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(HANSARD)

Thursday, March 10, 2005



THE HONOURABLE FERNAND ROBICHAUD
ACTING SPEAKER

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THE SENATE

Thursday, March 10, 2005

The Senate met at 1:30 p.m., the Honourable Fernand Robichaud, Acting Speaker in the chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Acting Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 10, 2005

Mr. Speaker,

I have the honour to inform you that the Honourable Ian Binnie, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 10th day of March, 2005 at 12.38 p.m.

Yours sincerely

Curtis Barlow
Deputy Secretary
Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

Bill assented to Thursday, March 10, 2005:

An Act 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 C-24, Chapter 7, 2005*)

[English]

SENATORS' STATEMENTS

TIBETAN NATIONAL UPRISING

FORTY-SIXTH ANNIVERSARY

Hon. Jane Cordy: Honourable senators, I rise today to recognize the forty-sixth anniversary of the Tibetan national uprising. On this day in 1959, thousands of Tibetans revolted against the oppression of Chinese rule. This revolt resulted in the death and imprisonment of thousands of Tibetans and sent many more into exile.

Today we are reminded of the plight of the Tibetan people who for the past 46 years have been struggling against Chinese oppression. The Dalai Lama, who lives in exile himself, has continued to work tirelessly over the years to reach a peaceful resolution with the government of the People's Republic of China. Hopefully, with the help of Canada and the international community, the Dalai Lama's efforts in pursuing the middle-way approach will be successful and will allow exiled Tibetans to return to their homeland.

FUNDING OF POST-SECONDARY EDUCATION

ADOPTION OF RESOLUTION BY LIBERAL PARTY

Hon. Wilfred P. Moore: Honourable senators, I rise today to inform this chamber of very recent developments in a subject dear to my heart and dear to the hearts of others present here today as well.

Our efforts to propose changes to the manner in which the federal government accounts for and disburses funding for post-secondary education has been advanced. On March 4, 2005, the Liberal Party of Canada adopted as party policy the following resolution:

(a) THAT the Liberal Party of Canada urge the Federal Government to consider legislation that will ensure stable and predictable funding for post-secondary education; and

(b) THAT the Liberal Party of Canada urge the Federal Government to create the Canada Education Transfer (CET), a separate transfer of funds dedicated to post-secondary education; and

(c) THAT the Liberal Party of Canada urge the Federal Government to reach an agreement that prevents provinces and territories from decreasing their own funds for post-secondary education once additional federal funding has been added; and

(d) THAT the Liberal Party of Canada urge the Federal Government to change the funding formula for post-secondary education to provide that per capita funding be granted to the province of the place of learning of the student.

The adoption of this resolution demonstrates once again the manner in which the Liberal Party of Canada has maintained its concern for all members of our society. It understands issues which affect the young people of Canada, and it is able to provide solutions to these problems.

My fellow senators, I must thank the Young Liberals of Canada, Senator Terry Mercer and Michael Savage, a member of the other place and chair of the Liberal Party Post Secondary and Research Caucus, for their hard work in having this resolution adopted as policy. I also extend my thanks and gratitude to the

Canadian Federation of Students, the Canadian Alliance of Student Associations, the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada for their active support in pursuit of this policy.

In closing, I also wish to express my appreciation to the members of this chamber who have spoken out on so many occasions with regard to this very important subject.

• (1340)

ROUTINE PROCEEDINGS

CANADIAN LANDMINE FUND

2003-04 REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a report from Foreign Affairs Canada entitled, *Finishing the Job: Report of the Canadian Landmine Fund, 2003-04*.

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Jane Cordy, for Senator Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-39, An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment has, in obedience to the Order of Reference of Tuesday, March 8, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

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

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

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT BILL

REPORT OF COMMITTEE

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

Thursday, March 10, 2005

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

FOURTH REPORT

Your Committee, to which was referred Bill 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*, has in obedience to the Order of Reference of Wednesday, February 16, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NICK G. SIBBESTON
Chair

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

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

HUMAN RIGHTS

BUDGET—REPORT OF COMMITTEE ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

THIRTEENTH REPORT

Your Committee was authorized by the Senate on Wednesday, November 3, 2004, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 566.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

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

BUDGET—REPORT OF COMMITTEE ON STUDY OF
ISSUES RELATED TO NATIONAL AND
INTERNATIONAL OBLIGATIONS PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

FOURTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 576.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

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

BUDGET—REPORT OF COMMITTEE ON STUDY
OF CASES OF ALLEGED DISCRIMINATION IN HIRING
AND PROMOTION PRACTICES AND EMPLOYMENT
EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

FIFTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite from time to time the President of Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 582)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

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

BUDGET—REPORT OF COMMITTEE ON STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY
ON BREAKDOWN OF MARRIAGE
OR COMMON LAW RELATIONSHIP PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 10, 2005

The Standing Senate Committee on Human Rights has the honour to present its

SIXTEENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, November 3, 2004, to invite the Minister of Indian and Northern Affairs to appear with his officials

before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled: *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 588.)

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 10, 2005

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2005-2006.

Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 14,400
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
Total	\$ 14,400

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

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

• (1350)

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETINGS OF PARLIAMENTARY ASSEMBLY
OF COUNCIL OF EUROPE, JANUARY 20-21,
AND JANUARY 24-28, 2005—REPORTS TABLED

Hon. Mac Harb: Honourable senators, pursuant to rule 26(3), I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-Europe Parliamentary Association, respecting its participation at the meeting of the Committee on Economic Affairs and Development at the European Bank for Reconstruction and Development (EBRD), held in London, United Kingdom, on January 20 and 21, 2005, and at the first part of the 2005 ordinary session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from January 24 to 28, 2005.

[English]

BANKING, TRADE AND COMMERCE

STUDY ON CHARITABLE GIVING—NOTICE OF
MOTION TO AUTHORIZE COMMITTEE TO EXTEND
DATE OF FINAL REPORT AND TO RETAIN POWER
TO PUBLICIZE ITS FINDINGS UNTIL JANUARY 31, 2006

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

That, notwithstanding the Order of the Senate adopted on Thursday, November 18, 2004, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with charitable giving in Canada, be empowered to extend the date of presenting its final report from March 31, 2005 to November 30, 2005, and

That the Committee retain until January 31, 2006 all powers necessary to publicize its findings.

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Guiseppe Martini and his wife, Donatella. Dr. Martini is the Attaché, Scientific Affairs, at the Embassy of Italy here in Ottawa. They are guests of the Honourable Senator Ferretti Barth.

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

QUESTION PERIOD

INTERNATIONAL TRADE

UNITED STATES—SUGGESTION BY PARLIAMENTARY SECRETARY FOR CANADA-U.S. RELATIONS TO EMBARRASS GOVERNMENT ON TRADE NEGOTIATIONS

Hon. Consiglio Di Nino: Honourable senators, on Tuesday, the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations suggested to the Subcommittee on International Trade, Trade Disputes and Investment in the other place that the government embarrass the Americans in front of other countries with whom they are attempting to negotiate trade agreements. She further suggested that the government take out advertisements in newspapers in South Korea and in the former Soviet Union saying that Canada is having problems getting the U.S. to respect NAFTA. Could the Leader of the Government please advise the Senate whether this person — whom I do not think I can name — was speaking for herself or speaking on behalf of the government?

Hon. Jack Austin (Leader of the Government): For herself and for herself alone.

Senator Di Nino: Thank God for that.

Does the government consider such comments to be constructive? Does the government believe that we will be better able to manage our trade relationships with the U.S. and resolve issues such as BSE and lumber if we, in the words of the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations, embarrass the hell out of them?

Senator Austin: Honourable senators, I have said in this chamber many times that it is the policy of the government to settle trade disputes with the United States, or any other country, through constructive negotiation. There is no benefit to be gained from throwing heat instead of light onto these very difficult trade issues.

It is quite understandable that individuals in Canada can be affected to the point of emotion by the consequences of trade disputes that exist between Canada and any other country. However, at the level of the Government of Canada, I have said repeatedly that our trade relationship with the United States is, on the whole, working extremely well. I mentioned the number of more than 300 formal agreements and more than 3,000 other agreements. In the main, our relationship is at an extraordinary level of concordance.

Senator Di Nino knows that we are exchanging \$2 billion Canadian of trade with the United States every day. I am speaking as a senator from British Columbia when I say that, and acknowledging the fact that the softwood lumber issue has created tremendous dislocation and economic damage in the province of British Columbia. With the support of the province, the British Columbia industry and certainly British Columbians on this side in Parliament, the government continues to pursue the two tracks of litigation and negotiation under NAFTA and the WTO.

Senator Di Nino: Honourable senators, I have to agree with Senator Austin. We are familiar, as is he, with the statistics,

particularly since our Foreign Affairs Committee, of which I am deputy chair, conducted an extensive study on this subject matter. However, my concern is that we must not allow comments such as these without some action on the part of the Prime Minister or the government. This is no ordinary member; this is the Prime Minister's Parliamentary Secretary for Canada-U.S. Relations, and these statements should not be acceptable nor tolerated. I hope the leader agrees with me.

Senator Austin: Honourable senators, I thought that I had answered Senator Di Nino's first question quite clearly. That member of Parliament was not expressing the policy of the government.

I do want to say that we are pursuing with the United States, in the normal way, exchanges on a whole host of subjects. Senator Di Nino is quite aware of the meeting that will take place on March 23 between our Prime Minister, the President of the United States and the President of Mexico. There will be bilateral discussions, which are not out of the ordinary; there is nothing ad hoc about them. They are part of the normal exchange between Canada and the United States, within the NAFTA context.

Senator Di Nino: Senator Austin is absolutely right. He covers the issue well, but he still has not answered the question.

The comments to which I have referred offend many of us. They offend senators on both sides of the house, and I would imagine members on both sides of the other place as well. I would like assurance from the leader that this particular person will be spoken to, and perhaps even stronger action taken, because these comments do not help the Canada-U.S. relationship, particularly at a time when our relationship has so many hills to climb.

Frankly, we need to put our foot down and let people know that if they want to speak as private citizens, they can do it in some other place. They may not like it, but they must accept it. If they are speaking as members of the inner group, such as the Parliamentary Secretary on Canada-U.S. Relations, we should chastise them in some way.

Senator Austin: Honourable senators, I said clearly that the honourable member in the other place was not speaking for the government. It is clear, however, that each member of Parliament and each senator has a responsibility to speak to the concerns that they believe are important in public policy. We may disagree on them, and often do. In fact, we disagree for all sorts of reasons with our colleagues in Parliament. However, stifling opinions expressed by individual members of either chamber is probably not the policy of either the government or the official opposition.

• (1400)

Senator Di Nino: That is not what I said.

[Translation]

THE CABINET

POLICY FOR PARLIAMENTARY SECRETARIES WHEN SPEAKING FOR GOVERNMENT

Hon. Gerald J. Comeau: Honourable senators, I listened very closely to that exchange.

Traditionally, and even more so today, a parliamentary secretary is one step down from a cabinet minister. Now they are even called "Honourable." The Prime Minister insists that parliamentary secretaries vote on cabinet measures. However, I have just heard the government leader in the Senate say that parliamentary secretaries are free to express their personal opinions on such delicate subjects as our relations with the United States and that they have every right to do so.

[English]

This is quite a departure from the tradition of parliamentary secretaries. In the past, this parliamentary secretary would have been fired and sent into a corner to think about what it means to be the parliamentary secretary to the Prime Minister, the person who speaks for him in his absence.

This is indicative of the discussions being held behind closed doors. Is this the new policy? Will parliamentary secretaries henceforth say exactly what is on their minds?

Hon. Jack Austin (Leader of the Government): Honourable senators, in no way could Senator Comeau interpret anything I have said in this Question Period to mean that the member who was referred to by Senator Di Nino was speaking on behalf of the government or on behalf of the Prime Minister. Those suppositions are without foundation.

I want to be very clear in what I said. The member expressed herself with respect to her concerns. They do not represent the position of the Government of Canada. There has been no change in the policy of the Government of Canada, which is to pursue an improving relationship with the United States in all bilateral areas. Any idea that it would be of any benefit to Canada to conduct a relationship with any country, such as was described by the member, is without reality as far as government policy is concerned.

BUDGET 2005

TAX DISINCENTIVE WITH REGARD TO CARBON DIOXIDE ABATEMENT

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate. An annex to the recent federal budget discussed the possibility of using "tax disincentives" to help Canada achieve its CO₂ abatement goals.

How does a tax disincentive with respect to CO₂ emissions not qualify as a carbon tax? By avoiding the term "carbon tax" is the government playing games with words?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not agree with the argumentative allegation of Senator Oliver.

Senator Oliver: Could the honourable leader please answer my question?

Senator Austin: I did not hear a question. I heard an argument, and I do not agree with it.

Senator Oliver: I will ask my question again.

An annex to the recent federal budget discussed the possibility of using tax disincentives to help Canada achieve its CO₂ abatement goals. Should the tax disincentive with respect to CO₂ not be called a carbon tax?

Senator Austin: Honourable senators, I do not think it should be called a carbon tax. I do not think it is clear yet what the government's plan will be with respect to the abatement of pollution. There are a number of devices within the tax system, by regulation and through other means, for pollution abatement. The government is considering those, but making a connection between tax disincentives and a carbon tax is not possible at this stage.

Senator Oliver: Honourable senators, the \$1-billion Clean Fund announced in the recent budget opens a door to having Canadian tax dollars go to other countries for CO₂ abatement efforts on projects in those other countries. I am aware that this is allowable under the mechanisms of the Kyoto Protocol, but is it not more desirable that any spending of tax dollars on CO₂ abatement be directed here in Canada? As a matter of practical policy, should 100 per cent of our spending on CO₂ abatement not stay here in Canada?

Senator Austin: Honourable senators, it is desirable that Canada meet its Kyoto obligations totally within Canadian means. Whether that is entirely possible remains to be seen.

PRIVY COUNCIL OFFICE

REJECTION OF APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN OF THE NATIONAL ROUND TABLE ON THE ENVIRONMENT AND ECONOMY

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate and is with respect to the questions yesterday on the matter of the rejection of the appointment of former mayor Glen Murray to the National Round Table on the Environment and Economy.

Yesterday, the Leader of the Government in the Senate gave a succinct answer, and I appreciate that. He did mention, however, the political makeup on the committee that made the decision against Mr. Murray's appointment. The committee makeup is a reflection of the will of the Canadian people, as expressed in last June's federal election. Canadians chose a minority Parliament and perhaps this government has been unwilling to accept that.

Can the Leader of the Government in the Senate tell us whether the Prime Minister will follow the will of this parliamentary committee or will a penchant for Liberal cronyism prevail?

Hon. Jack Austin (Leader of the Government): Honourable senators, the allegation of Liberal cronyism does not have a realistic basis. Former mayor Glen Murray was an outstanding mayor and leader in Winnipeg municipal affairs. He was one of the most successful mayors in recent Winnipeg history.

With respect to the first part of Senator Stratton's question, I pointed to a fact regarding the composition of the committee. I recognize the political makeup of the other place. I have no further answer to give to Senator Stratton with respect to what the government may do. The matter is under consideration. I am advised that the party to which he belongs may bring a motion asking for a debate in the House of Commons itself.

Senator Stratton: Honourable senators, it is very interesting that the Leader of the Government should say that Mr. Murray was an outstanding mayor. Is he aware that, while Mr. Murray was the mayor, the city was charged under the Fisheries Act for dumping large quantities of raw sewage into the Red River? That case is still pending. In the meantime, the Manitoba Clean Environment Commission has ordered the city to clean up its act. They have ordered that there be no more dumping and that the city remove any nutrients from any discharge that they put into the river.

That occurred under the watch of Mr. Murray, and now he has been proposed as an advocate of the environment, and a man of outstanding calibre in the city.

• (1410)

With respect to the infrastructure program, Premier Doer of Manitoba insisted that that money was required for the clean up of the city's sewage problem. He wanted to include the dumping and removal of the nutrients in the infrastructure in the agreement between the city and the province. The cost of that project was \$1 billion. The former mayor, Mr. Murray, did not want to do that. He wanted to put that money into the rapid transit system. The only way they would ever reach an agreement was if Mr. Murray agreed to put that money into infrastructure and improvements with respect to sewage.

The credibility of Mr. Murray's appointment is really to be questioned. His record, while it may sound great throughout the media, stains anything that he has put forward.

Senator Austin: I appreciate the brief preliminary remarks before the non-question put by Senator Stratton.

Honourable senators, we could carry on with this subject, but I do accept that Senator Stratton is an opponent of the appointment of former mayor Glen Murray. We can take that as a settled position on his part.

With respect to the record of Mr. Murray, many more issues would have to be examined: The position of his city council, his long experience before he became mayor, the funding available for environmental policies, or whether the citizens of Winnipeg were prepared to pass bylaws making those funds for environmental action available to the city. There are many questions here, but they are not relevant. Senator Stratton has his position and I have mine.

CANADA-UNITED STATES RELATIONS

MISSILE DEFENCE PROGRAM— DOCUMENTATION ON PROPOSAL

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, Canadians continue to be left in the dark by this government as to the public policy rationale for not joining with

our friends to the south in the anti-missile defence program. Yesterday, in response to my question, the minister quite properly indicated that cabinet documents are not available for us to canvass to see whether we, as parliamentarians, could determine the rationale for the decision. I had asked if there were other public documents and I was advised to search the web, which I have done.

