ensuring that all these basic government functions are carried out to the highest standards.

• (1540)

There is no doubt that to protect the integrity of the census Statistics Canada felt that it needed to ask Canadians directly about the future treatment of their census information. Over time, genealogists and historians have come to understand why Statistics Canada has insisted on this kind of privacy protection for future censuses.

Statistics Canada has made two important concessions on this issue that have given the research community enough reason to support this bill. First, Statistics Canada has agreed to help ensure that as many Canadians as possible say yes to the release of their census information. Both Chief Statistician Ivan Fellegi and Minister Emerson have agreed that in order to ensure as many Canadians as possible agree to deposit their census schedules in the National Archives they will launch a large public advertising campaign to encourage Canadians to say yes. They have said they feel it is important to the country that everyone say yes. I take them at their word and am looking forward to Canada's campaign to have everyone say yes to the historic census.

Second, the government has inserted the third clause to this bill at the request of the research community. This clause mandates a parliamentary review of the effect of the requirement that permission must be granted before an individual's census return is given to the National Archives. The truth is that no one knows how Canadians will respond to this question. We do not know if 20 per cent or 89 per cent will say yes. We have no idea. The other thing that we do not know yet is what kind of a problem that would create for future researchers.

About a month ago, I asked Dr. Chad Gaffield, a professor at the University of Ottawa's Institute of Canadian Studies and a member of the expert panel that was appointed by John Manley, what level of opting out would create a problem for the historic record. He said he did not know. He said it would depend entirely on whether it was a random group or a certain age group, race, gender, religion or community that opted out. If 99 per cent of Canadians opted into the National Archives but all of Prince Edward Island said no, for example, that would cause great damage to the historic record.

By allowing for a review of this section after two censuses have been taken, the government is agreeing to take another look at the matter when there are real-life statistics that can be used to deal with the issues. Any attempt to solve this matter before that may be fruitless because the debate would be taking place in a vacuum. As I noted before, no one knows how Canadians will react to this issue, and it is best if we see how things pan out before we make a final decision.

Honourable senators, it has been a long and hard battle, but it is one that I think will have great benefit to Canadians. I can say with confidence that for generations to come Canada will have the benefit of historic census records to help guide researchers. I can also say that Statistics Canada has stood on guard for the integrity of the census, and that integrity is not compromised by this bill. A balance between privacy and information has been achieved here, and all parties in this debate should be lauded for their hard work and dedication to their cause.

In closing, I urge all senators to vote for this bill and to ensure its speedy passage through this place. The Canadian medical community, historians, archivists and genealogists are counting on it.

Hon. Lowell Murray: Honourable senators, I do not intend to intervene at this stage but will do so perhaps at third reading, assuming the bill is referred to committee.

For the record, I would ask the sponsor of the bill to confirm that the only opting-out provision relates to personal information that would identify someone as an individual. To use the example that Senator Milne raised, if every individual in Prince Edward Island opted out, then those individuals could not be identified by name. However, all the demographic information will still be on file. The collective data on population, whether a person is male or female, their ancestry, ethnic origin, religion, and perhaps their profession and income will be there. The only thing that will be closed to researchers is information relating to particular individuals, identified individuals, if those individuals choose not to have it made accessible.

Senator Milne: The honourable senator is quite correct. The accumulated data would be available for all of Canada, so there is no threat at all to the integrity of the census as it stands for the entire country.

There would be a threat to trying to identify individual Canadians, 92 years from now, and track them through their family groups. There would be a threat to tracking demographic movements of Canadian families, of groups of people and their medical histories. I am quite sure that medical genealogies will become even more of a tool in the future than they presently are, as we heard today on the debate on juvenile diabetes.

Senator Murray: The information will be open to everyone. Ninety-two years from now, my descendants will be able to search Senator Milne's ancestry, will they not?

Senator Milne: Absolutely, because I intend to say yes. Now, if my honourable friend intends to say no, his descendants will not be able to research him.

Senator Murray: I am thinking about it.

Hon. Gerald J. Comeau: I move the adjournment of the debate.

Hon. Madeleine Plamondon: Does the honourable senator have the approval of the Privacy Commissioner?

Senator Milne: I have not spoken directly to the Privacy Commissioner, but I have been led to believe that she approves of this bill. I know that she has seen it and has read it. I have not heard from her directly but through intermediaries. Dr. Ivan Fellegi, the head of Statistics Canada, also approves of this bill.

