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THE HONOURABLE SHIRLEY MAHEU
SPEAKER *PRO TEMPORE*

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THE SENATE

Tuesday, June 7, 2005

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

Prayers.

SENATORS' STATEMENTS

SIXTY-FIRST ANNIVERSARY OF D-DAY

Hon. Joseph A. Day: Honourable senators will be aware that 2005 is the Year of the Veteran, marking the sixtieth anniversary of the end of World War II.

I rise today to commemorate the courage and sacrifice made by Allied soldiers during one of the most important battles of the Second World War. D-Day occurred 61 years ago yesterday. It was a day soldiers had been working, training, waiting and planning for, for years. There were battles on the eastern front, and soldiers had been fighting for some time in Italy, but Allied soldiers and officers believed that a third front was necessary.

The German army had been occupying 80 kilometres of mostly flat, sandy beach along the Normandy coast. Those German soldiers awoke on the morning of June 6 to view a vast armada posed to invade occupied France. During the night of June 5, 1944, the Allied navies — Canadian, British and American — had brought a huge invasion fleet from England. What transpired the morning of June 6, 1944, changed the course of history.

The Allied forces brought together for this battle included 155,000 soldiers, 5,000 ships, 50,000 vehicles and 11,000 aircraft. Canada's contribution — at a time when our nation's population was 12 million — consisted of approximately 35,000 men in this battle alone, comprising 14,000 soldiers, 10,000 sailors and approximately 10,000 Royal Canadian Air Force members involved with reconnaissance planes, Lancaster bombers and Spitfire fighters. There were four beaches at Normandy; two of them were taken by the Americans, one by the British and one by the Canadians. The beach taken by the Canadian soldiers became known as Juno Beach.

After a fierce day of fighting, the first line of Nazi defence had been broken. By evening, Canadian troops had progressed further inland than any of the Allied forces. It was a remarkable achievement, but that success on D-Day was costly. On that day, 340 Canadians gave lives, another 570 were wounded, some of them seriously, and a further 47 soldiers were taken prisoner.

For what they did to help preserve our way of life, our freedom and the laws to which we would be subject, we have pledged that at the going down of the sun and in the morning we will remember them.

Hon. Michael A. Meighen: Honourable senators, it is with great honour that I join my colleague Senator Day and others in this place in commemorating the anniversary of D-Day, June 6, 1944.

At approximately 5 a.m. local time on that fateful day, the sun rose to reveal an astonishing armada of Canadian, British, American and other Allied ships carrying thousands of determined troops. Their purpose was to bring freedom to the people of France and the rest of Europe.

These days, honourable senators, when the sun rises over Courseulles-sur-Mer, it reveals a popular swimming and tanning destination. Instead of Canadian soldiers wading through the water in the teeth of murderous fire, there are children swimming and playing along the shoreline. The beach's long tides, shallow slope and grassy dunes make it an ideal vacation spot. It is difficult to imagine that this beautiful, tranquil beach, code-named Juno, was once the scene of a ferocious battle. It is almost impossible to conjure up in one's mind the strikingly different picture of 61 years ago. As Canadians moved up from the shoreline and into the Norman countryside, they fought with rare courage, perseverance and determination.

[Translation]

Today the Juno Beach Centre stands at the very spot where the Canadians landed. This building is a kind of beacon, shedding its light on Canada's remarkable military and civilian contributions in France and elsewhere during the Second World War, and preserving those memories for future generations.

With the passing years, it is becoming increasingly important to remember and to honour the ultimate sacrifice made by 5,400 Canadians during the Normandy campaign.

[English]

As the waves wash away the sands of Juno Beach, it behooves us to ensure that time does not wash away the memories of June 6, 1944. All Canadians from coast to coast to coast, along with the generations of Canadians to come, must never forget this pivotally important event in our history. Just as the Juno Beach Centre seeks to educate persons from around the world about Canada's contribution to the Second World War, we, too, must take on this role in educating our children and grandchildren about the role we played as a nation. In this, the Year of the Veteran, let us resolve never to forget.

JOHN ALLAN CAMERON

Hon. Terry M. Mercer: Honourable senators, when one listens to Celtic music, one immediately thinks of Nova Scotia, and in particular Cape Breton Island. At the same time, one of the names that comes to mind is John Allan Cameron. Before the Rankin Family or Natalie MacMaster, there was "Johnallan."

• (1410)

A proud son of Inverness County, John Allan was diagnosed with a rare bone marrow cancer and leukemia three months ago. To help raise funds for his treatment, numerous artists from across the Maritimes and, indeed, all of Canada converged and planned three benefit concerts in Glace Bay, Mabou and Halifax.

Honourable senators, as he is a permanent fixture on the Canadian music scene, it was no surprise to see the outpouring of generosity to John Allan as he fights to keep his spirit and determination strong. That generosity was very evident as his presence still commands an audience — all shows are sold out.

I am reminded of an incident of a few years ago during An Evening in the Maritimes, held here in Ottawa, which many honourable senators attended. Our colleague Senator Buchanan, John Allan and I were on stage at the Congress Centre singing *Out On the Mira*, one of the signature songs that all Nova Scotians know by heart. I remember the reaction of the crowd — not for me or for Senator Buchanan, much to his chagrin — to John Allan. He is the godfather of Celtic music.

Honourable senators, to play the 12-string guitar is by no means an easy feat, but John Allan is a true master. His quick wit and beaming smile made converts of people who did not know that Celtic music could be so exciting and so cool. People will always recognize his signature shout of “Yes!” during concerts or in the background of songs.

Honourable senators, it is a true testament to the life of a person when their colleagues care so much for their well-being.

When I was on the board of directors of the Kidney Foundation of Canada, John Allan gave free, spontaneous concerts all across the country in support of the foundation.

I take this opportunity to wish John Allan a speedy recovery and many more years of the toe tapping, hoots and hollers that we have all come to admire.

INTERNATIONAL FUND FOR IRELAND

Hon. Donald H. Oliver: Honourable senators, I was pleased to learn on May 19 that Canada has increased its annual financial contribution to the International Fund for Ireland. The International Fund for Ireland was established as an independent international organization by the British and Irish governments in 1986. Its objectives are to promote economic and social advancement and to encourage contact, dialogue and reconciliation between unionists and nationalists throughout Ireland.

Canada has been a contributor to the International Fund for Ireland since 1987. We currently contribute \$333,000 a year. Canada's financial commitment will rise to \$500,000 per year for the next four years, reaching a total of \$2 million by the year 2009.

The Chairman of the International Fund for Ireland, Dennis Rooney, describes the increase as “hugely significant because it is a practical demonstration of Canada's longstanding commitment to a peaceful future for Ireland.”

Honourable senators, from February 25 to March 5 of this year, I was part of an all-party delegation of parliamentarians who travelled to Belfast and Dublin, Ireland, to monitor the status of the Northern Ireland peace process. Our delegation included Senator David Smith, Roger Valley, Jason Kenney, Bill Blaikie, Monique Guay and Pat O'Brien.

In Ireland, we were able to witness firsthand the fallout from the violent conflict between Catholics and Protestants in Northern Ireland, which has plagued the country for decades. We were also able to conduct consultations with Irish parliamentarians and community leaders who are still reeling from the violent murder of Robert McCartney, allegedly by members of the Irish Republican Army. The McCartney murder will forever change the cultural and religious divide in Northern Ireland.

Honourable senators, for nearly two decades Canada has been a major contributor to the International Fund for Ireland. This latest increase in funding will enable Canada to continue to play a significant role in the Irish peace process.

ENVIRONMENT WEEK

Hon. Tommy Banks: Honourable senators, June 5 to 11 is Environment Week. During this week, we focus on things Canadians can do to make Canada greener. As Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, I would be remiss if I did not mention that we should all be striving to set good examples, not only this week but every week.

I would like to draw to your attention the Commuter Challenge. It is a national event that encourages people to commute this week in an environmentally friendly way and to document it. This is a friendly competition that takes place among companies and institutions, and it ought to include ours.

The Senate is usually compared in that challenge with the other place, the Library of Parliament and the Department of Public Works. In the past, we have not had anything to boast about in this chamber, although we are supposed to be setting good examples.

This year, I encourage every senator and their staffs to get involved. First, we have to find an environmentally friendly way to get to work. Driving a green SUV does not count. We might walk, as I have the privilege of doing, take public transit or car pool with at least two occupants. Those wishing to participate may register with the Commuter Challenge. The easiest way to do that is to contact my assistant, Tom Smith. Then, record how you get to work for one week, and, of course, continue to commute that way for the rest of your life.

By taking part in this challenge, participants are eligible to win prizes that range from environmentally friendly products to recreational gear.