Three interested Canadians from two different provinces have been asking me about this subject. I suggested to them that they also search the web. Around noon today, I spoke with two of the academics. They said that they were not successful, as I had not been successful, in searching the web for the answer to my question.

I will try again. This is an important matter of public policy. A decision has been taken by the government. What some of us in this chamber would hope to discover is, first, what exactly was the proposal that the Americans made to Canada and, second, what were the grounds upon which the government decided not to buy into, or sign on to, that proposal. I am not sure of the proper terminology, because I have no documents to examine in this regard.

In the interest of shedding some light on a very important matter of public policy, perhaps the minister could assist. We did not have the debate that many of us thought we should. Would the minister be able to produce a statement, at least, that would provide us with some substantive material that would shed some light on this decision of the government? The government has every right to make its decisions, but parliamentarians have every right to know the policy principles upon which that decision is based.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will be pleased to take the honourable senator's question as notice, and I will endeavour to reply to it through a delayed answer.

PRIVY COUNCIL OFFICE

REJECTION OF APPOINTMENT OF MR. GLEN MURRAY AS CHAIRMAN OF THE NATIONAL ROUND TABLE ON THE ENVIRONMENT AND ECONOMY

Hon. Sharon Carstairs: Honourable senators, it was not my intention to ask a question of the Leader of the Government in the Senate today. Otherwise, I would have thus informed him. However, in that the former mayor of Winnipeg has been attacked, it is appropriate that someone should put some other facts on the record.

Would the Leader of the Government in the Senate not agree that rapid transit, which can make a considerable difference to air pollution, is a valid concept; that support for recycling programs is a good environmental procedure; that the encouragement of the use of ethanol in our gasoline is the encouragement of better environmental practices? All of these were encouraged by the former mayor of Winnipeg, Glen Murray.

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Carstairs for those points that simply underline the reasons why I believe that Mr. Glen Murray would make an excellent appointee.

ORDERS OF THE DAY

DEPARTMENT OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Ferretti Barth, for the third reading of Bill C-6, to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts.

Hon. Anne C. Cools: Stand.

Hon. Bill Rompkey (Deputy Leader of the Government): Question!

Senator Cools: Honourable senators, I am not ready to speak today. It has been only two days that I have been holding the adjournment on this motion. The bill has not been in this chamber for very long. I just said “stand,” and I heard the Deputy Leader of the Government in the Senate call for the question. If honourable senators wish to vote me down and deny me the opportunity to speak in a fully-informed and well-prepared way, I suppose I will have to accept that fate.

I would like the opportunity to complete the speech on which I am working. Honourable senators know that when I work on a speech, I give it considerable attention and work. I ask honourable senators to allow me the opportunity to speak when we return from our break next week.

The Hon. the Acting Speaker: Senator Rompkey?

Senator Rompkey: Honourable senators —

Senator Cools: He is not “honourable senators”; he is an honourable senator. I made a request to the Senate as a whole.

[Translation]

The Hon. the Acting Speaker: Honourable senators, normally when an honourable senator rises to ask for leave to speak, we give consent so that the senator may have an opportunity to express an opinion. That is what I was doing in recognizing Senator Rompkey, as I had done when I recognized Senator Cools.

[English]

Senator Rompkey: We are prepared to hear from the Honourable Senator Cools, Your Honour and honourable senators, but we want to continue the debate today. We feel that this bill has been before us for some time. It was before us in the last session and has been before us in this session. In fact, it has been on our Order Paper for some weeks now. Everyone knows what the arguments are, pro and con.

The Hon. the Acting Speaker: If I understand correctly, Senator Cools, you were more or less making a motion so that the debate would be adjourned to the next sitting. If that is the case, it is not debatable; I would have to put the motion right away.

Senator Cools: I did not make a motion, and I did not make a motion to adjourn. I was countering Senator Rompkey's statement that I should not speak — his action, rather than his statement — because he knows very well that I wish to speak to this matter. He knows that it is a matter of some depth and some substance, and yet he called for the question.

• (1420)

In other words, he made it clear that he did not wish to hear from me because he called for the question. That is a strong indicator of what he wants to do.

In addition to that, I received word a few seconds ago that if I attempt to move the motion for adjournment, the government will vote me down. My information may be wrong and incomplete. However, that is the information I received.

Senator Rompkey is not accurate when he says that Bill C-6 has been in the Senate for a long time. I took the adjournment on this bill just two days ago. This bill has not been around a very long time. I am working on my speech and, as I said before, this is not right. This place is about debate. This bill is not a “must” bill. As a matter of fact, it is not even on the “must-have” list that the government has presented to the opposition. I would like an opportunity to speak when we come back. Had I known Senator Rompkey was going to do this today, I might have hurried up a bit, but I did not know, and it is not nice.

Senator Austin, it is very easy to do things properly. We do not have to be so shabby.

The Hon. the Acting Speaker: Honourable senators, an order of the day was called; a senator asked that the matter stand. It is generally understood that such a request is acceptable if there is agreement for that to happen. If not, then either we proceed with the question or we consider a motion to adjourn the debate to the next sitting. If this is to be the case, then the motion to adjourn the debate is put forthwith without debate. It is not for honourable senators to debate whether we should have a motion or not, nor to discuss the question.

That is why I am asking. There was not unanimous consent to stand. Therefore, should we proceed with the question, or should I be in a position to hear a motion to adjourn the debate?

I am in your hands, honourable senators.

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I take it from what His Honour has said that we are in the status quo ante, that the item has been called, and I would like to participate in the debate at third reading on Bill C-6 to move the yardsticks, as they say in football, a little bit on this bill.

I begin from the standpoint which, hopefully on the government side, they could find a friendly position. I always believe it is a prime ministerial prerogative to organize the machinery of government the way the Prime Minister of the day wants to organize the machinery of government. It has been the practice for a long time in Canada that the Prime Minister, after having been sworn in with his or her government, lays out a particular set of ministries and agencies, et cetera, and that is always followed up by the confirming legislation. This is why this ministry, which is the subject matter of Bill C-6, has been operating with a minister since the present government was sworn into office.

However, as happens, sometimes frequently, pieces of legislation do arrive in this house from the other place, having received only a little scrutiny and, in this particular instance, there are two pieces of machinery legislation. One piece did receive close scrutiny in the House of Commons, and a decision was taken in the other place not to implement the machinery legislation. I am referring to the department of Foreign Affairs and International Trade. In this instance, Bill C-6 arrived here, received debate at second reading and went to committee. In committee it was the subject of a few meetings and some witnesses. Some would argue that it should have been the subject matter of a larger number of witnesses. The committee is master of its proceedings and the bill has been reported to us without amendment.

Some of us, and I raise this knowing that all honourable senators are familiar with the question, because it, in part, was subject to a point of order raised, and a ruling rendered, by His Honour, Speaker Hays. The concern that many Canadians have is whether or not it was wise, and indeed necessary, to abolish the office of Solicitor General of Canada.

Many were of the view that this machinery that the Prime Minister wanted, and has set in place through other provisions of legislation, does not have an identifiable role under the name, the rubric, Solicitor General, although I suppose we could find many functions of the old ministry of the Solicitor General identifiable under the organization that is reflected by Bill C-6.

This office, the Solicitor General of Canada, is important in the minds of many Canadians who are familiar with it and understand what it means, and it, like the Attorney General, in many ways is a special ministry within the ministry.

Consequently, I think that whether or not the office of the Solicitor General ought to be maintained deserves serious reflection.

The proposition, it seems to me, that is eminently reasonable, without affecting what the government, and the Prime Minister, in particular, wanted to achieve by this particular model of organization, which again I say this is right, is leaving in, as well, the office of Solicitor General. Why would that be harmful? I cannot see it being harmful to the objective that the government is seeking to obtain in this particular model of machinery. Consequently, I think that it is the kind of amendment that this

chamber might wisely focus on at third reading. I would hope that if there is an element of reasonableness to this proposition, one honourable senator might come forward with an amendment along those lines.

There is no objection in principle, because the Senate has taken a decision on the principle of the bill at second reading.

At third reading this question is before us: What harm would be done by simply adding to the description of this new department under this new rubric, the office of Solicitor General? Perhaps the government, knowing that is what is in the minds of honourable senators here at third reading, might make a friendly gesture and accept such an amendment. It is not inimical at all to the substance of Bill C-6. It is simply saying, in addendum, include the office of Solicitor General.

• (1430)

Hon. Jack Austin (Leader of the Government): Honourable senators, I very much appreciate Senator Kinsella's presentation. He makes the best, I believe, of the wish to continue the office of Solicitor General and title. However, the government has come to the conclusion that a title that has been in use, I think, since 1966, only in Canada, does not continue to be a necessary title in the office of the Minister of Public Safety and Emergency Preparedness.

The argument has been put in the chamber over and over again. It is a single argument. On our part, while it might be in one sense harmless, the government has taken a decision with respect to the title of the ministry. I would ask that the opposition respect that the government has taken this decision and that the opposition, having made its arguments fully, accept that the government in this chamber should be allowed to proceed with the bill in its present form.

Senator Cools: Honourable senators, I can be ready to speak at the next sitting of the Senate, which I have been informed is on Monday, March 21. I would like the opportunity to respond to the situation before us and to lay out to the chamber the content of the testimony given by the minister in respect of the actual change to the office of Solicitor General, and also to clarify some of the errors that Senator Austin just made.

The Solicitor General's office in Canada predates Confederation. It did not begin in 1966. I would like an opportunity to give a speech that the subject matter deserves.

Senator Austin: Have you finished?

Senator Cools: No, I am not finished. Initially, I asked that this item stand. However, Senator Kinsella spoke and because of his intervening speech, I must now move adjournment of the debate.

If my honourable friend is not speaking to the bill, then I ask honourable senators to allow me to speak when we return.

The Hon. the Acting Speaker: I understand that Senator Cools is moving that further debate be adjourned to the next sitting of the Senate. If no other senator wishes to participate in debate at this time, then I will put the motion.

It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Di Nino, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Acting Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: All those opposed to this motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "nays" have it.

Senator Austin: Question!

The Hon. the Acting Speaker: The motion to adjourn has not been adopted, therefore, we continue with debate. If no senator wishes to debate, then I will put the question. Are honourable senators ready for the question?

Some Hon. Senators: Question!

Hon. Gerald J. Comeau: I am rising to debate. I find it absolutely amazing that an honourable senator in this house would ask to be allowed one day to be able to prepare a speech.

Senator Rompkey: Two days.

Senator Austin: She undertook to speak two days ago.

Senator Comeau: That is a good point of debate. Perhaps the honourable senator will respond to some of the questions I will be asking.

If the case is made that Senator Cools has taken too much time, that being allowed two days is way too long, that the machinery of government has to operate so fast that she cannot be allowed two to three days to prepare a speech, so be it.

Honourable senators, I rise today because this bill concerns an extremely important subject. Our leader expounded on it some time ago, and I think the matter deserves more debate. Two to three days is not an undue amount of time. Therefore, why not say that this bill is so important that we should wait a couple of extra days?

Senator Rompkey: Honourable senators, this bill has been before us for quite some time. Senator Cools has participated in debate. She participated in committee. The committee studied the bill exhaustively, heard from witnesses, and reported it without amendment. Bill C-6 is before us now.

Honourable senators, this bill pertains to a serious matter of security, the security of Canada, and I think it deserves to be expedited. We are not holding up debate. Senator Cools can

speak today. However, Senator Cools cannot convince me that she does not know the topic or does not know what she wants to say and needs some more time. We were told that she was to speak two days ago. We heard that she would then speak today. Now it will be another week. We do not come back until the week afterward. I have no problem hearing what people want to say, but I do not agree with delay tactics. I think to simply delay an important bill is not acceptable. I am quite prepared to hear debate, but I want to hear it today. Given Senator Cools' experience in this matter, I think that she can speak to it today. She argued very well the other day about the topic that she wants to debate. She has researched it in depth and understands the subject matter extremely well. Therefore, I am not convinced that she needs another day, given the fact that we have already had delays and that we will be off for a while. We do not need to delay this bill any further. I am prepared to hear debate, but I want to hear it today.

Senator Cools: Perhaps I could convince Senator Rompkey that I am not as good as he thinks I am. A lot can be said off the cuff, but when it comes to serious matters, as to the questions and the content of Bill C-6, that sort of subject matter is not best handled off the cuff.

Honourable senators know very well that it is my custom and habit when I give a speech to punctuate and to use authority and quotations extensively. The truth of the matter is that I did not commit to the Honourable Senator Rompkey that I would be speaking today. As a matter of fact, the commitment I made was that I would speak to Bill S-21, the repeal of section 43 of the Criminal Code.

Honourable senators, it is not my style to delay. There has been no delay. The bill was only reported within the last fortnight. I hope we have not reached a stage in life in the Senate where we think two weeks is an extravagant amount of time to spend on a monumental, significant and extremely complex bill such as Bill C-6.

Maybe I am better than I think I am, but I do not think I am as good as Senator Rompkey suggests. I want him to know that the history of this subject matter is indeed complex, because even the government leader made several mistakes in his intervention. The Solicitor General is an ancient office. It predates Confederation and has existed in Canada almost from the beginning of time, but it did not begin in 1966 at all.

I do not have my file on Bill C-6 with me. I take this place seriously. I like to take the utterances that come out of my mouth seriously. It is not my style to produce canned speeches that someone else has written. The work I do takes time. I take pride in the fact that I take this job seriously. I like to do it properly.

Senator Kinsella: Honourable senators, I have a suggestion that might find some favour. Senator Cools is asking that she be allowed to speak at third reading on the Monday evening when we reconvene. The majority could make us proceed today, but of course that vote could be deferred by the opposition whip to that very same day. We do not want to do that, and we would not use

that deferring vote on the Monday we come back. I would say that we would be just as far ahead if we gave Senator Cools the opportunity to speak on the Monday we return to this chamber, and on behalf of the opposition, I would commit that we would not defer the vote after Senator Cools has had the opportunity to make her speech.

• (1440)

Some Hon. Senators: Hear, hear!

Senator Austin: I think that deals with the matter in a very appropriate way. Thank you so much.

On motion of Senator Carstairs, debate adjourned.

THE SENATE

MOTION TO AUTHORIZE SELECT COMMITTEES TO MEET DURING ADJOURNMENT OF THE SENATE ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of March 9, 2005, moved:

That the Standing Senate Committees on Human Rights, National Security and Defence and Official Languages be empowered, in accordance with rule 95(3), to sit on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

Hon. Terry Stratton (Deputy Leader of the Opposition): While we are in agreement with sitting on Monday, March 21, did the honourable senator mention a time?

Senator Rompkey: The Honourable Senator Stratton makes an extremely good point. If we are to meet, we have to set a time, and we would propose that the time be 7 p.m.

Hon. Eymard G. Corbin: I would like to clear something up. I am speaking as Chair of the Official Languages Committee, which has requested permission to sit that day.

Does this mean that if the house sits at 7 p.m., the committee will have to put a stop to its hearings at 7 p.m., or will it be allowed to continue if more time is needed? A minister is appearing before us, and I cannot guarantee that our exchange will be concluded at 7 p.m.

Senator Stratton: I understand with ministers that there are exceptions, and a minister appearing before a committee is that exception that we allow. My only question would be, how long does the honourable senator anticipate that that would take?

I reiterate, our problem on this side is simply members. There are five committees meeting on that day and we are, as you are aware, thin in the ranks. I would only ask, for the sake of the chamber and our ability to perform here, how long does the honourable senator anticipate that would take?

Senator Corbin: The honourable senator is right about his members. They are very good at attending our committee, I must grant that, but the minister for that time slot is the Honourable

Mauril Bélanger. We had anticipated that the house would perhaps sit at 8 p.m. on that day. We had indicated to the minister that we could go as late as 7:30 p.m., because he also has to organize his time. I do not think the meeting will go beyond 7:30 p.m.

Hon. Consiglio Di Nino: I missed something. Have we had a motion that the house return at 7 p.m.?

Senator Rompkey: No, I asked for leave to revert.

Senator Di Nino: This is only a discussion of what may be presented by the honourable senator, which may or may not pass at this point.

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

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-21, to amend the Criminal Code (protection of children).—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I rise to join the debate on Bill S-21, which is an act to amend the Criminal Code on the protection of children. This bill is a short, one-clause bill. It purports to repeal section 43 of the Criminal Code. Perhaps I can begin by putting, yet again, section 43 on the record.

As honourable senators know, the Criminal Code is laid out in parts, and this section is in part of Part I — General, under the heading “Protection of Persons in Authority, Correction of Child by Force.” It states as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Perhaps I should begin by saying that section 43 of the Criminal Code could do with some change. There is no doubt about that, and I have no problem with making some change to it, but I do have a problem with the wholesale repeal of this section, leaving ordinary parents exposed to criminal prosecution.

We should note at all times that section 43, on its own, does not advocate violence; neither does it advocate assault against children, physical punishment or aggression toward children. If one listened to the debates that are going on across this country and the United States of America, one would believe that the law is an advocate of assaults and violence against children, which it is not.

• (1450)

I should like to record my strenuous opposition to this bill, because a wholesale repeal will have the effect of leaving millions of parents in this country exposed to criminal prosecutions.

I have listened to the debate, and there has not been a lot of debate, interestingly enough, in the House. The amount of debate has been quite modest. The debate, for some strange reason, does not differentiate between what I would call harsh violence, a physical assault against children, and what the literature is beginning to describe as physically non-injurious spanking, which is delivered in the absence of rage and anger by a parent. When I read the debate, I got the impression that the real objection is to harsh, mean-spirited cruelty to children.

