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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, October 5, 2006

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE MICHAEL KIRBY

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Opposition who requests that, pursuant to rule 22(10), the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Kirby, who is resigning from the Senate on October 31, 2006.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once. The time for tributes shall not exceed 15 minutes. However, these 15 minutes do not include the time allotted to the response of the senator to whom the tribute is made.

I would like to call upon Senator Kirby, who wishes to make a statement.

Hon. Michael Kirby: Honourable senators, I was informed by the table that I am required to inform the chamber that I have notified the Governor General that I will be resigning my seat on October 31, 2006.

[*Translation*]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, it is my privilege to pay tribute to a friend and colleague, the Honourable Michael Kirby, who will be retiring from the Senate within the next few days, which is much earlier than required under the Constitution.

[*English*]

All of us who remember April 19, 1982, the day Queen Elizabeth proclaimed Canada's new Constitution, will know that Senator Kirby was not only standing beside Her Majesty as she signed the document, but also that, together with our colleague Senator Pitfield, then Clerk of the Privy Council, he had played a major role in the process that led to its patriation. As Secretary to the Cabinet for federal-provincial relations and Deputy Clerk of the Privy Council, Senator Kirby had been one of the creative contributors to Prime Minister Trudeau's successful constitutional strategy and, as such, he was a leading participant in one of the most important constitutional developments in our nation's history.

Yet, as significant as that event was, it was only one of the many milestones marking Senator Kirby's remarkable career. Appointed to the Senate in 1984 at the very young age of 42,

Senator Kirby had had an outstanding career as a mathematician, academic, university administrator and chief of staff to a provincial premier before he came to Ottawa as Deputy Principal Secretary to Prime Minister Trudeau in 1974.

Described as creative, imaginative, a political mastermind and one of the hardest working parliamentarians, Senator Kirby leaves an indelible mark on the Senate, most notably as chair of the Banking and Social Affairs committees. His contribution to developing policies on corporate governance, foreign banks, government aid to industry, and especially health care, will remain among the finest work done by our institution.

[*Translation*]

Senator Kirby has made an exceptional contribution to the public life of our country and the business of our chamber. His early retirement is a great loss for our institution.

[*English*]

It has been a privilege to serve with him in the Senate. We wish him and his family much happiness and continued success in his endeavours.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we bid farewell to one of our colleagues, Senator Michael Kirby. Perhaps many of us were surprised this past summer when Senator Kirby made known his intention to leave the Senate this month. It is unusual, but not without precedent, that one of our colleagues chooses to take leave of this chamber well before their official retirement date. However, time and again, as Senator Hays just noted, Senator Kirby has proven himself to be a person who knows his own mind and does things in his own unique way.

On a personal level, Senator Kirby and I always got along very well because we understood where each other came from. We had both worked in the Prime Minister's Office and we knew that most of the time our jobs there were to put out fires. We had a great understanding of each other in many areas.

All honourable senators are well aware of Michael Kirby's long and varied career, most particularly his work as an adviser to former Prime Minister Trudeau and as chief of staff to former Nova Scotia premier Gerald Regan. Long before he came to this chamber, his work on public policy was extremely well known.

• (1340)

However, Canadians are lately most familiar with Senator Kirby's work as the chairman of the Standing Senate Committee on Social Affairs, Science and Technology. It was my great honour to serve as deputy chair of the committee during its comprehensive study of the federal role in our health care system. I firmly believe the committee's 2002 report — it is hard to believe that it has now been four years — and its recommendations have stood the test of time. I know Senator Kirby shares this belief as well. During our study, the honourable senator led our committee

through a thorough and honest appraisal of the system as a whole and he was personally unafraid to challenge the conventional wisdom and the myths that surround the health care system in Canada.

The recent study on mental health, mental illness and addiction from the Social Affairs Committee has similarly benefited from Senator Kirby's expertise. With Senator Keon as the deputy chair, Senator Kirby and the committee members produced a report that has been enthusiastically received, especially by those who have laboured in the field of mental health for many years without the benefit of national attention. The committee will surely shine a light on this issue, as witnessed yesterday at the lunch where the members were applauded.

Although it may be too soon to judge how this report will change policies and attitudes, it has already provided many people across our country with encouragement and hope for a future where mental illness is no longer pushed aside. As I have said on many occasions, all of us on that committee — and I with my new duties was not able to participate as much — were directly touched by mental health. That is an amazing statistic, as no one actually talks about it, which tells you about the stigma attached.

Honourable senators, although he is taking leave of us this month, I have a strong suspicion that Senator Kirby's retirement will continue to find him just as busy as ever, and that we will continue to hear from him on public policy matters of importance to all Canadians.

On behalf of my fellow Conservative senators, I would like to wish Senator Kirby continued success, happiness and good health as he enters the next chapter of his life, and to Bobby and his family I wish the very best. I am sure we will be hearing a great deal of Senator Kirby in the future.

Hon. Jack Austin: Honourable senators, I rise to endorse the words of Senator Hays and Senator LeBreton with respect to the public service that Senator Kirby has given Canada over very many years.

Let me tell you a small story. Back in the early 1970s, I was Deputy Minister of Energy, Mines and Resources. One of the issues that arose at the time was that of joint administration between the federal government and the Atlantic provinces of the offshore resource potential. Life was not easy dealing with those provinces, particularly, as I have said to my colleague Senator Rompkey, dealing with Newfoundland. I asked the question: Is there a rational, analytical person I can deal with on this issue? Someone said to me, "Well, the man who is running Nova Scotia." I said, "Gerry Regan?" They said, "No, Mike Kirby." I say that because Gerry Regan has often said publicly that Mike Kirby was the effective manager of the province when he was Premier. Mike and I got along extremely well. We developed a good working relationship and made progress with respect to that issue.

When the Trudeau government was elected in 1974, Prime Minister Trudeau asked me to be Principal Secretary and I immediately spoke with Senator Pitfield to say I would like to bring Michael Kirby to Ottawa as my deputy with respect to

policy. Senator Pitfield and I put the heavy arm on Mike Kirby to come here, at a cost to Mike and to his family, but a great advantage to Canada.

Mike, you have been an outstanding colleague. I congratulate you for your public service, for your collegiality and your understanding of this institution, and its role and its potential. We have demonstrated through your work, and of course the work of others, the high quality of service which the Senate can provide to the people of Canada, and I thank you as a senator for that particular contribution, and also as a Canadian for the work you have done, as outlined by Senator Hays and Senator LeBreton.

• (1345)

I wish you the very best. I know we will continue to see you in areas of public policy and other matters affecting Canada. I am sorry that the Senate will lose the next 10 years, which I anticipated would be your best 10 years. You will not give those years to the Senate, but I know you will give them to Canada.