Senator Comeau: Senator Milne just said that she had the approval of the Privacy Commissioner through someone who spoke on behalf of the Privacy Commissioner. This is the type of information that should come out at committee because I think we are into third-hand or fourth-hand references. I am quite sure the Privacy Commissioner, based on how Senator Milne just responded, would want to clarify the positions of her predecessors who expressed extreme misgivings about some of the provisions of what were then even more stringent bills.

I assume that Senator Milne wishes to bring the Privacy Commissioner before the committee, as well as the Chief Statistician, who seems to have also swallowed himself whole.

Senator Milne: I would never ask Senator Comeau to accept my word on anything, and I look forward to hearing them at committee.

Hon. Serge Joyal: Honourable senators, I should like to make a brief speech on Bill S-18 today so as not to delay further study. I know Senator Comeau had just moved the adjournment, but if he would allow me to speak for this side, I would be ready to proceed now.

Senator Comeau: It has been the normal practice that this side has the prerogative to adjourn the debate. Obviously, I leave it up to the house.

The Hon. the Speaker *pro tempore*: Senator Comeau will have 45 minutes when he rises to speak on the bill. Is it agreed, honourable senators?

Hon. Senators: Agreed.

• (1550)

Senator Joyal: Thank you, Senator Comeau. I understand you reserve the full right of the opposition to speak on this bill. It is just that my remarks might help the honourable senators, and especially Senator Milne, in their study of this bill.

First, I would like to commend Senator Milne for her persistence and dedication to this issue. She will recollect how many times this bill has been the object of discussion. However, since its first inception, there is a new situation in Canada which I think we should take into account when we study this bill. I think that Senator Comeau and Senator Plamondon have put their fingers on it. It is in relation to the Privacy Commissioner and, of course, the adoption by the United States, our friendly neighbour, of the Patriot Act.

As you know, Statistics Canada entered into a contract with Lockheed Martin Canada, which is a subsidiary of the Lockheed Martin American firm that we all know. According to the Patriot Act, any information that an American company can retain, either on American soil or abroad, is susceptible to being the object of a court order according to section 215 of the Patriot Act, and that company has no other choice than to provide the

information. Moreover, when there is such a hearing of a request in the United States, it is secret, so that such a matter could really go before a court without any publicity or publication.

We all know the information that is contained in the census form — your religion, your race, your place of birth, your marital status, just to name a few. Let me depict a case. Let us say that you are Muslim, a practising Islamic. You were born in the Middle East or northern Africa. Third, of course, you are of Arabic decent, and fourth, your marital status is common law or gay marriage. It is legal in Canada for 85 per cent of that particular population to marry now, according to decisions in the Canadian court. We all know that. My friend Senator Comeau is from Nova Scotia, which is the last court to have ruled upon this matter.

In other words, if that information is accessible to Lockheed Martin, at a point in time, Lockheed Martin could be under subpoena in an American court and have no other choice than to provide information on all Canadians who are Islamic, Arabic, born wherever in the world, and, of course, on their marital status.

Therefore, honourable senators, my concern is not a theoretical one. The newspaper report of October 30 was a reprint of the report by the B.C. Privacy Commissioner, Mr. David Loukidelis, and I quote:

There is no way to prevent the long arm of U.S. anti-terrorism legislation from extending into Canada and plucking out otherwise confidential information about individual Canadians, B.C. Privacy Commissioner has concluded.

It is a reprint from *The Globe and Mail* and *Le Devoir* of the same day.

The Privacy Commissioner of British Columbia is advising the Canadian government to take some steps to protect the privacy of Canadians and, of course, the information that will be given to Statistics Canada and, according to this bill, that Statistics Canada in due time will make available to all Canadians.

My preoccupation, too, comes from the report of the Privacy Commissioner that was tabled today. Earlier on in our proceedings, the Speaker tabled the annual report of the Privacy Commissioner, and I would like to read to you from page 49 of that report two paragraphs on what the Privacy Commissioner says about cross-border flow of personal information. That is the title, "Cross-border Flow of Personal Information," and I quote:

On the subject of disclosure, a number of programs and activities established by federal government institutions and agencies provide for the disclosure of personal information about Canadian citizens and residents to departments and agencies of the United States government. During this fiscal year, the office completed an examination of agreements, arrangements and memoranda of understanding between

Canada and the United States that include provisions for the sharing of personal information. Our review found that many of the sharing agreements were deficient in terms of containing adequate privacy protection provisions.