Perhaps I should remind honourable senators that these are fields with which I had great experience when I worked in social services, particularly those aspects where I came into close contact with child welfare. I participated in, and assisted with, many apprehensions of children, where often the initiative to protect those children was taken by myself, being convinced that those children were at risk of perishing.

I remember one example where a mother, to punish a child, would hold the little two-year-old under the water till it was literally suffocating. It is a terrible thing to watch how those children suffer. Another instance sticks in my memory and comes to my mind often because it was such a horrific experience. I was helping the Children's Aid worker get the child out of the mother's hands. Honourable senators, that woman literally tried to bite my fingers off as I was trying to wrestle that child from her bosom. That child I remember with considerable sadness and clarity because I was convinced the child would have perished without intervention. It is not a pleasant experience seeing parents do these terrible things to their children.

Despite the billions of dollars spent annually in child protection and child welfare, many children get hurt, and far too many are still being killed. If honourable senators will recall, there was debate in this chamber some years ago on the B.C. Gove Inquiry into the death of a little child called Matthew. The record shows very clearly that it is a difficult matter to protect a child from the meanness and cruelty of its parents. It is a troublesome area.

Having said that, honourable senators, the debate on this bill has focused on what I would call the mean-spirited, harsh-assault cruelty to children, terrible maltreatment, and it has not focused at all on the parent who may slap a child or something of that nature, nor on the fact that the repeal of section 43 will expose all those parents, millions of them, to the risk of criminal prosecution. Apparently many people are struggling with this phenomenon.

Some time ago, I was reading a report from a participant in the American Academy of Paediatrics consensus conference, where they were struggling to come up with definitions of corporal punishment, spanking and so on. At that time, spanking was

defined as "physically non-injurious, intended to modify behaviour, and administered with the open hand to the buttocks or the extremities."

My concern in this debate, honourable senators, is that I do not feel that we can expose so many millions of people to the possibility of criminal prosecution with no evidence that the repeal of this section will even reduce child abuse. All those millions of parents out there need some protection from mischievous prosecution.

Honourable senators, the Criminal Code is a mighty code. A criminal prosecution is a mighty instrument. It seems to me that we should understand that the purpose of the Criminal Code is not to re-educate the population or even to reform the population. The purpose of the Criminal Code is the regulation of the circumstances and the conditions under which the mighty coercive weight of Her Majesty's prosecution will be directed against a citizen.

Honourable senators, that is why I am adopting the position that I have taken. When these debates take place, there is a tendency for people to cast each other into very negative positions. If one takes a position against the repeal, then all of a sudden that person might become an advocate of violence against children or the use of physical force. I am not an advocate of corporal punishment, and I can tell you I deplore much of what I have seen around the business of child maltreatment. This is something I still carry from my years of social work.

I would like to put on the record some of the American academics who are working on this subject matter. First, there is Dr. Murray Straus of the University of New Hampshire, and a gentleman whom I know. He was the godfather, you could say, of the scholarship on family violence. He wrote a book called, *Beating the Devil Out of Them: Corporal Punishment in American Families and Its Effects on Children*. I hope that the committee will call Dr. Murray Straus. He is a lovely man. I know him from his work on spousal violence. I have attended many of his conferences.

There is another witness I hope the committee will call. He is Dr. Robert Larzelere of the University of Nebraska Medical Centre. He has reviewed some 38 studies and found that, in children under the age of seven, non-abusive spanking produced no harmful effects and reduced misbehaviour when used as a backup for mild discipline techniques like reasoning and timeouts.

He is very strong on the point that discipline of children must be administered in an absence of rage and anger. I see this daily. I have seen it right here in the Senate. I have seen a female senator, in a rage, reach out and hit a child. Maybe as this debate goes on, we can begin to understand and examine those forces that are at work in these matters. I am hoping the committee can call Dr. Larzelere. He began his career as a student of Dr. Murray Straus.

Another witness that I hope we will call is Dr. Diana Baumrind. She is from the University of California. She is a scholar who asserts that social scientists have overstepped the evidence in claiming that spanking causes lasting harm to the child. She says that the scientific case against the use of normative physical punishment is a leaky dike, not a solid edifice. She and her colleague Dr. Elizabeth Owens found that few harmful effects linked with non-abusive spanking, as distinguished from severe physical punishment, have really been identified. As a matter of fact, I would like to quote her directly. Dr. Baumrind says that when parents are loving and firm and communicate well with their children, the children are exceptionally competent and well adjusted, whether or not their parents spanked them as preschoolers. Dr. Baumrind argues that without compelling evidence that spanking is harmful, parents should be free to rear their children in accordance with their own values and traditions.

My time is just about up. I would like to continue by saying that from the research I have been able to gather on section 43, and even the rewording of it from where it was in 1892, and as it is articulated in the code, the section intends to protect persons in authority who find themselves having to correct children.

• (1500)

Honourable senators, I once had to stop a 14-year-old from killing another one, and it was not nice. We abated the situation. We calmed the situation. However, these are the circumstances under which one must apprehend them and stop children from fighting. These are the circumstances for persons in authority that section 43 contemplates. The only reason I was able to calm that situation — and I will be quite frank — was that I had working with me a very large 18-year-old boy who assisted me in breaking up a very terrible situation.

Honourable senators, in summary, I believe this is a well-intentioned initiative but I do not think it will do what it purports to do, which is to reduce child maltreatment and child abuse. As the bill is written, it will expose countless millions of ordinary parents to the risk of prosecution, and I sincerely believe that we should not give the system any more opportunities to invade people's lives. I have seen the record on false allegations and so on. It is profound.

MOTION IN AMENDMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, if there are no further speakers, I would move:

That the bill be not now read the second time but that the subject-matter thereof be referred to the Standing Senate Committee on Law and Constitutional Affairs.

That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper and Notice Paper*.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, on several occasions in this session, we have moved to accept the contents of the bill without approval in principle. While we agreed to do this in the beginning, and agreed

to look at each bill on an individual basis, we felt that by doing this we could get something done in committees with respect to the contents of these bills. However, nothing has happened in committees with respect to any of the bills that have been referred without approval at second reading.

Therefore, we on this side no longer agree that this is the way to proceed, simply because once the bills get to committee, they tend to linger there. They do not move; they do not proceed. Therefore, we do not see the point of this. The bills will either languish on the Order Paper, as they have in the past — and we all understand that — or we have second reading and we send the bill to committee and have it dealt with therein.

In this case, at least on our side we support the bill in principle at second reading. Therefore, why would we not have it dealt with at second reading?

Hon. Anne C. Cools: The issue is an important one. Let the bill go to committee and let it be studied there. I just assumed that that would happen when I said that the committee should call these witnesses. I have many more names that I can suggest. This is subject matter that I have worked on for many years. Perhaps we can let the bill go.

Senator Rompkey: Honourable senators, I did what I did in consultation with the sponsor of the bill, but I certainly defer to Senator Hervieux-Payette. It is her bill. Really, it is a private member's bill that is in her hands. I moved my motion after consultation with the honourable senator, but I would be happy to defer to her.

The Hon. the Acting Speaker: Just to make sure what subject we are on right now, there is a motion in amendment before us by the Honourable Senator Rompkey to refer the subject matter of this bill to committee. I want to make sure that this is the item we are discussing right now.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, perhaps I can clarify the matter. I personally thought that we were going to examine the bill. It is simply a lack of knowledge of procedure on my part. I believed that we would refer the bill, which obviously will deal with the subject. I agree with the Honourable Senator Stratton that the bill itself should be examined because it is a very short bill that contains one or two clauses. I would be more comfortable with that approach.

[English]

Hon. Noël A. Kinsella (Leader of the Opposition): I wish to join in the debate on the motion before us, to argue against it. The principle is so clear in this bill that we should be dealing with it at second reading, and it is inappropriate to send the subject matter to be debated at committee. In some cases the principle is not as clear, and there are other kinds of complications associated with the bill. However, this one is straightforward. The honourable senator who spoke on it made a clear articulation of what we are dealing with. I have no difficulty at all in understanding the principle of this bill, and indeed supporting that principle. Any committee that receives the bill for study would be able to do a first-class job on it. I do not think we should go the route of sending the subject matter for study prior to second reading.

[Senator Cools]

Senator Rompkey: Honourable senators, it seems to me that the will of the chamber is clear. I will withdraw my motion and allow the question to be put to honourable senators.

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion for second reading of this bill?

Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Acting Speaker: Adopted on division.

Motion agreed to, on division, and bill read second time.

[Translation]

REFERRED TO COMMITTEE

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

On motion of Senator Hervieux-Payette, bill referred to the Senate Standing Committee on Legal and Constitutional Affairs.

BUSINESS OF THE SENATE

Hon. Céline Hervieux-Payette: Honourable senators, I ask for leave to revert to Senators' Statements. I have consulted the whips on this matter. I was not in the chamber because I was meeting the minister responsible for Bill S-21. As a result, I came in late. In addition, today is the tenth anniversary of my appointment to the Senate. If you will allow me, honourable senators, I would like to speak on the subject of Colorectal Cancer Week.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to give leave to revert to Senators' Statements?

Senator Kinsella: Following Orders of the Day.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to give leave to revert to Senators' Statements following Orders of the Day?

Hon. Senators: Agreed.

• (1510)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

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 Carstairs, P.C.*)

Hon. Sharon Carstairs: Honourable senators, I rise today to speak, not to what is in Bill S-24 but, rather, to what is not in the bill. The bill before the Senate essentially increases penalties for those who commit deliberate acts of cruelty to animals. While this

is noble in its own right, it does not go far enough. For five years now, Parliament has been examining a far more comprehensive solution to animal cruelty. I am extremely reluctant to make do with this modest proposal. The Minister of Justice indicated that the government is committed to bringing back a comprehensive piece of legislation, and I believe our time in this chamber and in committee would be better spent debating, analyzing and voting on that more comprehensive package.

Honourable senators, let me take you through some of the things that this bill does not do. Bill S-24 does not deal with two new offences proposed in the other bill, namely the training of an animal to fight other animals, or the offence of brutally or viciously killing an animal. In this country, it is intolerable to train dogs, cats or other animals to kill one another, and it should be against the law. It is unacceptable to Canadians that a brutal or vicious killing of an animal should not be against the law. One has only to look at puppy mills to find an example of some of this brutality. The narrowness of Bill S-24 does not provide for these new offences. Procedurally, it could be argued that amendments could not be made because they would be outside the scope of the bill.

There have been no comprehensive changes to the cruelty to animals provisions since 1892. If one reads the current provisions in the Criminal Code, one can see that it certainly perpetuates the notion that animal cruelty is trivial in nature. I am not referring to the bill presently before the Senate. All honourable senators would agree that cruelty to animals is not trivial. Rather, it is a serious matter that should be recognized as such by the laws of this country. Thus, it is legitimate to ask why this bill, in its narrow form, is currently before this house. Clearly, many senators feel uncomfortable that this chamber is being blamed for the failure, in the past, to pass a comprehensive bill.

It is true that a number of amendments proposed and passed by this chamber were unacceptable to the other place. My opposition to these amendments at the time was, in part, because of my then role as Leader of the Government in the Senate. I was never convinced of the value of these amendments, and would have voted against them whether or not I had been the government leader in the Senate. However, my views were not those of the majority of this place. I therefore welcome the willingness of the Minister of Justice to discuss those amendments with senators in the hope that a meeting of minds can take place. This bill pre-empts these positive discussions and will result in inferior legislation.

Could the government introduce another bill to cover the other concerns ignored in Bill S-24? Perhaps it could, but it might be subject to some procedural wrangling. In addition, I am of the view that when the government is in the minority, everyone would be perfectly happy to consider and accept a modest proposal instead of doing the right thing. It would be much better to deal with a comprehensive bill. Therefore, I will not support this bill at second reading, and I urge the government to introduce a comprehensive bill as soon as possible.

The Hon. the Acting Speaker: Is the Honourable Senator Bryden rising on debate or with a question?

Hon. John G. Bryden: I rise to conclude the debate and ask that the question be put.

The Hon. the Acting Speaker: Honourable senators, if Senator Bryden speaks now, his speech will have the effect of closing the debate on the motion for second reading of Bill S-24.

Senator Bryden: Honourable senators, I thank Senator Carstairs for her interesting points, which I look forward to discussing further in committee. However, I did not want to let this debate come to a close without addressing some of the points raised against Bill S-24 by the Department of Justice in a document entitled, *Background Notes for Private Senators' Public Bills*, which, I understand, was distributed to all honourable senators.

Under the heading "Minister's Position," the document states that the Minister of Justice does not support the bill. This document was distributed before the Minister of Justice had received Bill S-24 and before my speech in support of it. I am assuming that the intent of the statement is that the Department of Justice does not support the bill, which does not surprise me.

I will address briefly a general attitude evidenced in this document, as well as some of the specific matters raised by the department. The first paragraph of the department's assessment of the bill explains why Bill S-24 cannot be supported. It states:

The government has developed its own legislation on animal cruelty, first introduced in 1999. The legislation has consistently been re-introduced in Parliament but has never been passed in the same form by both chambers. The minister has stated that the government is committed to bringing back its legislation.

Honourable senators, this is an excellent illustration of the reason we are still debating this issue after almost six years. Parliament continues to speak, but the department is not listening. That is not how our system of parliamentary democracy is supposed to work. As to why the bill should not be supported, the departmental document states: "It achieves only one of the two objectives of the government legislation."

The document also states:

The government has been clear that reform of the animal cruelty provisions has always been aimed at two main bundles of objectives: One, increasing the maximum penalties for existing offences of animal cruelty; and, two, simplifying, modernizing and filling gaps in the offence structure of the animal cruelty regime.

Bill S-24 increases penalties consistent with the government's legislation. However, Bill S-24 does not include a range of amendments that are included in the government legislation that are designed to make the law more simple and coherent and fill gaps in the law by creating two new offences and modernizing existing offences.

Honourable senators, this is the first time during the six years that this piece of legislation has been before Parliament that anyone from the Department of Justice has admitted that one of the main purposes of their bills was to increase and expand the number and scope of offences for animal cruelty.

Compare this latest statement of the department's position that I have just read with the explanation of Ms. Joanne Klineberg, Counsel, Criminal Law Policy Section, Justice Canada, in testimony before the Standing Senate Committee on Legal and Constitutional Affairs on December 4, 2002. On page 2, she stated:

The main thrust was increasing penalties, but as well there are certain elements of the existing regime that are complicated and not as clear as they could be. The other guiding principle was to clarify these things so that everyone could have a better understanding of what the law actually required.

No hint of increased or expanded offences here.

We were repeatedly assured that the legislation was not intended to substantively change the law. On May 3, 2001, the then Minister of Justice Anne McLellan said in the other place:

Simply put, what is lawful today in the course of legitimate activities would be lawful when the bill receives royal assent.

No hint of increased or expanded offences here.

On November 20, 2002, the Honourable Martin Cauchon told the Standing Senate Committee on Legal and Constitutional Affairs:

Practices that are now legal will not become illegal when Bill C-10 passes into law.

No hint of increased or expanded offences here.

• (1520)

Rick Mosley, then Assistant Deputy Minister, Criminal Law, Policy and Community Justice Branch in the Department of Justice Canada, now a judge of the Federal Court, also told us the same thing with no hint of increased or expanded offences.

Everyone was clear that in the words of John Mahoney, the then Parliamentary Secretary of the Minister of Justice, "The main thrust of the amendment is penalty enhancement." Yes, the other stated purpose was to "modernize and simplify the law," but this was presented more in the nature of minor housekeeping. The main objective was to respond to the demand of Canadians that penalties for these animal cruelty offences reflect the terrible nature of the crimes.

However, there was significant concern among witnesses before the Standing Senate Committee on Legal and Constitutional Affairs — and I share that concern based on my own analysis — that these housekeeping amendments went further than modernizing language and simplifying the law. Arguably, they would be substantively changing the law. It was not housekeeping; it was major home renovation. For example, there was much concern, as detailed in my speech of February 8, 2005, that people who hunt and fish lawfully, under today's law,

with valid provincial hunting or fishing licences could find themselves accused of a criminal offence under the provisions of the government's bill.

In this context, I was intrigued to read the department's reply to Bill S-24. As I noted earlier, the government accepts that Bill S-24 achieves the government's objectives of increasing the maximum penalties for existing offences for cruelty to animals. Its only objection to the bill is that it does not achieve the second objective, which it states to be, "simplifying, modernizing and filling the gaps in the offence structure of the animal cruelty regime."

The department elaborates on this as follows:

In terms of gap-filling, Bill S-24 does expand current sections that are limited in out-dated ways. The offences in relation to "cockpits" and to release of "captive birds" are not expanded to cover all animals, as is the case under the Government's legislation.

Bill S-24 also fails to fill two larger gaps that the Government's legislation does, namely the proposed new offences, "training an animal to fight other animals" and "brutally or viciously killing an animal." Both of these offences address behaviour that is not clearly caught by any other offence, and which are clearly morally blameworthy and should be subject to prohibition and punishment.

Honourable senators, I am reluctant to say this about the Department of Justice Canada, but in this case, I fear they are being disingenuous. For example, the Criminal Code already says that everyone commits an offence who, wilfully and without lawful excuse, "kills, maims, wounds, poisons or injures dogs, birds or animals that are not cattle and are kept for a lawful purpose." That is just one provision that would seem to cover someone who brutally and viciously kills an animal, at least one kept for a lawful purpose.