Hon. Wilbert J. Keon: Honourable senators, I am deeply honoured to join in the tributes to Senator Kirby. He is someone whom I greatly admire for his dedication to this place and to what we try to accomplish, and for his willingness to tackle tough policy questions head on.

Senator Kirby will be retiring 10 years before his scheduled date of retirement. I would like to suggest that this is a sign of his tacit support for Bill S-4 on Senate tenure. Unfortunately, he may not be here when the bill returns to the chamber, so we will have to hear from another quarter just how he feels. Of course, he could make a statement later today.

I had the pleasure of working closely with Senator Kirby over the past six years while he chaired the Standing Senate Committee on Social Affairs, Science and Technology, and I have to tell you that this was truly a wonderful intellectual exercise and a great personal pleasure. During that time, the committee worked hard at examining the health care system of Canada. We compiled two reports: The monumental report in 2002, which has been referred to previously; and this spring the committee released its Final Report on Mental Health, Mental Illness and Addiction, the result of three years of study. That report included 118 recommendations to improve the state of this highly fragmented area of health care.

Since his appointment to the Senate in 1984, Senator Kirby has been concerned with issues other than health, of course. He chaired the Banking Committee from 1994 to 1999. Under his leadership, the committee developed new corporate governance rules for all companies incorporated under the Canada Business Corporations Act and developed a new policy governing foreign banks operating in Canada.

Prior to his time in the upper chamber, Senator Kirby served in the provincial government of Nova Scotia, where he became very well known as Chief of Staff to Premier Gerald Regan. Federally, he began working as the Assistant Principal Secretary to then Prime Minister Trudeau in 1974. He then went on to hold the role of Secretary to the Cabinet for Federal-Provincial Relations, as well becoming the senior bureaucrat responsible for constitutional

negotiations and Deputy Clerk of the Privy Council. In these capacities, he worked very closely with my former boss, Senator Michael Pitfield, who was chairman of my board at the Heart Institute for nine years.

Outside of the political sphere, Senator Kirby has held a wide range of positions in academia and in business, applying the same dogged work ethic there as he has here.

Honourable senators, Senator Kirby has never backed away from forging new ground. In choosing to leave this chamber 10 years early, he is doing it again. I want to take this opportunity to thank him on behalf of the committee, and personally, for all he has done for Canada in the last few decades. He has done his job very well, in every dimension. I also want to wish him the best on whatever challenges lie ahead for him. Frankly, if the past is anything to go by, he will not simply wait for those challenges but will reach out and grab them. I am also sure that his presence will continue to be felt in the health field, and especially in the mental health field.

Good luck, Michael. Take some time to smell the roses with Bobby and your family. You deserve it.

• (1350)

Hon. Joan Cook: Honourable senators, listening to the speakers before me confirms that the life and times of Senator Kirby are well documented. Indeed, I believe he is a public icon. However, many of you might not know that his roots spring from my home province where, in the outport community of Pouch Cove, a lane bears the family name, known locally as Kirby's Drung. It was named in honour of his grandfather for his exemplary services to the community. Likewise, in 1982, Senator Kirby chaired a task force on Atlantic fisheries which laid the groundwork for a new fisheries policy; one that continues largely intact today.

Honourable senators, in 2000, I became a member of the Standing Senate Committee on Social Affairs, Science and Technology and Senator Kirby was the chair. Under his leadership, two landmark reports were produced: *The Health of Canadians: The Federal Role*; and *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*. Both reports are visionary, I believe, and many of the recommendations have been implemented in current government policy.

However, I believe that the mental health report will forever be a lasting testament to the time that this man has spent in this place. Under Senator Kirby's leadership, mental illness has been legitimized in this country. The drive and zeal to spread his message caused his calendar to overflow often with speaking engagements. We committee members were recruited post-haste to fill the gaps. I might add that we went willingly. With trepidation, I would go and return with a great sense of achievement, largely in part because this person believed in me.

In closing, honourable senators, it has been said: "A good leader when his job is done, they will say of him, we did it ourselves."

[Senator Keon]

Hon. W. David Angus: Honourable senators, as we go through life we encounter from time to time special individuals who for one reason or another seem to stand out in a crowd or in a particular group. For me, Honourable Senator Michael J.L. Kirby is one of those stand-out or outstanding individuals.

When I was sworn in as senator in 1993, I did not know Michael Kirby from Adam. My only exposure to him previously was his smiling face and sharp and engaging wit every Thursday morning on *Canada AM's* political pundits panel. I am sure that he did not know me at all and yet, as soon as I took my seat in that corner of the chamber where Senator Pitfield is sitting, he came rushing over and welcomed me warmly. He said, "David, this is a wonderful place. It is great to have you here. You are going to enjoy it and I look forward to working with you."

Subsequently, for six years I had the pleasure of working with Michael closely on the Banking Committee, as his deputy chairman for half of that time. I learned much from Senator Kirby. In a sense he taught me how to be a senator. In those early days, he stressed to me that even though there is adversarial jousting and heated debate in the chamber and in committee meetings, nothing should ever be taken personally. His message to me was, "David, you should always leave the chamber or the committee room with your colleagues in a spirit of mutual respect and friendship. Politics, in a way, is a game," he said. "Do not let it get to you personally." He always made it clear, however, that it is a game he prefers to win.

From time to time Michael has demonstrated a mischievous side, as we know. Perhaps that is a bit odd given his training as a mathematics professor. One day in June 2001, his leader in the Senate, the Honourable Sharon Carstairs, said:

The other point that I think is very important is that Senator Kirby, by his own admission, was being mischievous on this particular piece of legislation...

In reply, Senator Kirby quipped:

...I simply wish to make the observation that since I am a long-time fan of musical comedy, and I particularly liked the musical *Oliver*, I have always thought that, rather than being referred to as mischievous, the "Artful Dodger" was a much better label.

Senator Kirby has demonstrated over and over again his ability to get things done and to work issues through to a satisfactory conclusion. As well, he has proven to be a man of strong principles, with viewpoints that he holds dear to his heart.

• (1355)

For example, for whatever reason — I cannot figure it out — he has never been a fan of Canada's national airline. Whenever our committee travelled, he always went out of his way to get from A to B to C on some other carrier — be it dog team or bus or taxi, or even another airline. Sometimes he arrived as much as a day later than the other committee members. I queried him about this quirk more than once. "David," he always said, "there is nothing personal. I just do not like that company and the way it is run." I respected his strong view, although in sharp disagreement with him — nothing personal, Michael.

One of Senator Kirby's real strengths is his communication ability. In my early years here, he repeated often how important it is to get our message out positively. There is no point in working hard to generate good public policy if the people affected do not get to know about it. "David," he used to tell me, "we all need to learn how to get the media to work with us, not against us."

