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F. Lareau

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CANADA

DEBATES OF THE SENATE

OFFICIAL REPORT

(HANSARD)

THE HONOURABLE GUY CHARBONNEAU
SPEAKER

1991-92-93

THIRD SESSION, THIRTY-FOURTH PARLIAMENT
40-41-42 ELIZABETH II

VOLUME I

(May 13, 1991 to February 28, 1992)

Parliament was opened on May 13, 1991

and was prorogued on September 8, 1993

The Chancellery at Rideau Hall, Government House, which has full responsibility for the production and distribution of this Canadian Volunteer Service Medal for Korea, is now in the process of mailing out the Medal to the remainder of those applicants across the country.

The process put in place by the Governor General's office requires all recipients to make an application and once it is verified, the medal is mailed to their homes. This process is similar to the one used for the First and the Second World War.

Veterans Affairs Canada has been in contact with the national headquarters of the Korea Veterans Association, the Royal Canadian Legion and the Army, Navy and Air Force Association in Canada suggesting that the local branches and units of these organizations consider arranging "presentation ceremonies" for these veterans.

LEBANON

STATUS OF CANADIAN HOSTAGE, MRS. HADDAD

(Response to question raised by the Hon. Heath Macquarie on December 5, 1991)

Numerous interventions have been made in the past to locate Mrs. Haddad and the department of External Affairs' efforts are continuing. The assistance of the United Nations has been enlisted as well as that of governments in the Middle East and the United States.

The Government is requesting American officials to enquire of the recently released hostages if they have seen Mrs. Haddad or are aware of any information whatsoever about her.

Mrs. Haddad's son and members of the Canadian Committee to Free Henriette Haddad have publicly expressed satisfaction with the action taken by the Canadian Government.

tional Affairs committee. Central to this act is an effort to reconcile the justice system's relationship with the provinces and their review boards. Bill C-30 regularizes the system by making review boards compulsory and allotting them specific responsibilities, taking over its determination role from the provincial lieutenant-governor. This is the aspect that will require ongoing review by the Justice Department. This aspect was dealt with by the Ontario Lieutenant-Governor Board of Review in its presentation before the Legal and Constitutional Affairs committee. Justice Callon, the board's chairperson, addressed what he characterized as "an omission in the legislation which makes it most difficult for our board to effectively carry out the scheme of the legislation".

Specifically, Mr. Al O'Marra, the board of review's legal counsel, offered an amendment to be added to section 11 as subsection (2). Essentially Mr. O'Marra and Justice Callon are asking for a provision to allow the review boards to order an assessment of the accused's mental state prior to conducting a hearing to render a disposition.

From my reading of the bill and my understanding of the Justice Department's position, it is not clear whether the Ontario board of review is correct in its assumption that, because there is no provision for the type of review they want in the legislation, they cannot conduct such a review. Honourable senators should know that the Ontario board currently does order such assessments but they are afraid that they will not be able to do so in the future without specific power to do so being prescribed by the present legislation.

• (1500)

The Ontario board's concerns point out the complexity of the issues at hand in this legislation. There is the Charter to consider. An amendment of the type the board suggests could lead to a conflict with the provisions of the Charter that were addressed in the *Swain* decision. With that in mind, the Department of Justice has chosen to go ahead with legislation as it stands, with the promise to evaluate its practical performance.

During the presentation of the Department of Justice to the Legal and Constitutional Affairs committee, officials assured committee members that they had studied the board's concerns and that they have been taken very seriously. The justice officials told the committee that the minister has undertaken to monitor the legislation very carefully over the next 12 to 18 months, with the option of going back to the drawing board to bring an amendment if the new system proves problematic. Furthermore, the Department of Justice has shown a willingness to work with Justice Callon and his review board to find solutions to his concerns.

As I mentioned in my comments during second reading, there is an important provision for parliamentary review included in this bill. This provision will afford some level of assurance that this bill, when it becomes law, will perform as intended. I believe that these undertakings are the appropriate course of action, given the complex nature of the legislation. Therefore, honourable senators, I am satisfied that this bill is

CRIMINAL CODE NATIONAL DEFENCE ACT YOUNG OFFENDERS ACT

BILL TO AMEND—THIRD READING

Hon. Mabel M. DeWare moved the third reading of Bill C-30, to amend the Criminal Code (mental disorder) and to amend the National Defence Act and the Young Offenders Act in consequence thereof.