I listened closely to the many hours of testimony before the Standing Senate Committee on Legal and Constitutional Affairs, honourable senators. I do not recall hearing anyone say there have been brutal or vicious killings of animals that were not covered by the provisions of the current Criminal Code.

The issue I did hear raised a number of times is that the existing penalties for such heinous acts are woefully inadequate. I do not recall anyone saying that the terrible acts we have read about fall outside the scope of the code as it is presently drafted.

However, I also heard extensive testimony about the currently lawful activities many fear could be caught by the proposed government bill. The Department of Justice Canada document does not mention that the government's bill would have, for the first time, made it a crime to wilfully kill a wild animal without lawful excuse. Justice officials were quite clear that a permit or licence issued by a province is not in itself a lawful excuse. No one from the department suggested what would constitute a lawful

excuse in these circumstances. Thus, someone who hunts for sport with a valid hunting licence could be at risk of being accused of criminal activity under this section. In other words, it is not quite accurate to say that what is lawful today would have continued to be lawful under the government's bill.

The government's bill would also have made it a criminal offence to wilfully or recklessly cause unnecessary pain, suffering or injury to an animal. Once again, "animal" is defined to include all wild fish and animals. Highly respected witnesses testified that fly fishing and other forms of fishing where you "catch and release" the fish — a practice of encouraging stewardship and environmental preservation — would be at risk of being considered a criminal activity under these provisions. Again, this would be the case even if the person holds a valid fishing licence.

These are some examples of why I believe we should not attempt to make substantive changes in the criminal law under the heading of "simplifying and modernizing" the language of these Criminal Code provisions. Rather, the issue should be clearly identified, publicly and transparently debated, so that stakeholders, including Aboriginals, sport hunters, fishermen and other citizens, can understand what is really happening with such proposed changes in the criminal law.

The department's reply also refers to the fact that the government's bill would have moved the provisions on animal cruelty to a new Part V.1 of the Criminal Code to be headed "Cruelty to Animals." Bill S-24 would leave the provisions where they now are, in the "Crimes Against Property" part of the code.

As I detailed in my speech here on February 8, the committee heard extensive testimony from highly respected experts on statutory drafting and interpretation that moving provisions from one part of the code to another could have significant legal implications. Gerald Chipeur, a lawyer specializing in constitutional law, who is well known to many of us, told us that by moving the provisions to a new part, Parliament could be considered to be intending to create some special status for animals that derogates from their former status as property.

The department, in their reply, did not address any of the testimony. They simply asserted once again that, "This change in categorization does not affect the legal status of animals as property." They defend the proposed move to a new part by saying that the current placement among property crimes "perpetuates the notion that animal cruelty is relatively trivial."

With respect, honourable senators, I do not believe that anyone looks to the placement of the offence within the Criminal Code to decide whether it is trivial or not. One looks to things like the punishment meted out for the crime. I agree — the penalties now provided for these offences under the Criminal Code do send a message that the crimes are not taken seriously. My bill would change that. I challenge anyone to say that a crime is trivial when one can be imprisoned for up to five years for its commission.

Finally, honourable senators, I take offence at the so-called strategic reasons the department presumes to give us why Bill S-24 should not be supported. They said:

From a strategic perspective, Bill S-24 should not be supported because it would frustrate the considerable effort that has been extended over the past five years toward building a momentous degree of consensus on the Government legislation. Today, there is widespread support on both the side of animal welfare and animal-use industries. The government legislation reflects a well-balanced and appropriate package of amendments.

• (1530)

The Hon. the Acting Speaker: I must advise that the honourable senator's speaking time has expired.

Senator Bryden: I would ask for leave to continue.

Hon. Terry Stratton (Deputy Leader of the Opposition): A maximum of five minutes.

Senator Bryden: Thank you, honourable senators.

The department continues:

More importantly, there is no significant opposition to the government legislation amongst the public or stakeholders since a variety of amendments were made that responded to concerns of animal industry groups. Animal industry groups have expressed their support for the Government legislation in writing.

In other words, they have put a lot of work into this bill, so we should be quiet and not frustrate their efforts. However, honourable senators, it is our job and our duty to Canadians to analyze what the bill actually says and consider how it could be interpreted. I cannot help but wonder if there would be the momentous degree of consensus and the widespread support if these stakeholders understood that the words "simplifying" and "modernizing" really meant "fill gaps in the law by creating new offences and modernizing existing offences."

I listened to the witnesses who came before the Standing Senate Committee on Legal and Constitutional Affairs. I did not hear momentous support. To the contrary, I heard a number of thoughtful, carefully analyzed and supported objections to the proposed provisions. I would not be doing my job if I simply ignored these submissions. In my considered opinion, a number of these witnesses raised valid issues and concerns.

The final line of the department's reply is perhaps the most intriguing and disturbing. Here, in criticizing why they cannot accept my bill, the department says it would not make sense for the government to support Bill S-24 because "a broader set of reforms to the law of animal cruelty are required."

Honourable senators, that is what I have suspected. Under the guise of bills that they tell us simply are designed to increase the penalties for these offences and make minor housekeeping adjustments to modernize and simplify the provisions, in fact the department is broadly reforming the law on cruelty to animals.

I am not opposed to broad reforms of the law on cruelty to animals, but I am vehemently opposed to any such reforms being slipped past Parliament or the Canadian public without the kind of public debate and consideration any such broad criminal law reform deserves.

These provisions were first introduced in 2000 as part of Bill C-17, an omnibus package that proposed amendments in a number of areas of the Criminal Code: better protection for peace officers acting in the line of duty; provisions relating to firearms systems; and creation of procedural safeguards for persons with disabilities who are victims of sexual exploitation. One does not introduce a broad set of reforms to the law of a particular area such as animal cruelty as part of an omnibus package of Criminal Code amendments.

They were then reintroduced in 2001 as part of Bill C-15, another omnibus bill that dealt with the protection of children from criminals using the Internet to prey on their vulnerability, as well as making administrative and procedural amendments to the justice system and administrative amendments to the Firearms Act.

In 2002, the provisions were introduced again, this time as part of Bill C-10, in which they were joined again with amendments to the Firearms Act. We were told that we had to proceed to pass the bill quickly because of a looming deadline with respect to the Firearms Act. In the end, we split the bill in two, enabling us to pass the firearms provision while having time to study animal cruelty provisions.

At no time, honourable senators, did the government come to us with a bill and say, "This is our proposed broad reform of the law on animal cruelty." Instead, we were told the amendments were simply to modernize and simplify, and more important, to update the penalties. This is wrong. It is insulting to us as parliamentarians and it is insulting to Canadians.

Honourable senators, I prepared Bill S-24 to meet what the department had told us was "the main thrust of their bills"; namely, to increase the penalties for crimes of cruelty to animals to bring them into line with the seriousness of those crimes. I very deliberately did not reflect the other proposed amendments, as my analysis suggested they would go much further than the department led us to believe. If there is a consensus that the law on cruelty to animals needs reforming, then let us have that debate, but let us do so honestly, openly, and in a transparent manner, engaging the Canadian public and parliamentarians as these important issues require.

In the meantime, even the department agrees that Bill S-24 accomplishes their stated chief objective, to increase the penalties for existing offences. Let us use it to quickly redress that weakness in the code and give the courts the tools to adequately sentence persons convicted of criminal offences against animals.

Hon. A. Raynell Andreychuk: I was not here when Senator Bryden spoke the first time. I should like now to ask him one question.

The Hon. the Acting Speaker: The time has expired.

[Senator Bryden]

Senator Andreychuk: Can I ask for a few more minutes?

Senator Bryden: I would entertain a question.

The Hon. the Acting Speaker: Consent was asked and consent was given for five minutes to allow Senator Bryden to complete his remarks. I am in the hands of honourable senators.

Senator Stratton: Since it is our side requesting permission to ask questions, I would have to agree to extend the period.

The Hon. the Acting Speaker: Honourable senators, is it agreed that time be allotted for one question and one answer?

Hon. Senators: Agreed.

Senator Andreychuk: There was much discussion about ensuring that we did not infringe on the rights of Aboriginal people. That was one of the main difficulties with the proposed changes that the government put forward, among the other issues raised by my honourable friend. Is he satisfied that his bill complies with the rights of Aboriginals, as there was some discussion that the Criminal Code as it is presently stated had not fully factored in Aboriginal rights? I would want to be assured that Bill S-24 has been looked at from that perspective.

Senator Bryden: The provisions of the Criminal Code as they exist, the offences that are there, are not changed at all. What has changed is the penalty that is applied. I am arguing for that to get done and then to have a full-blown debate on amending the Criminal Code as it relates to animals. That would surely give the opportunity for Justice Canada officials to consult fully — which under the Constitution they are supposed to have done before they introduced the other bill — with Aboriginals to make sure there is no derogation from their traditional animal rights.

Hon. Anne C. Cools: I would like to ask a question. I begin by thanking Senator Bryden for his extremely well-thought-out presentation and excellent summary of the previous testimony and conclusions.

My question is twofold. The first part has to do with the document from which he was reading. He said that the Department of Justice recommended that Bill S-24 not be supported. Could he table that document today so it would form part of the record?

Senator Bryden: I do not mind doing that, but everyone has it. It was circulated to every senator's office by email.

Senator Cools: The honourable senator referred to it in his speech, so it should form part of the record.

Senator Bryden: Should I make it available or not? Some of it is public now.

• (1540)

Senator Austin: It sure is.

Senator Bryden: I guess I cannot do that except to the extent that I have addressed some part of it and I have quoted those parts of it, because it is an internal document, but I imagine you can pick it up on the Web.

Senator Cools: The record should say it was an internal Liberal caucus document, but who knows, now it is public.

My other question has to do with whether or not this bill addresses your concerns as well as those that were raised by the folks in the animal husbandry business about the slaughter of animals for food and so on, and the questions that were raised by the Islamic peoples and the Hebrew people, in respect of kosher and halal slaughter of animals, as to whether their religious personnel could be prosecuted. I wonder if your bill answers those problems as well.

Senator Bryden: Honourable senators, in respect for the fact that I was only supposed to do this for five minutes, I will only answer this one question, and I will not do any more.

The answer to the honourable senator's question is that dealing with the religious treatment of sacrifices and that sort of thing that exists and has been interpreted under our existing regime is not touched. It seems to be perfectly satisfactory to everyone. The problem was that, with the new bill, there was a concern that it would change, but that has not changed. The only thing my bill does is increase the penalties for the existing offences.

Senator Cools: Thank you.

The Hon. the Acting Speaker: Honourable senators, I will now put the question.

Some Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Adopted on division.

Motion agreed to, on division, and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Bryden, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Mercer, for the second reading of Bill S-22, to amend the Canada Elections Act (mandatory voting).—(*Honourable Senator Stratton*)

Hon. Terry M. Mercer: Honourable senators, it is a pleasure and honour for me to rise at second reading in support of Bill S-22, an act to amend the Canada Elections Act, mandatory voting.

I would like to congratulate my honourable colleague Senator Harb for introducing this important piece of legislation. Growing up in the north end of Halifax in a politically active family, voting was the first step in leading me to where I am today. I will always remember my first vote as I am sure many of you will. Placing the ballot in the ballot box on election day is something we all cherish, but often we do not recognize its immense importance.

An Hon. Senator: Did you vote Liberal?

Senator Mercer: I certainly did, always. Often in Nova Scotia we vote early and we vote often. Senator Baker taught me that.

Elections and voting are at the heart of our democracy. The active participation of all Canadians is a responsibility we must encourage. Voter turnout has been on the decline in Canada since the 1960s, reaching a record low of 60.9 per cent in the last federal election.

We, unfortunately, are not alone. As my colleague pointed out, only 55.3 per cent of Americans voted in the last presidential election, and 57.6 per cent of Britons voted in the 2001 election. The question we must ask ourselves, and all Canadians, is why.

I believe there are a number of reasons for declining voter participation. Contempt for politicians and apathy about policy issues is at the forefront. Too often, our system of democracy is deemed untrustworthy by the electorate. We must, as politically active citizens, accept some of the blame. We have not done, and do not do, enough to engage voters. Too often we rely on elections alone to engage voters in policy discussion.

Communication is a vital avenue for encouraging citizen engagement. We, as senators, should be communicating more with constituents as we have the resources, time and most important, the obligation to exercise our responsibility and duty to this honoured chamber.

Honourable senators, programs like Encounters with Canada offer us the opportunity to engage youth in the political process. As a side benefit, it may also encourage them to vote.

These are the ways in which we can point out the importance of voting. The youth wings of our respective political parties are also important. When I speak to students of Encounters with Canada, or Young Liberals clubs I always encourage our youth to respect the system, vote for the system, and get involved in politics and their political parties. Obviously, I recommend that they get involved in the Liberal Party of Canada, but I do stress the right to choose and to get involved in the other parties in Canada.

Senator Stratton: That is awfully nice of you.

Senator Mercer: We also need to make sure that political parties have access to universities and high schools, not only to recruit young people into political parties but also to educate them on the importance of the process. There are still campuses across this

country that keep political parties from organizing on the campuses. Those opposed to mandatory voting say it will impose upon the individual's right to vote or not to vote. I do not agree. The right not to vote is an excuse. It allows us to avoid the tough decisions we need to have, including the one on mandatory voting.

Canadians fought passionately over the right to vote, overcoming many obstacles including gender, race and religion. Are we respecting these historic struggles by not voting and not actively engaging citizens to vote?

I do not believe that we are respecting those people if we do not do this. Most important is that we are starting this debate. For too long we have used the term, democratic deficit, a phrase both broad and vague. We talk of proportional representation, on-line voting and other ways to improve the institution of democracy. In doing so, we are ignoring the obvious and most important problem, voter apathy. I believe, honourable senators, that this bill addresses that concern.

While some of you may not agree with the bill, in whole or in part, the debate should encourage you to study the bill with, hopefully, an open mind. We must encourage this debate. We must not stifle it.

We are not alone in consideration of mandatory voting. Some 30 democracies around the world claim to have mandatory voting, although a smaller number, 16 democracies, use it with the enforcement this bill proposes. Some of those nations include Australia, Belgium, Greece and Switzerland. Mandatory voting was introduced in Australia in 1924 in a private member's bill similar to this one that was in response to declining voter turnout of 57.9 per cent in 1922.

Now, Australia has consistently boasted a turnout of over 90 per cent. Mandatory voting in Belgium dates back to 1893, and Belgium today boasts over 90 per cent turnout.

Are we ignoring the Australian example that has been shown to work? Indeed, with such high voter turnout, do we choose to ignore their engagement in the political process because we do not agree with the idea of mandatory voting? Some argue that it does not make sense to compel uninformed people to vote. Such exposure to the voting system through mandatory voting may help citizens to become more informed.

• (1550)

Australians do not feel coerced to vote. Polls show that 70 to 80 per cent of Australians support the mandatory system. Most important, there is little debate in Australia about whether compulsory voting infringes on rights. Voting is seen as a civic duty, as it should be.

In this case, the end — high voter turnout — has justified the means — mandatory voting. We cannot deny, honourable senators, that we must respect and protect our rights, but we also cannot deny that we have the responsibility to uphold the principles of democracy in order to ensure the protection of these same rights. Engaging more citizens in a democratic process could pave the way for better debate about the future direction of government and, indeed, Canada. To quote our colleague Senator Harb:

We cannot talk about democratic deficit, which is nothing more than shirking our responsibilities, without inclusiveness of the notion that we as citizens have a responsibility to fully participate in society when it comes to electing our officials.

Honourable senators, as one of the Young Liberals posters on the wall in my office says, decisions are made by those who show up. As such, we must give this bill a chance. We must raise the level of debate in this country in order to ensure our democracy evolves as it naturally should.

In March, the Liberal and Conservative Parties will engage in major political conventions. A large percentage of the delegates at last weekend's Liberal Party biannual convention were youth. In fact, our Constitution mandates increased youth participation and guarantees them at least one third of the representation at this convention. As parliamentarians, we have a duty to explore all options that will strengthen our democracy for the future of the youth — the future of Canada.

In conclusion, honourable senators, I remind you that the Senate is unique in that our committees can extensively study issues before them. Let us bring Bill S-22 to committee to examine what has happened elsewhere and to explore what others have learned from experimenting with mandatory voting. We may discover that it is the road we should take.

Hon. Anne C. Cools: Will Senator Mercer accept a question?

I listened to Senator Mercer with some interest. He talked about the need to engage the citizens of Canada. I think he used the words "voter apathy." How can a government that is consistently pitting itself against the citizens of Canada, for example, in the issues of firearms, marriage and divorce, and pitting the public treasury against the population, propose to engage citizens?

Senator Mercer: Honourable senators, that goes to one of the fundamental differences between Senator Cools and me. I look at the glass as half full and I think that Senator Cools looks at the glass as half empty. I think that the government's purpose is not to be against the people but to work with them and to provide them with the proper framework for governing the country.

Rather than looking at this government, the previous Mulroney government, the previous Trudeau government, the previous Pearson government or the previous Diefenbaker government, let us look at it as government in general. There is a decline in voter participation, no matter who holds the majority in the other place. When we get down to 60.9 per cent of people participating in the process, as was the case in the last election, we are on the slippery slope to having less than 50 per cent of people participating. Senator Harb and I are asking that we examine the process to see whether there is a way to push participation back up to the high 70s and low 80s that we consistently had in this country before this decline started.