Michael, you have had an exemplary career over your almost 23 years here. It has been a real pleasure to get to know you, to work with you and to see the fruits of the great things you have done for Canada. As you take early retirement at the tender age of 65, we wish you the very best. Good health, great happiness and lots more success. God bless you.

Hon. Lowell Murray: Honourable senators, I am sorry to see Senator Kirby go. At his best, he has been the model of a thoughtful, analytical, constructive and quite original contributor to our debates. That is at his best. This is not the day to say what he was like at his worst, nor would time permit.

In the days and weeks since he announced his intention to take early retirement from us, there have been many highly laudatory reviews of his work as a senator. These were richly deserved. They, and he, reflected well on the Senate. They, and he, may have even occasioned some sober second thought on the part of those few of our critics who are not impervious to reasoned argument. As for those of us who remain here, as we bid him farewell we bask in his reflected glory.

Of his contribution as a senator to public policy, quality stands out, the product of his academic training and his experience in government service, the product also of disciplined inquiry and research, of collegial and non-partisan deliberation in committees and of integrity in its original meaning of wholeness or completeness of approach. Economy stands out, too. The comprehensive study and report on health care was completed at a fraction of the cost of other such reports.

Finally, while the policy reports of committees under his chairmanship bear the imprint of his leadership, the ego that he invested in those exercises always struck me as tiny compared to the great significance of the work undertaken and achieved.

Michael Kirby has given us all a great deal to think about in what he has accomplished here and, just as notably, in the manner of his doing so. We know he will continue to contribute to discussion of vital national issues.

The Hon. the Speaker: Honourable senators, the clock works against us always at these times. Unfortunately, we have gone beyond our time for tributes, but it is my understanding that we might expect a motion for an inquiry to continue a little later paying tribute. At this time, we would like to call upon Senator Kirby.

Senator Kirby: I would like to begin by saying thanks to all of you who have spoken for your very kind and generous remarks. I am truly grateful for your support.

I have also come to the conclusion that everyone should be lucky enough to hear themselves eulogized and to read their own obituary in the media. Most of us do not get that opportunity.

• (1400)

I would also like to say a heartfelt thanks to many people:

First of all to you, my fellow senators, for all your collaboration and friendship over the past 23 years.

To my colleagues, both past and present, who served on committees which I had the privilege of chairing, particularly Senator Angus, Senator Tkachuk, Senator LeBreton and Senator Keon who were the deputy chairs of the committees I chaired for the past 13 years. The personal relationships we have built will last for the rest of my life.

To current and former members of my staff, many of whom are in the gallery, I know how difficult and demanding I can be, and I am delighted to say that I think all of you weathered the hurricane with good humour and good grace.

To the committee clerks and the research staffs of the two committees I chaired, I think it is important for all of us to recognize that Senate clerks and researchers play a tremendously important, but largely anonymous, role in the Senate's work. I would like to thank all of them for their hard work and dedication in serving the people of Canada. I should also add that I absolutely marvel at their ability to correctly interpret all my handwritten notes and editorial comments, many of which I am unable to interpret myself.

I also owe a very special debt of gratitude to Senators Pitfield and Austin who, as Jack pointed out a few minutes ago, were instrumental in bringing me to Ottawa to work in the federal government in 1974, and set me on a career path that I have travelled for three decades. I am keenly aware that the course my life has taken, including serving in such diverse roles as secretary to the cabinet for federal-provincial relations during the constitutional negotiations of the 1980s, chair of the Atlantic Fisheries Task Force and being appointed to the Senate, would not have been possible without Michael and Jack. I owe them more than I can ever fully convey. A very strong thanks to both of you.

I am delighted that my family has come to Ottawa from the two ends of the country to share with me today. I have asked that they keep the heckling to a minimum, however, during my speech. They are a very tough audience and I always worry when they are in the audience. Several of them have worked in, or still work in, the federal government. I am proud that the tradition of the public service continues in my family.

I would particularly like to thank my wife, Bobby, for all her support over the years. My work as chair of a Senate committee for the past 13 years has required a great many long hours of work at home and on vacations — at least, I call them vacations — and a large amount of time on the road. Living with a workaholic who gets totally committed to a public policy study exacts a toll on a spouse and on family life. My contribution to the Senate would not have been possible without Bobby's support. I should add, however, that my children think that her greatest challenge actually lies ahead, when I am around the house more often.

Honourable senators, throughout my public life, including my years in the Senate, I always asked myself the same question whenever I was leaving a job in the public sector. The question is this: Has my being in this job made life better for some or all Canadians? Have I truly made a difference? This is a question we should all ask ourselves regularly. We must always bear in mind, as we go about our business as senators, that it is Canadians we are here to serve, not ourselves or even our political parties. It is far too easy, in the bubble of Ottawa, to get caught up in partisanship and in what David Angus referred to correctly as the game of politics. We tend to lose sight of the real world impact that our decisions have on Canadians, and what a privilege it is to serve Canadians in their Senate and their Parliament.

A second key principle that should animate all our activities in the Senate is to constantly strive to make the Senate chamber truly a chamber of sober second thought. We must be guided largely by principle, not by short-term politics, in deciding what position we will take on policy and legislation. Our Question Period should not be the rancorous partisan affair that we see in the other place and, frankly, that contributes to the low opinion Canadians have of politicians.

Senators of the governing party should feel free to amend government legislation when appropriate and to do what they believe is right, even if it means disagreeing with their political colleagues in the other place, or even in the cabinet.

• (1405)

In short, our primary job as senators is to serve Canadians, not our parties. Our obligation is to focus on the bigger picture and not on the narrower canvas of partisan, self-interest. While these may sound like motherhood statements, I am sure we all recognize that there are times when, both individually and collectively, we failed to meet these standards.

There has been a great deal of debate about Senate reform in recent years, and indeed the Prime Minister appeared before a Senate committee a month ago on this issue. While my children think that making the Senate hereditary should be one of the options considered in this debate, much of the discussion — including many of the comments by the Prime Minister — have centred on making the Senate an elected body.

As I am retiring from the Senate I no longer have any self-interest in the outcome of this debate, and therefore I would like to take this opportunity to comment on the issue. I believe the Senate has a unique role to play in the consideration and formulation of public policy. I also strongly believe that this unique role requires that the Senate continue to be a body whose members cannot be re-elected, even if the Prime Minister of the day chooses to appoint senators from a list of people who have to be elected in order to get on the list.

This is an important distinction to make. There are, in fact, two separate dimensions to the question of an elected Senate. On the one hand, we need to consider whether elections should be used to select people to become members of the upper chamber, while on the other, whether those that are selected, by whatever means, should be eligible for re-election. Our answers to these questions will shape the future dynamics and, more importantly, the future usefulness of the Senate.

