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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, December 2, 2004

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

Prayers.

SENATORS' STATEMENTS

SIR SAMUEL CUNARD

Hon. Wilfred P. Moore: Honourable senators, I rise today to make a statement in recognition of Sir Samuel Cunard, whose two hundred seventeenth birthday was celebrated on November 21 last.

Born in 1787 in the family home off Brunswick Street in Halifax, Samuel Cunard is arguably one of the greatest entrepreneurs ever produced by Nova Scotia or Canada. His spectacular business career spanned over half a century. During this time, S. Cunard & Company became a household name in Halifax, and it endures to this day.

At 52 years of age, he gained international acclaim as the "colonial" who successfully introduced steam to the North Atlantic, when in 1839 he founded the incomparable Cunard Line. Samuel Cunard revolutionized ocean transportation, commerce and communication between the old and new worlds.

On May 28, 2004, Canada Post Corporation issued a stamp to commemorate Samuel Cunard. Launched in Halifax, this stamp recognized the risks and successes of Cunard, including his establishment of the Transatlantic Mail Service between England and Halifax in 1840.

The name Cunard is proudly emblazoned on the world's newest and greatest ocean liner, *Queen Mary 2*. This luxury liner is the proud replica of the original Cunard liner that frequently visited Halifax, particularly during World War II when she was converted for wartime service and transported more than half a million service men and women. After that war, the *Queen Mary* brought 50,000 war brides to Pier 21 in Halifax and to their new country, Canada.

Samuel Cunard was a visionary who proved that if you set your sights high and work hard, all is possible. It is, therefore, about time for Cunard to be more fully celebrated by the raising of a statue to him on Halifax's harbourside. We commend the efforts of the Cunard Steamship Society, of Halifax, and its tireless chairman, John G. Langley, Q.C. I thank him for his assistance herein, and I encourage him to continue to work toward the raising of a statue in honour of Samuel Cunard, perhaps on Sir Sam's two-hundred twentieth birthday in 2007.

THE LATE ROBERT MCCLEAVE

Hon. John Buchanan: Honourable senators, I rise to pay tribute to a dear friend of many years, the late Judge Robert Jardine McCleave.

Bob, as he was affectionately called by family, friends and political colleagues, was the longest serving member of Parliament for Halifax, having been elected in 1957, re-elected in 1958 and 1962, defeated in 1963 but re-elected in 1965 with his running mate, Senator Michael Forrestall. He was re-elected in 1968, 1972 and 1974.

Bob was very helpful to me in my first election to the Nova Scotia legislature in 1967, as, of course, was Mike Forrestall. My constituency was part of their Halifax riding. I was co-chairman of their successful 1965 election win in Halifax and travelled extensively in the riding with both Bob and Mike. From 1967 to 1977, Bob and I campaigned through the Sambro area, Terence Bay and Ketch Harbour, where we visited schools and homes and attended various functions. It was always a wonderful political and personal pleasure and experience to be with him.

In 1977, Bob was appointed a provincial court judge. In 1980, I appointed him Chairman of the Nova Scotia Labour Relations Board, and in 1984 I appointed him chairman of the very controversial hearings into the opening of uranium mines in Nova Scotia.

Judge McCleave carried out his roles as provincial court judge, Nova Scotia Labour Relations Board chairman and chairman of the hearings into uranium mines in a very exemplary way.

Bob McCleave was described by a close friend, Harold Shea, former editor of the *Halifax Chronicle-Herald* and correspondent here on the Hill, as a very kind, generous individual. I echo those sentiments.

Many hundreds of people, family, friends and political colleagues from all parties, attended his funeral in Halifax. I extend my condolences to Sylvia and his children.

• (1340)

YUQUOT

Hon. Pat Carney: Honourable senators, in the last few days you have heard a great deal about the planned exhibit, Encounters at Yuquot, which will open at the Canadian Museum of Civilization on January 21, 2005, to celebrate the historic importance of the traditional home of the Mowachaht-Muchalaht First Nations. However, in my exchanges with Senator Austin on the importance of the 18th century Spanish and British explorations in the area, little has been said about Yuquot itself.

Yuquot, which means "where the wind blows in all directions," is situated on the southern tip of Nootka Island on the northwest coast of Vancouver Island at the entrance to Nootka Sound. Commonly referred to as Friendly Cove, Yuquot can be reached only by water and air. Blessed with a warm, if wet, climate and stunning mountain scenery, Yuquot was central to the Aboriginal people who first came there more than 4,000 years ago. Today, there is little to mark the site beyond two houses that are inhabited part of the year by band families, a small, historic church and a staffed lighthouse on a rocky point that separates the cove from the open Pacific.

Yuquot was the centre of a whaling society for hundreds of years, and buried in the bush is the remnants of the whaling shrine that depicts 92 carved human and whaling figures and contains 16 human skulls. The shrine itself is currently at the American Museum of Natural History in New York, and we are hoping that it will be returned to the Yuquot people.

The band is trying to develop Yuquot as a tourist destination. It is now visited by recreational boaters, kayakers and tourists who make the trip aboard the sturdy coastal freighter *MV Uchuck III*, sometimes accompanied by Luna, the lonely whale who is stranded in the sound and who pesters boats and floatplanes with affectionate but alarming attention.

The Yuquot region was first visited in 1774 by Spanish explorer Juan Perez who sailed from Mexico to anchor his ship off Estevan Point, south of the entrance to Nootka Sound. He traded with the local Aboriginal people but never left the ship.

The first European to establish a temporary settlement at Yuquot was the legendary British explorer Captain James Cook who anchored in Nootka Sound on March 31, 1778 to refit his ships for his voyage to the Hawaiian Islands, where he was killed. Local legend has it that a tall spar, or log, installed as a mast at Yuquot broke off en route to Hawaii, forcing Cook to seek refuge in a lagoon on Big Island Hawaii, where he was killed in a spirited exchange with local Hawaiians.

In 1789, Captain Martinez established a Spanish fort at Yuquot, which was Spain's northernmost garrison on the Pacific, and the only fort in Canadian territory.

The battle between Spain and Britain for access to the Pacific Ocean, controlled until then by papal decree that divided the Pacific between Spain and Portugal, led to the famous Nootka Convention in 1790, which gave both Spain and Britain rights in the Pacific.

In 1792, Britain's Captain George Vancouver and Spain's Juan Francisco de la Bodega y Quadra met at Yuquot but failed to resolve their dispute.

The Hon. the Speaker: Honourable senators, I am sorry to inform the honourable senator that her three minutes for senators' statements have expired.

Senator Carney: May I finish my sentence?

The Hon. the Speaker: Unfortunately, the rules provide for no means of extending the time.

Shall we not see the rules on this occasion, honourable senators?

Hon. Senators: Agreed.

Senator Carney: They failed to resolve the dispute, despite the watchful assistance of Chief Maquinna, whose descendent Mike Maquinna is the current chief of the band. In 1794, both countries agreed to abandon Nootka and it was returned to its Aboriginal inhabitants.

[Senator Carney]

There are many stories to tell about Yuquot. I urge honourable senators to take advantage of the opportunity provided by the Encounters at Yuquot exhibit in January to learn more about this fascinating era in Canadian history.

INTERNATIONAL DAY OF DISABLED PERSONS

Hon. Wilbert J. Keon: Honourable senators, tomorrow, December 3, 2004, we will observe the twelfth annual International Day of Disabled Persons, a day on which we recognize the dignity and fundamental rights of over 600 million people, worldwide, who have a disability. It is also a day to shed light on disability issues and to promote the benefits to be gained by everyone when people with disabilities are fully integrated into society.

