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THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Wednesday, February 16, 2005

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

Prayers.

SENATORS' STATEMENTS

BLACK HISTORY MONTH

Hon. Shirley Maheu: Honourable senators, the roots of Black history in Canada are generally accepted to be in Nova Scotia with the first arrival of a Black man in 1606. In fact, he was a part of the very early attempts to colonize what is now Canada. His arrival places the Black community as one of the early components of our country in the broadest sense of the concept of founding peoples.

Most Canadians do not know that early Blacks were, generally speaking, in servitude. The history of Quebec is particularly noteworthy in this regard. In the early years of New France, there was no Black slavery, such a condition having been abolished in France. However, Jean Talon, the first intendant of New France, persuaded Louis XIV to allow slavery since it was believed at the time that the economic well-being of New England was in part due to the presence of slavery in the 13 colonies. Therefore, if there could be prosperity in New France, it would be the result of Black servitude in the colony. Slavery got full legal backing in New France in 1709. This is not a pretty history.

In New France, after 1709, virtually all respectable citizens, including the governor and the bishops, had Black slaves. In fact, the first British Governor, James Murray, sent an appeal in 1763 to New York slave merchants for a shipment of slaves, writing in his plea, "Canadians will work for nobody but themselves. Black slaves are certainly the only people to be depended upon."

This is Black History Month. It is an excellent time to reflect on the near silence of our mainstream history books about the widespread slavery in New France and in British North America. It is a good time to remind ourselves of the inappropriateness of Canadians talking so smugly about slavery in the United States, as if to say that this condition was either absent or not very prevalent in our own society.

Just 200 years ago, notices in the Montreal newspapers were very common, not only for the selling and purchasing of Black slave but also for rewards offered for the return of slaves who had escaped their masters.

Today, the Black community in Montreal thrives. Its numbers include descendents of the early slaves, new Canadians from French West Africa, Commonwealth countries, the Caribbean and, in particular, from Haiti. It is, therefore, among itself, a cross-cultural contribution to Quebec and to Canada, to say nothing of being a truly dynamic contribution to our society.

On the surface, the music, the restaurants and a variety of cultural activities are visible, but the roots of the Black community are deep and the results today of this long-term presence in our society are an important contribution to academia, business and the professions.

I join my colleagues who have already spoken about Black History Month in saluting the contribution of our fellow Canadian citizens of African descent.

Hon. Pana Merchant: Honourable senators, Black History Month honours the contributions Canadians of African descent have made to the enhancement and well-being of our country. We salute the increasing number of outstanding role models in Canada's Black community. I think of such role models in our nation's public life as Dr. Stephen Blizzard, past President of the Canadian Society of Aerospace Medicine; Dr. Felix Durity, pioneer in laser neurosurgery; Oscar Peterson, composer/pianist; Austin Clarke, journalist/broadcaster; Daniel G. Hill Senior, former Chairman of the Ontario Human Rights Commission; the Honourable Rosemary Brown, legendary legislator from British Columbia; Julius A. Isaac, Chief Justice of the Federal Court; and Dr. Howard McCurdy, social activist and Ontario legislator, to say nothing of those of African descent currently in both Houses of our Parliament, including our colleagues Senator Cools and Senator Oliver.

Racial discrimination against Black people in Canada, however, has not disappeared. Recent reported incidents of racial profiling, particularly against Blacks, unacceptable per capita unemployment rates among the racialized groups and drop-out rates among students are tremendous ongoing challenges facing Canadian families of Black descent.

The Canadian Black community traces its history to settlements begun in the 17th century, yet far too few received the equal treatment they expected when they joined us. Far too few have shared in the promise, affluence and status of the dominant population, in either the public or private sector.

• (1340)

Upon its inception, I served on the board of the Canadian Race Relations Foundation, a major component in the fight against racial discrimination, chaired by the Honourable Lincoln Alexander, former Lieutenant-Governor of Ontario, established as a result of the Japanese-Canadian Redress Agreement, an arm's-length Crown corporation of the federal government — one of the family of such corporations in the Canadian Heritage portfolio.

The task of the CRRF is enormous. Initially, the federal government, in partnership with the Japanese-Canadian community, provided a one-time endowment of \$24 million. To carry out its important and unique mandate, the foundation needs stable funding and should not have to compete with not-for-profit organizations.

It is my hope that the government will look favourably on the urgent need to adequately fund the Canadian Race Relations Foundation.

Hon. Ione Christensen: Honourable senators, as we celebrate and commemorate Black History Month, I want to add a Yukon story about a very special Black woman named Lucille Hunter. I knew Lucille over the years but I did not know all of her background. At this time, I want to thank Yukon journalist Flo Whyard and the Yukon Archives for helping me fill in the missing pieces about this incredible lady.

Lucille was born in the deep southern United States in 1878 and at the age of 13 was working as a field hand. She later moved to Michigan where she married Charles Hunter. Lucille was 19 in 1879 when gold was discovered in the Klondike, and she and Charles decided to head north to the land of gold.

They had to travel across the continent by train and then they headed up the coast by boat to Wrangell, in Southeast Alaska. There were a number of routes into the Klondike goldfields and the Hunters chose the Stikine River, one of the most difficult. From Wrangell they followed the great river through the rugged coastal mountains, and with winter fast approaching the waters were treacherous. However, the most difficult part of the trail still lay ahead.

The 150-mile portage of almost impassable trails from the river overland took them to the headwaters of Teslin Lake. Many seasoned stampederers were complaining bitterly about the conditions of the trail, yet Lucille Hunter managed to keep up despite the fact that she was nine months into her pregnancy.

The first community they came to was Teslin on the shores of Teslin Lake. For the First Nations people the horde of White prospectors was an unusual sight, but never before had they seen a Black person. Not quite sure what to call the Hunters among all the White stampederers, the First Nations simply described them as “just another kind of White person.”