[Senator Kirby]

The Senate, in my view, is able to do two things that the other place cannot. First, the Senate is able to conduct major public policy studies that are too controversial for elected parliamentarians to deal with objectively since they understandably fear repercussions at the ballot box.

Second, the Senate is better placed to defend issues of principle and to serve as a check on the legislative agenda of the government, particularly when that government has a majority. I believe that if we turn the Senate into a body whose members can stand for re-election, it will become a virtual duplication of the House of Commons and make it impossible for the Senate to perform these two roles.

In the case of major policy studies, senators would worry about getting re-elected, thus making it impossible for them to tackle the most controversial issues of the day. Senators would have difficulty setting aside partisanship and working together to seek a consensus on issues, as both the Banking and Social Affairs committees did for the 13 years I was chair.

This is not to criticize individuals in any way; it simply describes the inevitable result of restructuring the Senate around elected politics. One only need watch Question Period in the other place to see what an elected Senate would look like and how it would function. It is not a pretty sight.

I believe the ability of senators to propose controversial solutions to major policy problems and to work in a bipartisan manner is vital to the work we do here. It is a unique role that we are able to play in our parliamentary system and it enormously enriches public policy debate across this country.

At the risk of tooting my own horn and those of my fellow senators on the Standing Senate Committee on Social Affairs, Science and Technology, I believe our six years of work on health and mental health policies provide an excellent example of the role the Senate can play in furthering debate on controversial public policy issues. The committee's six-volume study on Canada's acute care system is driving the current health care agenda for the federal, provincial and territorial governments.

The issue of excessively long wait times was not on the public policy agenda until the committee made it an issue. Members of the committee followed up on their report with an unprecedented intervention in the *Chaoulli* case before the Supreme Court of Canada. The court's decision echoed the arguments the committee made both in its report and in its factum. Nor were governments talking about catastrophic drug insurance before our report was issued. Our proposed solution, which was for federal, provincial and territorial governments to join forces with private-sector insurers to implement a catastrophic drug protection plan so no Canadian would suffer financial hardship getting the drugs they need, is currently the subject of very active federal, provincial and territorial discussion.

The most controversial recommendation of our October 2002 report addressed the issue of who could deliver medically necessary health care services. We pointed out that medicare, going back to its origins, has always been a public pay health insurance program and that it never restricted who could be paid out of public funds to deliver a health care service.

• (1410)

This led the committee to recommend that a market in health services delivery be created and that public and private service providers compete to provide publicly funded services. This recommendation was strongly attacked by many Liberal and NDP politicians, and dozens of organizations and unions on the political left. However, as was stated in a recent *Globe and Mail* editorial, four years ago when the committee released its report, the idea was “heresy”; today, it is widely accepted.

I have dealt with this example in detail because it illustrates the value of the Senate in putting forward policy ideas for change. No politician who is going to run for re-election would have recommended what the committee did. Our report stimulated public debate and, as we have seen in the last four years, made subsequent health system change possible.

It is also crucial to note that the unanimity of the committee, its bipartisan approach, was also a fundamental element of its success. This group of 11 senators from different parties, from different parts of the country, from different backgrounds and different ideological perspectives worked together to achieve unanimous recommendations on very politically sensitive issues. Cross-party collegiality and commitment is extremely rare in politics, even in the Senate; yet, this cross-party consensus, in my view, was the single most important reason why, four years later, the recommendations of the Social Affairs Committee are driving the health care agenda provincially as well as federally. This unanimity stands as an enormous tribute to the members of the Social Affairs Committee, both past and present. Each of them can certainly answer yes to the question I posed at the beginning of my remarks: Every one of them has truly made a difference.

Over the years, many other Senate reports have been on the cutting edge of policy development and have helped define the debate around key issues. Those that come to mind include Senator Croll’s work, 35 years old now, which laid the foundation for much of today’s social safety net; Senator Lamontagne’s report of the 1970s that was pivotal in increasing the federal government’s role in funding research in science and technology; Senator van Roggen’s 1982 study that advocated free trade long before it was politically safe for politicians to support it; and Senator Kenny’s current work on security and defence takes the Senate into a highly sensitive yet critically important policy area.

I believe that an upper house comprised of senators eligible to run for re-election would not have produced any of these reports and many others that have been invaluable over the years. Fear of electoral repercussions for advocating controversial policies and excessive partisanship would doubtless have prevented them.

Moreover, the Senate, as it is currently constituted, delivers Canadians real value for money. Take the case of the Social Affairs Committee health care study I referred to a minute ago. Our three-year health care study cost approximately \$500,000. By way of comparison, the parallel study of the health care system conducted by the Romanow commission cost the taxpayers \$15 million.

The second key role the Senate plays, defending issues of principle and serving as a check on legislation of the government, is also vital. I had the good fortune to be in this place when Allan

J. MacEachen, arguably the most accomplished parliamentarian of my time, was Leader of the Opposition in the Senate. He believed strongly that principles should prevail over narrow partisanship in the Senate. As an example, the Senate has a long history of amending government legislation that tries to change law retroactively. This is a basic matter of principle — one cannot change the rules of the game after the fact. For years, the Senate has prevented governments of both parties from doing this.

Allan J. believed it was imperative that the Senate use its power to amend legislation very carefully, however. He argued, and I strongly agree, that because senators cannot be removed from office by the Canadian people, they must use their legislative power carefully, wisely and only occasionally.

• (1415)

As Senator MacEachen said in his retirement speech in this chamber, the Senate should survey the ground carefully and deliberate prudently in exercising its legislative powers. It must do so in order to ensure that it does not bring opprobrium upon itself.

Unfortunately, the debate over Senate reform and, in particular, debate about an elected Senate in which senators are eligible for re-election remains very one-sided. All we hear affirmed is a seemingly unassailable principle that to be elected is better. What is almost always ignored is that there are downsides, not only upsides, to creating a Senate in which senators are eligible for re-election. Such a Senate would not have the ability to act independently of the government of the day. In short, a Senate comprised of senators who are eligible for re-election would lose its capacity to be a chamber of sober second thought.

It is therefore my hope that a more balanced debate about Senate reform will take place, one that acknowledges the benefits of a Senate in which senators cannot stand for re-election. We need a debate that acknowledges that you cannot get the advantages of a so-called elected Senate without getting disadvantages.

Canadians would be much better served with a debate about those advantages and disadvantages rather than one in which it appears, as it does today, to be politically incorrect to discuss any of the merits of the current Senate.

Let me make just two brief comments on two other aspects of Senate reform. First, I support limiting the number of years one can serve in the Senate. Anyone, whether in public or private life, who does the same job for a long time inevitably gets stale. I think a term on the order of 12 years is reasonable.