This is not a phenomenon unique to Canada. It is happening in other Western democracies, and I mentioned the United States and Britain. We should not focus on the Martin government or

the Chrétien government but, rather, on the system, because it is the system that is broken. We need to help fix this. We have a unique opportunity in this chamber to examine this matter in committee and report on it, and we may report the bill back with amendments.

It is vital that we do not decide not to send the bill to committee because we do not like the principle. It is vital that we do this study because no one else is having this discussion at this level in this country, and I think it is very important.

Senator Cools: I heard Senator Mercer say that the system is broken. Perhaps the honourable senator can tell me how this bill will fix the system. This bill addresses ordinary citizens in an attempt to compel them to vote. It does not address the system. I fail to see how this bill will engage citizens in the process. The process is much larger than forcing a person to vote. How will this bill fix the system as the honourable senator has claimed?

Senator Mercer: Honourable senators, that is a valid question. By making voting mandatory, as they have in Australia, 90 per cent of the population participates in the process. Most people take the process seriously when they participate in it. They will avail themselves of the information that political parties provide. They will vote based on their conscience and on what they feel is important, and that is what will drive the process.

If more than 90 per cent of Canadians vote and they choose a government of a political party that I do not particularly like, so be it; they have spoken. That would mean that the political party of which I am a member has not been successful in convincing Canadians that it should govern, that maybe we are off base and need to rethink our strategy.

That is a great gauge of what this chamber and the other place do. Given the choice to listen to 60.9 per cent or to more than 90 per cent of the Canadian population, I would prefer to listen to the 90 per cent-plus for direction on what they want the government to do.

Hon. Consiglio Di Nino: I do not quarrel with the honourable senator's argument about apathy. I think we should all be concerned about that, and we have all probably expressed our concern about it, if not in this chamber then at other gatherings.

My concern is that I do not like mandatory voting. I do not think that, in a democracy, we should force people to do things that they do not want to do. We are talking about this because we have failed in doing other things that I believe would help to reverse the trend of declining participation in the electoral process.

I would not want to vote for this bill in principle at second reading because I do not like the principle of mandatory voting. Notwithstanding the debate we had here earlier today, perhaps you would agree to sending the subject matter to a committee for study, as opposed to giving the bill second reading, which would force me to vote against it because I do not like the mandatory nature of it. However, I would support and participate with you in looking at how we could reverse the trend of falling participation in elections.

• (1600)

Senator Mercer: I would agree with the honourable senator that the system is broken. That is the issue here. That is what Senator Harb and I wish to address. We want to ensure that we have an opportunity to discuss and perhaps change the situation.

I am the second-newest appointee to the Senate — the newest senator is my colleague to my right — and thus I am not sure of the process. Senator Di Nino will have to speak to Senator Harb more directly because he is the sponsor of the bill.

My objective is to have this debate raised to a higher level. No one in the country is talking about this subject in this format. No one is considering mandatory voting. There have been changes to electoral acts across the country. British Columbia is experimenting with certain things. There are musings in the province of Ontario of fixed dates. I am not sure any of that goes to the point of voter participation; it goes to the management of the system.

When 60.9 per cent of the eligible voters turn out to exercise the right to vote, that is a pretty low figure in a nation that is proud to consider that it has had a healthy democracy for the past 130-odd years.

Hon. Sharon Carstairs: Honourable senators, I have been listening attentively to the discussion this afternoon. First, Senator Stratton indicated that he did not want to send any more bills to committee on the basis of their not having been approved at second reading. He argued that the bills have not been dealt with.

The reality is that, unfortunately, private member's bills go to the bottom of the list of priorities of all committees. The lower placement on the list is not due to the fact that the bills have been sent to committee before they received second reading, but rather the nature of the private business.

This is an example of the best type of bill to go to committee before second reading. Like Senator Di Nino, I have some concerns about forcing someone to do anything. However, when I taught grades 11 and 12, I forced all of my students to work in election campaigns in lieu of writing a paper. They could write the paper, but they all chose to work in the campaign of their choice. The result was that they said to me, "We will always get out there and cast a vote in an election campaign."

My concern rests with young people between the ages of 18 and 25 who consistently fail to cast their vote. If they voted in the same proportion as seniors voted, for example, we would not see a figure of 60.9 per cent of the population voting; we would see more like 75 or 82 per cent of Canadians voting in an election.

People between the ages of 18 and 25 do not vote because they are not engaged. Why are they not engaged? We consistently teach social studies in this country. At the same time, in every province, to my knowledge, a person trained in political science at the undergraduate degree level is not eligible to obtain a teaching degree because they have not taken a major in a teachable subject. Therefore, one can become a social studies teacher if one has a

degree in history or geography, but one cannot become a social studies teacher if one has a degree in political science. This means that our young people in high school are not engaged in a discussion of government in the way that I think they should be engaged.

I know that social studies is a compulsory curriculum program in grade 5 because my daughter has been teaching at that level over the last few years. She now teaches at a higher level but in a school with grade 5. She consistently offers that her mother will come and talk about the Senate. The expression of the teacher is, "We do not have a Senate in Canada." I do go and I do speak. The reality is that those teachers are teaching with little knowledge of our political system in this country.

In this case, perhaps Senator Stratton would agree to send this bill to committee for study before we move second reading, because I think, as Senator Mercer has indicated, we need a broad discussion of why it is that Canadians are not casting their votes.

Like Senator Di Nino, I am not sure that mandatory voting is the answer. I am somewhat sure that better education is an answer. I am positive that better engagement of the Canadian public is an answer, but I am not sure exactly how to do that.

Senator Mercer: Senator Carstairs makes a good point. The fact that we have engaged in debate in this chamber this afternoon goes to the point of the bill that we need to raise the level of debate.

Senator Carstairs has spoken about her actions as a high school teacher in Winnipeg. In school systems across this country, the responsibility of citizens to participate in the political process is not taught or is not taught well and is considered to be secondary to the teaching of history of ancient times. That is a very important point.

We need to have this discussion to raise the level of debate and to start considering all options. Mandatory voting is included in those options. This bill is framed around mandatory voting. One cannot write a bill to include all of the options, but this is a great place to begin.

Hon. A. Raynell Andreychuk: Senator Harb was clear in what he wanted to include in his bill. Senator Mercer has expanded the debate to democratic processes and the need to involve citizens, which I support.

I do not believe the way to proceed is to have a bill expanded to study the subject matter. As senators, we have at our disposal a mechanism to put resolutions or motions on the floor to study bills or to create special studies. Once we are given a bill, it is difficult to broaden the scope of the bill. I am not in favour of having the debate expand around whether or not we should have compulsory voting.

I would prefer to have the debate that the honourable senator is talking about — a special study conducted by one of our committees.

On motion of Senator Austin, debate adjourned.

BOY SCOUTS OF CANADA

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

Hon. Consiglio Di Nino moved the second reading of Bill S-27, respecting Scouts Canada.

He said: Honourable senators, I rise to reintroduce a bill regarding Scouts Canada. The previous one died on the Order Paper during the last Parliament.

• (1610)

I am sure everyone in this chamber knows about the enormous contribution that Scouting has made to Canadian society for nearly 100 years, particularly to the lives of innumerable young men and women. Yes, I said women. For the last seven years, Scouts has officially been a co-ed organization. It has welcomed young girls and young women to its fold and, in my opinion — and I believe that is shared universally — this change has brought enrichment and benefit to the Scouting family.

To reflect this change in the corporate objects of Boy Scouts of Canada, and to formally recognize the name by which Scouts is, at present, commonly known, it is proposed that the name of the corporation be amended in English to Scouts Canada and, in French, to Scout Canada. Coincidentally, they are spelled the same in both official languages.

[Translation]

Honourable senators, the Scouting family in Quebec is served by the Boy Scouts of Canada as well as the Association des scouts du Canada, which were founded to train boys and young men in the Scouting traditions established by Lord Baden-Powell, in accordance with the principles of the Roman Catholic Church.

The Boy Scouts of Canada and the Association des scouts du Canada exchange views on a regular basis through meetings of the cooperation committee. This committee, which has a mandate to ensure coordination at the national level of the three Scout camps, was established as the result of an agreement between the two organizations, which was signed in 1967 in the presence of the Governor General, His Excellency the Right Honourable Georges Vanier, who was then Canada's Chief Scout.

The Association des scouts du Canada has adopted a resolution stating that it does not object to a change of the official name, which from now on will be Scouts Canada.

[English]

The Scouting movement was founded in Great Britain in 1907 by Lord Baden-Powell. The Canadian movement was incorporated on June 12, 1914 under the name of the Canadian General Council of Boy Scouts Association by a special act of the Parliament of Canada.

Thereafter, from 1917 through 1969, four further special acts were enacted to amend the initial special act. One such special act changed the name to Boy Scouts of Canada. Officially changing

the name of the organization to Scouts Canada and making the other consequential and technical changes outlined in this bill will allow it to better manage its affairs, consolidate, update and replace statutes governing it.

Today, Scouting experiences, honourable senators, are inclusive of boys and girls, and indeed of young men and young women. Bill S-27 provides an accurate reflection of the present status and mandate of the organization that has served, and continues to serve, Canadian youth so well. I would urge all honourable senators to support the speedy passage of this bill.

On behalf of Senator Jaffer, who seconded my bill the last time, I would like to adjourn the debate in her name.

Hon. Eymard G. Corbin: I have a question for my honourable colleague. I should have paid closer attention, but the Boy Scouts were originally incorporated when?

Senator Di Nino: In 1907. That is when they were created in England, and 1914 in Canada by special act of Parliament. It was changed, then, four times between 1914 and 1969, also through Parliament, to the best of my knowledge.

Senator Corbin: They have always come to Parliament to modify their statute?

Senator Di Nino: That is correct.

Senator Corbin: Senator Di Nino will recall that not only have I spoken in this place but we have exchanged thoughts as well, both of us, on this matter of coming to Parliament for incorporation. I do not have much of an objection when the entity was originally incorporated through an act of Parliament, but I certainly question the route taken by people who seek a first incorporation when they come to Parliament. We have had examples of that in the last decade or so. We had Opus Dei, which sought original incorporation through a bill in Parliament, and we had the Dai al-Mutlaq. Both of those, by the way, did not obtain Parliament's assent for incorporation. In fact, it was suggested that they follow the normal route through the general administrative process.

I do not intend to make much of a fuss today because of the original act of incorporation, but I think this is a good opportunity, once again, to remind the Government of Canada that it should complete its revision of the Corporations Act and proceed with measures that would enable entities such as this one to follow the general route so that they do not have to come to Parliament.

There is also a certain prestige attached to these requests when they are done by Parliament, but I think that, in a democracy like ours, there should be one route and only one route for all to follow, and that should be the general administrative route.

That is the only comment I wish to make.

Senator Di Nino: Thank you for that, and I would like to adjourn the debate in the name of Senator Jaffer.

On motion of Senator Di Nino, for Senator Jaffer, debate adjourned.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE ON STUDY OF NATIONAL SECURITY POLICY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore, for the adoption of the seventh report of the Standing Senate Committee on National Security and Defence (*budget—study on the necessity for a National Security policy*), presented in the Senate on February 24, 2005.—(*Honourable Senator Murray, P.C.*)

Hon. Lowell Murray: I understand the chairman of the committee wishes to speak, and I would defer to him at this time for that purpose.

Hon. Colin Kenny: Thank you, honourable senators. I had not expected to be here today, but I am. It is an honour that happens most days, Senator Joyal.

I have had an opportunity to review Hansard and, if I may, honourable senators, I will try to deal with some of the issues that appeared in Hansard of March 9, where there is a reference by the Honourable Senator Stratton regarding his understanding of a statement that I might make in this chamber.

The genesis of that reference was some concern that Senator Tkachuk had raised about an article that was published on my behalf in a number of newspapers. Normally, my comments tend to be directed to government when I am writing editorials, but in this case it was directed at the Leader of the Opposition. I have here a copy of the email that was sent to the *Ottawa Citizen* when the article was published, and I went out of my way to ensure that I did not associate my remarks with the committee or suggest that it was the committee's views I was expressing in the article that was sent to the *Ottawa Citizen*.

• (1620)

The tag line on that article reads: "Senator Colin Kenny has been supporting missile defence for the past three years. He can be reached by email at kennyc@sen.parl.gc.ca." It did not say that I was chair of the committee, nor did it suggest in the course of the article that I was. I advised the members of the committee that that was the case when the article was going forward, and I also explained that to Senator Tkachuk. All I can say is that I was expressing my views, which I believe I have the right to do.

Next are the issues that arose yesterday. The Honourable Senator Joyal commented upon the seventh report of our committee and suggested that we had asked for \$914,000. This leaves me slightly bewildered, because the seventh report that I submitted was a request to the Internal Economy Committee for \$817,000, and after going through the process of the subcommittee and then the full committee hearing, the Internal Economy Committee finally authorized \$657,000. Honourable senators, that is the amount that is before the chamber for approval as we speak.

I might just take a moment to comment that the process which we went through to get us here began on November 24, when I and, I assume, other chairs of committees received a letter from the Honourable Senator Massicotte in which he stressed that it was his subcommittee's intention to treat all committees fairly in order to facilitate their work and ensure that Canadians got value for money — I am quoting selectively here. Certainly, this letter is available for anyone to see.

He went on to say that we must ensure that all committees and work plans get the special attention that they deserve, and I can assure you that his subcommittee gave our committee special attention. It took us hours and hours to prepare the responses.

Senator Massicotte asked for special projects to include objectives and how we expected to achieve them. We were asked for measures of success, expected benefits and the impact on public policy and/or Canadians' quality of life. We were asked to produce an effective communications plan and a proactive political strategy that extended well past the publication of any written report.

On February 7, we received a subsequent letter from Senator Massicotte in which, on behalf of his subcommittee, he told us that the subcommittee would like to reiterate the importance it places on value for money in its assessment of committee budgets, and that to assist the subcommittee in its work, committees are asked to include with their budget submission a separate brief document including the following information: A study description; previous or current studies on the same topic by the House of Commons or the Senate; goals or objectives; impact; necessity; funding, including an estimate for future fiscal years; human resource requirements; travel; time frames and deliverables, and a communications plan. This was subsequently followed up by a further communication asking for more elaboration and detail.

We wrote back to Senator Massicotte. We provided him with copies of our reports to date, and we went through the impacts that our studies had had as best we could see. The list included changes that had taken place in various government policies and departments over the period of time that our reports had gone forward.

We provided Senator Massicotte with a copy of the *Canadian Security Guidebook, 2005 Edition*, in which we listed every recommendation the committee had made, and we indicated the government response to each of those recommendations. We found that over 50 per cent of the committee's recommendations had been adopted by the government. We saw significant changes in the programs under way in the Department of Transport, where they were taking a different approach to ports and to airports. We saw significant changes in the Deputy Prime Minister's department, where we had identified deficiencies in OCIEP and the lack of plans for continuity of government, the lack of an operations centre and a number of other issues that the government has since indicated it would proceed with. We saw a number of areas in which the Department of National Defence had taken into account our recommendations and was currently acting on them.

We also provided Senator Massicotte with a number of quotations from the ministers involved who, unsolicited by us, made comments to the effect that, in fact, it was the committee's reports that were driving the agenda as it related to the particular subject.

Returning to the comments of Senator Joyal as reported in Hansard, he asked why travel seems inherent to the existence of that committee.

• (1630)

Travel is important to our committee. We find that we have great difficulty when witnesses come before us in Ottawa. Unlike other committees, there are no alternative sources of information. If the Banking Committee does not like the advice they are getting from the Department of Finance, they can go to any number of people and get alternative advice. The banks are all qualified to do it. There are people in financial centres across the country that can do it. However, in terms of the Department of National Defence, the Department of Public Safety and Emergency Preparedness and CSIS, there are no alternative sources. There is not another Department of National Defence.

We find that when generals testify, former generals, retired generals, the government marginalizes them as armchair generals and suggests that they are out of touch and not up to date with what is going on. We find, frankly, that the testimony we get from senior officials here in Ottawa generally seems more focused on protecting their minister the next day in Question Period than enlightening Parliament. Therefore, we travel.

You will recall during the debate when this committee was established that this was to be a committee that did studies. We were set up to work on Mondays, and we have consistently worked on Mondays. We get relatively little legislation, certainly relatively little compared to the Legal and Constitutional Affairs Committee or other committees, but we do travel.

The nature of our travel is not what I would call the tourist circuit. We have been to Peel, Windsor, Kingston, Esquimalt, Regina, Pat Bay, Winnipeg, Shearwater, Oromocto, Dwyer Hill, Borden, Trenton, Petawawa, Valcartier, Saint John, New Brunswick, St. John's, Newfoundland, Charlottetown, Edmonton, Vancouver, Montreal, Halifax and Washington. We have relations on an ongoing basis with ten committees in Washington who relate to us in different ways. They visit us here. It is intriguing that we have ongoing communications with them about mutual matters.

Yes, we do travel, and the reason we travel is when we get out and talk to troops and customs officers they are prepared to tell us things that people in Ottawa will not tell us. We find that very difficult. That is where we find out about the vehicles that do not have parts. That is where we find out about units that are not properly manned. That is where we find out about bases that have married quarters that are falling apart. That is where we find out about customs officers who are serving alone at a post, unprotected, and that the government policy is that the police will come and protect them if there is a problem. Yet, when we

talked to the people serving at the post, they said the police do not come or, if they do, it is several hours afterwards, and their post has been run.