Lucille and Charles stopped only long enough for their daughter to be born, and they named her Teslin after the community. In later years, Lucille often joked that Teslin, their daughter, was the first “white” child to be born in that community.

While all of their companions spent the winter in Teslin, Lucille and Charles decided to press on with their baby. They travelled by dog team and arrived in Dawson City just after Christmas in 1897. This 600-mile journey would have had few trails, if any. Charles must have had some experience as either a trapper or a miner because without northern survival skills they certainly would have perished in the minus 60 degree temperatures.

They arrived well before the main horde of stampederers and staked their claim on Bonanza Creek in February of 1898. Their daughter Teslin was raised on the creeks around Dawson, and after Charles died in the early 1930s Lucille continued to operate three gold claims in the Dawson area and a silver claim in Mayo. Lucille did not own a car and every year she would walk 140 miles from Mayo to Dawson and then back to do representation work on her claims.

When most of the mines closed during the Second World War, Lucille moved to Whitehorse. She opened a small laundry in Whitehorse and, with the building of the highway, did extremely well. She was predeceased by her daughter but had a grandson who lived in Alaska.

Lucille lost her eyesight in later years. Yet, with the help of a radio, she kept abreast of the local and national news and loved long discussions with the visitors. She died in 1972, at the age of 94, still dreaming of staking the motherlode.

ROUTINE PROCEEDINGS

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-24, to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories).

Bill read first time.

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

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

NATIONAL CANCER STRATEGY BILL

FIRST READING

Hon. J. Michael Forrestall presented Bill S-26, to provide for a national cancer strategy.

Bill read first time.

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

On motion of Senator Forrestall, bill placed on the Orders of the Day for second reading on February 24, 2005.

ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON, RAFIK HARIRI

NOTICE OF MOTION IN CONDEMNATION AND SUPPORT OF JUSTICE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada joins with the Government of Canada in condemning the terrorist attack that killed former Lebanese Prime Minister Rafik Hariri and extends condolences to the families of those killed or injured and indeed to all the people of Lebanon;

That the Senate of Canada urges the Government of Canada to call upon the Lebanese government and the international community to ensure that those responsible for the planning and perpetration of this attack are brought to justice;

That the Senate of Canada strongly urges the Canadian government to join with the United Nations Security Council in its call for the strict respect of the sovereignty, territorial integrity and political independence of Lebanon;

That a message be sent to the House of Commons upon passage of this motion.

Hon. Senators: Hear, hear!

• (1350)

QUESTION PERIOD

INTERNATIONAL TRADE AND FOREIGN AFFAIRS

DEFEAT OF LEGISLATION TO SPLIT DEPARTMENT INTO TWO DEPARTMENTS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, yesterday in the other place a rather unusual thing occurred in terms of parliamentary history; a piece of legislation on government machinery was defeated in principle at second reading.

Some Hon. Senators: Hear, hear!

Senator Kinsella: As the minister in this house knows, the government plans to table its Main Estimates next week, which are structured as a series of votes organized by department or agency. Given what happened last night in the other place, which has rejected legislation to create two separate departments for foreign affairs and international trade, is it the government's intention to seek spending authority for these two separate departments based on their reorganized structure, or does it intend to respect Parliament by seeking spending authority based on the structure that existed prior to December 2003?

Hon. Jack Austin (Leader of the Government): Honourable senators, all will be revealed in due course.

Senator Kinsella: If the government is asleep at the switch, then one can understand not only the paucity of legislative business but also the inability and the incompetence in steering very few items, even housekeeping items like machinery of government legislation. This does not speak very well of the current government. Our own Order Paper is reflective of this inactivity.

Since the original announcement that the government would separate trade from foreign affairs in December 2003, the two separate departments have operated through temporary Orders-in-Council.

What is the intended response of the government to what happened last evening in the other place? Does the government have a plan to honour the promise of the Prime Minister to respect Parliament by rescinding the Orders-in-Council? Does the government plan to carry on business as usual, in the hope that it may get the bills through in another session? Does it plan to ignore Parliament completely and operate these two departments indefinitely through Orders-in-Council?

Senator Austin: Honourable senators, Bill C-31 and Bill C-32 reflect the view of the government on the importance of bringing focus and purpose to a set of issues that are critical to Canada's future prosperity, innovation in Canada, job growth and wealth creation. The government regrets the vote of the official opposition against these ideals and purposes.

The government, in addition, is disappointed and disturbed by the way the Conservative Party approached the votes on Bill C-31 and Bill C-32. The commitment of the Conservatives in the other place to support referring those bills to committee was not met.

Some Hon. Senators: Oh, oh!

Senator Austin: For example, on February 7, the Conservative international trade critic, the member for Newmarket—Aurora, who must be deeply embarrassed, stated:

On behalf of the Conservative Party, I am recommending that we allow Bill C-31 to proceed to the Standing Committee on Foreign Affairs and International Trade so that we might be able to have a much closer look at its origins, implications and costs.

I want to note again that she said: "On behalf of the Conservative Party..." Obviously, her powers plenipotentiary are useless. The government has demonstrated its commitment to making the minority Parliament work, but to do so requires a degree of goodwill and trust among the parties.

Senator St. Germain: Something that the Liberals have not got.

Senator Austin: It is, in my, view deeply regrettable that the Conservative Party has made itself into a party in which an enormous lack of trust in the management and operation of Parliament will take place.

Talk about respect for Parliament: There is no respect for Parliament when a party breaks its word, breaks its public undertaking —

Some Hon. Senators: Oh, oh!

Senator St. Germain: You are the expert on breaking your word.

Some Hon. Senators: Oh, oh!

Senator St. Germain: Wage and price controls; 18 cents a gallon on gas! Mendacity is your hallmark.

Senator Austin: It is beginning to sound like a caucus of clowns on that side.

Talk about respect for this Parliament, or even for this chamber — I have been asked what I thought. I wanted to take that as a serious question, but clearly it is nothing but a stalking-horse for a practice of insidious behaviour in the other chamber.