The last paragraph states:

The cross-border flow of personal information raises serious privacy risks relating to the jurisdictional differences affecting the protection of personal information, the security of personal information in transit and the adequacy of legal instruments governing the management of the information shared. Issues related to the transborder flow of personal information will be a key area of review for the office —

— that is, the Office of the Privacy Commissioner —

— during the next fiscal year. To this end, we are conducting an audit of the transborder information-sharing activities of the newly constituted Canadian Border Service Agency, CBSA.

Again I have the greatest respect for the work and dedication that Senator Milne has expended on this matter. However, I want to conclude, honourable senators, by saying that I think it would be advisable to hear from the Canadian Privacy Commissioner at committee stage on this bill. In the article of October 30 from which I quoted earlier, "They are expecting an answer from the Canadian government." Let me find where I read that. It says that we will get the answers on what is the position of Canada in respect of this argument.

I do not want to delay the proceedings, but in this article that was published on page A13 of *The Globe and Mail* — I could give it to you — it says quite clearly that the Canadian government will come forward with a formal comment to the B.C. Privacy Commissioner, David Loukidelis, because the commissioner studied that issue extensively. It is the most comprehensive report that is available in private hands right now. I know many senators on both sides of this chamber are very concerned about the flow of information, because many Canadian companies now subcontract with American companies.

I mention now the CIBC because it is mentioned in the article. I do not want to promote any bank, but many private companies subcontract, for instance, salary slips, management of pay and so forth. All that information is immediately available if American authorities want to plug into it, and we are not even informed that they have requested to plug into it.

This is a very serious issue. Again, I do not want to delay this bill. However, I think it could be a helpful exercise because when we review the Canadian anti-terrorist legislation sometime down the road, this will be an important part of that review, as well as exploring how we could prevent American companies from following the Patriot Act in this fashion. The B.C. Privacy Commissioner was suggesting that there should be very severe penalties for such breaches of privacy, such as one year in prison and \$1-million penalties and so forth. In other words, there is a way to address the problem, and that should be done, in my opinion.

If we are to move forward and make more information available, it should be done in such a way that when a Canadian citizen files his census form, as I do myself, and when you cross borders and you are asked for personal information, you will know that at some point in time, by just plugging in your passport number, they will know everything: what is your religion, where you came from, where you were born. This is already on your passport in any event, but they will also know your marital status, and so on. If they decide to be strict at the borders, then that is it. I think we should know now what the name of the game is, and how we want to deal with it.

I know that this is not your objective as the promoter of this bill. However, you want this bill, too, and I sincerely would like you to have it, certainly, and all the researchers and university people; but there is an element of reality that must be taken into consideration here. We have to be very conscious and to address the situation in the proper shape and form if we want to do our job properly here, which is to be concerned about minority rights and the protection of the privacy of Canadians.

Senator Milne: Would Senator Joyal accept a question? I do not believe, as a bit of a preamble, that Statistics Canada has ever leaked anything whatsoever out of any of our census forms. They have been most meticulous in guarding them; they have been extremely, perhaps overly, meticulous in guarding them. If I should happen to be a Muslim, I cannot see what possible benefit that would be to anyone at the border in the United States when that information is released 92 years from now.

• (1600)

I believe you mentioned that Lockheed Martin was hired to help with the 2004 test census that Statistics Canada did. Still, the information that came in was proprietary information and was not Lockheed Martin's information. I have the understanding that Statistics Canada will not hire them again to do that sort of thing.

Senator Joyal: I thank the honourable senator for raising this point. I quote from the article in *Le Devoir*, which states:

[Translation]

Mr. Loukidelis pointed out that even Statistics Canada had entered into a contract with Lockheed Martin Canada — a Canadian subsidiary of an American company — for the development of software to process census forms. The information would be managed by Statistics Canada, however.

[English]

It is right that it is being managed by Statistics Canada. I do not dispute that at all, but as I said, if Lockheed Martin, or the mother company in the United States, is subpoenaed in court and receives an order from a federal court to release the information, they are confronted with two decisions: either comply with the American court order or breach Canadian law. We have to be aware that when a contract is signed with an American company, there are severe penalties for breach of the contract or the commitment not to disclose information. That is what B.C. commissioner Mr. Loukidelis is recommending, to ensure

that we tip the balance in favour of the privacy of Canadian citizens rather than the good standing of the American company.