I personally challenge each senator to join in the Commuter Challenge, not only this week but particularly this week, and to keep a record. I hope that at least half of the senators will do that so that I will be able to crow about the Senate's achievements in this challenge, something I have not been able to do in past years.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2004-05 ANNUAL REPORT TABLED

The Hon. the Speaker pro tempore: Honourable senators, I have the honour to table the annual report of the Information Commissioner of Canada for the period from April 1, 2004 to March 31, 2005.

[English]

LABRADOR INUIT LAND CLAIMS AGREEMENT LABRADOR INUIT TAX TREATMENT AGREEMENT

TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Labrador Inuit Land Claims Agreement, signed January 22, 2005, on behalf of the Inuit of Labrador, Her Majesty the Queen in Right of Newfoundland and Labrador, and Her Majesty the Queen in Right of Canada.

I also have the honour to table the Labrador Inuit Tax Treatment Agreement, signed on behalf of the Inuit of Labrador on March 15, 2005, Her Majesty the Queen in Right of Newfoundland and Labrador on March 24, 2005, and Her Majesty the Queen in Right of Canada on April 12, 2005.

[Translation]

NATIONAL DEFENCE

MOVING FORWARD—A STRATEGIC PLAN FOR QUALITY OF LIFE IMPROVEMENTS IN THE CANADIAN FORCES

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a copy of a document entitled "Fiscal Year 2003-2004 Annual Report to the Standing Committee on National Defence and Veterans Affairs on Quality of Life in the Canadian Forces."

Hon. Senators: Hear, hear!

[English]

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-39, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

Bill read first time.

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

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

• (1420)

[Translation]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Pierre Claude Nolin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence have power to sit on June 20, 21 and 22, 2005, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto; and

That if the Senate has adjourned for a period exceeding one week, the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on June 20, 21 and 22, 2005.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Pierre Claude Nolin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Security and Defence be empowered, in accordance with rule 95(3), to sit on September 14, 15 and 16, 2005, even though the Senate may then be adjourned for a period exceeding one week.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Michael A. Meighen: 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 November 4, 2004, the date for the presentation of the final report by the Standing Senate Committee on National Security and Defence on veterans' services and benefits, commemorative activities and charter, be extended from June 30, 2005, to March 31, 2006.

SEA-DUMPED MUNITIONS AND SEISMIC TESTING

NOTICE OF INQUIRY

Hon. Gerard A. Phalen: Honourable senators, pursuant to rule 57(2) of the *Rules of the Senate*, I give notice that on Tuesday next, June 14, 2005:

I will call the attention of the Senate to sea-dumped munitions and seismic testing.

QUESTION PERIOD

THE ENVIRONMENT

SIERRA CLUB THIRTEENTH ANNUAL REPORT CARD
ON 1992 EARTH SUMMIT IN RIO DE JANEIRO

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, the Sierra Club of Canada just released its Thirteenth Annual Rio Report Card, 2005, which grades governments on how well they are meeting commitments first made at the 1992 Earth Summit in Rio de Janeiro. The report failed Paul Martin's Liberals in many areas. Has the Leader of the Government read the report? If so, will he comment on its contents?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not aware of the report, I have not read it and, therefore, I cannot comment on its contents.

Senator Stratton: Canada is not meeting the commitments made at the Rio Summit. For example, progress was noted on the climate change file but failing marks were handed out for our fisheries policies, our efforts to make trade and environment mutually supportive, and with regard to our commitment to review and reform pesticide and toxic policies. The revised climate plan is an improvement, but much more must be done if we are to deliver on Kyoto's commitments. The key words are "Kyoto's commitments." The Martin government also needs to respond to the threat of toxic chemicals to human health and make radical changes to our fisheries policies.

Canada still has not signed the UN treaty on biodiversity, although Canada championed it at the Earth Summit. The Convention on Biodiversity is intended to slow the global extinction of species. Does the Leader of the Government in the Senate have any background information on the obstacles that are preventing our ratification of this treaty and, if so, what issues are at play?

Senator Austin: I will take the question as notice, honourable senators.

FEDERAL CROWN CORPORATIONS AND AGENCIES

REPRESENTATION
OF VISIBLE MINORITIES ON BOARDS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Last Thursday I rose in the chamber and brought to the attention of honourable senators the fact that there are no visible minorities on the board of directors of the Canada Council for the Arts. This national, arm's-length agency reports to the Minister of Canadian Heritage and was created by an act of Parliament in 1957 with a specific mandate to "encourage the engagement of visible minority, Aboriginal and immigrant Canadians in the arts labour force."

Honourable senators, similar to the Canada Council for the Arts, the National Arts Centre reports to Parliament through the Honourable Minister of Canadian Heritage, Liza Frulla. There are eight members on the board of trustees at the NAC, two ex-officio members and five outside members. Not one of the 15 board members is a visible minority.

Does the Leader of the Government believe that there should be visible minority representation on significant public boards of directors and, if so, will he undertake to make representations to colleagues in cabinet in an attempt to rectify this problem to ensure that the face of federal boards and agencies more closely reflects the multicultural mosaic of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, to make my personal position clear, I believe that no qualified Canadians should be barred from appointment to any tribunal, Crown corporation or other agency of the Government of Canada. I believe as well that a number of people described as visible minorities are qualified to be on the arts council. Certainly, I will lend support to Senator Oliver's representation when appointments to that and other councils are considered by the Governor-in-Council.

In response to the teasing from the other side, I will not remind them of the famous dictum of former Prime Minister Mulroney about appointing Liberals.

Senator Oliver: I thank the honourable senator for that response. It is most encouraging.

THE SENATE

THE SPEAKER—PARLIAMENTARY DELEGATIONS
ABROAD—REPRESENTATION OF VISIBLE MINORITIES

Hon. Donald H. Oliver: The Speaker of the Senate is fourth in the order of precedence following the Governor General, the Prime Minister and the Chief Justice of the Supreme Court of Canada. He is appointed by and reports to the Prime Minister of Canada. In this respect, the Speaker fulfills his ceremonial role by receiving visiting heads of states or heads of governments in the Speaker's chamber, with other parliamentarians and officials. The Speaker of the Senate also has the privilege of representing Parliament and the Government of Canada abroad. Simply put, the Speaker is often the face of Canada when he visits foreign countries to advance Canada's relations to the world.

According to his official website, the Speaker of the Senate has been involved in 30 international trips since June 2001, travelling to at least 46 countries. According to the website records, visible minority senators have accompanied the Speaker on only two of those occasions. The record shows that no visible minority senator has accompanied the Speaker of the Senate on his trips for the last 19 months.

Honourable senators, Canada must portray its identity as a multi-racial and multi-cultural nation. Official state visits by the Speaker of the Senate is the perfect venue to introduce the world to Canada's multi-cultural character, including its important Aboriginal peoples. Will the Leader of the Government in the Senate take action so that when the Speaker travels abroad his delegation will represent the true ethnic composition of Canada, including Aboriginals and visible minorities?

• (1430)

Hon. Jack Austin (Leader of the Government): Honourable senators, insofar as that question has to do with my responsibilities, I have to advise that I have no role to play in the choice by the Speaker of colleagues who may wish to travel with him. The Speaker makes his own decisions with respect to the persons in his delegation. The composition of those delegations is not a role for the government; nor, as far as I know, is it a role for the Leader of the Opposition. The balance of the question should properly be directed to the Speaker.

SENATORIAL APPOINTMENTS— FEMALE REPRESENTATION

Hon. Marcel Prud'homme: I have a supplementary question, honourable senators. There are, at the moment, seven vacancies in the Senate. There will be eight vacancies as of next week. There will be 12 vacancies before Christmas.

One of my strong wishes is for Canada to be the first country in the world to have equality of women and men in Parliament — for there to be an equilibrium in the Senate. The Right Honourable Jean Chrétien made a good effort, but it should be continued.

We know that two of our former colleagues, Mr. Laurier LaPierre and Mr. Jean-Robert Gauthier, were replaced by two fine people. One is a woman — which pleases me, because that is one of my goals. The other one was an ex-colleague, so I have no comment. He was a colleague, so I cannot talk about him.

My wish is to be taken seriously by this bunch of macho senators who are laughing at the moment.

Equality in numbers has been my sincere wish for years and years. Until Canadians decide how to dispose of the Senate, how to elect the Senate, how to reform the Senate, filling the current and future vacancies in the Senate presents a golden occasion to have equality.

Anyone who watched television last night saw how horribly we treat women in British Columbia. Anyone who has travelled to Manitoba will be aware of the unbelievable treatment the First Nations have to go through. Thirteen per cent of the population of Manitoba is First Nations. However, honourable senators, I regret to say that they make up more than 48 or 49 per cent of the people in jail. It is the same in Saskatchewan.

I believe women have the kind of devotion that men do not have, and I stand by that belief.

Again, I would ask the Leader of the Government in the Senate to relay to the Prime Minister and to cabinet that he has the option — Prime Minister Paul Martin has the option — to continue Mr. Chrétien's tradition of appointing women to the Senate. There will be four vacancies in Quebec by next week — and nothing has been done.