Some Hon. Senators: Oh, oh!

Senator Stratton: Poor baby!

Senator Austin: It is easy to say “poor baby,” but the official opposition has made it clear that it does not want this Parliament to work. It would be otherwise if no undertakings were given, if no trust was asked, but you have now broken the concept of trust for your party. It will have an impact on the ability of the official opposition to make a minority Parliament work. We will see what becomes of that.

Senator St. Germain: Call an election! Let's go!

Senator Austin: The government is committed to the rationale which underlies the government reorganization of December 12, 2003. These changes were meant to make the two departments more focused and responsive to the priority of Canadians. The government will continue to work to achieve those policy objectives.

In the meantime, the Orders-in-Council of December 12, 2003 that established the Department of International Trade remain in force. Those orders were passed pursuant to authorities granted to the government by Parliament itself in the Public Service Rearrangement and Transfer of Duties Act.

Hon. Terry Stratton (Deputy Leader of the Opposition): My question is to the Leader of the Government in the Senate. The minister gave us the government information as to why the department was to be split. We thought it just wanted to create another minister with another limousine, a few extra bucks and another vote that is not free.

Another interesting aspect is that the former Ambassador to the United States, Allan Gottlieb, predicts that the split would not be permanent but would be short term and that the two entities would come together again.

Allan Gottlieb was appointed, I believe, by Prime Minister Trudeau. Why would he be saying that?

Senator Austin: Honourable senators, no new ministers are created by the reorganization, nor were any lost by the defeat. We have a Minister of International Trade and we have a Minister of Foreign Affairs. No new cars, no new staff — all of that is totally erroneous.

The issue here is why the official opposition was not prepared to send these two bills to committee to allow the committee to examine the question that Senator Stratton has asked.

Senator Stratton: The question was with regard to the prediction of the former Ambassador to the United States, appointed by Pierre Elliott Trudeau, a man by the name of

Allan Gottlieb, that if the split did occur, either it would be short term and would be overcome by the next government or the current government would realize the error of its ways and fix the problem.

• (1400)

Senator Austin: I have a lot of respect for former Ambassador Allan Gottlieb and for his views. There are other people I respect equally who have different views. The point is that the official opposition did not want to examine the issue in committee in the other House. Why not?

Hon. Marcel Prud'homme: Honourable senators, I would not attempt to defend the official opposition, but I am on record as saying that this was a catastrophe in the making. Overnight, a decision was taken to split the Department of International Trade and Foreign Affairs in two. There was no consultation with the authorities of the political process. Last night there was a vote of 125 to 157, with eight paired, including a mistake made when Mr. Kilgour, a Liberal from Alberta, is quoted as having voted in favour, although he had voted against. I told him today that he should request a correction to Hansard.

Honourable senators, we could not find one civil servant who was of the opinion that this was not a fatal mistake for the morale of the Department of Foreign Affairs. The split was done by Order-in-Council. Personally, I do not care how they voted last night. There were 125 Liberals on one side and all other political parties on the other side. Not one single bureaucrat wants to speak openly as to how disastrous this would have been for the department.

Until 1982, there was such a division. In 1982 — and I remember because I was there — there was a marriage of all these separate entities, and it functioned very well. Suddenly, out of nowhere, an Order-in-Council appears. I agree, the government has the right to re-administer. The government talks about a democratic deficit but then takes a major decision without consulting the political process first. How does the government intend to get out of that mess? Nominations were made for one year, and duplication is in process. Last week, while Senator Stollery was chairing the Foreign Affairs Committee, we asked the top lady from the Africa Bureau how it will work. She did not seem to be happy but did not comment.

There is good cooperation at the Department of Foreign Affairs. Now this cooperation does not exist, which is catastrophic.

I was ready, along with Senator Lynch-Staunton, to lead the opposition if these two bills had been passed. I have permission to use his name. He is a fine gentleman and I asked him first. We, the old-timers, believe it was a mistake then and we believe it is a mistake now. We want to know what will be the next step. Will it be to continue in the error or try to repair the error before it goes too far?

Senator Austin: Honourable senators, we will never know what the merits of dividing the former department into two separate departments might or might not be because the official opposition will not allow a committee to hear witnesses. Their minds are

made up. They are not prepared to examine the policies on which the government advanced Bill C-31 and Bill C-32. My honourable friend may be right or he may not be right. The issue, first, is what does one say about the proper working of Parliament when an official opposition does not want to hear the principles of the bill, does not want to hear the advocates and does not want to hear the opponents? Quite frankly, I think that the official opposition has made an enormous mistake in its own practice, and it will be remembered.

I also want to say that Parliament has not spoken about this legislation. One of the two chambers of Parliament has offered an opinion, but this chamber has not spoken on this subject. No one can use the phrase, "Parliament has expressed an opinion." They can say, "The other place has expressed an opinion."

Honourable senators, it has always been parliamentary convention and Crown convention that machinery of government issues belong to the executive in the first instance. The executive has acted on the authority given to it by Parliament. The steps taken were totally appropriate. The government has come to Parliament to ask for the endorsement of both Houses with respect to Bill C-31 and Bill C-32.

Honourable senators, the circle comes around. We end up with the official opposition deciding to break its undertaking, but even more significant, if anything can be, it has decided that it will operate with a closed mind in terms of bills that are now in front of the other place, which is regrettable. It is a sea change in the political relationships and in the way this minority government will operate.

The Hon. the Speaker: It is an appropriate time to remind honourable senators of our rules, which indicate that Question Period is a time when, with a brief preamble, a question is asked and, with a brief preamble, a question is answered. We have only 30 minutes for Question Period. One of the rationales for that rule is that it permits more questions to be put and answered.

Hon. A. Raynell Andreychuk: Honourable senators, my understanding of the rules of this chamber and the other place is that at second reading there is a vote on the acceptance of the overall principle of a bill the government is putting forward and that I, as an opposition member, have the right up to the point of voting to change my mind if I am persuaded by either my colleagues or external information. Is that still the case?