This year's observance focuses on the motto, "Nothing about us without us." This theme is not new. It has been used in the disability rights movement for many years. It supports inclusion of persons with disabilities in determining the policies that impact upon their daily lives. Too often, such decisions by governments, employers and others are made without the meaningful involvement of those who will be affected most.

I am proud to say that the Standing Senate Committee on Social Affairs, Science and Technology has incorporated the spirit of this year's International Day of Disabled Persons into its work by asking all Canadians to participate in the committee's final report on mental health. A questionnaire posted on the committee's website asks people who have been affected by mental illness or addiction to tell their personal stories or express their opinions on how to improve mental health services in our country.

It is the committee's belief that the responses gathered by the questionnaire will provide valuable insight that might not be gathered otherwise.

I hope honourable senators will join me in expressing support for the greater inclusion of all disabled individuals in all aspects, particularly the planning and implementation, of the policies and decisions that frame and will frame their lives.

I would draw the attention of honourable senators to a marvellous report prepared by Senator Smith in 1981, which I believe has never been duplicated in calibre since that time, and which brought to everyone's attention our tremendous problem with disability.

[Translation]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Céline Hervieux-Payette presented Bill S-21, to amend the Criminal Code (protection of children).

Bill read first time.

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

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

[English]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT KITCHENER—WILMOT—WELLESLEY—WOOLWICH

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-302, to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich.

Bill read first time.

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

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

[Translation]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT BATTLE RIVER

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-304, to change the name of the electoral district of Battle River.

Bill read first time.

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

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

• (1350)

[English]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO URGE CHINA TO RESOLVE THE TIBET ISSUE

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, as a follow-up to the goodwill generated by the visit of His Holiness the Dalai Lama to Ottawa last April, the Senate call upon the Government of Canada to use its friendly relations with China to urge it to enter into meaningful negotiations, without preconditions, with representatives of His Holiness the Dalai Lama to peacefully resolve the issue of Tibet.

QUESTION PERIOD

FOREIGN AFFAIRS

UKRAINE—RESOLUTION OF ELECTION RESULTS

Hon. A. Raynell Andreychuk: Honourable senators, I wish to commend the Standing Senate Committee on Foreign Affairs for its initiative in inviting the Ukrainian ambassador yesterday to give a briefing about the current crisis in Ukraine. I also believe that the Government of Canada has taken the proper initiatives, first by denouncing, in a timely matter, the Ukraine election as one that was not free and fair and then by indicating that all peaceful efforts should be continued toward resolving this crisis in Ukraine.

I have, however, been receiving telephone calls and emails indicating that the Canadian government may move on sanctions. In light of the evidence we heard yesterday that there has been a round table agreement between representatives from Russia, Poland, Lithuania, the European Union and both candidates, Mr. Viktor Yushchenko and Mr. Viktor Yanukovich, on a tentative agreement on some of the issues, what is Canada's position at the moment? Does Canada maintain that an impartial second election must take place, or is it moving to take further action, as some people in the community believe the government has indicated? I do not know the source of their information, but I would like a clarification.

Hon. Jack Austin (Leader of the Government): Honourable senators, my information is that our position is as stated by Senator Andreychuk. We welcome the developments that have taken place in the Ukrainian Parliament and the tentative steps taken by President Kuchma with respect to a review of that electoral process. We are supportive of an internal resolution of the matter through appropriate steps to determine the electoral process democratically. We believe that no external pressure should be brought to bear.

UNITED NATIONS

MIDDLE EAST—SHIFT IN POLICY ON ISRAEL

Hon. Consiglio Di Nino: Honourable senators, I, too, wish to take this opportunity to thank and applaud the Leader of the Government in the Senate for his very prompt and encouraging response to the question I asked in regard to the government's position on the issue of the possible execution of Tenzin Delek Rinpoche. Many governments of the world have joined in the chorus, and hopefully this action will save Rinpoche's life.

Honourable senators, Canada's Ambassador to the UN, Allan Rock, announced that Canada intends to shift its policy in favour of Israel in UN General Assembly votes on resolutions involving Israel and Palestinian. Now we hear from Liberal MP Derek Lee, who has stated that Mr. Rock has overstepped his authority in making such an announcement and had chastised him for not checking first with policymakers.

For clarity, honourable senators, which is it? Are we to believe Mr. Rock or Mr. Lee on this issue of critical importance to the stability and peace of the Middle East?

Hon. Jack Austin (Leader of the Government): Honourable senators, the statement made by Canada's Ambassador to the United Nations, the Honourable Allan Rock, was made on the authority of the Government of Canada.

Senator Di Nino: I thank the honourable senator for that response.

Did Mr. Rock get the clearance from the Minister of Finance or, indeed, the Prime Minister before making this statement?

Senator Austin: I have answered the question, honourable senators.

Hon. Marcel Prud'homme: As we know, honourable senators, there will be maybe 15 to 25 votes on this issue in particular. It seems obvious that immense pressure has been exercised to distance ourselves from the votes last year. Even so, sometimes we have abstained in these votes, including votes on resolutions, such as the one last year. Now we intend to support the resolution on the "denuclearization" of the region, which I have always favoured. To have a full picture, it may be advisable for Canada to wait until all the votes have been taken on all of the resolutions pertaining to the Israeli-Palestinian conflict. I have already indicated that I will ask for a special debate on that subject.

My question is: Does the government wish to play a role in the Israeli-Palestinian conflict? If it does, given our past and our great responsibility in 1947, not 1948, perhaps the honourable leader could advise whether Canada must be perceived as being acceptable by both sides in order to be a good broker.

Senator Austin: Honourable senators, I very much appreciate the question from Senator Prud'homme. He has summarized our purpose very well. Our purpose is to be of the utmost assistance to achieving peace in that very troubled Holy Land. That peace depends, in the Canadian view, on an agreement being reached through negotiation by the parties themselves. The objectives of that peace are a secure Israel, free from the current attacks by various elements in the Palestinian community, and a separate Palestinian state, equally living in peace and security and able to develop its economy for the benefit of the Palestinian people.

The statement made by Ambassador Rock relates to only three of 19 resolutions, as Senator Prud'homme is aware. Canada has assessed the resolutions in terms of the words that are being used today as compared to last year or previous years. After a careful review of the drafts and taking into account the new opportunities for peace that may be opening up in the Middle East, the government decided that it would be the right signal to change its position on three items.

In one case, the government has decided to vote in support of a resolution that is in line with our nuclear disarmament and non-proliferation policy. Our vote is, essentially, directed to Israel and asks that Israel sign the non-proliferation treaty, which it has not done up until this time.

• (1400)

In the other two resolutions, we are changing our abstention to a vote against because we believe that those two resolutions have an unnecessary hostile nature to them and would not promote the coming together of the Israelis and the Palestinians in a negotiation toward the peace objectives I have mentioned.

Senator Prud'homme: May I ask the Leader of the Government in the Senate to kindly point out to the government a new trend? If we allow this new trend to continue, it will become customary. We are told and we believe that there are areas called the "occupied territories," but in this major debate it seems that those pushing for influence want to change the term from "occupied territories" to "disputed territories." This view is shared by a powerful minister in cabinet who has nothing to do with foreign affairs, and it concerns me. Therefore, my first point is to make sure that we stick to what has been Canada's policy on this matter and cease in putting forward this new term.

Honourable senators, I am most concerned about our reputation. If Canada wants to perpetuate its reputation of being a fair broker, then I would find myself ill at ease in this new approach, as should many Canadians and the Canadian government. If we end up voting with the United States and Israel, and maybe Micronesia, the Marshall Islands, Vanuatu and Tuvalu in this new trend, Canada may be letting down other important friends. It would mean that there is, indeed, a new switch taking place and it would be subject to debate.