I am not proposing any names. I just want to make sure that women are considered for these vacancies, because women are highly devoted. There are women candidates in the First Nations, as well as women experts in Quebec law.

I would ask the honourable leader to relay this information to the Prime Minister, please.

Hon. Jack Austin (Leader of the Government): Honourable senators will have noticed that, in the only group of senatorial appointments made by Prime Minister Martin thus far, women made up four of the nine senators appointed.

Nonetheless, I would certainly be happy to convey a summary of Senator Prud'homme's comments to the Prime Minister.

FINANCE

BUDGET 2005—CREATION AND AUDITING OF AND CONTRIBUTIONS TO FOUNDATIONS

Hon. David Tkachuk: Since 1997, the government has made extensive use of foundations as a means to spend money that would otherwise lapse at year-end. A handful were created through legislation; most were simply incorporated under the Canada Corporations Act.

In the government's agreement with the NDP, which calls for significant sums to be spent when the surpluses for the current and coming fiscal years are known with certainty, Bill C-48, the so-called "NDP budget bill," contains a clause allowing the government to acquire corporations or create new corporations for the purposes of carrying out the deal. Can the Leader of the Government in the Senate enlighten this chamber as to the purpose of these new corporations or foundations?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to take notice of the question. Obviously, when the bill comes here, full information will be available.

Senator Tkachuk: Under the main budget bill, the Auditor General will perform compliance and performance audits on foundations that receive more than \$100 million of government money over a five-year period. Why is the government setting such a high threshold? Was any study done by the Department of Finance or by the Privy Council Office as to why they decided on \$100 million and not \$25 million or \$50 million or \$75 million?

Senator Austin: Honourable senators, I will make inquiries in the hope that I can quickly inform Senator Tkachuk.

Senator Tkachuk: The government, also through the main budget bill, Bill C-43, will be advancing additional funds to several foundations: \$40 million to the Aboriginal Healing Foundation; \$50 million to the Asia Pacific Foundation of Canada; \$30 million to the Canadian Academies of Science; \$10 million to the Canadian Youth Business Foundation; \$165 million to Genome Canada; and \$20 million for Precarn Incorporated. With the exception of funding for Genome Canada, which was \$165 million, all these grants are under the \$100-million amount.

Will the government require that these foundations submit to a performance audit by the Auditor General?

Senator Austin: Honourable senators, I will have to make inquiries with respect to the agreements that exist between those foundations and the Government of Canada regarding performance audits and advise Senator Tkachuk.

JUSTICE

ACCESS TO INFORMATION ACT— LEGISLATION TO AMEND

Hon. Marjory LeBreton: Honourable senators, it has now been more than six years since former Justice Minister Anne McLellan told Parliament through her department's 1999-2000 report on plans and priorities that her officials were working on amendments to the Access to Information Act. It has now been almost five years since the then-minister announced in August 2000 that a task force would review the act. It has been three years since former Justice Minister Martin Cauchon released the results of this review in June 2002.

Last week, current Justice Minister Irwin Cotler told the Canadian Newspaper Association that the government would not present a bill but rather a draft bill in the fall. Given the Prime Minister's promise to call an election shortly after Justice Gomery's report is made public, there is essentially no chance of the government fixing the access law before the next election.

Could the Leader of the Government in the Senate advise the Senate as to why, six years after promising to overhaul what is clearly an outdated law with too many exemptions, and three years after receiving the results of a review of the act, the justice minister is unable or unwilling to promise anything beyond a draft bill?

Hon. Jack Austin (Leader of the Government): Honourable senators, the subject matter of access to information is one of real complexity, and it has many stakeholders. The government has been working on a draft bill and dealing with the stakeholders. I was hoping the government could introduce its amendments before the end of this month, or possibly an entire new piece of proposed legislation, but that does not now appear to be the case.

With respect to the question of why, I shall make further inquiries.

ACCESS TO INFORMATION ACT— LEGISLATION TO INCLUDE CROWN CORPORATIONS

Hon. Marjory LeBreton: Honourable senators, a few months ago the President of the Treasury Board announced several measures the government plans to take to strengthen the governance and accountability of Crown corporations, one being expanding the Access to Information Act to include several currently exempt Crown corporations. At the time, we were told that the government would act in a timely manner to implement those measures.

If the government is not willing to immediately amend the act, is there any reason why it cannot take immediate steps to expand the existing act to include all Crown corporations and to ensure that any new Crown corporations, such as those contemplated in the NDP budget bill, fall under the Access to Information Act?

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall make inquiries, and I appreciate Senator LeBreton's support for accelerated consideration of this legislation.

CANADIAN FOOD INSPECTION AGENCY

CAMPBELL RIVER AQUACULTURE FARM— PRESENCE IN CHINOOK SALMON OF BANNED CHEMICAL MALACHITE GREEN

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate as well. It relates to traces of the banned chemical malachite green, a suspected carcinogen, found in chinook salmon raised on a B.C. fish farm.

As soon as the presence of this banned fungicide was discovered, the Canadian Food Inspection Agency issued an immediate recall of the salmon that had been sent out for processing. Although more than 35,000 contaminated salmon were destroyed before they could reach consumers, officials were unable to trace and recall nearly 85,000 fish. In other words, some of the salmon was consumed by Canadians.

• (1440)

Can the government leader please update us on what efforts the CFIA is engaged in to discover how this banned substance made its way into the chinook salmon farm in Campbell River?

Hon. Jack Austin (Leader of the Government): I will be pleased to bring to the chamber any information the government possesses on this topic. The first reports revealed that the aquaculture company in whose process line this malachite green was discovered could not offer any explanation as to how it had come to be in their particular aquaculture process.

There was some concern raised, less as to immediate health questions and more as to aquaculture processing, in trying to determine what happened here. For those who are not aware, this particular chemical is designed to destroy sea lice. It is carcinogenic, as Senator St. Germain suggests, and I will pursue additional information.

Senator St. Germain: As the honourable senator knows, aquaculture is under a certain amount of attack in its present state, let alone when we have problems. CFIA issued a recall for the salmon sent out for processing, but no public alert was issued.

If he cannot give us an immediate response to this question, can the minister find out how carcinogenic this chemical is and whether it does pose a danger to those people who consumed the 85,000 fish? Could the Leader of the Government in the Senate advise us of CFIA's policy for issuing public alerts? Apparently there was no public alert and maybe there is a reason. Perhaps it was not necessary. However, I think that members of the public have a right to know, and this would be a good avenue to discover what really happened.

Senator Austin: I agree with Senator St. Germain. The policy of the Canadian Food Inspection Agency on alerts should be better known, and I will endeavour to bring that information to the chamber.

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, I rise to draw the attention of the house to rule 24(1) of the *Rules of the Senate*. It provides that:

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

- (a) the Leader of the Government in the Senate, if it is a question relating to public affairs,
- (b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility...

The Honourable Leader of the Government in the Senate makes himself available in the chamber on a regular basis, which we on this side appreciate. It is quite rare that he is not here.

This side also draws the attention of the Senate to rule 24(1)(c), which indicates that the chairman of a committee is a person to whom an honourable senator may direct a question. I have had a question for some time for the chairman of one particular committee, and he is never here.

Senator Mercer: Who is that?

Senator St. Germain: Senator Mercer.

Senator Kinsella: I do not wish to identify him. I do wish to draw it to the attention of the house. I would ask Her Honour to concur with my understanding of the rules; namely, that senators do have the right to ask their question of chairs of committee. A *conditio sine qua non* applies to this rule, which is that the chair of the committee must be present.

Hon. Jack Austin (Leader of the Government): Honourable senators, on this point of order, let me clearly explain that this chamber has authorized the Standing Senate Committee on Social Affairs, Science and Technology to hold hearings across the country on its study of mental health. Therefore, the chairman of that committee is absent with the approval of the Senate. I know that my honourable friend did not name a particular senator.

Senator Kinsella: It was not that chair I had intended to ask the question of.

Senator Austin: I am delighted. It is very difficult sometimes to be of help if the question is of such a general nature that one does not understand what it means.

Senator St. Germain: More than one is truant.

Hon. Anne C. Cools: Your Honour, I heard Senator Austin talk about a point of order. Is this a point of order? Are we on a point of order? Senator Kinsella says no. We are not on a point of order. He was just drawing attention to the rule. That is fine.

[Translation]

ORDERS OF THE DAY

HIGHWAY 30 COMPLETION BRIDGES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator De Bané, P.C., seconded by the Honourable Senator Smith, P.C., for the second reading of Bill S-31, An Act to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30.

Hon. Pierre Claude Nolin: Honourable senators, it is a pleasure for me to speak at second reading stage of Bill S-31, authorizing the construction of two bridges over the St. Lawrence River required for the completion of Highway 30.