Senator Austin: Honourable senators, every member of that House and this house is free to vote as they determine, but we also have political parties. We have whips and we have critics who speak for the party. When an official critic such as the member for Newmarket—Aurora, who is the Conservative international trade critic, rises on February 7 and says, "On behalf of the Conservative Party," then I ask what is the way in which the Honourable Senator Andreychuk would like the parliamentary process to work?

An Hon. Senator: One lonely voice in the wilderness!

The Hon. the Speaker: Honourable senators, Senator Oliver has the floor, and it is his opportunity to put his question.

TREASURY BOARD

AUDITOR GENERAL'S REPORT— CROWN CORPORATION GOVERNANCE

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate and deals with the Auditor General's report. The Auditor General identified problems in the internal audit structure of the Crown corporations. In chapter 7 of her report tabled yesterday, Ms. Fraser states:

...progress in addressing the recommendations from our 2000 audit of Crown corporation governance has been unsatisfactory...However, improvements that we recommended to strengthen the overall governance and accountability framework have not progressed...

That, honourable senators, is what I call the practice of insidious behaviour.

• (1410)

Honourable senators, in March 2004, the government announced its intention to make public the audits of Crown corporations by tabling them in Parliament, but currently there is no formal requirement to do so. The Office of the Auditor General has issued eight special examination reports since the government's announcement last March, but, of those eight examination reports, only four Crown corporations have posted the reports on their website.

Honourable senators, this lack of transparency is unacceptable. There are currently 43 federal Crown corporations, not including subsidiaries, employing 73,000 people. They manage \$78 billion in assets. Parliamentary appropriations to Crown corporations amounted to \$5.2 billion in 2003-04. Does the government intend to follow the directives of the Auditor General and improve the overall accountability and governance of our Crown corporations, or is the government content with this current lack of transparency?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sure that Senator Oliver, in asking the question, missed the exchange in the House of Commons yesterday, in which the President of the Treasury Board said that the government had prepared a full response to the previous reports of the Auditor General but did not want to table it until after the Auditor General's current report on February 15. I am speaking to the issue of the governance of Crown corporations.

I will ask Senator Oliver to be patient for a day or two. I believe that, before the end of this week, the government will issue its new policy statement with respect to the governance of Crown corporations.

Hon. Marjory LeBreton: Honourable senators, I have a follow-up on the Crown corporations question. It is a follow-up to Senator Oliver's question, and perhaps the Leader of the Government will give me the same answer. The concept is similar to the Auditor General's "value-for-money" audit, although it may or may not be the Auditor General who does the examination. Most Crown corporations are required by law to

have a special examination from time to time. Last year, the government announced its intention to make the result of these examinations public and to table them in Parliament. However, there is currently no follow-up, and there appears to be no requirement for them to do so.

My question for the Leader of the Government in the Senate is this: Will such mandatory tabling be part of the Crown corporation legislation that the government will eventually bring forward, and when can we expect this legislation?

Senator Austin: I believe I have answered that question, Senator LeBreton, in response to the question from Senator Oliver. Later this week I think we will see a comprehensive examination of Crown corporation governance by the government and a number of measures proposed to strengthen the government's accountability, transparency and management of Crown corporations.

Senator LeBreton: Upon hearing that legislation might be introduced, last summer Canada Post, CBC, Atomic Energy of Canada, CPP Investment Board, Export Development Corporation and the National Arts Centre wrote to the Treasury Board to argue that they should retain their exemption from the access laws, not only on the audit but also that they be shielded from access to information.

Given the continuing problems with Crown corporations, will the Leader of the Government assure us that access laws, as well as the audit, will be extended to Crown corporations, especially CBC and Canada Post?

Senator Austin: Honourable senators, we will see what is contained in the report when it is issued. I cannot provide any predictive material, but I just want to add that it has been the policy of the government to protect commercial proprietary information, which is part of the operation of any Crown corporation. I presume that that doctrine may continue to be respected.

SOCIAL DEVELOPMENT

PROPOSED CHILD CARE AGREEMENT WITH PROVINCES—PROVISION FOR OFFICIAL LANGUAGE MINORITIES

Hon. Lowell Murray: Honourable senators, I want to ask a question of the Leader of the Government in the Senate concerning the negotiations being conducted now by the federal government, through the Honourable Ken Dryden, with the provinces on the subject of child care.

Is the Leader of the Government in a position to provide an assurance that, in any agreement or agreements concluded between the federal government and the provinces, so far as the federal government is concerned there will be specific and appropriate provision for official language minorities across the country? I ask the question because I and a number of other senators are fresh from an all-day meeting last Monday of the Standing Senate Committee on Official Languages, where we heard a number of witnesses on the general subject of education,

and the critical importance of early childhood education was a central point in just about all of the presentations we heard.

Hon. Jack Austin (Leader of the Government): Honourable senators, the results of the committee discussions to which Senator Murray refers have been communicated to Minister Dryden for his consideration. I cannot give you a specific response at this time.

With respect to official languages, however, I might point out that these questions also relate to the jurisdiction of the provinces, and advancing some or all of the collateral agenda that was referred to during the committee discussions is the subject of bilateral agreement. When I say "advancing," I mean that of course we can advance these issues, but to achieve their recognition would be the subject of bilateral agreement.

Senator Murray: I appreciate that, honourable senators, and I also appreciate that, according to a written answer to a question I put some considerable time ago, the government indicates that these negotiations are being held in the context of the Social Union Framework Agreement. However, the fact remains that the federal government, in launching the negotiations, has put forward a number of principles to which it is adhering. What I would like to know is whether the federal government is attaching priority to a provision for official language minorities in any bilateral or multilateral agreements it concludes with the provinces. Surely the minister can give me that assurance.

