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THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Thursday, February 10, 2005

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON FORTY-ONE YEARS IN PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, today we observe a very special day in the chamber. Today is the forty-first anniversary of the first election to Parliament of our colleague Marcel Prud'homme. He and I have been colleagues for 33 years, both in this chamber and in the House of Commons. As many of us remarked last year, Senator Prud'homme is a remarkable parliamentarian who has proven himself, over four decades, to be a credit to the chamber and to Parliament as a whole.

[Translation]

I would like to offer my warmest and most sincere congratulations to the Honourable Senator Prud'homme. I hope that he will be able to continue his work in the Senate with the same commitment and energy that he has always shown.

[English]

FAST TRACKING HIGHLY SKILLED IMMIGRANTS

Hon. Donald H. Oliver: Honourable senators, Canada will be facing a critical workforce shortage in the next decade. The only way to meet this shortage is to expand our immigration policies and fast track highly skilled immigrants to Canada. Canada currently has a ratio of five workers to every retired person. With the pending retirement of the baby boom generation, this ratio will drop to about two and a half workers for every retired person.

Canada, and indeed nearly all Western nations, are facing a decline in population. Canada welcomes more than 200,000 immigrants annually, more than 50 per cent of whom have professional skills or academic accreditation. Immigrants are more likely than native-born Canadians to possess a university degree, according to the Conference Board of Canada. In other words, these skilled immigrants come ready, willing and able to become active contributors to our knowledge-based economy. However, when many highly skilled immigrants arrive in Canada, instead of being met with open arms they are met with barriers such as the non-recognition of their foreign credentials.

An example is the medical field. Most provinces require graduates of foreign medical schools to take at least four years of post-graduate medical training at a Canadian university, but in

2003 only 16 per cent of foreign-born candidates were able to receive any training, according to the Canadian Information Centre for International Credentials, and of the 1,200-plus internships available to medical students, only 83 were awarded to immigrants in 2003.

Honourable senators, this simply cannot continue. Statistics Canada predicts that Canada's death rate will exceed our birth rate in less than 15 years. Canada's median age is already 37 years. The classic age pyramid of the baby boom generation has been inverted. In comparison, the current median age in India is 24 years; in the Philippines, 21 years; in South Africa, 25 years; in Nigeria, 19 years and in Indonesia, 26.

As you can see, honourable senators, Canada's future economic prosperity depends on our ability to attract the highly skilled workers that these countries produce. That will determine whether Canada wins or loses in the world economy in the years to come.

In conclusion, we simply cannot wait for the other countries to pass Canada in the global competition for talent. We must expand our immigration policy to meet the workforce shortage that Canada faces.

THE ASIAN TSUNAMI

CONTRIBUTIONS TO RELIEF EFFORT OF AYSHA WILLS

Hon. Tommy Banks: Honourable senators, all Albertans are proud that they have raised and given many millions of dollars for tsunami relief. I want to talk about a particular person in Edmonton, of whom all Edmontonians are justly proud. Her name is Aysha Wills, and after the tsunami disaster she set out to raise money from her colleagues at school. She is a very talented young musician who plays many different instruments, but is also, as you will hear, a very talented and confident individual.

Her undertaking grew like Topsy. She continuously pushed the edge of the envelope to see just how far she could push it. She convinced the proprietors of the Winspear Centre for Music in Edmonton to give her the use of the concert hall for the night of Friday, February 4. She then convinced her music teachers to talk to their friends who play in rock bands and pop bands or are folk singers. She talked to another of her music teachers who plays in the Edmonton Symphony Orchestra, who then talked to the musicians and got the cooperation and free services of the entire Edmonton Symphony Orchestra. She lined up five or six great attractions, some of which are very famous and well-known. She publicized the concert and organized the several other donations, particularly from the employees of Telus Corporation and from Telus Corporation itself. She put on a concert before 1,400 people and raised in excess of \$750,000 that night, on her own hook.

• (1340)

Aysha Wills is 10 years old. Without her “stick-to-it-iveness,” her determination, her vision and her belief in herself that she could do this, none of it would have happened. None of us would have volunteered. None of those facilities would have been made available.