I will begin by saying that, for almost 40 years now, the public and the major economic development stakeholders in the Suroît region have been waiting impatiently for this major highway project, started in 1968, to be completed.

Honourable senators, it is not my intention to get into a detailed explanation of the provisions of Bill S-31. Senator De Bané did a fine job on May 16. I would rather reiterate the need for cooperation between the Governments of Canada and Quebec so that Highway 30 can finally ease road congestion in the greater Montreal area.

This highway construction project to link the industrial municipalities on the south shore of the St. Lawrence River began in the early 1960s. In 1977, the highway of steel, as it was nicknamed, was supposed to connect the municipalities of Bécancour, south of Trois-Rivières, and Valleyfield, southwest of Montreal, at the opposite end.

The purpose of this new artery was to replace Highway 132 — for those familiar with the Montreal area — as an inter-regional axis, providing the South Shore with a rapid and safe way to bypass Montreal, and capable of supporting the economic development of the Montérégie region.

This is an important consideration, since Highway 30 would support the economic development of the municipalities of Valleyfield and the Melocheville-Beauharnois region by ending the relative isolation in which, unfortunately, they are currently caught.

Between 1968 and 1996, the Quebec government built various discontinuous sections of this expressway. During that period, the section connecting the municipalities of Sorel-Tracy and Candiac was completed, as was the section bypassing the Kahnawake reserve in order to connect the municipalities of Sainte-Catherine and Châteauguay.

According to the schedule established in the early 1960s, the project was supposed to be completed in 1980.

• (1450)

Twenty-five years later, two important sections are still missing, an 8-kilometre stretch connecting the towns of Candiac and Sainte-Catherine, and a 42-kilometre stretch linking the municipalities of Châteauguay, Valleyfield and Vaudreuil-Dorion.

Honourable senators, you must admit that time is running out!

Unlike Toronto, Quebec City or Winnipeg, the greater Montreal area does not have a bypass route, even though it represents a trading hub between Ontario and the United States, in one direction, and the eastern part of the country in the other.

To tell the truth, the Montreal area has only one direct, continuous east-west corridor. That is the Autoroute Métropolitaine, which is located right in the middle of the Island of Montreal, in an unfortunately outdated and overloaded road network.

In March 1995, a study conducted by the Quebec Department of Transport concluded that by 2016, the Autoroute Métropolitaine would no longer respond to all the new demands for the movement of people and goods.

Honourable senators, the economy of Montreal and the Montérégie will suffer because of this situation, and for good reason. Almost 85 per cent of exports of goods manufactured in the greater metropolitan area originate in Montreal and the Montérégie. Moreover, 90 per cent of the products used everywhere in Quebec come from these two regions, as do 73 per cent of Quebec exports to the United States and 87 per cent of its exports to Ontario and Western Canada.

Statistics provided to the federal government in 2000 by Roche-Deluc, a consulting group, pointed out that the economy of the greater metropolitan area was already paying a high price for this disturbing situation.

In the Montreal area alone, it estimated the loss of economic productivity caused by road congestion at more than \$500 million per year.

Two years later, in 2002, the Federal Bridge Corporation Limited, a federal agency that manages the Champlain and Jacques-Cartier bridges, confirmed that, far from improving, the situation would only get worse if no bypass route were constructed by 2010.

A report that received wide media attention stated that, within the next 15 years, the Champlain Bridge would have to be rebuilt because of the continuing stress resulting from the passage of more than four million trucks every year.

According to that federal corporation, nearly half of the 4.3 million heavy vehicles that use the Champlain Bridge each year would not need to cross the Island of Montreal if Highway 30 were completed to its full length.

In urging the governments of Canada and Quebec to cooperate in reviving this major highway project, the Federal Bridge Corporation was only adding its voice to those of the Montreal International organization, the regional action committee for Highway 30, the Quebec Trucking Association and the coalition for infrastructure renewal.

Highway 30 should be completed not just for economic reasons, but also for safety reasons. In 2000, a study by the Quebec Department of Transport found that 75 per cent of hazardous material coming into Quebec by road entered by Highway 132, already heavily travelled in the western Montérégie, where more than 39 per cent of the buildings along the road are residential.

Honourable senators, the report published by the Federal Bridge Corporation was perhaps the driving force behind an era of cooperation between Ottawa and Quebec on this important issue, although from 2000 to 2003 the completion of Highway 30 was the focus of an unfortunate federal-provincial confrontation.

Fortunately, in 2003, an agreement was reached between the two levels of government on cost sharing for this project. As a result of that agreement, the Government of Quebec agreed to complete the Candiac-Sainte-Catherine section by 2008. The section of the highway linking Châteauguay and Vaudreuil-Dorion will be jointly built by Ottawa and Quebec, in partnership with the private sector, given the interest expressed by several companies in this project.

The federal and provincial governments will split costs on an equal basis, above and beyond what the private sector puts in.

In addition to the funding that will come from the Canada Strategic Infrastructure Fund, the federal government has committed to authorizing the construction of two new bridges over the seaway and the St. Lawrence River, which is the reason for Bill S-31 now before us.

As Senator De Bané mentioned, the Government of Quebec will be the owner of this infrastructure, and it is important to remember that.

Under the very tight schedule set out in the agreement that I have referred to, the work, including construction of the two bridges on this second section of highway, should be completed in 2009, just four years from now.

Already, in April 2000, the Government of Quebec indicated in its transportation management plan for the greater Montreal area that it wanted to build the two missing sections of highway by 2010. During the same year, the Quebec National Assembly passed legislation dealing with transportation infrastructure partnerships, which sets the framework for long-term agreements between the Government of Quebec and private enterprise. Provincial authorities were hoping that the legislation, which covers the design, construction, operation, maintenance and financing of such projects, would apply to the completion of Highway 30.

Honourable senators, some of you will perhaps allude to the fiasco over Highway 407, in the Toronto area, which was built in partnership with the private sector, and where the tolls increased by almost 200 per cent after the road went into service, to cast doubt on the long-term participation of the private sector in this project.

While the federal and provincial governments have stated that any partnership agreement with private enterprise will be based on a process that is transparent, fair and competitive, and respectful of the requirements related to infrastructure specifications, members of the Senate, including members of the standing committee that will study Bill S-31, should ensure that everything has been done to avoid a repetition of the problems that developed in the Toronto area.

Honourable senators, private sector participation in the completion of Highway 30 is desirable, but it must not compromise the long-term viability of this project.

Having said that, the schedule set out in the agreement for construction of the section from Châteauguay to Vaudreuil-Dorion called for the completion, in 2004, of reports jointly funded by the two levels of government, at a cost of \$21 million, for studies and other preliminary works to confirm interest in a public-private partnership.

That was to be followed by a private sector qualification process in November 2004, the publication of a tender call to private sector partners by the end of June, this year, and the signing of a contract by the end of the fall. Out of concern for transparency, some clarification will be necessary on the process that I have just described.

According to a progress report just published on May 30 by the Quebec Department of Transport, the process for selecting a private sector partner appears to be moving forward. I am sure you will agree with me that the Liberal government could certainly have introduced Bill S-31 before today. Perhaps — and this should make older senators smile — the government wanted to confirm what former Quebec Premier, Maurice Duplessis often stated: The promise of a bridge should be good for at least three elections. Heaven knows that he was considered a master in electoral planning.

• (1500)

Let us not forget that the new government's announcement on these bridges dates back to the thirty-seventh general election, in November 2000.

In conclusion, honourable senators, in the interest of promoting economic development and relieving the growing frustration of hundreds of thousands of motorists and truck drivers, I can only hope that the 2009 deadline will be met and that both levels of government will work together to make this project involving the private sector a success.

We — on both sides of this chamber, I am sure — are in favour of Bill S-31 to ensure that Montreal can support its own economic development and that of Eastern Canada during the 21st century.

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

Some Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Transport and Communications.

ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC BILL

SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill C-9, to establish the Economic Development Agency of Canada for the Regions of Quebec.

She said: Honourable senators, it is with great pleasure that I speak today in debate at second reading of Bill C-9, to establish the Economic Development Agency of Canada for the Regions of Quebec. This bill is another in a series of measures taken in the past 40 years, in Quebec and in other provinces, by the Government of Canada to address regional disparities and to ensure that every Canadian has an equal chance to succeed.

If passed, this bill will give the Economic Development Agency of Canada for the Regions of Quebec the same status as the Atlantic Canada Opportunities Agency or Western Economic Diversification Canada.

Canada Economic Development is now a presence throughout Quebec, thanks to a network of 14 offices and a team of professionals well informed on regional development issues.

For the Government of Canada, implementation of an independent agency in Quebec will make it possible to consolidate the actions undertaken and give this agency greater freedom to act, something desired by virtually all the stakeholders in regional economic development in Quebec. This will ensure continuity of action as well as historical continuity.