Senator Austin: Honourable senators, "surely" is an interesting word. I can say that I brought that issue of official languages to the attention of the minister, and I expect to have a response from him.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM BY MR. ERNST ZUNDEL

Hon. David Tkachuk: Honourable senators, this Saturday will mark two years since Holocaust denier Ernst Zundel was deported to Canada by U.S. authorities. Two years ago, Canadians were told he would be gone quickly, but he is still here. Although the court proceedings against him are in their final stages, Mr. Zundel is using other means to fight his deportation to Germany. He has filed a complaint with the United Nations Human Rights Commission seeking his release and prohibition against his deportation. He has also filed a lawsuit against the federal government, charging that the two years of detention have violated his Charter rights.

If the security certificate issued against Mr. Zundel is upheld by the courts, will he be removed immediately or will he have to remain in Canada while the other proceedings are dealt with?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question asks for a decision with respect to an event that will occur in the future. I am not in a position to give a specific answer at this time.

Senator Tkachuk: Last fall, a delayed answer to a question I posed about the cost to taxpayers of Mr. Zundel's stay in Canada produced the following response:

As of November 30, 2004, Mr. Ernst Zundel has been detained at the Metro Toronto West Detention Centre for a period of 650 days at a cost of \$113,750.

I do not believe this amount includes the cost of the lengthy court proceedings surrounding Mr. Zundel. Could the Leader of the Government in the Senate make inquiries and report back to us as to the total cost to taxpayers of Mr. Zundel's stay in Canada, including the costs of the court proceedings? I might note that this is in the past tense.

Senator Austin: In which case, Senator Tkachuk, I will seek the answer for you.

ENVIRONMENT

PLAN TO IMPLEMENT KYOTO ACCORD

Hon. Michael A. Meighen: Honourable senators, as we are all aware, today the newspapers are full of reports emphasizing that today is Kyoto day. Today is the day that the agreement enters into force. If my recollection serves me well, no less of an authority than Prime Minister Martin once said that Canadians would be foolish to go forward in the implementation of Kyoto without a plan.

• (1420)

Unless I have lost my eyesight, I can see no plan. There seems to be no plan whatsoever except, perhaps — to be kind — a rather controversial step to possibly buy hot-air emissions from other countries.

Is that the plan? Is that all there is? If not, I would ask the Leader of the Government: Where is the beef? There is no plan, and we are wandering in the darkness.

Hon. Jack Austin (Leader of the Government): Honourable senators, the question from Senator Meighen is most commendable. As honourable senators know, the Rio conference of 1992, in which Canada was a major participant and in which the then Prime Minister, Brian Mulroney, was a major force, gave rise to this process which is now called the Kyoto process. The result of that process was that Canada, under those commitments, entered into a protocol in 1997.

It is the intention of the Government of Canada to release a plan that will reach the targets set under that protocol. As Minister Dion said this week, the plan is not ready, and we have some time yet with respect to its presentation.

Those on the side opposite have to be very careful not to be critical of Canadians, but that is what they are doing. They are being critical of a vast number of Canadians because the creation of a plan that can be implemented successfully depends on a dialogue with, and consensus building among, Canadians.

Perhaps the opposition is aware of the discussions that are being continued now within the auto industry with respect to compliance, or perhaps the opposition is indifferent and has a plan that is indifferent to the auto industry. Perhaps they have a

plan that is indifferent to the major producers in this country, such as the oil sands producers. Maybe the opposition does not care about the consequences to the producers' economic well-being, which, in turn, is reflected Canada's economic well-being.

The Government of Canada cares, and we are willing to be patient and to work through the dialogue so that we reach a consensus that can be implemented in accordance with our Kyoto commitments.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): I have the honour to present a delayed answer in response to an oral question raised in the Senate on December 15, 2004, by Senator Di Nino, regarding the federal government's response to reported links between airport businesses and organized crime.

TRANSPORT

AUDITOR GENERAL'S REPORT— AIRPORT BUSINESSES LINKED TO ORGANIZED CRIME

(Response to question raised by Hon. Consiglio Di Nino on December 15, 2004)

In March 2004, the Auditor General of Canada released a report (*National Security in Canada — The 2001 Anti-Terrorism Initiative*) stating that the RCMP had identified 16 businesses operating at airports that were linked to criminal activity such as providing travel arrangements for organized crime, facilitating identity fraud, and selling stolen passes. The firms were associated with biker gangs, organized crime, and drug trafficking.

During the OAG audit process, the RCMP was asked to conduct indices checks on a number of clearance holders working at Canada's airports, and a number of possible hits were identified.

With respect to the question regarding the 16 businesses identified in the OAG report, the RCMP does not comment on operational police matters or investigations, but will take action as is appropriate regarding criminal activity.

The RCMP continues to work collaboratively with Transport Canada as part of the government's plan to enhance security measures and deal with potentially harmful situations in Canada's airports.

In March 2004, the RCMP and Transport Canada entered into a Memorandum of Understanding (MOU). The MOU was signed as a result of the OAG recommendations dealing with security gaps at Canada's airports and outlined in the March 2004 audit report.

Under the MOU, names submitted by Transport Canada to the RCMP for enhanced checks are processed by the RCMP through various databases. The RCMP notifies Transport Canada accordingly.

As owner of the Transportation Security Clearance Program (TSCP), Transport Canada is responsible for all decisions related to the rescinding or granting of security clearances.

POINT OF ORDER

Hon. Noël A. Kinsella (Leader of the Opposition): On a point of order, honourable senators, I know that the minister has told us that we ought not to anticipate things in the future, and of course he will recall that, in answer to one of the questions, he anticipated that the honourable member from Newmarket—Aurora will be a member of the ministry after the next election. He quoted from a statement that that member made. As we know, under rule 46 it is quite proper to quote a member of the ministry in this house but it is quite out of order to quote anyone else.

I will just read rule 46:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

I just wanted to point out that little lapse of order that has occurred.