Second, I think any prime minister who decides to make appointments from a list of people who have been elected needs to reflect on the fact that some of the greatest Canadians to serve in this chamber would almost certainly not have been willing to seek office or to run in order to become a member of the Senate.

I think of business leaders such as Ian Sinclair, Hartland Molson and Leo Kolber; medical leaders such as Yves Morin and Willy Keon; people with outstanding careers in public service, such as Michael Pitfield and Roch Bolduc; actors and actresses such as Jean-Louis Roux and Viola Léger; constitutional lawyers such as Eugene Forsey and Carl Goldenberg. All of these people and dozens more who were national leaders in their field before being appointed to the Senate would almost certainly not have served in this chamber if they had to be elected. Canada would have been worse off as a result.

That is not to say that it is out of the question for a prime minister to insist that people run for election if they want to serve in the Senate. A prime minister can choose to select senators any way he or she wants. However, one must appreciate what is being lost in order to achieve the gain of the political legitimacy that goes with having senators who are elected.

I want to close by saying a couple of words about the committee's mental health report, *Out of the Shadows at Last*. Nothing I have done in my public life has been as emotionally demanding as my three years of work on this study. I believe that all committee members would say the same. There are two reasons for this, as Senator LeBreton pointed out. First, every member on the committee has a relative or close friend with a serious mental illness. Thus, we know firsthand how poorly society treats people living with a mental illness. I suspect that is probably also true for every member of this chamber.

Second, Canadians living with a family member with mental illness poured out their hearts to us on the committee's website and in person. They told us their deeply personal stories. These personal histories are reflected in Chapters 1 and 2 in the committee's final mental health report, *Out of the Shadows at Last*. If you have not read them, I urge you to do so. I predict you will be moved to tears. More importantly, you will understand why every one of us on the committee cares so passionately about the recommendations in our reports.

• (1420)

Allow me also to point out that our report achieved what I believe is a first for a parliamentary committee. A year ago this month, federal-provincial-territorial ministers of health announced unanimously — all 14 governments — their support for the creation of the mental health commission recommended in the committee's report. The provincial and territorial governments remain firm in their support for the creation of the commission. I am hopeful that the federal government will announce its support sometime this fall.

The creation of the commission will allow a serious challenge to be mounted to the stigma to which Canadians living with mental illness are subjected every day. It is imperative to keep mental illness from going back into the shadows again. If we as a Parliament, as a government and as a country fail to create the commission, we will have once again let down the hundreds of thousands of Canadians for whom the committee's report has truly become a beacon of hope.

In closing, I want to extend my extreme gratitude to all of my colleagues in the Senate, both past and present, with whom I have had the opportunity to serve. Being amongst you has truly been a privilege.

[Senator Kirby]

I also want to assure all of those concerned that there was some hidden motive behind my decision to retire that neither my wife nor I are seriously ill. Bobby and I look forward to many happy years of playing lousy golf together and to getting our grandchildren wired on chocolate and then sending them back to their parents.

Neither is it true, as someone suggested, that I have a plum new job to go to or a pending government appointment. I realize my actions are very strange and unusual for a politician. My reasons for leaving are exactly what I said they were in the letter I sent to everyone. Throughout my career, I have always moved on when I felt I had achieved a significant milestone in my work and that the position was, in a sense, completed. For example, I resigned as Deputy Clerk of the Privy Council and left Ottawa in 1982 shortly after the repatriation of the Constitution, an undertaking in which I am proud to have played a significant role.

I am at a similar crossroads today. I have spent the last six years, as Senator Keon pointed out, climbing the twin mountains of health care and mental health policy. The climb has been long and arduous. It required a commitment of my entire physical, intellectual and, in particular, emotional energy. As I reflected on my future after the release of the mental health report last May, I realized that while there are many challenging public policy problems to work on, none would be as emotionally engaging for me as health care and, in particular, mental health have been.

Once I realized that, making the decision to retire was easy. As a bonus, I now have the opportunity to follow the advice given to every aspiring vaudeville performer: Always leave them wanting more.

Hon. Senators: Hear, hear!

WORLD TEACHERS' DAY

Hon. Ethel Cochrane: Honourable senators, I rise today in honour of teachers from coast to coast to coast on this World Teachers' Day. In 1994, the United Nations Educational, Scientific and Cultural Organization — UNESCO — declared today, October 5, as the day that we recognize the need and the importance for every society to have teachers.

Teachers play a vital role in our education and in our development. They motivate us to learn, and they help us to grow. They encourage us to realize our dreams and inspire us to contribute to our own communities. This year, Canada's theme for the day is: Teachers make a difference.

• (1425)

We know firsthand the important work that teachers do here at home, but honourable senators might be interested to learn that Canadian teachers are also making their mark in the global community.

For 44 years, the Canadian Teachers' Federation (CTF) has teamed Canadian teachers with teacher organization partners in developing countries. To date, almost 60 countries have benefited from direct cooperation with our Canadian teachers. They have

been involved in overseas projects that promote HIV/AIDS education, gender equality and empowerment of women, professional development and national education plans.

Let me give honourable senators an example: Betty Hearn, a junior high school teacher from my home province, recently volunteered her summer vacation to go to Kampala, Uganda through CTF. Ms. Hearn's team offered an education in-service program to teachers from all over the country. They offered workshops in math, science, English language arts and social studies.

Ms. Hearn said:

Personally, it was the best thing that has ever happened in my teaching career. Global networking brings home how small the world really is and how much we have in common as educators.

She added:

It's very rewarding in the sense that you know education is what is going to make a difference in these countries.

Honourable senators, it has been said that if you empower a teacher, you empower a community. This is why World Teachers' Day is so very important. I know that all honourable senators join with me in extending sincere thanks to all our teachers for the pivotal role that they play on the front lines of education every day. They are shaping the future of our country and our world, and we are grateful to them.

WORLD SIGHT DAY

Hon. Vivienne Poy: Honourable senators, World Sight Day is the second Thursday in October. Yesterday I attended a reception that highlighted the World Health Organization's campaign called Vision 2020, which aims to eliminate avoidable blindness by the year 2020.

Canada has pledged its support for this worthy cause. One in nine Canadians is affected by irreversible vision loss by age 65, but 80 per cent of it is avoidable. Our population is growing older and, as it does, more resources must be put toward treatment availability and accessibility; otherwise, seniors risk injuries, depression, loss of independence and death.

In Canada, the costs associated with vision loss are now estimated at \$2 billion per year. Worldwide, the number soars to more than \$28 billion.