In fact, honourable senators, the role of the federal government in connection with regional economic development was already recognized in the Constitution of 1982. Section 36.1 is particularly clear on the Government of Canada's responsibility to counteract regional disparity. Today, that vital role is again explicitly recognized in Bill C-9.

This bill, however, will also mark a new day in the policies adopted by the Government of Canada to ensure the economic development of the regions and realization of the full potential of Quebecers. As we all know, today's Canada is very different from the Canada of the 1960s. Our country is now among the great economic powers of the world, and its international influence continues to grow, thanks to its presence on international markets and the numerous humanitarian and peacekeeping missions it has been called upon to carry out in recent decades, in which it has acquitted itself admirably.

On the domestic level, Canada enjoys a healthy financial situation that makes us the envy of many other countries. For example, for the fiscal year 2004-05, Canada presented its eighth balanced budget in a row. This is the longest series of successive surpluses since Confederation.

Canada has also made considerable strides in reducing its debt. Since balancing the budget in 1997-98, the Government of Canada has reduced federal debt by more than \$60 billion, lightening the financial burden of generations to come accordingly.

Fully committed in this open global economic context in which competition is between countries as well as between regions and businesses, Canada must ensure that its regional development activities are in tune with the new requirements of globalization and that they give all Canadians, without exception, the means to participate in economic growth and to benefit substantially from it.

This bill aims to do exactly that for Quebec, by giving the Canada Economic Development Agency for the Regions of Quebec the means and flexibility needed to provide the businesses, communities and regions of Quebec with support appropriate to current conditions.

It must be said, honourable senators, that this bill rests on solid ground in order to better contemplate the future with optimism. The agency's interventions produce results of which our fellow citizens can be proud and which, even more important, meet their needs and their expectations. Thus, the agency has pledged over a billion dollars in financial support for the implementation of some 2,000 projects which were under way in 2003-04.

If one adds the investments of other backers to those of the agency in those projects, their total value reaches close to \$4 billion across Quebec's regions. This leverage amounts to \$4 for every dollar invested.

The object of the agency as set out in Bill C-9 is clear. It is to promote the long-term economic development of the regions of Quebec by giving special attention to those where slow economic growth is prevalent or where opportunities for productive employment are inadequate. The agency carries out its object by implementing specific measures in support of the regions, communities, small- and medium-sized businesses and the development environment.

Honourable senators, by focusing on the establishment and development of small businesses, for example, the agency helps keep and create jobs and restructure local economies.

This action is based on the firm belief that our collective success depends on the efforts of entrepreneurs and those who create jobs and wealth. This is why Canada Economic Development helps SMBs to diversify their activities, create quality jobs for our fellow citizens and, ultimately, ensure solid growth.

On March 31, for example, the Minister responsible for the Economic Development Agency of Canada announced repayable financial assistance of over \$2.8 million for Média 4 Corporation, a high-tech holding company in Sherbrooke, in the Eastern Townships, operating in the telecommunications sector. This assistance will help the company and its major subsidiaries, Mediatrix Telecom and MST, develop and market innovative IP telephony products, a technology that uses a single network for computer and phone systems.

The product of know-how developed in the Eastern Townships, this technology bodes well for the future because it creates prosperity and high-tech jobs, not to mention the research and development that will result. The implementation of this initiative should help consolidate this region of Quebec as the capital of telecommunications excellence, in addition to furthering economic diversification.

By supporting an innovative project such as the one by Média 4 Corporation, the Economic Development Agency of Canada for the Regions of Quebec is trying to make innovative companies more competitive and increase their ability to sell their cutting-edge research and development products on international markets.

• (1510)

Honourable senators, this is proof that Canada Economic Development is pursuing its goal of helping our companies become more dynamic and innovative, and therefore more competitive in Canada and abroad. It also attests to the importance the agency places on fostering innovation, in all its forms, within our companies.

Speaking of assistance for companies, I want to stress that Bill C-9 recognizes the concept of social economy enterprise within the definition of small and medium-sized business. Not only is this a first, but this part of the bill also reflects the ever-expanding role of the social economy in Canada, particularly within communities in Quebec.

There is no longer any doubt that the social economy makes a significant contribution to the success of our communities. In economic terms, it leads to job creation and wealth. It also makes a significant social contribution in helping to reinforce community cohesion by fighting the youth drain, in particular, and the marginalization of some members of our society.

In Quebec alone, there are over 7,000 social economy businesses. With annual sales of over \$17 billion, they employ more than 125,000 people. These are first and foremost businesses playing a leading role in terms of regional and rural development that will benefit from the agency's program to achieve their full potential.

The Economic Development Agency of Canada for the Regions of Quebec also supports communities in their efforts to focus on their strengths and take charge of their development. The agency's goal is to promote initiatives that could have a significant impact at the regional level as well as generate a ripple effect on regional economic activity.

It is in this context that on March 23, the Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec announced a \$3-billion investment by the Government of Canada. Of this amount, \$1,250,000 is coming from Canada Economic Development and \$1,762,500 from the Natural Sciences and Engineering Research Council of Canada for the creation of a new industrial research chair in silviculture and fauna at Laval University.

This project is based on an important partnership between the public and private sectors to conduct research on the boreal forest on Quebec's North Shore and to help the forestry industry develop practices that are consistent with sustainable development and the conservation of forestry ecosystems.

The anticipated results of this project will contribute to maintaining the quality of life in communities on the North Shore — and the need is great these days — whose economic base is directly linked to logging and forest management. This innovative research program will also help boost the competitiveness of the forestry industry and ensure the transfer of knowledge to the communities and businesses on the North Shore.

Honourable senators, that is what I call a promising plan for the future that will generate regional economic development.

Under the terms of Bill C-9, the agency will also be able to continue to pay particular attention to the regions that are having problems adjusting to the new global economic context.

In today's global economy where changes follow rapidly on one another in a heatedly competitive atmosphere, regions, like countries, major cities and companies, need to constantly keep adapting if they are to remain competitive and continue to develop. Some of Quebec's regions are having difficulty adapting; mainly those whose economies are in large part natural resource-based.

These regions face major challenges in economic diversification within a context of distant markets, variable access to major transportation and communication networks, and difficulty of recruiting qualified workers.

The bill before us today does not abandon the regions in difficulty or the vulnerable communities; far from it, since it confirms the role of the Economic Development Agency of Canada for the Regions of Quebec in working with these regions, as well as the necessity of providing them with support tailored to their needs.

In its present form, Bill C-9 also reflects the concern of the Government of Canada and of Canada Economic Development to work in complementarity with what the Government of Quebec is doing. I would add that the people of Quebec as a whole share that desire. The challenge is clear: to achieve increasing efficiency and effectiveness of government actions as they relate to regional economic development.

It is precisely to that end that Bill C-9 provides the agency with the tools to design and implement mechanisms to facilitate cooperation with Quebec and its communities. As well, it confers upon the minister the authority to enter into agreements with the Government of Quebec or any agency of that government, or with any other entity or person, including cooperation agreements and agreements related to distinct sectors of Quebec's economy.

It strikes me as important to point out to the members of the Senate that the Canada Economic Development Agency of Canada for the Regions of Quebec is already showing a great spirit of complementarity with Quebec government departments.

By way of example, I might mention that the Honourable Minister of the Economic Development Agency of Canada made a non-repayable contribution of \$3 million to the TechnoCentre éolien Gaspésie-les Îles. This financial support will help create an integrated research and development and technological transfer centre.

The project will help create seven jobs in the Gaspé — Magdalen Islands region. Furthermore, the new centre will be a key player in the wind energy network in Quebec. Establishing a network of excellence with the aim of developing wind energy know-how will permit this expertise to be transferred to Quebec industry, thus promoting many projects in the wind energy sector.

For its part, the Government of Quebec, through its ministère du Développement économique de l'Innovation et de l'Exportation, has provided \$200,000 in financial support to the TechnoCentre éolien Gaspésie-les Îles to support its operation. Thanks to this contribution, the organization will be able to begin implementing the new business plan it has just prepared.

The two governments, through their support in separate sectors of TechnoCentre éolien activity, are helping achieve a common goal: to support the efforts of an industrial wind energy network capable of competing with foreign markets in terms of equipment and services in a context of sustainable development.

I want to conclude, honourable senators, with something I consider equally vital. Bill C-9 confirms the crucial importance of good synergy among federal departments in order to ensure the success of the federal government's regional economic development strategy.

Accordingly, the bill grants the Minister responsible for Canada Economic Development the powers to exercise and consolidate the leadership of this agency and convene the relevant federal ministers and other stakeholders in development around the same table in order to ensure an integrated approach by the Government of Canada in the regions of Quebec.

In closing, honourable senators, the Economic Development Agency of Canada for the Regions of Quebec is an important partner in the growth of companies, communities and regions in Quebec.