Hon. Jack Austin (Leader of the Government): I can understand the problem Senator Kinsella has with the quotation I used.

The Hon. the Speaker: I think, honourable senators, in raising the matter, Senator Kinsella has adequately drawn to our attention the provisions of our rules which he has correctly quoted, and I draw it to honourable senators' attention so that we may avoid such breaches in the future.

[Translation]

ORDERS OF THE DAY

DEPARTMENT OF CANADIAN HERITAGE ACT PARKS CANADA AGENCY ACT

BILL TO AMEND—THIRD READING

Hon. Aurélien Gill moved third 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.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I would like to raise some questions with respect to Bill C-7, which we now have before us at third reading.

[Senator Rompkey]

This bill is similar in type to bills C-32 and C-31, which had an interesting time in the House of Commons last evening.

[English]

We have before us, honourable senators, Bill C-7, another machinery of government bill that made it through first reading in the other place, that is, was accepted in principle in the other place. Everyone was alert. It went to committee, was reported and has now arrived back in this place. We had a good debate at second reading. We raised the very important issue, honourable senators, of parks in Canada. We recognized that parks in Canada used to fall under the Department of the Environment and were moved from that ministry some years ago to the department which was formerly called the Department of Secretary of State, now Heritage Canada. At that time, many people questioned whether that was a good fit.

As we know, we accepted that bill in principle in the Senate chamber at second reading, and it went off to committee where the committee gave study to the bill. It has reported and we are now at third reading. That is the way machinery of government legislation should proceed, if everyone who has a responsibility meets that responsibility.

There are several things worthy of note vis-à-vis this bill. I accept the general principle that it is a prime ministerial prerogative to organize government in the way that a given prime minister wishes to organize the machinery of government, but he or she has to come to Parliament to receive the approbation of Parliament. As there will be, through the budget process, the voting of funds for these ministries, in a sense Parliament has a special responsibility to ensure that the machinery that is in place will be able to manage the money that Parliament ultimately will vote.

• (1430)

On 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, we want to thank the honourable senators who sat on the committee and the witnesses who appeared. This is a bill that, as the minister explained when it was before committee, contains nothing really substantive other than the point that I have indicated. However, it gave us an opportunity, honourable senators, to underscore the importance of the park system for Canadians and to make a variety of points of the relationship of the parks to our First Nations people. That point was well made, as was the question of the importance of the husbandry of the parklands that we have.

I wish to underscore that whilst machinery of government legislation may seem somewhat technical and only relate to machinery, it does afford parliamentarians the opportunity to raise the kinds of issues that we raised in the examination of Bill C-7.

Another issue that we had the opportunity to underscore was the need to create new national parks in marine conservation areas. We believe there needs to be some follow-up in that regard.

Honourable senators, in my judgment, this bill was properly handled and managed. We did deliberate on it. I am happy to support the bill at third reading.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, are you ready for the question on this bill?

Some Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Bacon, for second reading of Bill C-20, 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.

Hon. Gerry St. Germain: Honourable senators, I rise today to speak to Bill C-20, the First Nations Fiscal and Statistical Management bill.

Bill C-20 will create three national financial institutions and one new national statistical institute, as was so adeptly pointed out yesterday by my colleague and friend from British Columbia, Senator Fitzpatrick. Collectively, they are the First Nations Finance Authority, the First Nations Tax Commission, the First Nations Financial Management Board and the First Nations Statistical Institute.

Bill C-20 is basically enabling legislation. Those communities that wish to come under its provisions can do so. There was opposition to this initiative when the concept was first tabled because many thought it forced mandatory participation. The government has said that this is not the case. I believe there has long been a need to create bodies to assist Aboriginal communities in achieving control over their futures.

Canada must take those steps to ensure the revitalization and the continuation of Aboriginal peoples' cultures. However, there are some fundamental ingredients that must be recognized, respected and put into place.

One evening last December, the Standing Senate Committee on Aboriginal Peoples had the pleasure of having an exchange with Professor Steven Cornell, a co-director on the Harvard Project on American Indian Economic Development. This was in relation to a study that the Aboriginal Peoples Committee, under the

chairmanship of Senator Sibbeston, had undertaken on the involvement of Aboriginal communities and businesses in economic development activities in Canada.

Professor Cornell and his colleagues had been trying to understand why some indigenous nations in the U.S. are more successful at producing sustainable, productive economies than others. They found that education — something that I have spoken of many times in this place — location, natural resources, access to capital, and so forth, are essential ingredients to success. However, these ingredients on their own are incapable of producing sustainable development on indigenous lands unless a prior set of factors is in place; factors that are largely political.

Professor Cornell told us that three things emerged from his research as being critically important to sustainable development on indigenous lands. The first is jurisdiction. In essence, where the decision-making power of the indigenous nation itself has risen, the possibilities for development have risen as well. They believe there are several reasons for that, but the most important one is accountability. Professor Cornell said:

As decision-making power moves into indigenous hands, they reap the benefits of good decisions and pay the price of bad decisions, and the consequence, over time, is that the quality of the decisions improves.... Jurisdiction is important is that it moves the development agenda into indigenous hands.... As decision-making power moved into indigenous hands, their ideas about development moved to the forefront of the development effort.

The second finding of their research was that jurisdiction has to be backed up by capable governance. Professor Cornell said:

...decision-making power alone is not enough. Decisions have to be made intelligently. The environment has to be one that invites citizens and non-citizens of these nations to invest time, energy and ideas in the future of those nations. This is a common finding around the world.

He also noted that investors look to what the quality of governance is — that is, is there a rule of law? Will I be treated fairly in the courts, et cetera? — before they invest. Jurisdiction has to be combined with capable governing institutions.

The third finding, however, was that those institutions have to match indigenous conceptions of how authority should be organized and exercised because, if they are to be successful, indigenous governments must have legitimacy with the people being governed. Where these three elements of jurisdiction, capable governance and culturally appropriate institutions are working together, the research found that the chances of development appear to increase dramatically. When these are in place, the other assets such as education, natural resources, access to capital and the community's location begin to pay off. Where those things are not in place, those assets are likely to be wasted.