My two points, honourable senators, are, first to remind officials and even cabinet ministers that the phrase is "occupied territories" not "disputed territories," as we are having pushed down our throats. As well, we must be careful whose company we are voting in, if Canada wants to show the rest of the world that we want to play a role. If we vote the other way, Canada will not be in a position to play a role. It would be very sad if that were to happen.

Senator Austin: Honourable senators, I do not want to get into a debate with Senator Prud'homme during Question Period. However, I want to reiterate that Canada's policy towards the Middle East issue is a balanced one and seeks to promote the cause of peace and seeks to play a role, with the agreement of both sides, in facilitating that peace process.

Canada's view is that it stand on all 19 resolutions. That is its position.

AGRICULTURE AND AGRI-FOOD

AID TO FARMERS—COMMENTS BY MINISTER

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate.

Statistics Canada has reported that net farm income bottomed out in the year 2003 to the lowest level since 1978. Prairie farmers are hardest hit, with net cash income plunging to 65 per cent in Alberta, 62 per cent in Saskatchewan and 45 per cent in

Manitoba. At the same time, we heard from the province of Quebec that farmers were protesting, across the province, the situation that exists there.

My question relates to an article that appeared in the *Regina Leader-Post* on November 26, which reported on comments made by the federal minister at the Canadian Western Agribition, which is one of the country's largest livestock shows. In the article, entitled "Minister pledges support," Andy Mitchell seemed to imply that additional support might be on the way for producers facing grim financial situations.

Is this new money that is being appropriated to meet the need in agriculture, or is it not new money?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have not seen the story as reported by Senator Gustafson. I responded yesterday to a question asked by Senator St. Germain that the Minister of Agriculture is reviewing this situation day by day.

I have no further information I can give to the honourable senator with respect to his specific question.

Senator Gustafson: Honourable senators, the minister is in cabinet. Would he inquire for us from the Minister of Finance, Mr. Goodale, who is from Regina, and also the minister responsible for agriculture, whether this is new money, so that the farmers will know where they stand?

Senator Austin: Honourable senators, I will inquire into the accuracy of the story presented and, if I can provide the honourable senator with further information, I will do so.

HEALTH

SPREAD OF HIV/AIDS— AVAILABILITY OF INCREASED FUNDS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and it is a follow-up to a question I asked yesterday of the Leader of the Government about how long it would be before generic drugs could be shipped to Africa. Today I will ask about the federal government's funding commitments to fight the spread of AIDS in our own country.

The last federal budget doubled this commitment to \$84 million over a five-year period. However, that money has not yet been distributed. Health Canada says it is working on related administrative matters that have yet to be finalized.

Could the Leader of the Government in the Senate provide some details on when this money will be available for use in Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to obtain that information from Health Canada and provide it in the form of a delayed answer.

Senator Oliver: The United Nations reported last week that AIDS infection rates for women are up in every region of the

world, and Canada is no exception. Over the past three years, women have accounted for 25 per cent of the new HIV/AIDS diagnoses in our country.

The HIV/AIDS infection rate in Canada's minority groups is also alarming, especially among African-Canadians and Aboriginals. For example, Health Canada reports that, while Aboriginals make up 5 per cent of Canada's population, they comprise 25 per cent of our HIV infection rate.

When the increased federal spending is made available, would the Leader of the Government kindly advise, will it be specifically targeted to address the rising infection rate among these groups?

Senator Austin: Again, honourable senators, I will pursue the direction of Senator Oliver's question and endeavour to provide information as soon as possible.

JUSTICE

VICTIMS OF CRIME INITIATIVE— INVOLVEMENT IN PAROLE HEARINGS

Hon. Marjory LeBreton: Honourable senators, according to media reports last week, records obtained by the Canadian Resource Centre for Victims of Crime under access to information revealed the ongoing costs of a victims' assistance program would be \$1.7 million. That is \$1.7 million the government, apparently, is not willing to spend under its Victims of Crime Initiative. Victims are trying to get help. Government documents stated that "increasing pressure" was anticipated for cash assistance to help victims to get to hearings. One document states:

The most persuasive argument is that, in the absence of means to attend hearings, the government hasn't really given victims a voice at parole hearings.

• (1410)

Honourable senators, this government has long claimed to support victims of crime. When former Justice Minister Anne McLellan set up the initiative back in 2000, she said:

This funding has been put in place to help organizations better meet the needs of victims and those who work with victims.

The government's lack of action speaks louder than its words. It seems that including victims of crime in the criminal justice process is not a priority for this government. Will the honourable leader tell us when the government will start helping victims attend parole hearings?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make inquiries to see whether the facts alleged in Senator LeBreton's question are well-founded.

Senator LeBreton: The information obtained through access to information is probably accurate.

The Toronto Star reported that the public safety department is “considering assistance” but that it may be just one of many “competing claims for government cash.” Will the government revamp the Victims of Crime Initiative to ensure that needy victims are able to get to parole hearings so they feel they are receiving some justice out of our system?

Senator Austin: Honourable senators, I hope to report at an early time on the question raised by Senator LeBreton relating to victims of crime.

CANADA-UNITED STATES RELATIONS

MEMORIAL TO VICTIMS OF WORLD TRADE CENTER— DONATION BY GOVERNMENT

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canadians, along with many others around the world, were horrified on September 11. Indeed, Canadians numbered among the victims of the tragedy at the World Trade Center. A memorial foundation has been established to oversee the construction and operation of a memorial to the victims of the World Trade Center disaster. Will the Government of Canada, on behalf of all Canadians, look into making a significant contribution to honour the memory not only of the Canadian victims of that tragedy but for all who have been victimized by it?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will certainly make inquiries and take Senator Kinsella's representation to the minister.

STATUS OF WOMEN

IMMIGRATION POLICY ON ALLOWING ENTRY TO EXOTIC DANCERS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canadians have watched, with a fair degree of confusion, the dispute over awarding visas to exotic dancers. As an issue of policy, surely all members of this honourable house are of the view that women's rights are a fundamental value in Canadian society. We are not surprised that there would be a high demand in Canada for exotic dancers because Canadian women, pursuant to Canadian values, do not want to be objectified or victimized in the sense of the continuing effects of gender discrimination.

Could the Leader of the Government in the Senate compare the advancement of women's rights in Canada — including the right not to be treated as objects and the fact that this value is expressed by Canadian women refusing to participate in that trade — with the policy of the Department of Citizenship and Immigration of giving preference to non-Canadians to come to Canada to fill an occupation to which Canadian women are not responding? Does the government not find that there is an inconsistency here? Does it have plans to build its program on the policy of non-discrimination against women?

[Senator LeBreton]

Hon. Jack Austin (Leader of the Government): Honourable senators, it is a central Canadian value that there is non-discrimination against women and others who have been defined as classes in society. Canadians are devoted to the Charter and to its provisions for equality.

With respect to the question of exotic dancers, since 1998 a Department of Citizenship and Immigration visa program, based on normal considerations, has permitted immigration, both temporary and otherwise, for categories of people with skills that are in short supply in Canada. This program has now been discontinued as a discrete program, but Canadians are still permitted to apply to have people come into Canada who are dancers, exotic or otherwise. The category still exists with respect to women who seek positions in Canada as domestic workers.

Honourable senators, I would suggest that neither that category nor any other category in the immigration system acts against equality of rights and the standing of women. The occupation in question is legal, and so long as it is performed legally, there can be no argument with respect to gender discrimination.

Senator Kinsella: Honourable senators, a lot of things are legal but not just. Canadian women have spoken very directly in saying that exotic dancing is not an area that speaks to the elevation of the status of women in Canada. Why did the government allow its officials in the immigration department to use their bureaucratise to define this as a special category?