As was said on that night by Kevin Taft, the Leader of the Liberal Party in Alberta, she demonstrated irrefutably the power of one — that one person setting out to make a difference can make a difference which is, in respect of their own contributions, exponentially greater. I hope all honourable senators will join me in offering Aysha Wills the congratulations of the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

PARTNERS FOR SOCIAL DEVELOPMENT ON LANAUDIÈRE

Hon. Lucie Pépin: Honourable senators, I would like to draw your attention to an important community initiative that was recently implemented by the Lanaudière Table of Partners for Social Development. The project, known as the Development Plan for a Healthy, Well-Housed Region, seeks to improve the living and housing conditions of at least 45 low-income households. Community stakeholders became aware of the increased incidence of respiratory problems, especially asthma, among people living in housing with poor air quality, excessive humidity and mould.

I applaud the vision and innovation of the partners in this project who so clearly identified housing as a determining factor in terms of health. Like us, they recognized that social factors such as poverty have a direct effect on the health of the population and that the prevention of sickness is much more effective than its treatment. Health is more than the absence of sickness, and it should be measured in terms of the real well-being of Canadians. We can treat asthma in hospitals and clinics, but the best proof of wisdom and long-term vision is to take steps to prevent it in the first place.

The Development Plan for a Healthy, Well-Housed Region project embodies those public health and prevention values along with a philosophy of community solidarity. On Tuesday, February 8, on behalf of the Minister of Health, I announced a major contribution to this project from the Population Health Fund. These funds will be used to identify 45 households that spend more than 30 per cent of their income on housing in the municipalities of Chertsey, Saint-Barthélemy and Saint-Calixte. The focus is on single mothers, the elderly, disabled persons, low-income families and people living alone. These households will work closely with stakeholders to find cost-effective solutions to the health problems identified. To carry out this work at the lowest cost, the community will form a veritable network of merchants, professionals and residents who want to make a

contribution in the form of surplus construction materials and tools, as well as by sharing their expertise and their time. The whole town will be able to play a role in improving housing conditions in the community.

The organizers of the project plan to hold information sessions on health problems related to air quality in housing accommodation for all the residents of the community.

I want to take this opportunity to remind the Minister of Finance, as he gets ready to table the budget on February 23, of the importance of investing more money in social housing and in public health. In my opinion, it is essential to support initiatives such as this one because they enhance the quality of life of our fellow citizens and help to prevent health problems.

Once again, I offer my sincere congratulations to the Lanaudière Table of Partners for Social Development for having initiated the Development Plan for a Healthy, Well-Housed Region project. I applaud their initiative and wish them every success.

[English]

THE TLICHO LAND CLAIMS AND SELF-GOVERNMENT BILL

Hon. Nick G. Sibbeston: Honourable senators, the Aboriginal Peoples Committee has been dealing with Bill C-14, which will implement the Tlicho Land Claim and Self-Government Agreement. Over the last two weeks, the committee has worked diligently and has completed its review. Later today I will present the committee's report.

The Tlicho people have shown a great interest in our parliamentary system. Some have come here to Ottawa and have followed the process of this bill since it was introduced in the House of Commons. Many more have watched the CPAC coverage on television in their home communities.

A large delegation travelled from the Northwest Territories to witness the last two meetings of our Senate committee this week. Nearly 80 Tlicho citizens have come, including many youth and elders, and some are present in the gallery today to observe the next step in the democratic process of the treatment of their bill. They have told me how impressed they are with the way in which their interests have been carefully considered and dealt with by the Senate. They respect the rules and procedures whereby matters are reviewed carefully and good decisions are made. They likened the Senate and its duty to provide sober second thought to the role that elders have in their society. They look forward to third reading and Royal Assent of Bill C-14.

Although many of them must return to their homes tomorrow, they assure me that there will be Tlicho present to witness this historic event of third reading and Royal Assent, whenever it occurs.

In appreciation for the work of the Senate, the Tlicho would like to perform a tea dance in our foyer when the Senate adjourns today. For a brief moment, let the halls of Parliament resonate with the chanting and dancing of the Tlicho people. All senators are welcome, and a reception will follow after the dance.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in our gallery of members of the Tlicho, led by Chief Charlie Nitsiza, who is in the company of their chief negotiator, Mr. John B. Zoe as well as many elders and young Tlicho people.

Welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

DEPARTMENT OF CANADIAN HERITAGE ACT
PARKS CANADA AGENCY ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, February 10, 2005

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

FIFTH REPORT

Your Committee, which was referred Bill 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, has in obedience to the Order of Reference of Thursday, December 9, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

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

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

THE TLICHO LAND CLAIMS
AND SELF-GOVERNMENT BILL

REPORT OF COMMITTEE—THIRD READING

Hon. Nick G. Sibbeston, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, February 10, 2005

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-14, An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts, has in obedience to the Order of Reference of Monday, December 13, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICK G. SIBBESTON
Chair

The Hon. the Speaker: When shall this bill be read the third time?

Senator Sibbeston: Honourable senators, it would give me great pleasure to move third reading of this bill today, but I would not be so presumptuous. Therefore, I move that this bill be placed on the Orders of the Day for third reading at the next sitting of the Senate.

Hon. Gerry. St. Germain: Honourable senators, I seek the floor.

The Hon. The Speaker: We have a non-debatable motion. Are you asking for leave, Senator Sibbeston? If you are, I could provide time for an explanation.

Senator Sibbeston: Yes.

• (1350)

Senator St. Germain: Honourable senators, I respect Senator Sibbeston's comment, but I do recognize that this is an exceptionally special circumstance and would ask that we proceed to third reading forthwith. In this instance there are extenuating circumstances that go far beyond the parliamentary system.

Present in our gallery are numerous elders who, for years, have been anticipating the passage of this legislation. In the spirit of Tlicho, every citizen participates in the process.

Therefore, after consulting with the leadership of the opposition and members of the opposition as a whole, who have reacted positively to my request, I would ask the Senate to grant leave so that we may proceed to third and final reading of the bill now.

Hon. Senators: Hear, hear!

Hon. Jack Austin (Leader of the Government): I rise on the same basis as Senator St. Germain. I thank him for the statement he has just made.

This side is most eager to see the bill passed today. This demonstrates a level of concord and cooperation that is admirable and speaks well of this chamber. It particularly speaks to the Tlicho people and the work they have done, their presence here and the importance of the passage of this bill to their future.

The Hon. the Speaker: Shall I take it, honourable senators, that leave is granted?

Hon. Senators: Agreed.

The Hon. the Speaker: I will then put the motion.

It is moved by the Honourable Senator Sibbeston, and I will say seconded by the Honourable Senator St. Germain, if he agrees, that, with leave of the Senate, and notwithstanding rule 58(1)(b), this bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

[Translation]

QUARANTINE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, to prevent the introduction and spread of communicable diseases.

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.

[English]

GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government): presented Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.

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.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF STANDING COMMITTEE OF PARLIAMENTARIANS OF THE ARCTIC REGION, NOVEMBER 28-30, 2004—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the meeting of the Standing Committee of

Parliamentarians of the Arctic Region held in Brussels, Belgium, from November 28 to 30, 2004.

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— COMPETENCY OF SIKORSKY H-92

Hon. J. Michael Forrestall: Yesterday, I had a brief conversation with the Leader of the Government in the Senate about a facility that might accommodate a number of senators.

• (1400)

It had to do with giving the leader notice of the questions I will ask. It is a reasonable idea, and I will start that process with respect to my questions so that answers might be fuller, more accurately researched and thus serve the interests of the subject matter. However, today I must apologize because the questions I am about to ask would have been excellent ones to start with.

Yesterday, the government leader quoted Martin Shadwick with respect to the H-92 contract award and said the following:

In fact, for Canadian naval purposes, it is probably a better choice since it is smaller than the EH-101 and better able to fly off the back of the navy's frigates.

That is incorrect. While it is smaller, I would ask the leader to come clean and admit that the H-92 does not yet have a tail fold, meaning it is not yet a naval helicopter. One has never been put on nor has one ever flown off the back of a frigate or a destroyer. His comments relate to capability and the fact that the EH-101 was designed for the naval environment and the H-92 was designed for land-based commercial purposes.