Thanks to Bill C-9, this agency will have the tools and flexibility it needs to fulfill its role and meet the current challenges related to regional economic development.

With 14 regional offices and headquarters in Montreal, the agency will have the same autonomy as its sister agencies in the Maritimes and Western Canada. This autonomy will benefit stakeholders throughout Quebec in the interests of all our constituents.

On motion of Senator LeBreton, for Senator Nolin, debate adjourned.

[English]

DEPARTMENT OF HUMAN RESOURCES AND SKILLS DEVELOPMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Sharon Carstairs moved second reading of Bill C-23, to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts.

She said: Honourable senators, I rise today to share with you an overview of Bill C-23, which is before us today. Passage of this bill will formally establish into law the new Department of Human Resources and Skills Development Canada, or HRSDC. Moreover, it defines the powers, duties and functions of the minister, as well as those of the Minister of Labour and of the Canada Employment Insurance Commission.

• (1520)

This bill, if enacted, will also set out rules for the protection, use and disclosure of personal information obtained under departmental programs. It will not create any new programs or services. Rather, this legislation is required to formalize and fully implement important machinery of government changes that were announced by the Prime Minister in December 2003.

Key among the changes announced at that time was the reorganization of the Department of Human Resources Development Canada into two new departments: HRSDC and

Social Development Canada, or SDC. It is worth noting that, in the time that has passed since that date, these two new departments have worked diligently to ensure uninterrupted and continued seamless service to Canadians.

This bill is different from the old Department of Human Resources Development Act in three particular areas. It proposes, first, a new mandate tailored to the new department; second, authority for the provision of services to and receipt of services from Social Development Canada; and, third, a new code governing the protection and disclosure of the personal information of Canadians collected under the department's various programs.

I should like to take the next few minutes to share with you, honourable senators, an overview of these changes. To do this, I will review the bill part by part.

Part 1 of the bill explains the powers, duties and functions of the new minister of HRSDC and provides the authority for the appointment of the deputy minister and the associate deputy ministers of the department, as well as for the designation of a deputy minister of labour. The new mandate for HRSDC is described in the manner the minister is to exercise her powers and to perform her duties and functions. She will do so with a view to improving the standard of living and quality of life of all Canadians by promoting a highly skilled and mobile workforce and an efficient and inclusive labour market.

A new provision has been added stating explicitly the authority of the minister to establish programs in support of the mandate and authorizing her to make grants and contributions a part of these programs.

This part of the bill also allows for Social Development Canada to provide administrative services and program delivery on behalf of HRSDC and vice versa. For example, SDC will be able to provide call centre services for HRSDC. This arrangement will serve Canadians well. Administrative efficiencies of this new approach will mean that citizens can count on having an integrated service delivery network that will provide uninterrupted, high-quality services when and where they need them.

Part 2 of Bill C-23 addresses the powers, duties and functions of the Minister of Labour. These powers extend to all matters relating to labour over which Parliament has jurisdiction and which are not assigned to other governmental institutions. They are to be exercised with the objective and renewed mandate of promoting fair, safe, healthy, stable, cooperative and productive workplaces.

As is the case for the Minister of Human Resources and Skills Development, the Minister of Labour is to provide express authority for the establishment of projects or activities in support of his labour mandate. As you will remember, the minister's mandate over housing is contained in the National Housing Act. Similarly, his more specific powers, duties and functions related to labour matters are contained in other statutes, including the Canada Labour Code.

[Senator Hervieux-Payette]

Part 3 of the legislation addresses the Canada Employment Insurance Commission, which would continue with its existing powers, duties and functions. The bill addresses the composition, organization and operations of the commission. Apart from some minor wording changes, the provisions of the bill regarding the commission are a repetition of those contained in the Department of Human Resources Development Act. The powers, duties and functions of the commission as regards Employment Insurance are contained in the Employment Insurance Act and have not been impacted by this bill.

Let me turn now to Part 4 of Bill C-23 where important proposals have been made concerning the protection, use and disclosure of personal information collected under the various programs of the department. This part reflects the Government of Canada's commitment to protect the personal information of its citizens. The bill proposes a uniform set of privacy provisions governing the disclosure of personal information that would apply to all programs in the department. This would set it apart from the current framework in which the disclosure of personal information is governed by five different regimes.

The approach proposed under Bill C-23 would ensure a consistent approach with respect to the administration of personal information gathered by the department. In short, it will serve Canadians better, and it will do so in four ways. First, it will provide more consistency in the administration of personal information. Second, it will provide a greater degree of transparency for Canadians. Third, it will codify current administrative practices related to the use of personal information for research purposes. Fourth, through the inclusion of an offence provision for knowingly disclosing personal information in contravention of the code, it will ensure that the information is better protected.

It is worth noting, honourable senators, that the Office of the Privacy Commissioner has been consulted on these proposals and that the commissioner herself has indicated her support for this new code.

These are important improvements. Bill C-23 demonstrates that this government is committed to pursuing ways to deliver programs and services efficiently and to conduct program research effectively without compromising the right of citizens to expect that respect for their personal information is paramount.

The bill contains two other parts. Part 5 repeats the provisions of the Department of Human Resources Development Act with respect to the Canada Education Savings Grant program. It also contains provisions that have since been adopted as part of the new Canada Education Savings Act, Bill C-5, which received Royal Assent last December. Part 5 would be repealed when the new Education Savings Act comes into force. Part 6 contains all the standard transitional provisions, consequential and related amendments, and coordinating amendments, as well as a provision repealing the Department of Human Resources Development Act. It also provides that this bill, if enacted, will

come into force on the same day as the proposed Department of Social Development Act. That will be Bill C-22, which we have not yet received.

As you can see, honourable senators, Bill C-23, while comprehensive, promises to continue to deliver to Canadians the services they can count on from Human Resources and Skills Development, and Social Development Canada. Human Resources and Skills Development will focus on its core mandate of providing and promoting a highly skilled and mobile workforce and an efficient and inclusive labour market. Social Development Canada will focus on promoting social well-being and income security for Canadians. Canadians will benefit from efficient corporate service delivery from both departments. Moreover they can count on their personal information being protected by a code that will be applied uniformly across these departments.

Bill C-23 provides the legislative foundation needed to realize this comprehensive vision and mission for the new Department of Human Resources and Skills Development Canada. With this in mind, I encourage honourable senators to support the bill.

On motion of Senator Stratton, debate adjourned.

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill S-35, to amend the State Immunity Act and the Criminal Code (terrorist activity).—(*Honourable Senator Tkachuk*)

He said: Honourable senators, on May 18 I introduced Bill S-35, which seeks to add one more tool to the fight against international terrorists. This bill makes important amendments to the State Immunity Act. In doing so, it presents an important source of justice for all Canadians but, most important, a tool for those who have been directly affected by terrorist acts.

Honourable senators, families who lost loved ones on September 11, 25 of which were Canadian, would, under this act, be allowed to pursue the attackers civilly. In June 1985, 331 people died following the crash of Air India Flight 182, of whom 154 were Canadian. Their families, too, would be able to seek civil redress.

Many Canadians believe that terrorism is something that happens elsewhere, something that happens to someone else, and they believe that Canada is insulated from terrorism. They are wrong. Let them ask Maureen and Erica Basnicki, wife and daughter of Ken Basnicki of Toronto, who was among those killed in the attacks on the World Trade Center. Let them ask Ron Goldberg, whose brother was killed by a Palestinian suicide bomber last year in Israel. Their lives and the lives of many more Canadian victims have been torn apart by planned acts of extreme violence perpetrated against civilians.

• (1530)

However, because Canadian victims are relatively few in number and because these heinous acts are relatively infrequent in Canada, most Canadians disassociate this country from terrorism. They do not keep in mind that, besides the violent act itself, terrorism has many aspects. It requires planning, funding, staging and people. These aspects are easily lost in the blood and horror of the terrorist act, but they are as much a part of terrorism as the death and mayhem that the act causes. We often fail to recognize this. As Stewart Bell, a Canadian expert on terrorism, has written:

Canada has not responded forcefully to the terrorist challenge probably because most of the terrorist activity that takes place inside Canada is supporting violence in other places. Canadians don't see the bloody results of the fundraising and the rest that takes place in Canada.

In this regard, it is worth remembering that in its 2004 annual report FINTRAC found over \$70 million in transactions that were thought to be linked to terrorist activity. According to Canada's intelligence services, with the singular exception of the United States, there are more terrorist organizations active in Canada than in any other country in the world. It is worth recalling that Ahmed Ressam moved to Canada in 1994. Years before that, he was caught trying to sneak across the border to the United States, fully intent on and equipped to launch a terrorist attack there.

Canada is not immune to terrorism or the groups that perpetrate acts of terror. That is why it is important that we use any and every means available to combat this scourge.