We travel because that is how we, as a Senate committee, have managed to write these reports. The information that is in these reports is not from testimony we received in Ottawa; it is from people who are prepared to talk to the committee when we have gone out and met with them there.

We also, frankly, have a pretty positive impact. I have just come back from a series of five town hall meetings. It is a salutary experience sitting in a room not knowing who is going to get up, not knowing what they will say, having them tell us to totally disarm or get huge increases in military spending, having them tell us that we are a waste of time or having them tell us that we are doing a great job. You do not have a clue when you are sitting there who is coming. We put advertisements in the paper, and whoever wants to show up, shows up. The committee has been doing that to get views.

Yes, we do travel. We do have a large budget. The last defence review was a decade ago, and 75 per cent of the expenses that we have before you, honourable senators, are for travel. Last time, the Department of National Defence provided an aircraft to the joint committee that was travelling. This time, the Department of National Defence says they do not have any aircraft left for us. The aircraft they have are unserviceable or they are in use, and this is one of the serious problems. When we talk about travel, we were told by transport command that our aircraft were fine. We went to Trenton in —

[Translation]

The Hon. the Acting Speaker: I must inform the Honourable Senator Kenny that his time has expired.

Senator Kenny: Would it be possible to have an additional ten minutes?

The Hon. the Acting Speaker: Honourable senators, does Senator Kenny have leave to continue?

[English]

Hon. Terry Stratton (Deputy Leader of the Opposition): I would ask for a limitation on the debate. Several people in this chamber would like to ask questions, therefore I do not necessarily want to put a limit on it, but I would like to put a limit on Senator Kenny's presentation, if I may, to allow for questions from the floor. How much longer does the senator have before we can go on to questions?

[Translation]

Senator Kenny: I would say ten minutes, Mr. Speaker.

[English]

Senator Stratton: Is Senator Kenny asking for ten minutes more in his presentation?

[Translation]

The Hon. the Acting Speaker: Honourable Senator Kenny, do I understand correctly that you are asking for an additional ten minutes to complete your remarks without taking questions on your presentation?

Senator Kenny: Mr. Speaker, I would like to respond to a question that was asked in yesterday's *Debates of the Senate*.

The Hon. the Acting Speaker: Honourable senators, Senator Kenny is asking for an additional ten minutes to finish his remarks, to be followed by a question period. Is there agreement?

[English]

Senator Stratton: Senator Kenny should appreciate that while he is going through that presentation, for the most part, most of the people in this chamber already know and are aware of what he is saying and have heard it before. For the consideration of this chamber, because there are questions, I ask that he limit himself to five minutes more so that we can then get on to questions. Ten minutes will be a repetition of what this chamber has heard from him before in many instances. I would therefore ask him to consider five minutes, and then questions.

[Translation]

The Hon. the Acting Speaker: Honourable senators, if I understand correctly, you are willing to allow Senator Kenny five minutes to complete his remarks, to be followed by a question period. Is that right?

[English]

Senator Kenny: Your Honour, I am in the hands of the Senate.

[Translation]

The Hon. the Acting Speaker: Honourable senators, would there be agreement to allow the senator five minutes to complete his remarks, followed by a question period?

Hon. Senators: Agreed.

[English]

Senator Kenny: Thank you, honourable senators. Perhaps I could have been more concise, but I must confess that I had notice last night that I was needed here, and I got up at 5:00 this morning to get back here. I have not had the occasion to organize things quite as I would have best preferred, but I will abide by the five minutes.

Yes, we do travel. The committee has not gone to places that are, by anyone's measure, exotic or places that one goes to travel for the pleasure of travelling. The committee frankly finds it is very hard work and committee members feel stressed when they do it.

The comment that I see here from Senator Joyal suggesting that the committee spends \$1 million a year travelling the world is unfair. That is not in fact the case, or anywhere near the case. If

you look back over the past three years, the committee spent \$316,959 in 2001-02, \$359,844 in 2002-03, and \$282,413 in 2003-04. We are, at this point, in the middle of a defence review that has not taken place in a decade. We are a little frustrated that the government has not come forward to pay for this as I have had four Ministers of Defence promise me. That was first promised in October and then again in November and then again in January. We are still waiting for the paper to come forward after a clear understanding that it would be there.

• (1640)

I would conclude simply by saying that committee members believe that the Senate is getting value with these reports. We feel that we have had an impact on Health Canada's emergency caches; the Hercules aircraft that I was talking about, of which we discovered when we went to Trenton that 19 of the 32 were unserviceable; the organized criminal activity taking place in ports that has been reconfirmed by a number of journalists and newspapers who, after our report was published, went and confirmed it; the difficulties that exist with container screening across the country; the gaps in border security with the manning levels; the infrastructure challenges we have encountered at all of the bases; the problems with spare part shortages; the training backlogs that we have identified in a number of areas, particularly some of the stress trades; the quality of life issues that affect our soldiers, sailors and airmen and women; the problems of reservists moving from reserves to the regular force or the problem of regulars moving into the reserves; the security gaps at Toronto Pearson Airport and airports across Canada that still exist with inadequate searches; under-manning of Canadian Forces units; and the general underfunding of the military.

Honourable senators, again, we think that the Senate is getting value for money. We believe that we have met all of the tests put forward by the Internal Economy Committee. We underwent a rigorous and difficult examination by its members. Senator Massicotte is here. We answered his questions to the best of our ability. He did not give us the funds we asked for, but he proposed a reduced amount.

Honourable senators, I stand here ready to deal with questions.

Hon. Noël A. Kinsella (Leader of the Opposition): I thank the honourable senator for his presentation. My first question for Senator Kenny is: How many reports *grosso modo* has your committee issued?

Senator Kenny: We have issued nine of them, Senator Kinsella.

Senator Kinsella: How many of those reports have been adopted by the Senate?

Senator Kenny: In fact, the last report was adopted by the Senate and included every recommendation that we have made to date.

Senator Kinsella: Has one report been adopted or have all nine been adopted by the Senate?

Senator Kenny: To be honest, I am not sure how many have been adopted, but I know that in the last report we included each recommendation the committee had made. We withdrew two of them that we considered no longer to be applicable. I do not have the date, but this report was adopted in its entirety.

Senator Kinsella: My second question relates to an exchange here yesterday, reported on page 877 of the *Debates of the Senate* for March 9. Senator Day was speaking, explicating the rationale in support of the seventh report's adoption. What I read in the second paragraph of Senator Day's statement yesterday is the following:

The statements made by Senator Kenny convinced the subcommittee and the full Internal Economy Committee that this is a very special study dealing with the need for a national defence policy, which was requested by the Minister of Defence and cabinet.

What was the nature of the request from the Minister of Defence and the government for a study?

Senator Kenny: The nature of the request was that they anticipated having a study out and available, and they wanted committees from both Houses to then ventilate them and to create a debate in the country to validate the paper. The committee started work on the assumption that the paper would be coming forward that month, and some concern was expressed about whether we could complete our work in time. Inasmuch as three members of the committee — Senator Meighen, Senator Forrestall and myself — had been involved in a previous defence review, we had some sense of the issues that had to be addressed, and so the committee began preparing itself to comment.

Senator Kinsella: My concern is that if the Minister of Defence, or for that matter the head of any other department or the cabinet itself as a whole, wishes to have a study done, they have all the resources of the Government of Canada to do their study. For them to ask that a study be done and for the Senate to carry out that study, with the very limited resources available to the Senate to do our policy studies, is something I would like clarified. What percentage of the budget is being expended for purposes of doing a study that the minister wants to have done, knowing full well that the minister has the means to do his or her own study?

Senator Kenny: Honourable senators, the minister is doing his own study. The purpose of the Senate committee is to comment on and to react to and either validate or invalidate the paper that is coming forward from the government.

Senator Murray: When and if the government paper is released.

The Hon. the Acting Speaker: Senator Kenny, please continue with your answer.

Senator Kenny: With respect, that is part of the frustration of the committee. How shall I put this? One is advised that a paper is coming forward. One is asked to organize oneself in a fashion to

be able to comment on it and one starts the preparation to do that. If the paper does not materialize, one carries on and says that if and when it comes we will comment on it, and if it does not come we will have a paper and we will put it there. The committee seemed content with that.

Things do not fall under quite the logical paradigm that Senator Kinsella has described. It is not as though there was ever an announcement that said there will not be a study now. The announcements always were that it will be next month or the month after that, and so the committee carried on. We inquire more often than you do about when we are going to get the paper, and we keep getting new dates.

Senator Kinsella: Thank you for the clarification.

Let me turn to the matter of missile defence. I appreciate that in your clarification you have expressed your own personal view, which you have every right to express. There was some confusion in the way some of us read the byline at the bottom, the editors having added "chairman of the committee," so I thank you for that clarification.

Do you or your colleagues on that committee — who I believe do excellent work, by the way — have material concerning what the Americans were proposing by way of missile defence? We have been attempting to understand the nature of the request that came from the United States. Do you have any documentation? Some people are using the phrase "signing on to missile defence." Is there any kind of proposal in writing that includes a place where one could sign? Some would suggest that the phrase is simply an analogy.

• (1650)

Honourable senator, your view was strongly articulated. Was it based on any knowledge of the American proposal? Have you seen any documents and, if so, would you share those documents with this chamber? We remain very much in the dark, although we have been attempting to obtain information on the matter.

Senator Kenny: Honourable senators, the Leader of the Government in the Senate places me in a difficult position. I stand before the house as the Chair of the Standing Senate Committee on National Security and Defence. In that capacity, I am here to answer questions on the committee's position. I have to inform honourable senators that the committee does not have a position on ballistic missile defence, although I, personally, have a position on it. However, I do not believe that private senators are permitted to receive questions in this form and in this way. I believe it is incumbent on me to answer as an individual if I make a statement in the chamber, but I stand here in my capacity as chair of the committee. Certainly, the article I wrote was in my capacity as a private citizen, so I am not certain that the question is in order, Your Honour.

Senator Stratton: I have to ask this question because it has been on the minds of several senators for some time.

Senator Kenny, when you made your submission to the Standing Committee on Internal Economy, Budgets and Administration for approval, you listed the number of hours that your committee works, and that number is commendable. You also compared the number of hours that the committee put in as opposed to the number of hours of other committees.

Could you give me a breakdown of the hours? Of what do they comprise?

Senator Kenny: Honourable senators, I have the figures that were compiled by the committees directorate. The committee sat for 719.4 hours during the Thirty-seventh Parliament. The median for the Senate was 244.3 hours and the mean was 190.7 hours. The figures are a combination of hearings and fact-finding. In this Parliament, not counting the month of February or March, from October 2004 to January 2005, the committee sat for 80.7 hours; the median for the Senate was 16.68 hours and the mean was 11 hours. The hours include fact-finding and hearings. There is not a further breakdown of those hours.

Senator Stratton: I did not ask for the total number of hours because we are aware of those. Rather, I asked what those hours were comprised of. Was the time spent meeting or traveling or touring facilities? What is the breakdown of the number of hours?

When you are comparing the hours sat by other committees, are you comparing apples and apples, or are you saying that your hours included your travel time? Do your hours include your tours of facilities? We are interested in knowing the breakdown.

Senator Kenny: I am happy to reply to the honourable senator's question. The hours that we spend sitting in committee are straightforward, and people understand that. In terms of the fact-finding hours, none are for travel. I arrived here at five o'clock this morning, and that does not count as any of our travel hours.

When we are fact-finding, a typical day is as follows: At 8 a.m. on Monday, March 7, the committee had a working breakfast to review the day's program. We were briefed on what to expect from the various witnesses. From 9:00 until 10:30 a.m. we heard about the Canadian Land Forces, Western Area, from Brigadier-General Beare and from Colonel Grant, and the committee asked them questions. We also heard from two additional colonels. From 10:30 to 11 a.m. we travelled to CFB Edmonton. That did not count as part of the hours tallied. At CFB Edmonton, from 11 a.m. until 12 p.m. we met with Colonel Flurry and Chief Warrant Officer Ellis, and talked about the problems and challenges faced by the Lord Strathcona Horse regiment. We talked to enlisted personnel and officers who worked there, and we saw the problems they were encountering with their equipment.

We then had lunch, which counted as our time because the committee's policy on lunch is to break out into individual tables to sit with either enlisted people and their spouses, or enlisted people only. We ask the officers to leave the room and we use lunchtime to hear the perception from the bottom up, rather than from the top down. The time from 12:00 until 1 p.m. would count as one hour of committee time.

At 1 p.m. we met with the 408th Tactical Helicopter Squadron and Colonel Laplante. We went through the problems he is having with the Griffin helicopters. We met with the technicians who repair them and talked to them about the problems that they are addressing and how well it is working.

We then returned to the hotel, which took one half hour and did not count. When we arrived at the hotel, we spent from 4:30 until 6:15 p.m. hearing from Professor Tom Keating and asking him questions and listening to his answers. From 6:15 until 7:45 p.m., we heard from Colonel Sullivan, Wing Commander at Cold Lake, and from Colonel Werny, Commanding Officer of the Aerospace Engineering Test Establishment, for one hour and twenty minutes. They described the problems of not enough flying hours, not enough fuel and not enough spare parts. We discussed in some detail whether Colonel Werny could maintain the confidence of his pilots, given the current funding.

We then had a working dinner where we reviewed, with our researchers, what we had learned that day, to assist them in writing the report. We began our public meeting, which was open to all, at 6:30 p.m. and heard from 23 members of the public until 8 p.m. We asked each one of them a question about their presentation. We departed the hotel and flew to Calgary, arriving at 10:55 p.m. The travel time from Edmonton to Calgary did not count in the time of the committee's work.

Perhaps I have not given you a precise answer, but I can tell you that getting from A to B does not count as fact-finding time. Rather, it counts as fact-finding time when the committee is sitting face-to-face with the witness or when we are standing and talking to an individual about defence or national security issues. However, the flight out, the flight back, to get from A to B, none of that counts in the hours that you see here, sir.

• (1700)

To test that, I would refer you to the witnesses. During the last Parliament, we saw and talked to 1,110 witnesses. The mean for committees was 423, and the median was 377. In the October-to-January period, we met with 146 witnesses. The mean for Senate committees was 29 and the median was 17.

Senator Stratton: What is the normal meeting time on the Mondays that the committee meets?

Senator Kenny: One of the difficulties we have with Mondays is that some committee members come from far away. We have some who are in Halifax. We have some who are as far away as Edmonton. For a while we had a member from Regina, and I can attest from personal experience that getting here from Regina is no treat. Three Mondays a month we meet from six o'clock until nine o'clock at night, and one Monday a month we meet at nine o'clock in the morning until six o'clock. That precipitates Senator Banks leaving the night before, and Senator Cordy may have to leave early as well if she is to be at that meeting. Senator Meighen can get an early flight out of Toronto. He can get a seven o'clock flight and that gets him in on time. These are the meeting times with which committee members have indicated they are comfortable.

The honourable senator will note in the same set of figures that the committee has an 80 per cent attendance record. We have that 80 per cent attendance record on Mondays, which places the committee tied for second this session and third in the last session in terms of committee attendance.

Senator Stratton: I was not asking for the number of hours worked. I was asking about the committee's normal time slot. Each committee in the Senate has a normal time slot when they meet. We are concerned on this side with the problem of extension of hours arbitrarily without approval of this chamber. We have extreme difficulty in manning committees on this side because of our numbers.

If you insist upon sitting extraordinary hours, we do not get attendance from your members at other committees. That is the problem and is something that should be addressed. My question again is: When are your normal hours to meet on Monday? What time period has been slotted for the committee to meet?

Senator Kenny: I gave you the answer, sir. I said on three Mondays we sit from six o'clock until nine o'clock and on one Monday we sit from nine o'clock in the morning until six o'clock. When the two new committees were established, the schedule was designed so that there would be no overlap between the two committees. The Senate normally does not sit on Mondays, and when it does, we do not.

Senator Stratton: You will not mind if I ask someone to verify that simply because we do not normally sit Monday evenings. My understanding was that the Defence Committee sat for three hours every Monday and that was it. That is the approved time slot. Perhaps I am wrong. Perhaps my honourable friend can inform the house as to whether something else has taken place. I am concerned about burnout on the part of our committee members because we are not getting attendance from them at other committees.

Senator Kenny: With respect, this is how the committee has been functioning for three years. Those on your side have supported this sitting schedule. We have yet to have a division in the committee on anything. The committee's decisions are unanimous. There are no competing committees. None of our members, until Senator Day was appointed to a special committee, had a conflict. What would you have us do, work less?

Senator Stratton: That has been approved by this chamber?

Hon. Jack Austin (Leader of the Government): Honourable senators, my understanding is that it has been approved by the whips, and that is normal practice when a committee seeks to sit outside its allotted time.

In any event, honourable senators, we have had an extensive report from Senator Kenny. The report he is submitting is based on the assessment and conclusions of the Internal Economy Committee of this chamber, which has been given under our rules the authority to assess budget submission by committees. We have an action by our Internal Economy Committee. We have heard the budgets were carefully studied both by the

subcommittee headed by Senator Massicotte and by the Internal Economy Committee. Senator Kenny has certainly confirmed that there were a number of specific exchanges before the current report was closed off and brought to this chamber.

I would like to suggest that we put the question now. I would like to say that I know there has been some concern about whether funds have been adequately provided for the work of all committees. My view at the moment, after consulting with Senator Furey and Senator Massicotte, is that they are well aware of the funds available and the demands on those funds by all of the committees. They have no intention of depriving any of the committees of the funds they require to do the work assigned to them by this chamber.