Honourable senators, Bill C-20 appears to provide some of those things that Professor Cornell and his group have uncovered as necessary elements to achieving successful economies in Aboriginal communities.

Part of the job of opposition in Parliament is to raise the questions and concerns that, in this case, several Aboriginal communities and their leaderships have raised independently and/or with the AFN in the public forum and during the bill's earlier incarnations as Bill C-19 and Bill C-23 in the other place.

• (1440)

Honourable senators will recall that the government first introduced this legislation as part of a suite of legislation dealing with First Nations governance. The governance legislation caused a furor across the country and ultimately died on the Order Paper. Today, Bill C-20 is the third version of this legislative initiative. While the government has made a few minor changes to the legislation as a result of concerns raised in the other place, some concerns linger on, such as with respect to the First Nations Statistical Institute. Why is it not voluntary or an opt-in scheme, just as the other three fiscal institutes are in enabling bodies? The fear from some Aboriginal communities is that INAC, or Indian and Northern Affairs Canada, may coerce communities to participate under threat of stalling or reducing their federal-fiscal transfers.

The concern that the government seems to be bypassing Canada's privacy rule to collect information has also been raised. Is creating this statistical institute in this manner just more convenient for the government? Why would the institute not be enhanced by way of separate legislation?

The statistical institute is not optional. It can collect and use sensitive data about all First Nations without their consent. That is section 105. Some have said that Bill C-20 will ultimately affect the rights and interests of all First Nations in Canada, whether or not they opt in.

While a community can easily opt into the fiscal institute by way of a band council resolution, it appears to be difficult to get out of it. Should this be the case, the band council must get Governor-in Council permission — in other words, an Order-in-Council. If this is true, the Senate committee should question whether it would be better, perhaps, to have a First Nations referendum to get in or out. Give them more control of their own destiny, rather than the paternalistic hammer from Ottawa. Let the people and their governments be the true determiners of their future and their successes.

Bill C-20 is primarily an omnibus bill of fiscal measures to assist First Nations to develop their economies. If everything works well with this legislation, then everything should be okay. However, there is a concern that the first time a community misses a payment the matter slides into third-party control, so that other bands may seize the assets and even pass resolutions on behalf of the community and that external controls will trump the community's own decisions, so the community could lose control over its own assets. The institute's rules do not allow a community to adopt its own development policies, such as tax-free terms, because the institutes have one common set of rules and each institute is tied to the next one.

Perhaps the committee should recommend that a feasibility study be done to see if this new scheme will really work. This bill appears to call for the appointment of six full-time and

upwards of 45 part-time positions. This bill is not yet law, honourable senators, and yet the government has already appointed board people with offices. If this is true, this is the height of arrogance, and this is why the Liberals, with respect, were defeated in the other place last night.

This is pure arrogance, if this allegation and what I am saying here is correct.

Senator Robichaud: Are you not sure?

Senator St. Germain: No, I am not sure, because how do we know what is going on over there? That is a clandestine operation, with your buying golf balls and paying huge commissions to your Liberal buddies in so doing. This is what they have been doing for some time. Why is this legislation needed if nothing changes except partisanship replacement of public service staffing positions? Why is the government spending more tax dollars on new offices? The wholly-appointed government boards perpetuate federal government control, and, furthermore, INAC will likely hire more people to oversee these new Crown agencies.

Regarding the appointment process to these proposed boards, the Auditor General of Canada said the following in a report released yesterday:

The changes in the process for appointing directors of Crown corporations, announced in March 2004, have not yet been fully defined or implemented. These changes were put forward by the government to enhance transparency and increase Canadians' confidence that the best people are being appointed to public institutions.

Why are you not listening to her?

Senator Smith: I am listening.

Senator St. Germain: What about the former premier of New Brunswick? He gets the appointment.

Senator Robichaud: Pretty good man.

Senator St. Germain: On an additional matter of transparency and accountability, the AG said that, in her view, the Crown corporations could usefully emulate private sector practices including:

...ensuring that the board plays a key role in its own renewal and in selecting the chair and CEO; strengthening the independence of boards and audit committees; requiring that the mandate and operations of the board be defined; strengthening corporate values and ethics practices; and improving the quality of reporting and disclosure.

Will these new agencies be fully subject to the AG's audits? That, honourable senators, is a good question. Canadians, in particular the Aboriginal communities that come under this legislation, need to know that they are getting good value for their money. In short, perhaps the committee should consider asking for an assessment from the Auditor General's office.

[Senator St. Germain]

Honourable senators, I think we all agree that one of the responsibilities of Senate committees is to ensure that, during the examination of a bill, all of those groups with different concerns have the opportunity to express themselves. I hope the committee will hear all of the different positions raised in respect of this bill. I believe the Senate committee should send out notices, invite submissions, hold hearings and, after analysis, if the bill has merit, then adopt it. The Senate ought not to push this one through rapidly.

I do believe that these types of institutes would provide Aboriginal communities with appropriate mechanisms to pursue the preservation of their culture within Canada, and that Aboriginal communities will one day be net contributors — not that some are not already — to the country and to our way of life. I also believe that implementing those changes that get Aboriginal communities out from under the paternalistic and archaic Indian Act would be welcomed not only by Aboriginal peoples themselves but also by Canadians as a whole.

Honourable senators, thank you for your kind patience. I intend to work very closely with Senator Sibbeston and other members of the Aboriginal Peoples Committee, if the wisdom of this place is to recommend this bill to that committee.

Hon. Tommy Banks: Will the honourable senator take a question?

Senator St. Germain: Very well.

Senator Banks: Is the honourable senator representing the Conservative Party when he is recommending that this bill be sent to study by a committee?

Senator Kinsella: Do not be partisan.