The allusion to domestic workers encompasses a whole category of problems in and of itself. This honourable house might want to research the abuses that from time to time are reported in that field.

With regard to the exotic dancing field, it is important to underscore the point that Canadian women, in not applying for these jobs, are stating that this field of endeavour should not be supported. Therefore, there is an apparent disconnect between Canadian women and the Department of Citizenship and Immigration setting this field up as a special category. However, I thank the minister for his answer.

Senator Austin: Honourable senators, I thank the honourable senator for his comment. I should like to add that there is nothing inherently illegal or discriminatory in the category of a domestic servant or in the category of an exotic dancer. That there may be abuses in this category does not deal with the question of gender discrimination.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I should like to deal first with Bill S-18 today and then call all other bills in the order in which they stand on the Order Paper.

• (1420)

STATISTICS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-18, to amend the Statistics Act.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I would like to comment briefly on Senator Lynch-Staunton's speech of yesterday with respect to the emails that have been forthcoming from those in favour of the bill and the misinformation contained in them — not all of them, but a significant number of them. Not only did Senator Lynch-Staunton receive those emails, but I did as well. The honourable senator has a right to be a little upset because he knew nothing about the fact that there may or may not have been another private member's bill tabled. He has a right to be upset and shocked at that kind of behaviour. On the other hand, I was just disappointed. I understood where it was coming from.

I want to begin by identifying myself with the statements made previously in this debate by Senator Comeau, who I believe gave an excellent speech with respect to this bill.

I am fundamentally opposed to this bill at this stage. What does this short bill mean? It has only two clauses. Having been introduced by Senator Milne as a private senator's bill a few Parliaments ago, it now comes before us as a government bill. It allows for the release of historic census records, without condition, 92 years after the date of the census. It also contains provisions to authorize Statistics Canada to seek permission from Canadians to deposit their individual census records at the National Archives building of Canada for further research purposes.

The issue of confidentiality of census information was canvassed in two legal opinions alluded to by Senator Milne in her speech in support of this bill. As I understand it, it was on the basis of these legal opinions that the results of the 1906 census records were released to the National Archives. This bill is designed to allow release of data from 1911 to 2001 to the National Archivist on the ninety-second anniversary of each census. The National Archivist is then given permission to grant access to this information. However, as Senator Comeau has pointed out, this, despite the legal opinion, seems to be quite a departure from the present law and the confidentiality clauses contained in the census forms filled out by Canadians from 1911 to the present.

Section 17 of the Statistics Act as presently written indicates that there is a "prohibition against divulging information," and section 18 states that information given on the census form is deemed to be privileged.

Looking at the census form, it seems clear, at least to a non-lawyer like myself, that a statement relating to Statistics Canada and stating that "no one outside the agency can have access to your identifiable information" means no one gets the information, with no time limit on that undertaking. The form goes on to say "confidential when completed" and "confidentiality of your census questionnaire is protected by law," which again seems fairly straightforward. It does not say, "protected by law until the law is changed" or "confidential until we say different." No, those who have filled out these forms were comforted and guided by the fact that they believed that the completed forms would be kept secret — perhaps used in a generic way to help government track trends in society, but not in a way that would result in its public release.

If the government wanted to make this information public, they should change the law now, but change it for future census years and future census forms. One of the greatest hallmarks of law is that it is to be predictable and non-retroactive. This legislation breaks both of these conventions. It brings unpredictability to bear on a subject of immense personal privacy. It also changes the law in such a way as to have a retroactive effect.

We have all argued in this chamber against this type of legislation in the past, and we should take a stand against it again in relation to Bill S-18: no retroactivity.

Bill S-18 also retroactively breaches one's entitlement to the protection of privacy. Those who filled out these forms, even those who did so 92 years ago, before we ever talked about the crystallization of a right to privacy, believed their information should not be divulged. We in this chamber should respect the understanding of those who in 1911 filled out census forms.

Senator Comeau asked: Are there consequences for breaking promises made long ago? I believe there are. We are continually told that those who are involved in politics are held in low esteem by the public. We are also told of public apathy at election time. What type of examples are we setting for the public at large if we can so easily ignore promises made to fill out these forms so many years ago?

We, as legislators in Canada's national Parliament, hold our power and authority as a sacred trust given to us by the people of Canada. If we are to exercise that trust in such a way as to violate rights set out so long ago, I believe we are actually breaking that trust as we act to take away rights, the rights of privacy and confidentiality, and that we are feeling this apathy and disrespect for politics which is so rampant in Canada today.

Honourable senators, this is not a good bill and should not pass this chamber. I look forward to our committee discussions, which I believe should focus on our duty to uphold promises made long ago in an effort to ensure that rights conferred are not taken away.

In closing, I look at this bill particularly in light of today's world. We have all kinds of information on the importance and the significance of individual privacy, as reflected in Senator Oliver's bill on controlling spam and other bills coming forward to protect individual privacy, and yet Bill S-18 totally disregards promises made to maintain that privacy. That is wrong.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I have listened carefully to the debate and will be adding my comments next week.

On motion of Senator Kinsella, debate adjourned.

[Translation]

FEDERAL LAW-CIVIL LAW HARMONIZATION BILL, NO. 2

THIRD READING

On the order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Carstairs, P.C., for the third reading of Bill S-10, A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

Hon. Pierre Claude Nolin: Honourable senators, it is with great enthusiasm and pride that I want to reaffirm in this place, in this debate at third reading, the official opposition's unqualified support for this bill.

I want to congratulate my colleagues who participated with a great deal of diligence and rigour in the consideration of this bill in committee. I would have liked to be with them, but I was held up elsewhere. I did, however, follow your debates very diligently by reading the proceedings.

First of all, I would like to say a few words about the importance of this bill. Canada is the only country in the world where the two main civil legal traditions, namely the French derived civil law and the British derived common law, legally coexist. Needless to say, the French civil law has full, complete and exclusive jurisdiction in the province of Quebec, while the British common law has full jurisdiction in the other Canadian provinces.

For the sake of understanding in this debate, a little background is important. My colleagues at the Standing Senate Committee on Legal and Constitutional Affairs will find nothing new in what I have to say, but those who take an occasional interest in the issue may, because there are very important reference points.

• (1430)

First, these two systems of law, like the two official languages of Canada, for example, are equal. One is not more important than the other; both, in their geographical areas, are of equal value. Thus the importance of harmonization.

Some may wonder perhaps how it is that, within a system of common law, or in the case of Quebec a system of civil law, the larger must fit in with, harmonize with, the smaller.

This is poor logic. It is a legal fiction, the result of the compromise responsible for the very origins of our country. Anyone not understanding that has his head in the clouds. The Civil Code of Lower Canada is what lies behind that Canadian compromise. Without it, there never would have been a province of Quebec. George-Étienne Cartier would never have agreed to the Canadian compromise. The two regimes have full jurisdiction over their respective geographical areas; they are equal.

To repeat what I said at second reading, this harmonization of federal laws is — and I suggest you accept this argument — an eloquent demonstration of the undeniable advantages of our form of government. It is a form of government which allows the coexistence of two systems of private law. With this process, federal legislation will be harmonized with these two systems which, I might add, have been under the authority of the provinces since 1867.

This explanation is necessary to an understanding of the mechanics of the harmonization process. It is a process I find to be taking a bit too long. At the beginning of the process, in 1999, we were told that there would be about ten such harmonization acts and they would come out once a year. After five years, here we are with only the second. I feel the speed needs to be picked up.