Should it prove to be the case in the fiscal year that we will be starting on April 1 that there are inadequate funds for the committee work that is supported by the Internal Economy Committee, I would speak with the Leader of the Opposition regarding the possibility of supplementary estimates to assist our committee work.

I put our committee work at the very top of our activity, with one exception; that is, government legislation, which is the first priority of this chamber. After that, everyone recognizes that our committee work is a significant part of the work of our chamber.

Honourable senators, I ask that the question be put.

[Translation]

The Hon. the Acting Speaker: Honourable senators, given that other senators would like to ask questions, I will consider that last intervention to be a comment on Senator Kenny's question.

[English]

Hon. Serge Joyal: I want to accept the invitation of the Honourable Leader of the Government. I thank Senator Kenny for his information. I concur with the fact that the subcommittee chaired by Senator Massicotte, of which Senator Lynch-Staunton and Senator Day are members, added Appendix "B" to the report dated February 24. We are being requested today to approve that report, which concludes that the total budget for the Standing Senate Committee on National Security and Defence would be \$657,000.

• (1710)

I look at the figures that we have been provided by the committee — that the professional and other services amounted to \$177,600 — and I see the same amount on the Appendix "B" of the report. On transportation and communication, there is a reduction. As I understand it, the reduction of \$160,000 from the original request came from that item.

What this report does not inform us about — and that is why I am on my feet before I vote on this matter — is which travelling has been reduced. As the honourable senator said properly, and I listened carefully, he needs to travel for the purpose of the committee. However, I would like to know if it is a reduction in the number of days that the committee is to stay in New York,

Washington, Norfolk, Colorado Springs, Los Angeles, San Diego, Brussels, Dubai or Kabul. Where is the reduction? Is it in the number of days, or is it one kind of trip that has been removed from the original plan that he had? That does not appear in Appendix "B" of the report that we were provided by Senator Furey.

Senator Kenny: I understand the question. You appreciate that we are following the standard practice of the Senate in terms of the reports that have come forward. I do understand why it would be unclear to some senators.

The cuts that you see are the trip to Colorado Springs, San Diego and Los Angeles, which means that the committee will not be looking at NORAD, Northcom, the bilateral planning group and ballistic missile defence. The committee was intending to look at how Canadian frigates integrate with carrier task groups in San Diego, and at Camp Pendleton we were to look at how the marine corps functions, which is the model that appears to be the direction in which the Canadian Forces is moving.

On the way back from that trip, we were intending to meet with a foundation in Los Angeles that did some distinguished work that was of value to us.

The other trip that the committee cancelled was the trip that was set up in the fall — the November trip. Both of them went — for a total of almost \$200,000. We are looking at trying to deal with first responders in Toronto in place of that.

Senator Di Nino: When were they scheduled?

Senator Kenny: They were all scheduled for the coming fiscal year.

Senator Joyal: I thank the honourable senator for his explanation on the perspective, objective and scope of the committee's work this year. Yesterday, again, when I listened to the Honourable Senator Day — and I am thankful to the Honourable Leader of the Opposition for having quoted the transcript verbatim — I was under the wrong impression, I confess. I thought that the committee had been requested by the government to do a review of the defence policy. Since such a review is a very comprehensive kind of responsibility, I concluded that if the government were requesting the review, the government should fund it — in other words, the one who calls the tune is the one who pays.

I said to myself, since the committees of this house are cash-strapped, if the government is requesting the committee to do such a study, the government should allow a reasonable amount of money in the estimates, considering that the committee has to travel.

Now I understand that that is not exactly the way we should understand the comments made by the Honourable Senator Day — with all due respect, because he is not here today.

[Senator Joyal]

If I understand properly, Senator Kenny, your answer is that if and when the paper of the government and the review of the defence policy are published, you will stop your agenda and start studying the government policy. Is this the correct interpretation of your comment, or am I wrong?

In other words, let us make a hypothesis. Suppose the government, on the first of June, releases its report on a proposed review of defence policy. You would devote your time to that policy so that you could report to all senators who unfortunately do not have as much time to spend as the committee does — and I am grateful for the number of hours the members individually put in on the committee. That would be your priority for the rest of the year. Am I right or wrong in interpreting it that way?

Senator Kenny: With respect, honourable senator, if it is June, I think I will probably be the first to be jumping off the Peace Tower, and you will not get a report from me on anything.

It has been a moving target. If things were simple, I would give you a simple answer, but it has not been simple.

When we started off after the Speech from the Throne, we got assurance from both the Minister of Foreign Affairs and the Minister of Defence that we would have a paper in October. The committee then structured its work plan and organized itself, and then went to Senator Massicotte and his committee with our proposal.

Then, as each month went by, the issuance of the paper kept being put on hold. The committee's view was that that was fine; that there are things that we know have to be in any defence review. We will look at them now and we will form our conclusions about them, so that when the paper does come forward, we will already know about the problems in recruiting, or we will already know that we have a destroyer that is being tied up and cannibalized to give parts to other destroyers.

Therefore, we were preparing ourselves so that we could comment on the paper, whenever it came forth. Our fondest hope is that we will see that paper. Then we will be able to comment on it, because we have been developing a much greater knowledge base with our work to date. If it comes in the next month or two, that is exactly what we will do. We will focus entirely on it. However, if the honourable senator is now saying that the paper will not come forth until June, then you might have to find yourself another turkey to take a look at it. We will put out our paper and say "This is the defence review."

Senator Stratton: I will bet.

• (1720)

Senator Joyal: Thank you, honourable senators. I understand the scope of your work much better. I try to keep an eye humbly on your work, and go through the report and the comments that are made. Sometimes, I must tell, you I feel a little confused about the nature of the committee. Sometimes I have the impression that the committee is a parallel to the Auditor General looking into government decisions and trying to see if there was value for money.

Sometimes I have the impression that the committee is like an ombudsman that is concentrating on the condition of individuals. Sometimes I have the impression that the committee is more objectively on a policy level, the way that some other committees sometimes happen to work. An illustration of that is Senator Carstairs' work on palliative care, which was a broad field.

At times I have problems understanding exactly the aims of that committee. Would it be wise to target a more precise chunk of work so that we do not get a kind of blurred image of everything at the same time?

I do not mean that the work of the committee is not useful. I think the committee has come forward with some conclusions that are very useful; for instance, security in ports.

The committee made two conclusions that were very overwhelming. The committee said that all Canadian Forces abroad should be called back because everyone was exhausted and their lives were at risk, unless I greatly misunderstood the comments that were made. That was an overwhelming statement. If the Canadian Forces are at risk of losing their lives because of exhaustion and being burned out, somebody in the government has to take a decision. In the months following, I saw there was no such decision taken by the Minister of Defence. On the contrary, they were replacing the forces with other forces. I want to know exactly what senators can expect from the committee.

Senator Kenny: With respect, our reports have been fairly specific. They have covered off chunks at a time. Our rate-limiting step is the cost of travelling. We are conscious of that and we look at more than one thing when we travel.

When you talk about ports, the information we got about ports came in an integrative way. You do not suddenly look at ports or visit one port and arrive at a conclusion. If you followed our work you would have noticed that the first report that we put out about ports was criticized by people, saying that we missed too much and did not get it right. We took a harder look at ports and discovered they were in worse shape than we suggested the first time. When the first report went out, people read it and came back to us saying we were misled because we listened only to the bosses. They said we should talk to some of the other people there, so we did that.

The same is true of airports. When we talked to the CEO of Air Canada, the Minister of Transportation and the head of the post office, they said everything was fine in airports. We got mail from people who worked in airports who said it is wrong; the mail and the baggage is not checked, the workers can go back and forth with knives and someone has led you down a garden path. Based on that information we went back and said, "Come clean."

Canada Post said that they thought Air Canada searched the mail, and Air Canada said that they thought Canada Post searched the mail and Transport Canada said that no one did, and no one does. That has been established a number of times.

You stated that we are taking too broad a picture about calling back the troops. I am sorry the government called back the troops. When we said that, there were 6,000 troops overseas. We said we wanted a pause. The ships came back and tied up. The Commander of the Navy said that he was not going to send any more ships out on patrol for the next year. There was no magic for us. We were repeating what we were hearing everywhere we went. People said: We cannot do it any more. We cannot function. We have run out of people and ships to do it. We do not have the equipment.

We were in Esquimalt watching the HMCS *Winnipeg* trying to deploy. To do that, they had to bring 60 per cent of the crew from other ships and 15 separate parts from the HMCS *Ottawa*. I am sorry that the government followed the recommendation of your committee. It said, "Pull back and do not send people out." We went from 6,000 people posted to under 2,000. If that confuses the honourable senator, I cannot help it. There was a problem with too high a tempo, wearing out of equipment and personnel, family breakdown, lack of opportunities to train, and people away from home too often. We pointed that out in the report, *Update on Canada's Military Financial Crisis: A View from the Bottom Up*, and everyone at the time said, "Who will do that? That is goofy." Within six months, that is exactly what the government did, and it has happened across the board. The committee takes great satisfaction from that.

Senator Joyal: I have a final question: Do I understand that over and above the professional and other services, there are the personnel of the Senate that accompany the committee or is this just the personnel that travels with the members of the committee? Is there a clerk from the Senate, and research people from the library? I ask this to get a clearer idea of the overall cost of the committee. When there are clerks from the Senate who accompany the committee working, and you sit for so many hours, they can work so many hours a day. There are some working conditions pertaining to their status. Could you inform us, generally, what is the additional work force that you have as support staff from the Senate and the Library of Parliament over and above the \$70,000 that is covered in your report?

Senator Kenny: I would be happy to do that. Under each trip, we list who is travelling. We actually canvass senators ahead of time and say, "Will you be able to go on that trip?" We are precise, therefore, about the number of senators travelling.

If you look at the trip for April 13 to April 21, for the first part of the trip there were six senators, one clerk, one logistics officer, one consultant, one researcher — I just answered that.

The Hon. the Acting Speaker: Honourable senators, if questions are to be asked and recorded, I would urge you to wait until you are recognized. I would urge Senator Kenny to continue with his answer.

Senator Kenny: There is one researcher, three interpreters, one French debates person and one media relations person. If you take a look for when the trip goes to Washington, there is not the same requirement for the same people going. It is a different trip and there are no public hearings. There is a different cast of characters going. We have broken that out for each trip, so it is clear for you or for the Internal Economy, Budgets and Administration Committee, and when we went through it they inquired of us in great detail.

For example, when we are having a public meeting, that is a town hall meeting. It takes a lot more people to organize because you have people at microphones, people at the door and people to pass out questionnaires to people who choose not to come to the microphone and so on. It varies trip by trip according to the subject matter, location and whether it is a fact-finding trip or a hearing. It is broken out, as you will see, in the costing of each trip.

Senator Murray: Honourable senators, there is a table that accompanies the seventh report of the committee in which it is indicated that in the fiscal year 2004-05 that ends at the end of this month, the committee has spent \$121,202. Can the chairman say whether this amount is close to the final amount that will have been spent in this current fiscal year?

• (1730)

Senator Kenny: Yes, I can, and it is not close to the amount. It reflects the first trip out. It does not reflect the Esquimalt-Victoria-Vancouver trip; it does not reflect the trip to Edmonton, Calgary, Regina and Winnipeg. A more accurate estimate would be something in excess of \$500,000 at this point.

Senator Murray: Thank you for that answer. The figure is not \$121,000; it will probably turn out to be in excess of \$500,000.

For the fiscal year beginning on April 1, we have a proposal before us in the amount of \$657,000, I believe.

Senator Kenny: That is correct.

Senator Murray: Can the chairman give us an assurance that he will not be back requesting supplementary estimates for an amount in excess of that considerable sum?

Senator Kenny: No, sir, I cannot give you that assurance at this time. We have not even started the fiscal year yet. I have no idea. I am the servant of the committee. I can tell you that we asked for more in our initial application. We were turned down by the Internal Economy Committee. As with any other chair, I convey the views of the committee to the Internal Economy Committee, and that committee disposes of our requests as they decide, as does the Senate.

Senator Murray: I think honourable senators would agree that any significant amount of money sought by way of a supplemental would not be an overrun on the activities already provided for in the present report. In other words, one assumes that your budgeting for those activities is on the mark.

The chairman can probably tell me whether the committee intends to come back with expanded or new projects that would require supplementary funding during the fiscal year.

Senator Kenny: I cannot predict the future any clearer than Senator Murray can. I will tell honourable senators that the committee cut out certain elements of the work. I described those as best I could to Senator Joyal. They included the visit to Colorado Springs and San Diego that the committee thought would be very useful.

In order to meet the deadlines and guidelines that we were being given by the government, we compressed the defence review so that all the work, in terms of travel, would be completed by the end of June. It was the committee's intention to spend the summer writing the paper and to have a report available by Labour Day.

One of the trips that we cancelled in order to meet the request of the Internal Economy Committee was the trip scheduled for November.

Senator Murray: Of what November are we speaking? Was it last November?

Senator Kenny: I am speaking of November 2005.

Senator Murray: If the Internal Economy Committee and my honourable friend's committee have together cut out some trips for the fiscal year 2005-06, why would Senator Kenny put them back in by way of a supplementary in the same fiscal year? Why would he contemplate doing such a thing?

Senator Kenny: I am sorry, but our committee does not put in supplementary estimates; the Senate of Canada puts in supplementary estimates. The government deals with supplementary estimates. I am only telling you that our work plan is structured in the way that it is structured. We did not jointly remove parts of this program. We got a message back from the Internal Economy Committee telling us the amount of money we would have.

Senator Murray: That is for the fiscal year 2005-06, is it not?

Senator Kenny: It is not that simple. Senator Murray may wish it to be, but it is not. The Internal Economy Committee has a program whereby they take back unspent funds and reallocate them if they find there is something worthwhile to spend the funding on. That has been the case for a number of years now, as Senator Murray well knows.

We intend to proceed with our work plan as we have it written here. The work plan, for travel purposes, comes to an end in early September, and I am not in a position to comment on it. Frankly, I have had enough difficulty keeping track of where we are now.

I find it very challenging to look ahead for 14 months with certainty, due to prorogations, dissolutions and the legislative challenges that face us. I have no idea what bills are coming our way. I know that I did some work this summer relating to parliamentary oversight of the intelligence community, in which members from Senator Murray's side participated. I have been anticipating for some time that something would come forward

from that work in the way of a paper, as well as in the way of legislation. In fact, I have inquired of the Deputy Prime Minister as to when we might see that come forward.

Senator Murray: I do not want to interrupt, but I also do not want to take too much of the time of the Senate on this. You have a work plan and, if it is voted today, you will have \$657,000. Does \$657,000 fund your work plan?

Senator Kenny: It funds the work plan you see before you, yes.

Senator Murray: Is there another work plan other than the one we have before us?

Senator Kenny: No, sir, but we are the servants of the Senate, and if the Senate gives us legislation or work to do, we will carry it out.

Senator Murray: I understand that, senator, but in terms of the general work of this committee, leaving aside legislation, the committee concludes that there is an additional field of inquiry they wish to pursue, and they come back with a motion asking for authorization from the Senate for that inquiry. The initiative for most, if not all, of these inquiries comes from the committee itself, not from any non-member of the committee in the Senate.

If you are intending to come back for significant supplementary funding during the fiscal year that begins on April 1, it will probably be because you have a new project, an expanded project or a different field of inquiry to add to your work plan. Is that not the way it usually works?

Senator Kenny: No, senator, that is not the way it usually works. I wish it were. In reality, I have no idea when the government will come forward with its paper. I think it is unreasonable to suggest that I can tell the Senate with any measure of certainty what will happen in the future.

I have already indicated that I am aware of a significant piece of work that was initiated by the government on which members from both sides worked. The government sent us to Washington, Canberra and London, to look at parliamentary oversight of the intelligence community. The undertaking that the government made to us at that time was that something would be forthcoming far sooner than now, and nothing has come forward. I have no idea what will happen there. Time will tell.

• (1740)

If the honourable senator is asking me for an ironclad commitment about what will happen in the future, I do not know. I can tell him that the committee has had no discussion of it. We are debating amongst ourselves how to deal with the situation if we go another four or five months without having a government paper to deal with. It is not entirely clear.

Senator Murray: In terms of parliamentary oversight, I presume that the government will decide and will make a proposal to us. Whether it would then be necessary for the committee to go back to London, Canberra or Washington, or to undertake a very expensive or extensive study of the matter, I do not know. I will leave that there for today.

Senator Kenny: If I can just correct the record, our committee did not go to Washington, Canberra and London. It was an ad hoc committee made up of parliamentarians; it had no parliamentary status whatsoever. It was funded entirely by the Privy Council Office, but it included members from the other side, members from this side and members from the other place.

Senator Murray: What is its relevance to our budget discussion?

The Hon. the Acting Speaker: If I may, I can only hear one senator at a time. If honourable senators listen to the answer, then we will be ready for another question.

Senator Kenny: I was being asked to predict the future. In response to Senator Murray, I was endeavouring as best I could to share what knowledge I had with him on the subject. I would be disingenuous if I pretended that I did not know that the government has some thoughts in mind in terms of parliamentary oversight. May I finish?

Senator Murray: I will just conclude, if I may, by saying that I am glad the honourable senator has shared so much information with me, and it is extremely interesting. However, a good bit of it, including what we have just heard, is irrelevant to the question at hand, namely, the committee's budget for 2005-06.

Senator Kenny: With respect to Senator Murray, he asked the question and I was endeavouring to satisfy his question as best I could.