Globally, 45 million people are blind and another 135 million have severe vision impairment. In developing countries, medical care is often available in urban areas only. There is a dire shortage of medical professionals who can provide treatment for eye disease, and there are very few community supports. Many people go blind due to untreated childhood illness and infections, and the blind are among the poorest of the poor.

Ninety per cent of the world's blind live in developing countries. Thankfully, there are organizations like ORBIS International to help countries meet this desperate need. This summer I had the opportunity to tour the ORBIS Flying Eye

Hospital on their goodwill visit to Toronto. It was an amazing experience.

On this plane, surgeons perform operations that are simultaneously transmitted to classrooms attended by local doctors and health care workers who can ask questions during the operation.

ORBIS doctors and pilots are volunteers, and many are from Canada. Their dedication is impressive. Since 1982, ORBIS has saved the sight of millions of people and helped to train more than 124,000 doctors and other eye care professionals in over 80 countries.

• (1430)

As we approach World Sight Day, I would like to invite all honourable senators to learn more about blindness in Canada and abroad, the work of organizations like ORBIS and the global initiative, Vision 2020. As we celebrate Thanksgiving with our families and friends, let us remember those who are less fortunate than we are.

CANADIAN FEDERATION OF STUDENTS

Hon. Nancy Ruth: Senator Kirby, what you and others did on April 17, 1982, was essential for the development of equality rights for women in this country throughout the 1980s and 1990s, for what feminists do in the legal system is to expose its previously unseen maleness and attempt to deconstruct it in order to make room for the viewpoints, concerns and experience of women.

There are others around these chambers also looking for their rights. This week, Senator Oliver and I met with representatives of the Canadian Federation of Students. We discussed rising tuition fees and the students' call for the federal government to create a dedicated transfer payment to the provinces for post-secondary education that would make university and college affordable. We talked about the need for the Canada Millennium Scholarship Foundation to be wound down in favour of a national system of needs-based grants that could be administered through the Canada Student Loans Program. Of perhaps particular interest to the Senate, the students would like to see Bill C-2's provision for whistle-blower protection applied to university researchers as well as the public service, and have submitted a brief with concrete recommendations and amendments to the bill to the Standing Senate Committee on Legal and Constitutional Affairs.

I love meeting with young people who are engaged in what government is doing and are interested in improving Canada, so I recommend that if they come knocking at your door, give them five minutes.

THE HONOURABLE MICHAEL KIRBY

TRIBUTES ON RETIREMENT

Hon. Jane Cordy: Honourable senators, I rise today to pay tribute to Senator Michael Kirby. I have mixed feelings about doing so because, while it is wonderful to speak of you, I am disappointed that you are leaving the Senate and that you will no longer be chair of the Standing Senate Committee on Social Affairs, Science and Technology.

Michael, you have made a difference. In the six years I have been in the Senate, you have made a difference by chairing a committee that has examined the Canadian health care system. We sometimes forget that no one wanted to talk about health care at that time; they just wanted to keep pouring more money into the system.

You have made a difference by being a champion for those who suffer from mental illness. You have helped to bring the whole issue of mental health, mental illness and addiction to the forefront, and you have provided a forum for those voices to be heard.

I was always appreciative that you used time efficiently at committee meetings and that things always moved along quickly. You talked fast and you did not use time to discuss syntax or minutiae but, rather, you focused on ideas.

You also kept some of your traits of your time as a professor. When we were looking at a draft document and arrived at committee meetings having read hundreds of pages, the first thing you did was go around the table asking each of us what we thought about specific chapters. We were all prepared, because it was important to be part of the dialogue. Besides, we knew that you would do the teacher thing and ask us each our opinion.

You did not let jurisdictional issues get in the way of good policy-making. You also knew from your previous life of the need to consult with the provinces.

As committee members, we did not always agree as we worked through what our recommendations for a report should be. I think you were actually happier when there was a disagreement, because we would have a rigorous debate on whatever the issue was, and we all walked away the better for it.

I might add that each of our completed reports was unanimous. You were always able to develop consensus.

• (1435)

It has been said that you believe in leaving a job at your peak. Well, you are certainly leaving the Senate at your peak. Michael, it has truly been a privilege working with you. I have learned so much from you, not only from a policy perspective, but also from a leadership perspective.

My best wishes to you, to Bobby and to your family as you begin yet another phase of your life with yet more new challenges and more mountains to climb. Thank you for your friendship.

INTERNATIONAL ORGANIZATION OF THE FRANCOPHONIE

BUCHAREST SUMMIT

Hon. Jeremiah S. Grafstein: Honourable senators, I read with interest last week the declaration of the Bucharest conference issued by the chiefs of states and governments of the International Organization of the Francophonie on September 29, 2006. I viewed with respect the Prime Minister's reported efforts to

ensure that the wording of that declaration was more appropriate to the facts of the situation in Lebanon and Israel.

Honourable senators, in Israel, those whose first language is French exceeds 8 per cent. At least 8 per cent of Israelis are francophones, according to the criteria established for membership in La Francophonie. If one examines the roster of the 55 states who are members of La Francophonie and the 7 associates and observers, there are at least 18 of the member states whose percentage of French speakers is 8 per cent or less. For example, Bulgaria, 1 per cent; Niger, 5.4 per cent; Haiti, 8 per cent; Congo, 5 per cent; Vietnam, .02 per cent; and Romania, the host of the francophone summit itself, has a francophone population of 8 per cent, the same as Israel.

In order to ensure that Israel's isolation in international organizations and fora is reduced, I would ask the Leader of the Government in the Senate to urge the government to proceed with the process initiated by the Honourable Mr. Jacques Saada, the minister responsible for La Francophonie in the last government, with the objective of making Israel a member state of La Francophonie.

THE HONOURABLE MICHAEL KIRBY

TRIBUTES ON RETIREMENT

Hon. Art Eggleton: Honourable senators, earlier today I was selected to become the new chair of the Social Affairs, Science and Technology Committee, following Senator Kirby's indication of his retirement. That is an enormous challenge to undertake, given the remarkable record of achievement of Senator Kirby and his deputy chair, Senator Keon, and all of the members of that committee. They have reached a very high plateau in terms of the work that they have done on behalf of Canadians, and that is something of which we can be enormously proud.

When you look at the background of Senator Kirby, it is not too hard to understand his achievements in so many different fields, whether in academia, business or government, both in terms of public service in the bureaucracy sense and working in elected office, in the Office of the Prime Minister, as he has in the past.

Yesterday I attended a luncheon with some fellow senators at the Chateau Laurier for the beginning of Mental Health Week. The place was packed. There were so many remarks made, many of which were focused on the work done by Senators Kirby and Keon and the committee. Those gentlemen were being honoured with special awards yesterday for their work on *Out of the Shadows at Last*. At the table where I sat, there were people who had suffered from mental illness who, up until now, had not talked about it, but they felt that that report and that work gave them an opportunity to come out of the shadow themselves, to be able to tell their story and to help other people in doing that.