Lastly, the EH-101 was designed for operations from our City-class frigates. The H-92 was not.

Could the Leader of the Government confirm this for the chamber?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have the information that Senator Forrestall is requesting at the moment. I did quote Mr. Shadwick, who is a well-known defence consultant and advisor, and I took his answer as accurate. However, if there is additional information, I will certainly seek it.

HMCS MONTREAL—LOSS OF SAILOR AT SEA

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to respond to Senator Kinsella's question yesterday about the disappearance of Leading Seaman Leblanc. The question was whether there was a helicopter on the deck and whether it was employed in the search. The answer is yes.

Hon. J. Michael Forrestall: Honourable senators, I am very pleased to hear that. I appreciate the early response.

REPLACEMENT OF SEA KING HELICOPTERS—
COSTS RESULTING FROM CHANGES
AND DELAYS IN SELECTION PROCESS

Hon. J. Michael Forrestall: Honourable senators, yesterday the government leader got into mathematics, costs and so forth. He said that the previous 1993 EH-101 contract for \$4.8 billion, which was cancelled, only included the costs for the actual helicopters. He went on to state the following:

The contract for the H-92 includes all the associated costs for 20 years of in-service support. Even where the cost of contract cancellation and the upgrading of the existing fleets are concerned, the government has acquired new search and rescue and new maritime helicopters for the Canadian Forces at a price that is over \$1 billion less than would have been spent under the cancelled contract.

That is misleading and not accurate. As a point of fact, the contracts signed for the EH-101 in 1992-93 were for less than \$4.3 billion, including basic vehicle, mission systems, spare parts, and long-term in-service support. The Chrétien Liberals, whose honesty has been made famous with the Gomery inquiry, inflated that number to \$5.8 billion for 43 helicopters, not \$4.8 billion, as the government leader suggested.

Can the leader confirm the following facts and, if not, make them available to the chamber: cost of the EH-101 cancellation, 43 helicopters, \$496 million; Sea King maintenance costs for the years 1994-2010, plus upgrades to the tune of \$100 million, for a grand total of \$740 million; cost of 15 EH-101 search and rescue helicopters, \$790 million; cost of 20 years in-service support, \$1.7 billion; cost of 28 H-92 mission systems, \$2.9 billion; cost of in-service support for over 20 years, \$3 billion; Department of National Defence document on risk analysis identified extra contingency costs of \$220 million; extra lost economies of scale, \$100 million; extra training costs, \$20 million; and extra support costs, \$40 million?

That is a total cost of \$10 billion for the Liberal Party's replacement, or almost double the \$5.8 billion claimed in 1994.

Can the leader confirm the facts, or should I promote him to kindergarten?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Forrestall has made a series of statements. I am not in a position to respond to the detail or to the argumentative nature of the question, but I will seek the government's answer with respect to the comparative costs of the helicopters. I gave the answer yesterday on behalf of the government, and I will now seek an answer that comments on the numbers and statements that Senator Forrestall has provided. I will not respond in the chamber, but will treat it as a question to be responded to in writing.

• (1410)

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL INCOME STABILIZATION
PROGRAM—SUGGESTED CHANGES

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. I gave notice to the leader that I would be raising this question. Since the house is in such a congenial mood today, we hope to hear a positive response to this question, which relates to farm income and the problems farmers have been facing.

The Canadian Agricultural Income Stabilization Program is a good program, but it is not working for a number of farmers. Some changes could be made to improve the program without necessitating the creation of a new bureaucracy and a new program. I am referring to two problems that exist. One is that the farmer must have some money up front. For many farmers that is not a problem. For others, though, often those who need it most, it is a problem because they have no money in their NISA program which they can move into a bank account. This should be changed to assist younger farmers and farmers most in need.

The second problem relates to margins. If a farmer has two, three or four poor crops, his margin will be so low that it will not trigger the program. Again, assistance is not available to those who need it most. This problem was discussed in committee with the minister.

Many farm groups are saying that, if some changes were made, this would be a fairly good program.

The timing on this matter is important because the Minister of Finance and the Minister of Agriculture and Agri-Food will be reviewing agricultural matters in advance of bringing down the budget, which will be soon. Would the minister carry these proposals to cabinet; to Mr. Goodale, the Honourable Minister of Finance; and to the Minister of Agriculture and Agri-Food, so that these two problems can be dealt with in a positive way and so that a fairly good program will work even better?