Traditionally, states granted foreign states absolute immunity from civil suits brought before their courts. However, with the increase in transnational commercial activity and all the opportunities for crime that it entails, the Canadian government has moved to limit blanket immunity. It amended the State Immunity Act to restrictively permit civil suits in respect of the commercial activities of foreign states. This amendment permitted citizens of Canada to bring a suit against a foreign state for breach of contract and other breaches of commercial activity, thereby decreasing a foreign state's immunity. Today, we must review again the injustice that occurs when we grant a foreign state complete immunity when that state acts as a sponsor of terrorist activity.

Canada, the United States and other Western allies are combatants in the fight against international terrorism and have all become greater potential targets. Certainly, the government has taken important measures, such as the Smart Border Agreement with the U.S., the establishment of FINTRAC, and the proclamation of the Anti-terrorism Act. Bill S-35 is another weapon in our arsenal. The aim in amending the State Immunity Act is to protect Canadians both at home and abroad who may fall victim to terror.

Its premise is that many terrorist groups are linked to foreign state sponsors. These states utilize their vast sovereign powers and resources to finance and sponsor acts of terrorism, such as hijackings, kidnappings, bombings, extrajudicial killing, or

military attacks directed at innocent citizens. In addition, these states harbour terrorist groups and permit them to openly recruit and train new terrorists. Under the State Immunity Act, Canadian victims of terror and their families have little or no recourse against these state sponsors of terrorism. By amending the State Immunity Act, we are giving the victims and their families an opportunity to fight back. We are giving them an opportunity to obtain some measure of justice and closure for lives that were ripped apart through hatred.

Bill S-35 allows civilians to seek financial liability judgments against foreign states for sponsoring terrorists. In addition, this amendment will act as a deterrent to state-sponsored terrorists by instilling in them the need to balance the benefits of sponsorship against the fear of large monetary liability judgments.

Honourable senators, foreign states escape civil liability for their sponsorship of terrorism but are liable for redress for a breach of a commercial contract. On June 30, 2004, the Ontario Court of Appeal ruled in the case of *Bouzari v. Islamic Republic of Iran*. It noted that the court must agree with the lower court's ruling, which stated that, because of the blanket immunity given to foreign states through the State Immunity Act, a civil action brought for terrorist activity is barred. It further ruled that the limited exceptions in the State Immunity Act, public international law and the Canadian Charter of Rights and Freedoms could not relieve against this conclusion.

The State Immunity Act needs to be amended to reflect the dangers and violent troubles of the world in which we now live. When the Canadian government became aware of the damages that Canadians faced through the breach of commercial contracts, it took action to redress the matter. We must do the same in respect of terrorism today.

Bill S-35 has two main objectives that are intended to bring about redress. First, the amendment would prevent foreign states that engage in terrorist activity from claiming immunity from the jurisdiction of Canadian courts. This is an important principle because it permits Canadian courts to obtain both subject matter and personal jurisdiction over foreign states that sponsor terrorist activity. Therefore, foreign states would be made accountable for their actions and would not be able to shield themselves from liability in civil suits through the cloak of the State Immunity Act.

By making a foreign state accountable and financially liable for its actions taken in support of terrorism, the passage of this amendment will give pause to the traditional state sponsors of terrorism. One of the main goals of our society is to decrease the amount of terrorism that occurs, and this amendment intensifies Canada's goal of protecting Canadians at home and abroad.

Honourable senators, Bill S-35 would amend the Criminal Code to provide victims who have suffered loss or damage as a result of terrorist activity with a civil remedy against the person who engaged in the terrorist activity. Terrorists prey on civilian targets and kill without shame or mercy in an effort to crumble the foundation of a society and destroy its way of life. Over the last 30 years, hundreds of Canadian citizens have been murdered

by terrorist attacks on buses, airplanes and in night clubs. Foreign states that sponsor terrorism are not held accountable to the families affected by terrorism and are free from liability. Bill S-35 will change that and empower the victims and their families.

Honourable senators, we are fighting an unconventional war against civilians, who are the focus and preferred target of terrorists. We must do everything in our power to prevent this activity from occurring. There is an external belief that, when the citizens of a nation are subject to archaic laws, those of us who have the power to effect change have a duty and responsibility to do so.

I ask honourable senators for their support of Bill S-35 to help our fellow Canadians find the justice and closure that they deserve and to strike a blow against worldwide terrorism.

On motion of Senator Meighen, debate adjourned.

• (1540)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO ALLOW REINTRODUCTION OF BILLS FROM ONE PARLIAMENTARY SESSION TO THE NEXT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Smith, P.C.:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process.—(*Honourable Senator Oliver*)

Hon. Donald H. Oliver: I rise today to speak to Senator Hervieux-Payette's motion of April 14, 2005. At the outset, honourable senators, I wish to congratulate and thank the honourable senator for her very clear and precise speech of April 19, in which she outlined the content and reasons why honourable senators should consider the motion to which I wish to speak briefly this afternoon.

Honourable senators, the procedure of reintroducing private members' bills tabled during previous parliamentary sessions at the same procedural stage in the following parliamentary session is a practice that already exists in the other place. According to the House of Commons Standing Order 86.1:

At the beginning of the second or a subsequent Session of a Parliament, all items of Private Members' Business originating in the House of Commons that have been listed on the Order Paper during the previous Session shall

be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the Order Paper or, as the case may be, referred to committee and the List for the Consideration of Private Members' Business and the order of precedence...shall continue from session to session.

Standing Order 86.1 establishes the precedent in the other place for private members to reinstate legislation introduced in a previous session of Parliament. It is a well-established practice for the government to introduce a reinstatement motion in a new session of Parliament to reinstate bills from the previous parliamentary session.

The most recent motion to that effect was raised in the other place on February 6, 2004, when the Honourable Jacques Saada, then the Leader of the Government in the House of Commons, moved that:

...during the first thirty sitting days of the present session of Parliament, whenever a Minister of the Crown, when proposing a motion for first reading of a public bill, states that the said bill is in the same form as a Government bill in the previous session, if the Speaker is satisfied that the said bill is in the same form as the House of Commons had agreed to at prorogation...the said bill shall be deemed in the current session to have been considered and approved at all stages completed at the time of prorogation of the previous session.

Simply put, in the other place, it is the decision of the government to determine whether government bills are to be reinstated by introducing a reinstatement motion, and it is the decision of the government and the minister to determine if and when a bill should be reinstated.

Senator Hervieux-Payette has stated that, if the government or a private member in the Senate considers legislation to be of critical importance, the honourable senator who sponsored the bill need only reinstate the bill in question in the Senate during the next parliamentary session.

It is true that reinstating government bills and private members' bills at the same procedural stage at which they stood in the previous parliamentary session could enhance this chamber's efficiency. When Senator Hervieux-Payette spoke to her motion on April 19, she identified 32 individual bills that have reappeared in the Senate several times. Of the 32 bills Senator Hervieux-Payette identified, two pieces of proposed legislation — in particular, Senator Forrestall's private members' bill to protect heritage lighthouses and Senator Spivak's private members' bill concerning personal watercraft in navigable waters — have been reintroduced in each of the last five parliamentary sessions, dating back to 1999.

Several bills have been tabled in each of the last three sessions of Parliament, namely, Senator Lapointe's bill, to amend the Criminal Code lottery schemes, and Senator Kinsella's, our Leader of the Opposition in the Senate, Bill S-2, to amend the Citizenship Act, which I was delighted to see receive Royal Assent on May 5, 2005.

Two of my private members' bills — to prevent unsolicited messages on the Internet and to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) — had been reintroduced in the last three parliamentary sessions, while my private members' bill to amend the Criminal Code respecting criminal harassment and other related matters was introduced in two parliamentary sessions.

On March 18, 2003, in the second session of the Thirty-seventh Parliament, my private members' bill to elect the Speaker of the Senate by secret ballot received first reading. On March 20, 2003, it was debated at second reading. On November 12, 2003, that bill died on the Order Paper when the Second Session of the Thirty-seventh Parliament ended.

It was subsequently reintroduced on February 3, 2004, during the Third Session of the Thirty-seventh Parliament. The bill was debated at second reading on March 9 and March 11, and was referred to the Standing Senate Committee on Legal and Constitutional Affairs, where the bill died when the Thirty-seventh Parliament ended in May 2004.

On October 19, 2004, during the First Session of the Thirty-eighth Parliament, I again reintroduced my bill to elect the Speaker of the Senate. On November 17, 2004, Bill S-13 was referred to the Standing Senate Committee on Legal and Constitutional Affairs for further study. There it has stayed, honourable senators, for 172 days — I repeat, 172 days. So far, no witness has been called.

Another one of my private members' bills, to amend the Criminal Code respecting criminal harassment and other related matters, received first reading in the Senate on two occasions, during the First Session of the Thirty-sixth Parliament on May 12, 1998, and during the Second Session of the Thirty-sixth Parliament on November 2, 1999.