Hon. Richard J. Stanbury: Honourable senators, I wish to make some brief comments on Bill C-30 prior to the conclusion of this debate. I mentioned at second reading that I had some concerns with the bill. I have since had the opportunity to consider those concerns and I am now willing to lend my support to this legislation. I would, however, like to put some thoughts on the record.

In particular, I want to make the Senate aware of the apprehensions of key witnesses before the Legal and Constitu-

[Senator Frith.]

satisfactory for the present time and should now pass unamended.

Hon. Senators: Hear, hear!

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

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

THE ESTIMATES, 1991-1992

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

The Senate proceeded to consideration of the Fourth Report of the Standing Senate Committee on National Finance (Supplementary Estimates (B) 1991-92).

Hon. Fernand Leblanc (Saurel): Honourable senators, the Supplementary Estimates (B) are the second supplementary estimates for the 1991-92 fiscal year.

As usual, the Treasury Board Contingencies Vote (Vote 5) was used to provide temporary funding for many of the items to be voted in these supplementary estimates prior to the approval of the expenditures by Parliament.

Treasury Board officials supplied a list of the uses of this vote by department and program, showing total advances \$336.4 million or 24 per cent of the amounts appropriated in Supplementary Estimates (B). The list is appended to this report.

Passage of the appropriation bill will have the effect of replenishing Treasury Board Vote 5 by the \$336.4 million spent, thus restoring it to the \$400 million level that was approved in 1991-92 Main Estimates. According to Treasury Board officials, this level, in turn, represents roughly 1 per cent of total voted appropriation in the Main Estimates.

However, the committee is concerned about the increasing use that is apparently being made of this vote to fund expenditures, particularly those unrelated to payroll requirements, that have not yet been approved by Parliament. At a later date in the fiscal year, the committee may undertake a study to determine if the uses of the vote have changed over the years and report on findings to this House.

When reviewing these supplementary estimates, Committee members questioned the notion of a \$400 million reduction in the authorized expenditures of the Department of National Defence being used to offset the \$400 million appropriation in the estimates of the Department of Agriculture to provide special assistance to Canadian farmers.

They noted as well that, according to the Minister of Finance, the remaining \$400 million of this \$800 million program is to be requested in the estimates for 1992-93. That appropriation, in turn, will be offset by several tax measures, including accelerated payment of taxes owing to the Department of National Revenue and payment of a percentage of taxes in dispute. Members were advised by officials of Treasury Board that these tax measures would not have been

implemented had the assistance for farmers not been required. They were deemed necessary in order to keep projected expenditures within the fiscal framework.

Members expressed concern at the apparent precedent of funding an entire program out of lapses, which are not required for national defence purposes and accelerated tax collections that would have likely been justified even if the special farm assistance program had not been implemented.

Thank you, honourable senators. I apologize for my voice.

Motion agreed to and report adopted.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO STUDY SYNFUELS PROJECT

On the Order:

Resuming the debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator MacDonald (*Cape Breton*):

That the Standing Senate Committee on Energy, the Environment and Natural Resources, be empowered to examine and report upon the Synfuels Project;

That the papers and evidence received and taken on the aforesaid subject before the Committee during the Second Session of the Thirty-Fourth Parliament be referred to the Committee; and

That the Committee present its report no later than June 30, 1992.

Hon. Gildas L. Molgat (Deputy Leader of the Opposition): I wanted to discuss this matter with Senator Hays, who is Chairman of the Standing Senate Committee on Energy, the Environment and Natural Resources. I have had the opportunity to do so, and we have no objections to proceeding with this Inquiry. We understand that it is, in fact, in process now and that a good deal of the information has already been collected, so we have no objection to this study, and we are prepared to agree to it.

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

Hon. Senators: Agreed.

Motion agreed to.

• (1510)

VIOLENCE AGAINST WOMEN IN CANADIAN SOCIETY

ORDER STANDS

On the Order:

Resuming the debate on the inquiry of the Honourable Senator Frith, calling the attention of the Senate to the violence against women in Canadian society and the desirability of investigation of the subject by a Senate Committee.