Senator St. Germain: I want it to go to the Standing Senate Committee on Aboriginal Peoples, as a senator. I do not speak on behalf of all these people. If you want to ask them, ask them individually. I am sure they will give you an answer.

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

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Aboriginal Peoples.

• (1450)

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 Rompkey, P.C.*)

Hon. Sharon Carstairs: Honourable senators, it is the usual custom in this place for either the opposition deputy leader or the government deputy leader to take adjournment on a bill in order to determine from their respective caucuses whether there is interest to speak to the bill. I wish to speak to Bill S-24, and therefore I move adjournment of the debate.

On motion of Senator Carstairs, debate adjourned.

CANADA TRANSPORTATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin, for the second reading of Bill S-6, to amend the Canada Transportation Act (running rights for carriage of grain).—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I had intended to speak to Bill S-6 today, but I have the sense that senators would prefer to adjourn early to attend their respective committees. I will reserve my time to resume debate of Bill S-6 on Tuesday, February 22.

On motion of Senator Banks, debate adjourned.

GENERAL SYNOD OF THE ANGLICAN CHURCH OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey (Deputy Leader of the Government) moved second reading of Bill S-25, to amend the Act of incorporation of The General Synod of the Anglican Church of Canada.—(*Honourable Senator Rompkey, P.C.*)

He said: Honourable senators, the purpose of Bill S-25 is to change the investment powers of the Anglican Church of Canada which are presently limited due to acts passed more than 50 years ago. The General Synod, which is the national assembly and governing body of the Anglican Church of Canada, was incorporated by an act of Parliament in 1921. The act was amended in 1951, in part to permit the General Synod to make investments but subject to certain limitations that were set out in section 6A of the act. Section 6A, which the church wishes to

amend with this bill, restricts the church to investing in defined securities. These restrictions are in the form of a legal list, which is a list of specific investments allowed. Legal lists, for many years, circumscribed the avenues of investment available to charitable institutions and to trustees generally. Such a list was commonly used in legislation at the time of the 1951 act. The legal list was adequate when there was no inflation and when a return of 3 per cent provided adequate income for the beneficiaries of trusts. However, over the past 35 years this concept has been almost universally replaced in Canada by the prudent investor rule.

In simplest terms, the prudent investor rule says that a trustee may invest in any kind of property in which a prudent investor might invest. For instance, Parliament revised the laws governing financial institutions in 1991. It included in the Bank Act, the Insurance Companies Act and the Trust and Loan Companies Act the authority for those institutions to adhere to investment policies that a reasonable and prudent investor would employ to avoid undue risk of loss and to obtain a reasonable return. The Province of Ontario adopted the prudent investor rule as recommended by the Uniform Law of Canada and enshrined this principle into law in the Ontario Trustee Act 1990. However, the Anglican Church of Canada is still governed by a legal list. It must, therefore, change its act of incorporation to allow investment in accordance with modern rules respecting trust investments.

The General Synod of the Anglican Church of Canada therefore proposes to amend section 6A of the act incorporating The General Synod of the Anglican Church of Canada to read:

The Synod may also invest and reinvest any of its funds, including any funds held in trust, in such investments as the Synod considers advisable.

Some of you will remember that the Senate studied Bill S-15 entitled "An Act to Incorporate the Bishop of the Arctic of the Church of England in Canada," sponsored by Senator Meighen a few years ago. This bill also dealt with the limited investment powers of the Anglican Church's Diocese of the Arctic, and this chamber accepted the same amendment that I now propose for the General Synod. I am also pleased that Senator Meighen has accepted to support this bill.

Honourable senators, I ask you to enable the General Synod of the Anglican Church of Canada to invest its monies according to modern regulations.

On motion of Senator Meighen, debate adjourned.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.—(*Honourable Senator Stratton*)

Hon. Michael A. Meighen: Honourable senators, I rise to speak to the Veterans Independence Program or, as it is commonly known, the VIP, which is the subject of the inquiry by Senator Callbeck.

[*Translation*]

I, too, am very pleased with the changes announced by the Minister of Veterans Affairs, Albina Guarnieri. In this Year of the Veteran, I am happy that the minister is extending benefits and that she is giving priority to veterans and their families. Spouses and caregivers play an important role in ensuring that veterans can live independently at home.

They, too, are heroes and the recently announced changes will guarantee that the spouses and caregivers who were previously excluded from benefits can now take advantage of them.

[*English*]

While I am certainly pleased with the significant progress made thus far, there still exist spouses and caregivers who do not qualify for the Veterans Independence Program. These people are equally responsible for ensuring that our honoured veterans were able to live out their lives in the comfort of their own homes. The persons I speak of are the spouses and caregivers of veterans who did not take part in the Veterans Independence Program.

There are many reasons why veterans may have chosen not to participate in the program. Perhaps a veteran's pride prevented him or her from accepting benefits. Perhaps the veteran did not feel comfortable accepting assistance from the government. After all, these are the same men and women who so proudly defended our country and never asked for anything in return.

• (1500)

Once these veterans pass on, their spouses and caregivers often do require some assistance. For instance, it could be that some basic chores were always done in cooperation with the deceased veteran, or perhaps the spouse or caregiver has now become less able to perform daily chores due to age or health reasons. These lifelong supporters now find themselves incapable of taking care of household cleaning and yard work, but they are unable to apply for the VIP benefits.

I therefore implore the minister to finish the job, to act now without delay to expand the Veterans Independence Program so that these spouses and caregivers can also receive the assistance of the government for their lifelong dedication and support for our veterans.

Honourable senators, their numbers are diminishing and the cost is small indeed to ensure that all veterans' spouses and caregivers are treated fairly and equally. I ask that all senators support me, and Senator Callbeck and others in recommending that the government extend the Veterans Independence Program further to honour the men and women in the background who were so instrumental in supporting our veterans.

On motion of Senator Day, debate adjourned.

The Senate adjourned until Thursday, February 17, 2005, at 1:30 p.m.

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