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate the notice Senator Gustafson gave me with respect to this question about this very technical program.

I would advise the Senate that the Canadian Agricultural Income Stabilization Program, CAIS, is designed to integrate two objectives, one of which is the stabilization of income and disaster coverage. It is essentially a safety net for agricultural producers. It takes the place of two programs that were discussed previously in this chamber, the Canadian Farm Income Program and the Net Income Stabilization Account Program. This program is in the nature of a safety net. Producers apply in their various provinces, and they pay into the program.

The difficulty that Senator Gustafson mentions refers to declines in income. Of course, farmers get back what they have paid into the program, but the government contribution is geared to the trend line. The result is that, if producers are in difficulty, nothing in this program will rescue them from the trend line of their production losses.

I have begun discussions with the Minister of Finance on this issue. He has told me that he will brief me further in the next few days.

I ask the honourable senator to raise the question again next week when I have a more detailed grasp of how this program is being administered and whether consideration is being given to changes in the administration of it.

Senator Gustafson: Honourable senators, I appreciate the answer of the leader. There may be up to 40 per cent — and that is only an estimation — of farmers that this program does not address the way it might if these changes were made.

HEALTH

COMPENSATION TO HEPATITIS C VICTIMS

Hon. Ethel Cochrane: Honourable senators, in late November of last year the federal government announced that it would finally provide compensation for all the victims of hepatitis C, reversing its policy of six years. At that time, the Minister of Health said that he would enter into negotiations with all tainted blood victims regarding options for financial compensation. In the months that have passed since, we have not heard much from the federal government as to how far the talks have progressed or whether they have even begun. It is important to act quickly on this matter, as many people have already died waiting for this recognition from the federal government.

Could the Leader of the Government in the Senate please make inquiries and inform us of the status of these talks?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will endeavour to do so as quickly as the information is made available to me.

Senator Cochrane: Honourable senators, could the government leader assure the Senate that the federal government's commitment of last November to compensate all tainted blood victims will be reflected in the upcoming budget?

Senator Austin: Honourable senators, unfortunately, it is never open to any minister but the Minister of Finance to give any assurances of what might be contained in a budget.

FINANCE

TRUST FUNDS FOR DAYCARE AND TO REDUCE HEALTH CARE WAITING TIMES

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, there are widespread reports that the Minister of Finance plans to create a daycare trust fund out of this year's surplus, parking the money until the government figures out how to spend it. As well, through Bill C-39, the government proposes to pay \$4.25 billion into a trust fund to reduce health care waiting times, all of which will be presumably booked to this year even though the government's documentation from last September's first ministers' meeting shows the money flowing to the provinces over a five-year period.

Could the leader advise the Senate whether the Minister of Finance has sought the advice of the Auditor General for the proposed accounting of these expenditures?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot advise whether any minister has sought the advice of the Auditor General prior to an announcement of government policy but, of course, the Auditor General is in constant communication with senior officials in departments with respect to the effective application of government procedures.

I can advise the Senate that the Auditor General will be tabling her next report on February 15, but I cannot tell honourable senators what its contents will be.

ACCOUNTING PRACTICES AS BETWEEN TRUST FUNDS AND THE EMPLOYMENT INSURANCE FUND

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, the custom of the government, at least in the last few Parliaments, has been to take the money that has been allocated, whether it is over one year, three years or five years, and expend it in the current fiscal year, in many cases putting it aside into a trust fund. Apart from the examination by the Auditor General, that becomes a problem and it is a problem we are concerned about here.

The government is planning to create a daycare fund, and once money has been deposited into that fund, it will no longer be part of the accounts of the Government of Canada. Thus, it is expended immediately.

Conversely, the government has another fund where it takes a completely different approach to accounting. Could the leader explain why it is appropriate to treat money in the Employment Insurance Fund as part of the government's books but not the assets of a trust fund?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government has followed the practice of earmarking funds and placing them in foundations and trust accounts because of the demand by the provinces to have a reliable financing cycle. That demand, it strikes me, is entirely reasonable. A government program starts, but the parliamentary calendar is year by year. The practical requirement for provinces disbursing funds to third parties involved in national programs — entering into employment or contributing to other funds or in other ways participating — is to have a stable cycle. I believe that the government is using pragmatic and functional processes.