Hon. A. Raynell Andreychuk: Honourable senators, I am indebted to Senator Joyal for obtaining the clarifications on defence policy.

In the Foreign Affairs Committee, Minister Pettigrew said he would be interested to receive the views of the Senate with respect to the foreign policy review. We did not take it up because we knew it would be at the cost of the Senate. I wondered why the government was requesting the Senate to conduct a defence study and not the overall foreign policy study. The questions and answers today have clarified that for me. I understand this was not a formal request by the government. They are interested in our views, and rightly they should be.

I would have thought a formal request would have gone to the leadership and would have been dealt with that way. I have not heard that on the record. Perhaps the honourable senator can let me know whether there was any discussion with the leadership in the Senate.

I am rising on just one point. I am not sure how to address it. I sit on five committees. I endeavour to do my job on five committees. I chair one. Statistics were given about the number of witnesses and the number of sitting hours of other committees. I understood it was not our practice to comment on one or the other. I would appreciate receiving those statistics on other committees to ensure that they are adequate and correct regarding the number of witnesses and the number of hours each committee sits.

Comments were made about the attendance of members. Some of us have had to sit for a half an hour on one committee and run to another. I would never say that I sat through the entire hearing. I have done the best I can.

I would appreciate receiving those statistics. I would like to know how that information got to the honourable senator and then to the Standing Committee on Internal Economy, Budgets and Administration. I was not aware of this process. I chair one of the committees and have never been asked to provide those statistics to honourable senators.

Senator Kenny: This is a two-part question, honourable senators. First, I am aware of communications that took place between the Minister of Defence and the Leader of the Government, but I think it is up to him to characterize those discussions.

Second, the figures are published on an ongoing basis. The Committees Directorate issues a report every second week, and it is available to any senator who wishes it. The figures I have been quoting are all sourced either by the Committees Directorate or by the informatics group, which counts the hits on people's websites, or by the information groups that keep track of the number of media stories on every committee. They are available to any senator upon request.

We use this information when we are asked by Internal Economy to justify our work and to demonstrate the value of the work. We said, "Fine, we will show you how many hours we worked. We will show you what percentage of our members show up."

We have been told by Internal Economy that our funding will be conditional on the percentage of members who attend. We pay a significant amount of attention to attendance. We pay a significant amount of attention to the coverage we receive because that helps to have an impact on the system. The same is true with website hits. It is a measure of the public interest in the work that our committee is doing.

We are happy to tell people that we have an 80 per cent attendance rate.

Senator Andreychuk: That was not my question. We can debate communications strategy. I was interested in the fact that the committee in question apparently submitted figures to Internal Economy about other committees. Would these be available? Should I direct the question to Internal Economy to get copies of them so that I am aware of exactly what comparisons were used?

Senator Kenny: The honourable senator is certainly welcome to anything we gave to Internal Economy. I would be happy to give that information to any honourable senator at any time. That information is also available from the committees branch, the communications branch and the information technology branch. There are reports every two weeks on these matters. They are available from a number of sources. If I were asked if the honourable senator could have the information, I would cross the floor and hand it to her.

[Senator Andreychuk]

Senator Andreychuk: I would appreciate that.

Senator Kenny: I will walk around afterwards, if I may.

Senator Andreychuk: Thank you.

Hon. Consiglio Di Nino: Honourable senators, I would appreciate a clarification on the issue of the expenditures on studies. The expenditure that has been appropriated for this study is not augmented by any other funds. Would some of the expenses not be classified as part of the allotment from Internal Economy, the 64 points we each have available to us? Is any of that built into the studies?

Senator Kenny: No, sir, to the best of my knowledge that is contrary to the *Rules of the Senate of Canada*. Certainly, in my personal view, that is a misuse of the 64 points. I think they should be preserved to allow senators to commute back and forth to be with their families, or whatever. It is also my belief that that is a policy that is discouraged by the Senate.

• (1750)

Hon. Sharon Carstairs: I just have one simple question. Senator Kenny, when I look at your four basic work schedules, there is one in April, one in May, one in June and one in November. I understand that the November trip has now been cancelled in order to make the budget \$657,000, with the \$160,000 cut. Are we to be led to the conclusion, therefore, that the defence committee will not be doing anything after June 25?

Senator Kenny: No, but you should be led to the conclusion that we do not have any funds for travel.

[Translation]

Hon. Paul J. Massicotte: I want to comment on Senator Murray's question. The budget was cut by \$160,000, and trying to get this amount through a supplementary budget is not an option. Is that right?

Hon. Senators: Yes.

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

Hon. Senators: Question!

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

Motion agreed to, on division.

[English]

BUDGET 2005

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 23, 2005.—(*Honourable Senator Cochrane*)

Hon. Ethel Cochrane: Honourable senators, in view of the time of day, I would just like to make a few remarks now with respect to the federal budget brought forth on February 23 in the other place.

This budget was entitled “Delivering on Commitments”, but it is disappointing to see how very little was delivered to Canadians and how very much was deferred to measures that will not take effect until years down the road.

This is a budget that shows how little this government concerns itself with improving the well-being of today’s citizens, in spite of its pride in claiming that we are sitting on the largest surplus of funds in Canadian history.

Honourable senators, taxes in our country are outrageously high. Almost half of what Canadian families are earning goes to pay a seemingly endless selection of taxes every year. Altogether, the federal and provincial governments are currently taking in almost \$16,000 for every single Canadian. Since 1989, there has been only 3.6 per cent growth in the take-home pay of Canadian workers — that is in 16 years — in spite of the GDP per worker growing by 21.8 per cent.

Honourable senators, what accounts for that gap? The tax load that is faced by low- and middle-income earners in Canada is simply astounding. Don Drummond, Chief Economist of the TD Bank, stated recently:

The financial well-being of Canadians has barely advanced in the past 15 years, even though Canadians are working harder than ever.

This situation has continued despite steady growth in the economy during that period and a rise in the overall gross domestic product of almost 3 per cent per year. To put that in perspective, the average Canadian worker is only about 3.6 per cent better off now than he or she was 15 years ago. Such a burden is particularly onerous on those who can least afford to pay these taxes: the low- and middle-income earners in our country.

The end result of this eagerly-anticipated budget was to increase the basic personal income tax exemption from the current levels of \$8,012, starting in the next fiscal year, by \$100, followed by a further \$100 in 2007. The plan calls for the basic personal deduction on income to rise gradually to \$10,000 by the year 2009. This change will create a corresponding tax saving of about

\$16 for the average Canadian taxpayer beginning next year. Can you imagine: \$16. That will increase to only \$32 in 2007. When you do the calculations, the typical tax savings for a family of one income earner and one dependent spouse is \$29.60. For a family of two income earners, it is only \$32. This is not a significant tax saving; it is a minimal tax saving or, as one analyst has suggested, it is the value of a medium-sized pizza to the average Canadian, starting next year.

Over a four-year period, individual Canadians will save only about \$336. This is not a very effective way to deliver tax cuts to Canadians, who are already overtaxed. More important, it certainly is not a timely delivery if Canadians have to wait until 2009 before the exemption finally reaches the \$10,000 level.

I have to ask myself, honourable senators: Where is the significant tax relief for families here and now, in 2005? I just do not see it. The Canadian Taxpayers Federation has called the initial tax savings laughable. To be honest with you, I have to agree. It is just not good enough.

As I recall, when the Prime Minister was Finance Minister, he ended the practice of making five-year spending projections on the basis that no one could predict with any sense of certainty what would happen that far into the future, yet this tax strategy is far from meaningful tax relief for ordinary Canadian taxpayers if they are expected to wait three to five years before they benefit in any way from the tax breaks offered in this budget. Of course, this is happening at a time when the Canadian economy is robust and revenue is flowing into the federal coffers.

The same could be said about the Guaranteed Income Supplement benefit for low-income senior citizens in Canada. The government is offering to increase this benefit to \$2.7 billion for 1.6 million seniors, this time over a five-year period. This amounts to a maximum monthly increase of \$36 for single seniors and \$58 for couples. Half of that increase will come into effect January 1, 2006, and the remainder will occur one year later. Any increase to this program is to be applauded. However, it will hardly prove to be of great benefit to our seniors if, for example, it only amounts to one less trip to the food bank each month. It also does little to address the needs of seniors who live above poverty today.

Instead, the federal government is telling seniors to wait another two years for a meagre increase. I think seniors would be more understanding about this delay if our country’s economic situation was poor. However, we all know that that is not the case. About 1 million of the current GIS recipients are women. Honourable senators, I can think of very few groups in our society that are more vulnerable than elderly women living in poverty, often by themselves. It must be insulting for them, and indeed for all seniors, to hear the federal government congratulate itself on the pitifully small way in which it says it has offered assistance.

• (1800)

Too many seniors are already making do with very little. Too many seniors are already forced to choose between paying for medications or other expenses such as food and utility bills. Unfortunately, this budget will not change that very much.

[Translation]

The Hon. the Acting Speaker: Honourable senators, it is now 6 p.m.

[English]

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I wonder if there would be agreement not to see the clock.

Hon. Senators: Agreed.

Senator Cochrane: I also share Senator Downe's concern that the federal government must do all it can to ensure that those seniors who are eligible for this supplement will receive it.

Figures for 2002 from Statistics Canada show that almost 135,000 seniors across the country are eligible for the GIS but have yet to sign up for it. The federal government says that those figures have changed over the last two years and are now substantially less.

If this claim is true, we are not able to verify it as those figures have not yet been made public. Each of us must continue to encourage the federal government to inform all eligible seniors of this particular benefit.

I believe that the purpose of this budget was not to provide significant or meaningful tax relief to hard-working, overtaxed Canadians. The purpose of this budget, in my view, was to increase program spending well beyond the rate of economic growth in Canada and to do almost nothing to improve today's standard of living.

Three quarters of the spending plans outlined in this budget, almost \$42 billion, will occur after April 1, 2007. It will occur at the expense of tax relief that could have immediately addressed the stagnating incomes of Canadians.

Honourable senators, the government continues to take more away from Canadians than it is prepared to give back to them. As the Honourable Leader of the Opposition pointed out in his remarks, the federal government plans to change the way in which employment insurance premiums are set to cover actual program costs. However, the budget failed to address the billions of dollars in overpayments employers and employees have made into the employment insurance program, not to mention the interest that this money has made.

As Senator Oliver pointed out to us yesterday, over the next five years, Canadians will pay an additional \$6 billion in EI premiums while their tax bill continues to climb. I must repeat, this is not good enough.

The Auditor General's report of last November once again reminded Canadians of the billions of dollars in EI premiums that the federal government collects but does not pay out. These premiums are little more than a regressive tax on working people, taking away the equivalent of a week's pay each and every year. They also make it more costly for employers to take on additional labour.

Honourable senators, this budget promises 40 new spending initiatives totalling some \$32.8 billion over the next five years. In 2005-06, program spending will reach \$161.3 billion, all at the expense of tax relief that would address economic problems that Canadians are experiencing now. This budget is simply a back-end promise that offers them very little, and at a much later date.

Hon. Senators: Hear, hear!

On motion of Senator Stratton, debate adjourned.

ASSASSINATION OF LORD MOYNE AND HIS CONTRIBUTIONS TO BRITISH WEST INDIES

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to:

(a) November 6, 2004, the sixtieth anniversary of the assassination of Walter Edward Guinness, Lord Moyne, British Minister Resident in the Middle East, whose responsibilities included Palestine, and to his accomplished and outstanding life, ended at age 64 by Jewish terrorist action in Cairo, Egypt; and

(b) to Lord Moyne's assassins Eliahu Bet-Tsouri, age 22, and Eliahu Hakim, age 17, of the Jewish extremist Stern Gang LEHI, the Lohamei Herut Israel, translated, the Fighters for the Freedom of Israel, who on November 6, 1944 shot him point blank, inflicting mortal wounds which caused his death hours later as King Farouk's personal physicians tried to save his life; and

(c) to the 1945 trial, conviction and death sentences of Eliahu Bet-Tsouri and Eliahu Hakim, and their execution by hanging at Cairo's Bab-al-Khalk prison on March 23, 1945; and

(d) to the 1975 exchange of prisoners between Israel and Egypt, being the exchange of 20 Egyptians for the remains of the young assassins Bet-Tsouri and Hakim, and to their state funeral with full military honours and their reburial on Jerusalem's Mount Herzl, the Israeli cemetery reserved for heroes and eminent persons, which state funeral featured Israel's Prime Minister Rabin and Knesset Member Yitzhak Shamir, who gave the eulogy; and

(e) to Yitzhak Shamir, born Yitzhak Yezernitsky in Russian Poland in 1915, and in 1935 emigrated to Palestine, later becoming Israel's Foreign Minister, 1980-1986, and Prime Minister 1983-1984 and 1986-1992, who as the operations chief for the Stern Gang LEHI, had ordered and planned Lord Moyne's assassination; and

(f) to Britain's diplomatic objections to the high recognition accorded by Israel to Lord Moyne's assassins, which objection, conveyed by British Ambassador to Israel, Sir Bernard Ledwidge, stated that Britain "very much regretted that an act of terrorism should be honoured in this way," and Israel's rejection of Britain's representations, and Israel's characterization of the terrorist assassins as "heroic freedom fighters"; and

(g) to my recollections, as a child in Barbados, of Lord Moyne's great contribution to the British West Indies, particularly as Chair of the West India Royal Commission, 1938-39, known as the Moyne Commission and its celebrated 1945 Moyne Report, which pointed the way towards universal suffrage, representative and responsible government in the British West Indies, and also to the deep esteem accorded to Lord Moyne in the British Caribbean.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: I know the clock is ticking and it is a very interesting debate. Since this order will not die today, I will allow one day to be added. That means it is 11 or 12 days today, but I will have one word for the house on the next order that should die today if I do not talk.

I have a proposal and, if honourable senators are in the mood to accept it, I would be more than honoured and happy to cooperate. I request that this item stand.

Order stands.

[*Translation*]

COLORECTAL CANCER ASSOCIATION OF CANADA

Leave having been given to revert to Senators' Statements:

Hon. Céline Hervieux-Payette: Honourable senators, please excuse my delay in speaking to you about an extremely important issue that was the topic this morning of a breakfast meeting with the Colorectal Cancer Association of Canada.

This type of cancer is rarely talked about even though it is the second leading cause of death in men and women in Canada. This year, roughly 19,200 people will be diagnosed with the disease and 8,400 people will die from it.

Periodic screening can help prevent more than 90 per cent of cases of colorectal cancer by revealing precancerous polyps in the early stages when they are easier to cure.

The Colorectal Cancer Association of Canada is the most important association of its kind in the country. It provides information and support programs to patients and families. It is also lobbying for a national screening policy and better access to new treatments.

Thanks to its efforts, the chances of surviving this disease are on the rise. Paradoxically, less than 20 per cent of all individuals between the ages of 50 and 74 are currently getting tested for colorectal cancer. I encourage Canadians over the age of 50 to learn about the risk factors and to talk to their doctors about ways to get tested. In addition, I strongly recommend that anyone with a family history of colorectal cancer consider getting tested.

Our health care system is struggling under an increasing number of responsibilities, including the need to increase cancer care. Since cancer is the leading cause of death in Canada, beating out heart disease, there is an urgent need to combat and prevent colorectal cancer.

In collaboration with this association, our federal and provincial governments have an excellent opportunity to defend this cause. In order to educate the public about this unfortunately very serious form of cancer, the Colorectal Cancer Association of Canada has designated March as National Colorectal Cancer Awareness month in Canada.

I join with the association in inviting all senators to reflect on this matter and simply ensure that their friends and family members are informed.

THE ISRAEL-PALESTINE QUESTION

INQUIRY—DEBATE ADJOURNED

Hon. Marcel Prud'homme rose pursuant to notice of December 13, 2004:

That he will call the attention of the Senate to the Israeli-Palestinian question and Canada's responsibility.

He said: Honourable senators, I have, of course, consulted our officers in order to be sure I do not make a mistake. I know that the mood of this chamber would have me ignore the clock and make my speech today. Having taken the floor with your permission, I would now ask that the debate be adjourned so that we can finish earlier. If there is unanimous consent, I wish to adjourn the debate on my own motion. I have been told that is the proper procedure.

On motion of Senator Prud'homme, debate adjourned.

• (1810)

[*English*]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government), for Senator Fraser, pursuant to notice of March 9, 2005, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to meet on Monday, March 21, 2005, even though the Senate may then be adjourned for a period exceeding one week.

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 Monday, March 21, 2005, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

The Hon. the Acting Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, March 21, 2005, at 6 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, March 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	05/03/07	0			

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	05/02/15	0	05/02/22	05/02/24*	3/05
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	05/02/22	0			
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	05/02/16	05/02/24*	2/05
C-8	Bill C-8, An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs					
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology					
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	05/02/15*	1/05
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	05/02/23	Transport and Communications					
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	05/02/16	Aboriginal Peoples	05/03/10	0			
C-24	An Act 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)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce					
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07							
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	05/02/22	0 observations	05/02/23	05/02/24*	6/05

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No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0			

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	05/02/17	0 observations	05/02/22	05/02/24*	4/05
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	05/02/17	0 observations	05/02/22	05/02/24*	5/05

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	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
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	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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		Subject-matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce					
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	05/03/10	Legal and Constitutional Affairs					
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	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrestall)	05/02/16							

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							
S-27	An Act respecting Scouts Canada (Sen. Di Nino)	05/02/17							

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