I think that was an enormous tribute to Senators Kirby and Keon, to the work of the committee and to the Senate. It is just too bad that that was not the lead item on the CTV national news last night. Their achievements are the kinds of things that make us want to continue to contribute, and certainly I want to try. I have a sense of responsibility in becoming the chair of the committee to

advance both the *Out of the Shadows at Last* report and to take on other work, as has been proposed by members of the Senate, which will make a difference in the lives of Canadians.

Michael, you have made a difference in the lives of Canadians and I am very pleased to be able to take up the mantle and try to accomplish something on behalf of Canadians in that committee. I thank you very much for your efforts.

• (1440)

[Translation]

ROUTINE PROCEEDINGS

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Official Languages, concerning a fact-finding mission undertaken by the committee in Nova Scotia in September 2005.

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

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS— REPORT OF COMMITTEE PRESENTED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, October 5, 2006

The Standing Senate Committee on Official Languages has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act, respectfully requests the

approval of funds for fiscal year ending March 31, 2007, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place within Canada for the purpose of its study.

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

Respectfully submitted,

MARIA CHAPUT
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 505.)

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

Senator Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Chaput, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

LEGAL AND CONSTITUTIONAL AFFAIRS

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): With leave of the Senate and notwithstanding rule 58(1)(a), I move:

That, in accordance with rule 95(3), the Standing Senate Committee on Legal and Constitutional Affairs be required to meet on Monday, October 16, 2006, from 9:00 a.m. until 9:00 p.m., even though the Senate may then be adjourned for a period exceeding one week;

That the Standing Senate Committee on Legal and Constitutional Affairs be required to meet on Tuesday, October 17, 2006, from 9:00 a.m. until 9:00 p.m. and on Wednesday, October 18, 2006, from 9:00 a.m. until 9:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto;

That the Standing Senate Committee on Legal and Constitutional Affairs be required to meet on Thursday, October 19, 2006, from 9:00 a.m. until 1:00 p.m.; and

That the Standing Senate Committee on Legal and Constitutional Affairs submit its report on Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, no later than Thursday, October 19, 2006.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. members: No.

• (1445)

[*English*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO REFER ISSUE OF DEVELOPING SYSTEMATIC PROCESS FOR APPLICATION OF CHARTER OF RIGHTS AND FREEDOMS TO THE SENATE

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

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada.

BUSINESS OF THE SENATE

NOTICE OF MOTION FOR ADJOURNMENT

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I give notice that at the next sitting of the Senate I will move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 17, 2006, at 2 p.m.

[*Translation*]

HONOURABLE MICHAEL KIRBY

INQUIRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that, later this day:

I will call the attention of the Senate to the contributions to the Senate of the Honourable Senator Kirby, who will resign October 31st, 2006.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

QUESTION PERIOD

THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS— SCHEDULE OF WITNESSES—RECENT MEDIA REPORTS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I rise today to put a different question than I would normally put to the Leader of the Government in the Senate. In doing so, I am very conscious of those who have preceded me in this place as Leader of the Opposition.

• (1450)

One of the key traits of those who have preceded me, which I hope to emulate, is that they have served very well the role of this place in ensuring that the work of the Senate is something that we are duty bound to pursue. We shall not and should not be intimidated by what all governments perhaps eventually do, and that is the attempt to push the Senate around, if I could be crude about it.

This concern prompts my question to the government leader. The first government motion on today's Order Paper was given notice of without any preceding consultation with the committee affected by the motion — either the steering committee or the committee as a whole — or with the person responsible for house business in this place. I have spoken to our critic on Bill C-2 and the deputy leader about this matter, and that procedure is not in keeping with good practice.

Also, this week there has been an apparent leak of information to a number of journalists to the effect that certain senators have — and my own case accepted in terms of the budget of the Leader of the Opposition — but certain senators have taken a position on resources available to senators and on their personal life.

On these two matters, was the Leader of the Government aware and, if so, did she approve of the lack of notice to the Legal and Constitutional Affairs Committee or anyone on this side, and is her office or the government responsible for these apparent leaks to the press that are affecting many in this chamber?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with regard to the work of committees, I thought that members of the steering committee of the Standing Senate Committee on Legal and Constitutional Affairs were working very well. I am not involved in the deliberations of the steering committee other than that there was an agreement that when the Senate adjourned at the end of June, the committee would meet one week of July and then come back after Labour Day to complete their work by September 26. This agreement was clearly believed to have been made and understood. The proof of that arrangement is that the clerk of the committee scheduled the appearance by the two ministers concerned for September 26. If there had been no agreement with the committee, the clerk would not have scheduled those two ministers to appear.

It is very clear that there is some frustration. In watching the committee hearings on CPAC, I do not think it serves the committee or the Senate well to have witnesses appear and have the same questions repeated over and over with the same answers.

In terms of the committee's deliberations and those of the steering committee, the record clearly shows that our members on that committee, our chair and the leadership on this side have acted in good faith.

With respect to the issue of supposed leaks, I was not aware, other than someone reminding me this morning, that one senator actually sent around a letter some time ago advocating quite a significant increase in the global budgets of senators. That was news to me. I remember the letter now when I think of it, but I cannot recall the date. A news organization may have obtained that letter or information. As far as I know, I have not heard if that particular issue was discussed. It was certainly not discussed in this chamber, and I do not know if it was discussed in the Standing Committee on Internal Economy, Budgets and Administration.

• (1455)

In terms of the personal references to one of the senators and what she does on her personal time, this is the first I have heard of it. I did not even know that that particular senator was presently going to law school. I do not think it is appropriate for senators, especially in an opposition that so outnumbers the government, to be questioning us about leaks in the media, and I certainly do not think it reflects well on this place.

Senator Hays: Madam Minister, I tried to premise my question on the reasons for it because the obvious consequence of the leaks is that those in our caucus are being dealt with in the media in an unflattering way; not just one or two of us, but several. The consequence of those kinds of things in the public domain can be thought to be intimidating to those on this side.

I am happy to say that I believe I have the confidence of all of our colleagues and, as I said in my preamble, it is necessary for us to do our job in the opposition, as has been done so well by others who preceded us in opposition. I take the honourable leader at her word that she had no knowledge of this situation and that it is something that is news to her, although peripherally she had some information about Senator Kenny's letter.

With respect to the Notice of Motion, I do not want to take time now, but if the motion is moved later on in the day, that would give us a better opportunity to have a proper discussion of what took place in the steering committee.

I am sorry for taking the Senate's time to make a comment in response to the minister's answer.