My private members' bill, known as S-17 in the First Session of the Thirty-sixth Parliament and Bill S-6 in the Second Session of the Thirty-sixth Parliament, rectified a serious problem in Canada with respect to our existing laws on criminal harassment relating to stalking.

• (1550)

Specifically, the bill sought to increase the penalties provided for the offence of harassment and related offences by addressing criminal harassment, which was then defined in section 264 of the Criminal Code of Canada as:

...repeatedly following or communicating with another person; repeatedly watching another person's house or workplace; or directly threatening another person or any member of their family, causing a person to fear for their safety or the safety of someone known to them.

The bill increased the maximum penalty for criminal harassment on summary conviction from six months imprisonment or a fine of \$2,000, or both, to a term of 18 months imprisonment with no fine option.

Honourable senators, after considerable work on my part to raise awareness of the need for legislation to increase penalties for stalking and other related violent crimes in Canada, the provisions of my proposed bill were eventually incorporated into a government omnibus bill introduced on March 14, 2001, in

the First Session of the Thirty-seventh Parliament by the Honourable Anne McLellan, then Minister of Justice.

The legislation she introduced in the other place, Bill C-15, known as the Criminal Law Amendment Act, 2001, raised the maximum penalty for criminal harassment, that is, stalking, from five to 10 years imprisonment, referring to actions including "repeatedly following, watching or communicating with someone in a manner which reasonably causes that person to fear for their own safety or the safety of someone known to them."

The provisions of my private members' bill were incorporated directly into Bill C-15, which was subsequently split into two different bills, namely, Bill C-15A and Bill C-15B, by the House of Commons Committee on Justice and Human Rights. On June 4, 2002, the bill to which my anti-stalking provisions were incorporated, Bill C-15A, received Royal Assent and became law.

Based on my experiences with the three private members' bills that I have just described, I know that, as public policy-makers and legislators, senators go to great lengths to consult Canadians, conduct studies and engage experts with the ultimate aim of enacting legislation that, in their view, is in the public interest of Canadians.

Senator Hervieux-Payette has suggested that continually reintroducing the same legislation in perpetuity may not be in the best interests of our institution. She stated that allowing bills tabled during previous sessions of Parliament to be reintroduced at the same procedural stage has the potential not only of improving the efficiency of the Senate but also of improving the value of our role as legislators and the voices of sober second thought within Canada's parliamentary system.

Honourable senators, there remains a critical issue that causes me concern; it is the role played by the majority in the Senate. If a motion were adopted to amend the Senate rules and practice so that bills tabled during a parliamentary session could be reintroduced at the same procedural stage in the following parliamentary session, my personal experience would prompt me to be concerned that only bills introduced by Liberal senators would proceed.

For example, my private members' bill, Bill S-15, to prevent unsolicited messages on the Internet, was read for the first time on September 17, 2003, and was reintroduced for first reading on February 3, 2004 in the Third Session of the Thirty-seventh Parliament. It was reintroduced on October 20, 2004, during the First Session of the Thirty-eighth Parliament, and the subject matter was referred to the Standing Senate Committee on Transport and Communications on February 10, 2005. Since then, the bill has languished in committee for 118 days. To date, it has not been studied and not one witness has been called.

That is the case, in spite of the fact, honourable senators, that the subject matter of this bill is extremely important to Canadians. Bill S-15 has received critical praise from experts in the information technology sector, namely, Professor Michael Geist, a law professor at the University of Ottawa and the Canadian Research Chair in Internet and E-commerce Law; Philippa Lawson, Director of the Canadian Internet Policy and Public Interest Clinic; Richard Simpson, Director General of Industry Canada's Electronic Commerce Branch; and Mr. Michael Eisen, Vice-President of Law and Corporate Affairs with Microsoft Canada, and many others.

In the December 12, 2004, edition of *The Hill Times*, in an op-ed piece entitled, "Parliament needs to pass Anti-SPAM legislation," Eisen said:

...the absence of comprehensive anti-SPAM legislation in Canada remains a key impediment to eradicating SPAM in this country.

In a broader paper entitled "Integration Innovation," Microsoft Canada concluded the following:

The components of a comprehensive anti-SPAM strategy...can only be brought together with the help of effective legislation. Without strong criminal and civil remedies for activities like the harvesting of email lists or distributing fraudulent emails, enforcement opportunities are very limited.

The article ended as follows:

Microsoft wishes to work with the governments of Canada to put in place effective legislation that will thwart the efforts of those who abuse email and preserve the viability of the medium.

Michael Geist put it this way in *Maclean's* magazine on January 28: "If the private sector cannot..." eradicate spam "on its own, then government has to get involved. And we must move there quickly."

Honourable senators, in 2004, the Minister of Industry commissioned a task force to study and review the legislation and regulatory gaps in Canada's legislative framework with respect to Canada's information and technological sector and to consider further legislative action. I met with the task force on many occasions. On May 17, Industry Canada's Task Force on SPAM released its final report. The 10-member task force made 22 recommendations, the most important of which was to call for a new spam-specific law that would make it a criminal offence to fail to abide by an opt-in regime for sending unsolicited commercial email. There is a spam-specific bill languishing in committee that could, with minor amendments, meet this pressing Canadian need.

My private members' bills also proposed that the federal government create a no-spam list. Persons sending spam would first have to check to see if the user of the address is part of the government's opt-in regime. One of the task force members, the Director General of Industry Canada's Electronic Commerce Branch, Richard Simpson, told the *Halifax Chronicle-Herald*:

Senator Oliver deserves credit for keeping this issue within everyone's line of sight. I'm looking forward to seeing what we might do in terms of putting the two efforts together. I'm hoping Canada's anti-spam legislation could be ready this year.

Philippa Lawson, Director of the Canada Internet Policy and Public Interest Clinic, said the following about my Bill S-15 and the anti-spam task force recommendations:

Senator Oliver's anti-spam bill has played a critical role in getting this important issue on the government's agenda, and in making sure that it stays on the agenda. The recent Task Force report's recommendation for new anti-spam legislation was influenced in no small way by this Bill. Even if Bill S-15 does not itself become law, its existence is spurring the government to take long-awaited measures against this serious threat to the Internet.

The Hon. the Speaker *pro tempore*: I regret to interrupt the Honourable Senator Oliver, but his time has expired.

Senator Oliver: Could I have leave to continue for one more minute?

Hon. Senators: Agreed.

Senator Oliver: In short, honourable senators, Bill S-15 is good proposed legislation. It has received support from senators on both sides of this chamber. Why, then, has it languished in committee since February 10? I would hope that the intent of the motion we are debating is to increase the efficiency and efficacy of the Senate and not to serve as a mechanism for legislation introduced by Liberal senators to essentially be fast-tracked through the Senate by the overwhelming majority.

For this reason, honourable senators, I would ask that caution be exercised in further proceedings with respect to this bill.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have a comment and then a question with regard to the passage of bills of the majority and bills of the minority. I remind Senator Oliver that we passed Senator Forrestall's bill on lighthouses through all stages. We have also sent Senator Forrestall's bill on a cancer policy to committee.

• (1600)

The Standing Senate Committee on Aboriginal Peoples is presently studying Senator St. Germain's bill on Aboriginal policy that was passed at second reading, I believe.

I take the point the honourable senator is making, though, that ways and means need to be found to accommodate private members' bills. I certainly would like to see more of them studied and acted upon.

I did have a question for Senator Oliver. He mentioned that a number of his bills were incorporated in government legislation. Has he done any research on bills, other than his own, that have been incorporated in government legislation as to whether they came from the majority side or from the minority side? In his speech, Senator Oliver said that other people had given him credit — that is, people working for the government if not part of the government itself — for bringing the spam issue to public attention. I realize that, alone, giving a senator credit for influencing government legislation is not sufficient. However,

has the honourable senator done any research to show that bills other than his own have been incorporated into government legislation?

Senator Oliver: No, I have not done that research. I researched only my personal experience with three private members' bills. In the case of the stalking bill, it did go to committee and we heard from 39 witnesses. In addition, there was widespread support for the bill from across Canada. One day, then-Minister of Justice Anne McLellan sent a delegation from her department to discuss the contents of my bill. They indicated that the minister liked the contents and recognized that the issue was of pressing national importance. It was a public policy issue that had to be addressed. For that reason, they wanted to know if I would object to it being incorporated in an omnibus criminal bill. I consented, and it is now the law of the land.

The bigger problem, as I see it, is spam. Spam, as most honourable senators know, is costing Canada in excess of \$2 billion a year for filters, for hiring extra help and for lost productivity. In addition, spam is doing irreparable damage to young children and others whose websites and email addresses are being infiltrated with fraudulent, pornographic and other materials. It is time for action. If this initiative had been sponsored by a senator from the government side, I am reasonably certain it would have been proceeded with, because it is a valid bill. That is my main concern.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, June 8, 2005, at 1:30 p.m.

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