This is an issue that must be addressed, and I totally agree with the honourable senator. It is important that this be on the record because when Privacy Commissioner Stoddart appears before us, we will have given her a signal today that she will have to prepare herself accordingly so that honourable senators can question her and follow up on this matter.

On motion of Senator Comeau, debate adjourned.

THE ESTIMATES, 2004-05

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of November 4, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2005.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

BUDGET AND REQUEST TO ENGAGE SERVICES AND TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Security and Defence (budget—study on the national security policy for Canada—power to hire staff and to travel) presented in the Senate on November 4, 2004.—(*Honourable Senator Kenny*)

Hon. Colin Kenny moved the adoption of the report.

Motion agreed to and report adopted.

THE HONOURABLE LAURIER L. LAPIERRE, O.C.

INQUIRY

Hon. Tommy Banks: Honourable senators, Senator LaPierre has already thanked us with kind words today, so he cannot get back at us anymore because he has spoken already.

Laurier, during the course of having thanked us, you reminded everyone here that you are always right. There is not much that I can add to that statement. However, I want to commend you, among other things, for your huge-hearted words today about your relationship with the people in this place. I know that they were much appreciated by all.

Hon. Senators: Hear, hear!

Senator Banks: I have had the advantage of knowing you, Laurier, longer than anyone here, if I am not mistaken. You and I have been acquainted since the very early 1970s. Unlike Senator Lapointe, I had the honour of having you as a guest on my show.

[Senator Joyal]

Senator LaPierre: Oh, yes.

Senator Banks: That was a great advantage. In all those years, Laurier, I have seen in you a wonderful and rare thing, which is utter honesty. You are utterly honest. You cannot help yourself. Even when you are wrong, you are utterly honest. There is in you no obfuscation, no equivocation and no evasion.

Senator Mercer: And he gets to the point, too.

Senator Banks: That is right. Laurier, you are utterly without guile. I do not know many people like that, and it has been an honour to know you. It is a continuing honour to know you.

Yours has been a life of achievement. It has brought lustre to this place that you have spent these last few years here with us making more achievements, and I am sure you will continue to make them.

Harking back to an earlier remark in your first response, of what I am sure will be many more, you can come to my house for dinner any time, Laurier. I know that we all hope for the privilege of having many more dinners with you and Harvey in the coming years. They have all been a pleasure, and I thank you very much for those things and many more.

Hon. Senators: Hear, hear!

Hon. Marilyn Trenholme Counsell: Honourable senators, this might be called a belated greeting, like one of those cards one buys, but is never too late to say a few words.

[Translation]

It is a great privilege and a joy for me to share these very personal thoughts about my friend, Senator LaPierre.

[English]

I believe that I am speaking on behalf of hundreds of thousands of young Canadians, boys and girls, who have participated in heritage fairs from coast to coast to coast.

• (1610)

I met Senator LaPierre at a Historica meeting — a moment that I remember very vividly. I remember the moment that I first came into his presence. Senator LaPierre radiated an excitement about Canada's history that he has passed on to our young citizens. His passion, his profound sense of history and his dedication to youth all mark Senator LaPierre as a national treasure, loved and revered by people in many walks of life, young and not so young alike.

[Translation]

Senator LaPierre, I thank you from the bottom of my heart for being an inspiration not only to me, but also to thousands of young people across this great country. Thank you for your friendship, your joy and your hope. Always stay young at heart and continue to touch the lives of our young women and men, so that they can achieve their full potential as Canadians. May God bless you.

[English]

Hon. Jerahmiel S. Grafstein: Honourable senators, Laurier LaPierre and I shared one great friend whom he has not mentioned but who was mentioned in the autobiography of his friend Patrick Watson, and that was Roy Fabish.

Quite frankly, Senator Banks, I came into contact with Laurier much earlier than you did. This was back during the time of *This Hour Has Seven Days*. One of my closest friends and my mentor for most of my adult life was Roy Fabish. He was instrumental in establishing Laurier as a national star. When I think of Fabish, I cannot help but think how important a role he played in my life and how important a role he played in Laurier's life. He, I think, inspired many people, including Laurier, to do and achieve things that they felt were beyond their reach.

Laurier, you are leaving, but you will not be forgotten. I will remember with fondness not only *This Hour Has Seven Days* but our great mutual friend, the late Roy Fabish.