I do, however, have the utmost respect for the work done by the Justice Department staff, who have had to adapt federal legislation as it affects the private rights of Canadians anywhere in Canada, regardless of which jurisdiction they fall under, and harmonize that legislation. I understand the importance of what they are doing, but I do feel that the speed needs to be picked up a bit.

A huge terminological effort is involved. The words have to have the same meaning for everyone before the courts, wherever they may be and regardless of the system of private law used. That is why terminology is so important. That is where an effort needs to be made.

This harmonization became necessary, indeed mandatory, after the adoption of the new Quebec Civil Code in 1994.

As I said, the Province of Quebec has had a code of civil law going back to 1866. From 1866 to 1994, in Quebec, the Civil Code of Lower Canada governed the rights of individuals. It is a law that has evolved. During all that time, it was the law for Quebecers; it even evolved differently from the French law on which it was originally based.

Quebecers have adapted this civil law to their own reality and in 1955 the Government of Quebec came to the conclusion that it needed to undertake a complete reform of the civil code because it could no longer be done piecemeal.

Thus, the first reform began in 1955, the second in 1980 because of the modernization of family law, and the comprehensive reform of the civil code in 1990-91, which led, in 1994, to the new Quebec Civil Code. The changes were extensive

enough that all lawyers and judges in Quebec had to go back to school to study and relearn certain concepts that, with the reform, had changed considerably.

I agree with those who have remarked that the new civil code is a coming of age for the Quebec legal system.

We inherited a code that had been greatly influenced by the French. We had been adapting it for a long time but, in 1994, we wiped the slate clean and adopted a code whose concepts truly reflect the reality and the civil evolution of Quebecers.

I would like to read you a passage from the book, *Commentaires du ministre*, by former Justice Minister Gil Rémillard, who presided over the introduction of the new civil code. He wrote:

The purpose of the reform of the Civil Code was to convey, at the dawn of the 21st century, the profound changes that have taken place in Quebec society with respect to social and family relationships, values, knowledge, the economic context, and the new perspective of human relationships in society since the adoption in 1866 of the Civil Code of Lower Canada, and to bring the legislation into line with the present reality. But this reform does not abandon the previous legislation: it extends, improves and consolidates it.

In my view, this harmonization process became mandatory after the reform in 1994. However, the fact remains that since 1867, roughly 300 federal laws have, in their entirety or in large part, affected the private rights of Canadians and, in a very legal way, interfered in provincial jurisdictions. I am not saying that Parliament has acted in contradiction of the intentions of the Constitution. On the contrary, Parliament may full well, in the exercise of its authority, influence and disrupt individual civil rights and has done so some 300 times.

Understandably, Quebec civil lawyers accustomed to legal precision and their own terminology, and even more so members of the public, have the right to ask questions and demand changes when faced with federal laws that do not take their legal sensibilities into account.

When the new code took effect in 1994, it seemed obvious to Quebecers that from that moment on Parliament had to make a comprehensive effort of harmonization in federal law. That is what we are doing now.

That is why the official opposition, here in this chamber, eagerly and unreservedly supports this effort, which it would like to see advance more quickly. We will pass bills as they come in and we want to make our support very clear.

I remind you, honourable senators, that this is not a matter of one law absorbing another. There is no reason whatsoever to be concerned or to think that Quebec's system of law will interfere with the common law of the other provinces.

• (1440)

Those who, unfortunately, spread this kind of myth have never stopped to consider how our country came to be. It was the result of a compromise. It did not happen out of the blue; it was not easy, but it happened. Today, we are asked to harmonize civil law and common law in federal legislation. It follows naturally and equitably from this compromise, and that is why we have to support this harmonization reform.

The Hon. the Speaker pro tempore: Are the honourable senators ready for the question?

Hon. Senators: Question!

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

Motion agreed to, and bill read third time and passed.

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Aurélien Gill moved second reading of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

He said: Honourable senators, it is with great pleasure that I rise at second reading stage of Bill C-7, to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts.

This bill will give legislative effect to the government reorganization that was announced on December 12, 2003 as it affects Parks Canada, the Department of Canadian Heritage and the Department of the Environment.

The bill will update existing legislation to reflect two Orders-in-Council that came into effect in December 2003 and July 2004. They transferred control and supervision of the Parks Canada Agency from the Department of Canadian Heritage to the Department of the Environment. The bill also clarifies that Parks Canada is responsible for historic places in Canada, and for the design and implementation of programs that relate to built heritage.

The bill is primarily technical in nature. It updates the Department of Canadian Heritage Act and the Parks Canada Agency Act. It also amends the statutes that enable Parks Canada to deliver its mandate, notably the Canada National Parks Act, the Historic Sites and Monuments Act, the Canada National Marine Conservation Areas Act, the Species at Risk Act, the Canada Shipping Act, and the Heritage Railway Stations Protection Act.

Canada's national parks, national historic sites and national marine conservation areas represent the soul of Canada and are a central part of who we are and what we are. They are places of magic, wonder and heritage. Each tells its own story. Together, they connect Canadians to our roots, to our future and to each other.

I would like to assure the Senate that Parks Canada's organizational integrity has been maintained. Parks Canada remains committed to working with Canadians to protect and present nationally significant examples of Canada's natural and cultural heritage for present and future generations.

[English]

Responsibilities for safeguarding and celebrating heritage will continue to be shared among departments and agencies across government.

[Translation]

Built heritage includes sites, buildings, and monuments recognized for their historic value. It includes battlefields, forts and citadels, shipwrecks, archeological sites, cultural landscapes, bridges, houses, cemeteries, railway stations, historic neighbourhoods, ruins, technological marvels, schools, canals, courthouses, theatres and markets.

Responsibility for built heritage is assumed through various programs dealing with national historic sites, federal heritage buildings, heritage railway stations, federal archeology, heritage shipwrecks, and the federal role in the Historic Places Initiative. These activities interest all the senators and the general public.

Through the Parks Canada Agency, the Minister of the Environment is responsible for three key sectors: the management of built heritage under Parks Canada, federal government leadership for built heritage and Canada-wide leadership for built heritage sites.

Senators are probably most familiar with the first sector, the role of Parks Canada as the steward of national historic sites. Parks Canada is responsible for Canada's program of historical commemoration, which recognizes nationally significant places, persons and events. The aim of this program is to celebrate Canada's history and protect sites of historic significance.

Parks Canada administers approximately one sixth of 900 national historic sites that attest to the richness and diversity of our country's history. Its role as steward of these sites and their historic value and resources is similar to its role with regard to national parks. Unfortunately, a great many of the built heritage resources under Parks Canada are at risk.

The Auditor General's report on protection of cultural heritage in the federal government indicates that two thirds of national historic sites and federal heritage buildings under Parks Canada are in poor to fair condition. Despite strong management systems that put care for cultural resources at the centre of planning and

reporting for national historic sites, the future of many of these places continues to be threatened. Repairs to masonry and wooden structures weakened by the harsh climate are continuing, as is the case for the Fort Henry National Historic Site, which is in need of repair. Coastal erosion threatens to literally wash away significant portions of the Fortress of Louisbourg National Historic Site.

These examples are symptomatic, not exceptional, of the state of our cultural resources and of the infrastructure that supports the ability of Canadians to visit such sites. These resources, once lost, will be gone forever and with them will go their evocative testimony to Canada's dramatic past. Addressing the ongoing deterioration of resources needs to be a priority for this government.

Federal government programs relating to built heritage are the minister's second key area of responsibility. Through its leadership in the Federal Heritage Buildings Program, Parks Canada works with departments to protect the heritage character of buildings while the property is within federal jurisdiction.