With respect to Employment Insurance, Parliament set up the current system through legislation, and that is, indeed, being examined again as a matter of policy. For the time being, by the decision of Parliament, the Employment Insurance Fund is part of consolidated revenue.

Senator Stratton: Honourable senators, as I understand it, that account in general revenues is somewhere in the range of \$48 billion. If we can justify the use of trusts to put aside money for use in the future, surely to goodness we could treat the Employment Insurance Fund in the same manner. In other words, we could put sufficient funds aside into a trust so that it

will be available on a rainy day. Instead, we take the \$48 billion and put it into general revenue and then crow about how we have reduced the debt. Certainly, the government used that money to reduce the debt, but why does it not have the gumption or integrity to tell Canadians that it will take that money, put it aside into a trust and thereby use it for a rainy day? No, the government would rather reduce the debt and fool Canadians into believing that they are honestly doing something for Canadians.

• (1420)

Senator Austin: Honourable senators, I cannot understand why Senator Stratton does not understand that the entire balance sheet of the Government of Canada stands behind the Employment Insurance commitment of this government.

We do not need to set money aside and say that that is all there is, that if we run out of those funds there is nothing more and that is too bad for the beneficiaries. With the Employment Insurance Fund on the balance sheet, the Government of Canada serves as the guarantor that the program will never be deficient.

Some Hon. Senators: Hear, hear!

Senator Stratton: Honourable senators, why do we need \$48 billion to do that? If the government guarantees it, surely to goodness \$15 billion would be sufficient, not \$48 billion.

Senator Austin: Honourable senators, I acknowledge that Senator Stratton is making a political argument. The system with respect to those who rely on Employment Insurance has never failed. The Government of Canada has its obligations under that program. The rest of it, honourable senators, is basically a political argument about who gets credit for what when dealing with the deficit. We can continue that one for a long time.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer in response to an oral question raised in the Senate on December 1, 2004, by Senator Oliver regarding the Jean Chrétien Pledge to Africa, status of commitments.

FOREIGN AFFAIRS

JEAN CHRÉTIEN PLEDGE TO AFRICA ACT— STATUS OF COMMITMENTS

(Response to question raised by Hon. Donald H. Oliver on December 1, 2004)

Industry Canada and Health Canada must adopt regulations before the *Jean Chrétien Pledge for Africa* legislation can come into force. Both departments pre-published draft forms of their respective regulations in the October 2, 2004 edition of the *Canada Gazette, Part I*. This was followed by a 75-day public comment period, which ended on December 16, 2004.

Industry Canada and Health Canada have received a number of comments from key stakeholders, including the generic and brand name pharmaceutical industries and

various NGOs. The two Departments are currently examining those comments to ensure that the final text of the regulations strike the best possible balance between facilitating the flow of life-saving pharmaceutical products to developing countries and maintaining the integrity of Canada's intellectual property regime.

I have been advised that Industry Canada and Health Canada are aiming to have the final text of the regulations published in the *Canada Gazette, Part II*, in the next few weeks.

While the coming into force of the legislation may be close at hand, we must keep in mind that this legislation is solely designed to allow for third parties to obtain compulsory licences to export cheaper drugs to developing countries. In this respect, its ultimate success will depend on the participation of Canada's pharmaceutical industry, NGOs and importing countries.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS— ANTI-TERRORISM ACT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 1 on the Order Paper—by Senator Lynch-Staunton.

JUSTICE—CORPORAL PUNISHMENT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Carstairs.

HEALTH—ACTION PLAN OF THE CANADIAN STRATEGY FOR CANCER CONTROL

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 4 on the Order Paper—by Senator Carstairs.

TRANSPORT—CHARGES UNDER SECTION 43 OF THE SMALL VESSEL REGULATIONS

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 5 on the Order Paper—by Senator Spivak.