[Translation]

Hon. Viola Léger: Honourable senators, I would like to add my voice to those who praised Senator LaPierre. Thank you Senator LaPierre for your cry "Long live Canada," whenever the occasion rose. You were never afraid to say it loud and clear. As Senator Trenholme Counsell said, wherever we followed in your footsteps, people in Canada would always tell us that Senator LaPierre had been there; they were all very proud of that. As a going away present, I would like to offer you two texts. The first one is an introduction by Oliver Wendell Holmes.

[English]

I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.

[Translation]

Now, *Roseau pensant* by Serge Patrice Thibodeau:

Reed in thought: the fragility of man.
 Reed made flute: the fragility of song.
 Reed as pen: the fragility of the written word.
 In the unexpected storm, at the mercy of murderous winds,
 And beaten by rain, the reed bends but does not give way.
 Just as every new love dances in delight at its far from certain future...

[English]

I would like to conclude with the words of wisdom of Howard Dick, chorale conductor from Kitchener, Ontario, taken from the *Power of Passion* by photographer Tony Hawser.

Passion. The exhilaration of life. Creative genius. Compelling ideas. Eternal issues refined. Noble expression. Distilled thought. Passion. A burning conviction that we need to hear Bach. The artist's thrill of danger, of being so close to the white heat of greatness. Passion. Living on the edge in control but just barely, waiting breathlessly to see what's next.

Senator LaPierre, enjoy your retirement.

Senator Mercer: And now the Bible!

Hon. David P. Smith: Honourable senators, Senator Banks inspired me to get to my feet when he referred to how long he had known Senator LaPierre. My mind flashed back to one time at the old CBC building on Jarvis Street, which 100 years ago was Havergal College, when I was there with Walter Gordon. I was then his executive assistant, so you know how long ago that was. This was in the mid-1960s. You can just picture it: He is in there with Patrick Watson. It is intense. I do not know if you remember the time that Walter came there. I was with him. It was high drama; it was cutting-edge television, it was nouveau in every sense of the word and it was really exciting.

I was also amused by Senator Banks' reference to the thought that you might not be right all the time, but I thought of another way of putting it, and that is, Senator LaPierre, that you might not always be right but you are never in doubt, and I kind of like that.

You are a special person. There is nothing hidden. You are up-front. You give new meaning to the word "passion" and you will be missed, and never forgotten. We are your friends.

Hon. Senators: Hear, hear!

The Hon. the Speaker: If no other senator wishes to speak — and I am looking at Senator LaPierre when I say that — does the honourable senator wish to comment?

Senator Banks: Take the adjournment!

Hon. Laurier L. LaPierre: Of course, I will take the adjournment...for a year from now!

I want, again, to thank you all. I think this has been a very good day, and I shall be back. Merci.

Hon. Senators: Hear, hear!

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

Hon. Jeremiah S. Grafstein, pursuant to notice of November 4, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and

others who play a role with respect to consumer protection and the supervision of the financial services sector;

- consumer credit rates and reporting agencies; and
- other related issues; and

That the Committee submit its final report no later than June 30, 2005, and that the Committee retain until August 31, 2005 all powers necessary to publicize its findings.

He said: Honourable senators, I should like to explain the motion, if I could. Today I rise to seek your support for the Standing Senate Committee on Banking, Trade and Commerce study on the consumer and financial services sector. As you know, committees spend time reviewing, passing and occasionally amending legislation. Once a bill has left a committee, it is too often gone and forgotten. The committee moves on to its next piece of business. Too often, committees overlook the potent power and responsibility of oversight. Committees should, from time to time, look back on legislation and determine whether the practice matches the legislative objective. Often legislation incorporates such reviews. While committees do carry out such a review function, they should not be limited. Committees should exercise their oversight at a time of their own choosing. Now is such a time.

Senators believe that parliamentary oversight is integral to the public confidence in the financial system in safeguarding the interests of all consumers. Banking is more than just buying and selling money; it is about consumer confidence in the financial system.

• (1620)

Back in 1934, in the midst of the Great Depression, the Report of the Royal Commission on Price Spreads, drafted by a little known civil servant who served as secretary to that commission, Lester Bowles Pearson, first raised the issue of consumer protection as one responsible aspect of government policy. The Royal Commission on Price Spreads stated in that report:

...in this new world of industry and trade *caveat emptor* takes a new and pertinent meaning.... The buyer may still beware, but he no longer knows of what he must beware.... It is, therefore, the function of government to pay special attention to the interests of the consumer.

We have come a long way in the past 70 years.