The Auditor General has indicated that problems similar to those for national historic sites administered by Parks Canada exist for national historic sites and federal heritage buildings administered by other federal departments. The government is considering ways to respond to the Auditor General's concerns over weak conservation standards and accountability requirements, as well as the recommendation to strengthen the legal framework to protect built heritage. For many years Canada has lagged behind other G8 nations, and its own provincial and territorial governments, in the protection of historic places.

• (1450)

The minister's third area of responsibility is to provide Canada-wide leadership in built heritage. Only a small portion of historic places in Canada are owned by the federal government, so cooperation with the provinces and territories is key.

[English]

Decade after decade, more historic places are being lost. The remaining heritage buildings and structures, cultural landscapes and archeological sites continue to be threatened. Recognizing the need to defend its results to protect built heritage, the Government of Canada has responded with the launch of the Historic Places Initiative, the most significant conservation effort related to historic sites in our national history.

[Translation]

The Historic Places Initiative is based on the acknowledgement that government alone cannot save all historic buildings and other historic places. The keystone of the initiative is a broad national coalition with provinces, territories, and municipal governments, coupled with equally valuable contributions involving Aboriginal peoples, heritage experts, and a comprehensive number of institutions, organizations, communities and individuals. In the field of heritage we are truly in an era of policy interdependence.

[Senator Gill]

The goals of the initiative are to create a culture of heritage conservation in the country by providing Canadians with basic tools to preserve and commemorate historic places under federal jurisdiction. Strategies focus on helping Canadians build a culture of conservation.

Moreover, through this Historic Places Initiative the government is also committed to continue to work closely with Aboriginal people to enhance the commemoration of their history within the system of national historic sites. In partnership with the First Nations, the government intends to increase its efforts in the creation of parks and sites to commemorate their history.

You will agree that there is still a great deal to be done and substantial progress to be made in this area, but I am convinced that we will soon see an increase in the number of historic sites with historic importance for the First Nations and enhanced preservation of those sites.

In addition to increasing the number of Aboriginal history designations, the government, through Parks Canada, intends to work closely with First Nations communities, which will translate into more purchases from Aboriginal businesses, higher employment rates, strengthened economic relationships, and enhancement of Aboriginal themes in relevant parks and sites.

It is heartwarming to see that the voices and the stories of the First Nations are gradually occupying a larger place in Parks Canada's programs. The First Nations want to be appreciated as an intrinsic part of Canada's history, which often appears to begin with colonization.

For us, identity is closely entwined with the land, which shapes our way of life. Our heritage and our culture must be taken more seriously and there must be greater respect for the sacred places and burial grounds found all across the land. Public opinion must better recognize the First Nations' attachment to the places associated with rituals and ceremonies.

We hope that this greater emphasis on Aboriginal history will take us out of prehistory and give us our rightful place in the history of this country.

We continue to hope that, one day in the not-too-distant future, important aspects of First Nations culture will be better known and respected by the majority of Canadians. We hope, for example, that an inukshuk will no longer be viewed as just a pile of stones, but as a true symbol signifying passage and presence, a monument to the glory of the age-old way of life of the Inuit. We hope our elders will no longer be viewed as mere tourists sporting a few feathers at the entrance to parks containing sacred sites.

One of the interests of this government initiative is to review legislation on historic sites in order to protect First Nations heritage. In my opinion, this is a heritage that should be known, respected, studied, supported and preserved.

Honourable senators, this interesting little aside is one of the many reasons you should support this bill. The protection of Canada's built heritage is not only about saving what is meaningful from the past. It is also about sustaining communities for today and tomorrow. Rehabilitation of existing buildings capitalizes on the energy invested in the original structures and prevents unnecessary use of new materials and energy.

Less demolition means reduced pressure on landfill sites. The revitalization of historic downtown areas decreases the need for new civic infrastructure, such as roads, sewers and public transit. By contributing to such sustainable communities, public policy truly makes a difference in people's lives.

Consensus has emerged on the role that Canada and Canadians want for historic places in our lives and in our communities. One of the common goals is the need to provide all Canadians with the practical information and tools they need to protect historic areas. The launch in 2004 of the *Canadian Register of Historic Places* is a product of that collaboration.

[English]

For the first time in one place, Canadians will have a register of the buildings and sites that are recognized as historic by any level of government. It is anticipated that the register will contain approximately 20,000 historic places when it is fully populated. The register will be an important tool for policy-makers, community organizations, teachers, students and families who want to learn about and help preserve the past.

[Translation]

Another important accomplishment is the development of the *Standards and Guidelines for the Conservation of Historic Places in Canada*, which provides clear, accessible guidance to achieve good conservation practice. This document was developed in consultation with federal, provincial, municipal and non-governmental stakeholders, so there would be a common benchmark for conservation principles and practices in Canada.

It has already been adopted by Parks Canada and by several provincial and municipal jurisdictions. The *Standards and Guidelines* is a model of promoting a new approach to the science and the technology of building conservation and promoting and circulating this information broadly to all Canadians.

Parks Canada also implemented the Commercial Heritage Properties Initiative Fund, a new program announced in 2003 to engage the private sector in the conservation of historic buildings. This fund is a four-year, \$30-million plan designed to tip the balance in favour of conservation over demolition.

It provides financial incentives to eligible commercial historic places listed on the register to encourage a broad range of commercial uses for historic properties within our communities. Fiscal measures such as this program are central to helping to engage others to achieve the government's goal for built heritage.

Historic places bring us together around our past, and inspire our future. They provide places of discovery for our children. Both new citizens and Canadians of long standing will find common benchmarks.

What we cherish as part of our national identity we also recognize as part of our national responsibility. All Canadians share the obligation to preserve and to protect Canada's unique culture and national heritage.

• (1500)

Together we hold our national parks, national historic sites and national marine conservation areas in trust for the benefit of this generation and future generations.

The agency will continue to play a critical role in the protection of heritage places, and it is through this role that it earns the respect of Canadians and the admiration of the international community.

[English]

Honourable senators, I respectfully encourage all of you to join me in passing Bill C-7.

Hon. Serge Joyal: I know that by tradition and by convention the Leader of the Opposition has the first question. If he has a question, I would certainly defer to the Honourable Leader of the Opposition.

[Translation]

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to propose the adjournment of the debate, but first I want to put a question to Senator Gill.

He mentioned that the Auditor General noted certain problems concerning the Parks Canada Agency. He said that the government was now in a position to examine the issues raised by the Auditor General. Could he provide more specific information on the government's recent policy regarding the problems raised by the Auditor General?

I have a supplementary. Does Senator Gill think that the transfer of the Parks Canada Agency from the Department of Canadian Heritage to the Department of the Environment will facilitate the solving of the problems mentioned by the Auditor General?

Senator Gill: Honourable senators, based on my understanding of the current policy, we must recognize that we are no longer able to adequately maintain historic sites, monuments, buildings, et cetera, without some help. This admission follows the Auditor General's remarks. This means that we must share with members of the public, provincial governments and others the costs incurred.

Approximately one sixth of historical monuments are maintained at federal government expense, and that is not enough. The policy states clearly that the public needs to be more involved, including Aboriginal groups, when it concerns them. We will perhaps then manage to better preserve our heritage.

[Senator Gill]

Senator Kinsella: I appreciate that response. I was very pleased to hear Senator Gill's comment about the national parks that will, with nothing but good intentions, be showcasing Aboriginal cultures. I get the impression he feels as I do that this will, however, further perpetuate stereotypical ideas about those cultures.

Senator Gill: Honourable senators, this question affects me directly and I do not seek to lay blame on anyone in particular. We are becoming more aware of the existence of the culture of the First Nations, some of whose civilizations go back for thousands of years. Aboriginal people have not, however, always done anything to help dispel those stereotypes.