AGRICULTURE AND AGRI-FOOD— BOVINE SPONGIFORM ENCEPHALOPATHY

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 8 on the Order Paper—by Senator Spivak.

HERITAGE—GATINEAU PARK

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 9 on the Order Paper—by Senator Spivak.

NATIONAL DEFENCE—
MARITIME HELICOPTER PROJECT

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Forrestall.

HERITAGE—464 MEECH LAKE ROAD

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 7 on the Order Paper—by Senator Gill.

ORDERS OF THE DAY

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to notice of February 9, 2005, I move:

That the Standing Senate Committee on National Security and Defence have power to sit at 3:15 p.m. on Tuesday, February 15, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, could we have a brief explanation, please?

Senator Rompkey: Honourable senators, a meeting was to have been held on Tuesday past, but the honourable minister was incapacitated at that time and could not attend. He asked that the meeting be rescheduled for next Tuesday at the same time.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, this seems to be business that is brought to the chamber from one of the Senate standing committees. I am curious to find out whether the Deputy Leader of the Government is moving this motion in his role as an *ex officio* member of that committee or if there is another reason.

I thought it was a good practice that in committee matters, should the chair of the committee not be present, the deputy chair, if present, stands in. Although I do know that the Deputy Leader of the Government attends to everything that is going on in all the committees, usually the executive of given committees have more detailed information. I am curious as to the process.

Senator Rompkey: Honourable senators, I began the process because the committee was travelling at the time, and I am simply following through.

I agree with the Leader of the Opposition that this is not a practice that we should follow normally.

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

Hon. Senators: Agreed.

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Milne, for the second reading of Bill S-24, to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Stratton*)

Hon. Pierre Claude Nolin: Honourable senators, this bill is the proposed legislative sequel to the cruelty to animals. My colleagues and I on the Standing Senate Committee on Legal and Constitutional Affairs have an in-depth understanding of the problem.

I hope that we will adopt what Senator Bryden is proposing as soon as possible, which is to augment the penalties associated with the crime that already exists in the Criminal Code.

The speech of Senator Bryden was a good summary of the saga surrounding the three years of discussion in your Legal and Constitutional Committee. There remains open, however, discussions on such topics as the status of animals. Are they half human being? We must clear the air about why we should move those infractions from the property section of the Criminal Code to another section or chapter of the code. That is still for the government to decide.

This is a good proposal. When we send this bill to committee, we will closely examine the proposal by Senator Bryden. I believe this bill will be dealt with rapidly and we can send it to the House of Commons and at least get the agreement of Parliament on what is acceptable. For the rest, life is long.

On motion of Senator Rompkey, debate adjourned.

• (1430)

SPAM CONTROL BILL

SECOND READING— SUBJECT MATTER REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-15, to prevent unsolicited messages on the Internet.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey (Deputy Leader of the Government): If there is agreement, honourable senators, we could adopt a motion that the bill be not now read a second time but that the subject matter be referred to a standing committee. If that is agreeable, I would make that motion. The committee would be the Standing Senate Committee on Transport and Communications.

Hon. Terry Stratton (Deputy Leader of the Opposition): This side would agree with it. It is unfortunate that the sponsor of the bill is not available at this time, but we see no problem with that.

Senator Rompkey: The sponsor and I had a short conversation yesterday, and I believe he is agreeable to the course of action.

I therefore move:

That the bill be not read a second time now but that the subject matter be referred to the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: Just to clarify for the table, do you wish the matter to stand on the Order Paper during that time?

Senator Rompkey: Yes, the item would stand in its place on the Order Paper.

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, February 15, 2005, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 15, 2005, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

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

(1st Session, 38th Parliament)

Thursday, February 10, 2005

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

GOVERNMENT BILLS (SENATE)

No.	Title	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	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08		
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology					

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	04/12/09	Transport and Communications					
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence					
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0			
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08							
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10		
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environment Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources					
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13							
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13							
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 2, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 (<i>Appropriation Act No. 3, 2004-2005</i>)	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs					

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—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs					
C-304	An act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs					

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		Subject-matter 05/02/10 Transport and Communications					
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27							
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject-matter 05/02/02 Legal and Constitutional Affairs					
S-21	An act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02							
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09							
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01							
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10							

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