Honourable senators, may I lift another quote from recent parliamentary history:

Today we look at an economy that is undergoing a series of major changes in all aspects of development. Market practices are being altered; industrial organization is being transformed significantly; there are major changes in technology and communications; and the power of advertising creates new stimulus and demand. All these major changes create new opportunities and new problems

for the consumer. The consumer himself has become more sophisticated and better educated, and is expecting, indeed demanding, more services and information not only from his suppliers but from government as well.

These were the words from the Right Honourable John Turner in 1967, almost four decades ago, as Canada's first Minister of Consumer and Corporate Affairs. Those words are timely today.

No one can doubt that Canada's financial services sector serves a crucial element in the economy. Without this sector, we do not have an economy; we have a myriad of institutions: banks, trust and loan companies, credit unions, caisses populaires, life and health insurance companies, property and casualty insurance companies, securities dealers and exchanges, mutual fund companies and distributors, finance and leasing companies. As well, independent financial advisers, pension fund managers and independent insurance agents and brokers all play vital roles in making our economy competitive and efficient.

The financial services sector is a most significant contributor to Canada's economic growth, employing over half a million Canadians in the year 2000 with a yearly payroll of \$24 billion. The sector represented over 5 per cent of Canada's gross domestic product in 2000, contributing approximately \$9 billion in taxes to all levels of government.

Banks represent the largest portion of the financial services sector, reporting \$1,080 billion in domestic assets in the year 2000, over half of the sector's total assets in Canada. Mutual fund companies and life and health insurers were next in terms of asset size, reporting \$419 billion and \$267 billion in domestic assets respectively in 2000, followed by the credit union sector at \$122 billion, and property and casualty insurers with domestic assets of \$58 billion.

Banking, insurance, investments — Canadian consumers, both individuals and businesses, are dependent on products and services provided by the financial services sector. These products and services are becoming increasingly complex. It is difficult for the average Canadian to keep up with the speed of change. They become dependent on the information advice they receive from their financial services provider, from bank tellers, financial advisers, insurance agents and increasingly from the media.

While *caveat emptor* is an organizing principle, in practice consumers must educate themselves as best they can. While consumers have new tools, there are more complicated choices. Meanwhile, it is incumbent on government to ensure that the mechanisms are working well to ensure the rights and interests of consumers are protected, to ensure a level playing field of pertinent information.

Federal and provincial governments share jurisdiction over the financial services sector. The federal government has sole jurisdiction for banks, while credit unions, caisses populaires, securities dealers and mutual funds are largely regulated by provincial governments. Both levels of government regulate insurance and trust and loan companies. We recognize the respective jurisdictions of the federal and provincial governments.

The legislation governing Canada's federally regulated institutions was last reviewed in 2001 and amendments to the relevant statutes became law in October of that year. At that time, a new consumer protection framework was introduced. A key element was the establishment in October of the Financial Consumer Agency of Canada. Its mandate is to enforce the consumer provisions of the federal financial institution statutes, to monitor the industry's self-regulatory initiatives designed to protect the interests of consumers and small businesses, to promote consumer awareness and to respond to general consumer inquiries.

Many bodies, some governmental, some industry-run, have responsibility for regulation, oversight or consumer protection. While there are too many to list, they include the Office of the Superintendent of Financial Institutions, the Canadian Deposit Insurance Corporation, the Ombudsman for Banking Services and Investments, the Canadian Life and Health Insurance OmbudService and the General Insurance OmbudService.

Four years have passed, honourable senators, since the government introduced these new consumer protection provisions to augment the existing framework made up of the organizations I just mentioned, among others.

The Banking Committee is proposing an oversight of the existing framework. We want to see what is working, what is not and what we can do to make things better in the interests of all Canadians.

A vast thicket of organizations regulate, oversee and monitor the financial services sector. To date, there has been no overarching review of the role, corporate governance structures and effectiveness of the agencies — whether supervisory, regulatory or self-regulating — ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector. The time has come for such a review in the interests of a fair and efficient economy.

The committee's terms of reference include a look at entities such as credit reporting agencies that are related to the financial service. These, too, have an impact on consumers and the economy. While our financial sector operates efficiently, it must be seen to operate fairly and equitably.

I have consulted with all of the Liberal and Conservative members of the committee as well as our learned and independent member Senator Plamondon, who inspired the development of this study, for which I congratulate her. All committee members unanimously agree that this is a task that must be done and done now.

I thank honourable senators for their attention and ask them to support this motion.

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

Motion agreed to.

The Senate adjourned until Wednesday, November 17, at 1:30 p.m.

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