I remember when an Aboriginal delegation went to Europe in connection with the fur boycott. For the most part, the Europeans were disappointed we did not turn up in feathers and regalia. Our message was this: For once, please listen to us instead of looking at us! More of this is needed. Neither side is to blame more than the other. The Aboriginal people are responsible for the creation of these stereotypes and it is high time things changed.

Senator Joyal: Honourable senators, I would like to ask Senator Gill one thing. I have listened to his speech carefully, particularly his reference to Aboriginal culture. I have some concerns from reading the bill, for instance clause 1, which reads as follows:

[English]

...functions of the Minister extend to and include all matters over which Parliament has jurisdiction...

[Translation]

Here is my concern:

[English]

...all matters over which Parliament has jurisdiction...

[Translation]

As Senator Kinsella was saying earlier, in the development of sites that represent encounters between Aboriginal civilization and our European ancestors, traditionally Parks Canada has always placed greater emphasis on the European presence. Allow me to give you an example.

[English]

The site in Ontario especially, in Midland, it emphasizes much more the history of the French missionaries of the period than in fact the impact of the missionaries over Aboriginal culture.

[Translation]

Yesterday during our debate on the harmonization of civil law and common law, a number of us, including Senator Gill and Senators Watt and Sibbeston, pointed out the extent to which Aboriginal people were making an effort to gain recognition for their culture, identity and languages. Still, I am concerned with the way this bill is drafted. We will still be standing on the outside of First Nations history on First Nations land, as you said yourself, because the Canadian government has no jurisdiction within Aboriginal lands. It is up to the First Nations themselves to define how they want to present themselves and how they will

describe themselves with respect to the diversity of cultures enjoyed by Canada.

I am trying to recall, from memory, how many Canadian parks, administered by the Parks Canada Agency, are really Aboriginal parks and not parks dreamed up in a version of history involving White people dominating the Natives, to use those traditional terms. This is an extremely important component of the new approach that must be developed by the minister responsible. However, I do not see anything in this bill that could bring about a renewal of the principles to be respected when showcasing Aboriginal heritage.

There are also enormous unsolved problems in Canada involving the ownership of Aboriginal artifacts located elsewhere than on Aboriginal lands, and the honourable senator knows what I am referring to. Are you really confident that the bill as it is currently worded would make it possible to reframe the appreciation of Aboriginal heritage in the way you have described in your presentation?

• (1510)

Senator Gill: If I understand correctly, the aim of this bill is simply to transfer responsibilities from one department to another. For example, Heritage Canada and the Parks Canada Agency are transferring responsibility from the agency to the Department of the Environment. I saw it as a change in administration and responsibilities. I allowed myself to say a few words but I did not think it was an appropriate opportunity to go any further. In fact, I was given the mandate of suggesting to the honourable senators that this bill was appropriate legislation in response to demands to simplify the administration. It was with that in mind that I said what I had to say, but this is not the time to take the matter any further.

I have accepted to support this bill, thinking it was mainly technical in nature and that I would have a chance to say a few words.

On motion of Senator Kinsella, debate adjourned.

[English]

MARRIAGE (PROHIBITED DEGREES) ACT INTERPRETATION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Anne C. Cools moved second reading of Bill S-4, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

On motion of Senator Cools, debate adjourned.

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Anne C. Cools moved second reading of Bill S-7, to amend the Supreme Court Act (references by Governor in Council).

On motion of Senator Cools, debate adjourned.

JUDGES ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Anne C. Cools moved second reading of Bill S-8, to amend the Judges Act.

On motion of Senator Cools, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

THIRD INTERIM REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE

The Senate proceeded to consideration of the fifth report (third interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mental Health, Mental Illness and Addiction: Issues and Options for Canada*, tabled in the Senate on November 23, 2004.—(Honourable Senator Kirby)

Hon. Joan Cook: Honourable senators, I should like to bring to your attention three reports tabled here in the Senate last Tuesday by the Chair of the Standing Senate Committee on Social Affairs, Science and Technology on mental health, mental illness and addiction in Canada.

To date, we have learned that care for individuals with mental illness and addiction involves a complex mix of services delivered through federal, provincial and municipal jurisdictions and private providers. It also includes initiatives by mental illness and addiction consumers.

Rural and remote communities account for between 20 and 30 per cent of the total Canadian population. Many of the challenges faced by these communities in providing mental health and addiction services are mirrored in urban centres such as the need for integrated and seamless service delivery. However, the problems involving access to services and the provision of human resources are usually more pronounced in rural and remote areas, and mental health consumers must travel great distances to receive services that are fragmented and uncoordinated.

Depending on the severity of the illness, it can be quite a challenge to access mental health care and addiction treatment, as well as to obtain adequate support services such as housing, education and disability benefits. Mental health care is a mix of acute care services in general hospitals, specialized care for specific disorders or populations, outpatient community clinics and community-based services which provide psychosocial

support and private counselling. In most jurisdictions, these services operate in separate silos and all too often are detached from the formal mental health care system. This is not effective and is a fundamental problem of the mental health care system. We heard this time and time again.

Witnesses repeatedly expressed to the committee how frustrating and overwhelming it is to navigate through the current system. There is a call to improve it by supporting integrated service delivery that focuses on a seamless continuum of programs, services and supports that are available at every stage of life and as close to home as possible.

Services must be realigned to create clear points of entry and exit, and clear accountabilities. Infrastructure must support linkages and protocols, including processes for information sharing and identifying key liaison staff members. Also, methods must be developed to monitor and evaluate best practices.

A good example of service linkages exists in my home province of Newfoundland and Labrador. In February of this year, the Health Care Corporation of St. John's opened a 24-hour-a-day psychiatric assessment service and a short-stay unit at the Waterford Hospital. Thanks to this service, individuals detained by police under the province's Mental Health Act are no longer taken to the city lock-up. They are now assessed in a timelier manner and in a health care setting.

Honourable senators, it is important to recognize that all parts of the system must have the common goal of providing support to individuals in the least intrusive and most time-sensitive way.

As with other health services, mental health services and addiction treatments are quite weak in rural and remote areas of the country, especially in First Nations communities. In addition to the stresses of dealing with their illness, these people are often required to travel long distances, which is costly and inconvenient for them. For some, the psychological and financial burdens of leaving the support systems in their own communities are overwhelming, so they remain undiagnosed and/or untreated.

• (1520)

The Canadian Mental Health Association has said that rural and remote communities may also experience mental health issues triggered by a host of unique factors such as out-migration and high unemployment rates. According to the association, simply transplanting urban mental health workers into rural settings, even if they are willing to relocate, would not necessarily produce professionals qualified to deal with distinctive rural issues and culture.

Health Transition Fund studies have shown that, since many rural communities have limited resources and services, collaboration among providers or realignment of existing programs is a prerequisite to solving some of the rural health service delivery problems.

Health care providers need to share knowledge and pool resources. Ineffective services must be eliminated to improve and streamline access to mental health care and reduce the current fragmentation.

The committee also heard that some services have been consolidated by forming voluntary networks and alliances but, invariably, the burden falls on the families. This is unfair.

Honourable senators, we are looking to create a system that offers choices to people living with mental illness and addiction, choices that promote independence and recovery. These services should be suited to those who use them, and they should be culturally sensitive and non-discriminatory. This should be the case no matter where people live in this vast country.

The lack of ready access to care is a common complaint of rural residents. As can be expected, the smaller and more remote the community, the more severe the problem of access.

The committee was told that ensuring coordinated access to a broad continuum of service and supports is critical to the development of an effective strategy to address mental illness and addiction, not only in hospitals and other institutions, but also in the community. Community services should include supportive housing, income support, education, transportation and peer support. Those suffering from mental illness and addiction deserve nothing less than to overcome their isolation, gain their economic self-sufficiency, and achieve hope and respect.

Honourable senators, telehealth is becoming an important tool to enhance health care delivery in rural and remote regions of Canada. As you know, telehealth involves the use of communication and information technologies to overcome geographic distances in the delivery and provision of health care. It is a cost effective way to bring diagnostic treatment and rehabilitation services to rural communities. Health information technologies can also offer more professional development opportunities for health care providers.

Telehealth helps to bridge the distance by connecting physicians and mental health consumers and their families with current information about symptoms, effective treatments, services and support. Pioneered by the Honourable Dr. Max House, Memorial University of Newfoundland has been engaged in telemedicine activities since 1975.

In 2001, the Faculty of Medicine at Memorial University developed a very successful state-of-the-art online learning service, a website that offers 23 courses of continuing medical education to physicians across the country and contains links to clinical practices, medical libraries and rural medicine sites. The site is especially beneficial to rural physicians, who often have trouble accessing specialists and cannot leave their communities to further their education. The service now partners with 10 universities across Canada and has proven itself to be a valuable one-stop resource. The website is continuously growing and provides a much-needed link. It reduces isolation and is extremely cost-saving. Surveys have shown that 90 per cent of participants find the training to be helpful and motivating.

The committee also heard about many other valuable provincial websites devoted to mental illness and addiction that are making a significant difference to individuals living with mental illness and addiction, and to their families.

Telehealth technologies are developing at an astounding rate, but policies that support telehealth services are lagging behind. We must develop policies to provide adequate support; otherwise, telehealth will progress largely in a policy vacuum.

In addition, this technology is not universally or readily accessible to all Canadians, and I believe this is an area in which federal leadership is required.

For years, rural and remote communities have attempted to recruit and retain more health care providers. Strategies have included enhancing continuous education opportunities, using telehealth consultations to reduce isolation, offering replacements for vacation, and encouraging providers to get involved in community life.

However, because these strategies have not been pursued in a systematic, coordinated manner, they have had limited effect. There is still a serious shortage of health human resources in rural and remote communities.

Some rural areas are trying to enhance the quality and quantity of service provided by better utilizing available resources. For example, nurse practitioners may take over some of the responsibilities of physicians so physicians can concentrate on more advanced clinical tasks.

Given the heavy workload of informal caregivers such as family members, friends and volunteers — especially in rural areas — supporting them with training and sharing information is another helpful strategy.

As noted by Health Canada, health care providers in rural and remote communities need to be highly skilled generalists as opposed to specialists. Some believe that not all team members need to be mental health experts, as long as one of them has the requisite knowledge, serves as the consultant, and provides the necessary support and training to the rest of the team.

As part of the Health Transition Fund project funded by the federal government, nurses from a home care program in Taber, Alberta participated in training sessions delivered by a mental health therapist. The therapist provided them consultation, guidance, direction and in-service training. The same project used collaboration between practitioners with a home care background and others with mental health expertise who shared knowledge and supported each other.

Honourable senators, in conclusion, the many challenges faced by mental health and addiction consumers in urban areas of Canada are compounded in rural and remote communities. They often contend with problems relating to access to service in terms of physical distance from mental health care providers and human resource shortages.

Communities are attempting to address these challenges in a variety of ways. Examples include implementing strategies to recruit and retain mental health care professionals, enhancing the knowledge of existing professionals through distance education and knowledge sharing, and delivering telehealth services to health care providers as well as patients and informal caregivers, to name a few.

Rural and remote communities must be supported financially and educationally in these efforts to bridge the gap between mental health and addiction consumers and services.

The Hon. the Speaker: If no other honourable senator wishes to speak, this order is considered debated.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO REFER DOCUMENTS FROM STUDY ON BILL S-6 IN PREVIOUS SESSION TO STUDY ON BILL S-11

Hon. Lise Bacon, pursuant to notice of November 30, 2004, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-6, An Act to amend the Criminal Code (lottery schemes), in the Third Session of the Thirty-seventh Parliament be referred to the Committee for its study of Bill S-11, An Act to amend the Criminal Code (lottery schemes).

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY BILINGUAL STATUS OF THE CITY OF OTTAWA

Hon. Serge Joyal, pursuant to notice of December 1, 2004, moved:

That the petitions tabled during the Third Session of the Thirty-seventh Parliament, calling on the Senate to declare the City of Ottawa, Canada's capital, a bilingual city, be sent to the Standing Senate Committee on Legal and Constitutional Affairs for consideration;

That the Committee consider the merits of amending section 16 of the *Constitution Act, 1867*; and

That the Committee report to the Senate no later than April 30, 2005.

He said: honourable senators, it is my pleasure to move this motion this afternoon. This is not a new motion. It was moved previously on April 1, 2004, by former Senator Jean-Robert Gauthier. Our chamber adopted that motion on April 29. However, it died on the Order Paper at the dissolution of Parliament when a general election was called.

The purpose of this motion today is to resurrect the consent that this chamber has already given to the motion of Senator Gauthier. Many petitions were tabled by many honourable senators in the previous Parliament — to name a few: Senator Munson, Senator Chaput, Senator Hubley, Senator Comeau, Senator Beaudoin, Senator Fraser, Senator Poulin, Senator Léger. I could name almost all honourable senators in this chamber who moved some of the 30,000 signatures of Canadians requesting that the Senate consider the issue of declaring Ottawa a bilingual city. This motion expresses the consent given by this chamber earlier this year for the Standing Senate Committee on Legal and Constitutional Affairs, chaired by Senator Bacon, to proceed with the study of this question.

Honourable senators, there is a stack of information, references, documents and expert witnesses that the standing committee could listen to and call upon, the first and foremost being former Senator Beaudoin, who spoke on many occasions and at length on the issue of Ottawa being declared a bilingual city. I am sure that honourable senators opposite would be delighted to hear Senator Beaudoin's interpretation of section 16 of the Constitution Act, 1867. Let me read it for everyone's benefit:

Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

It is simple. It is a provision that makes Ottawa the capital of Canada. Under that heading, if there were ever an amendment to the Constitution, that amendment would be attached.

Senator Prud'homme has proposed amendments previously, which I am sure the committee will want to consider as well. In the debate that took place earlier this spring, Senator Fraser supported — I would say vehemently or wholeheartedly — the proposal put forward by Senator Gauthier. I am sure many honourable senators will wish to attend and take part in such a study and debate.

The petitions are being sent to the Standing Senate Committee on Legal and Constitutional Affairs and not to the Standing Senate Committee on Official Languages because they deal essentially with a legal matter.

Should a proposal to amend this aspect of the Canadian Constitution be open to the federal government only or should it be open to the federal government with provincial concurrence? The present Government of Ontario has previously expressed that it would be interested in enshrining the bilingual nature of the national capital.

Those are issues that will be reviewed by the committee. I seek the support of this honourable chamber today to reinstate the consent that was given earlier this year to refer this motion to the Standing Senate Committee on Legal and Constitutional Affairs.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

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

Motion agreed to.

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 7, 2004, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, December 7, 2004, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

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

(1st Session, 38th Parliament)

Thursday, December 2, 2004

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

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02		
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0			
S-18	An Act to amend the Statistics Act	04/11/02							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16							
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18							
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-302	An act to change the name of the electoral district of Kitchener—Wilmot—Welesley—Woolwich	04/12/02							
C-304	An act to change the name of the electoral district of Battle River	04/12/02							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02		
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26		
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06							
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07							
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07							
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs					
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19							
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology					
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04							
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30							
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

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