Senator LeBreton: I understand that the honourable senator has refused to debate the motion, so how can we discuss it later if he has refused to debate it?

Senator Hays: I know it is a little unusual; it is more in the rubric of Business of the Senate. The second item under government motions that I referred to is the one that I spoke of in my question. It is on our Order Paper and can be — and I assume it will be — debated if it is moved.

Senator LeBreton: Our deputy leader tells me that we had a new motion but that it was refused.

ENVIRONMENT

KYOTO PROTOCOL

Hon. Tommy Banks: Honourable senators, my question is also to the Leader of the Government in the Senate. Yesterday in the House of Commons, that House gave approval in principle to Bill C-288 entitled An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol. It is not unreasonable, since that approval in principle has been given, to assume that there might be a happy outcome to that bill.

In light of the passage of that bill in the House, is it the intention of the government to abide by this law if and when it becomes law?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I saw the vote and I actually noticed that some people, such as the member of Parliament from Esquimalt—Juan de Fuca, voted against the position he had taken before, and others, such as Scott Brison, were not there for the vote. It is safe to say that it is clear from the statements of leadership candidate Stéphane Dion and the report last week from the Auditor General that the previous government's implementation of Kyoto was a dismal failure.

I look forward to returning to this chamber after Thanksgiving, when honourable senators will have an opportunity to hear what this government intends to do in dealing with all of the issues of the environment, including climate change.

Senator Banks: Honourable senators, I hope that that will be the case. My question was not couched in any partisan sense because, if you were to look for the most stringent criticism of the previous government, it would have come from this house and from the committees of this house in respect of the ecology and in respect of that government's action upon matters having to do with greenhouse gases in particular. I was asking about the government of today.

• (1500)

Senator LeBreton: Honourable senators, it is too bad they did not listen to Senator Banks when he said there was criticism from this house. It is a private member's bill. I will not speculate or answer a hypothetical question about what might happen to a private member's bill. When we table our clean air act and our other environmental initiatives, it will be a moot question.

JUSTICE

SAME-SEX MARRIAGE— POTENTIAL AMENDMENTS TO HUMAN RIGHTS ACT

Hon. Francis Fox: Honourable senators, my question is also for the Leader of the Government in the Senate. It deals with reports that are rampant across the country today and in the other place that the Minister of Justice is considering options in the event a majority of elected parliamentarians rejects attempts to reopen the same-sex marriage debate.

Canadians have a right to know whether the Minister of Justice is planning to disregard Parliament's will as expressed in the proposed free vote by introducing legislation that some commentators have already characterized, rightly or wrongly, as freedom-to-hate legislation. Will the government leader, in view of the traditional interests of senators to basic human rights, reassure all senators that her government has no intention to amend human rights legislation in any way that would decrease the rights of Canadians under present human rights legislation and enactments of the courts?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fox for his question.

The one thing we did make very clear is that there would be a free vote on the issue sometimes in this fall session. I will not respond to speculative news stories.

The Globe and Mail is interesting because it will do a big speculative story about what they claim the government intends to do. The next day, it does another big story, getting experts to comment on the headline of the day before. This particular issue is one *The Globe and Mail* frequently, even during the last election campaign, put on its front page.

Suffice it to say I will not comment on hypothetical situations. I have very strong views; other people have other strong views. Some people are more religious than others. I am not a religious person; however, I would fight to the death to allow people the right to their own views.

Senator Fox: I appreciate the minister's answer. I congratulate her for stating her own personal position as clearly as she has.

Referring to what the minister said earlier this day about her previous functions of putting out fires, perhaps Senator LeBreton would be ready to put out that fire now and end the speculation. I am sure the minister would agree with me that this minority government has not received a mandate to reduce freedoms already guaranteed to Canadians under the Charter of Rights and Freedoms and confirmed by various levels of courts right across the country.

This government has cut most programs allowing minorities of all kinds to challenge through the courts new governmental initiatives. Perhaps to cast aside the perception that the only minority this government wants to protect is its own minority government status, the minister could use her previous experience in putting out fires and end speculation on this subject. Perhaps the honourable senator could indicate that her government, of which she is an important part, does not intend to introduce any

legislation that will amend Canadian human rights legislation in any way, and that no such options have been asked for from the Department of Justice and, if they have, that they will be returned to the draftsman's table.

• (1505)

Senator LeBreton: I have heard no speculation at all of amending the Human Rights Act. The Prime Minister made it very clear during the election campaign when he was running as Leader of the Conservative Party that his government, if elected, would respect the rights of all Canadians. He was specifically asked the question about gays and lesbians, and he was clear that we would defend the equality rights of gays and lesbians.

As interesting as the speculation is, I will state unequivocally that the rights of minorities in this country will in no way be lessened by the Conservative government.

THE SENATE

OFFICE BUDGETS FOR SENATORS—MEDIA REPORTS

Hon. David Tkachuk: Honourable senators, my question was to be for the chair of the Internal Economy Committee. However, since he is unable to answer questions at this time, I will use my good fortune at being recognized and ask a question of the Leader of the Government.

This matter was raised earlier by the leader of the Liberals in this place. CTV *Newsnet* is reporting that a Liberal senator is asking the Senate to increase the office budgets of individual senators to \$200,000. I received a letter of that kind in June, I believe, shortly before the summer recess. By my calculation, that is approximately a 50 per cent increase.

Could the minister apprise this chamber of whether she supports this initiative and whether she is aware that the matter has been raised with the chair of the Senate's Internal Economy Committee, the committee responsible to approve such an enormous increase?

Hon. Marjory LeBreton (Leader of the Government): I wish to thank the Honourable Senator Tkachuk for that question.

First, I do not support such a move. I spent my summer as part of a cabinet committee looking for \$1 billion in savings. I would hardly be supportive of an increase in any budget. Therefore, I would not support the increase in the global budget. I think that senators' budgets are adequate. Certainly, when we were in opposition, we operated with those budgets and helped each other out. I think the Senate is well served by the monies we receive to run our offices.

In answer to the second part of the question, I do not know whether the matter is before Internal Economy, and I have not discussed it with the chair of the committee.

Senator Tkachuk: When I saw the reports and the letter, I was not sure whether it was just a matter of Senator Kenny, a Liberal senator in this chamber, who is asking for this increase, or whether it was the opposition members in this place and he was asking on their behalf as well.

Could the Leader of the Government in the Senate advise this chamber and clarify whether the Liberal leader in this place sought her agreement to such a large increase?

Senator LeBreton: If I saw Senator Kenny's letter, I have forgotten about it. I understand that he was seeking, according to the news story last night, an increase in the global budgets of all senators.

Senator Prud'homme: He is not speaking for us!

Senator LeBreton: That is a good point, Senator Prud'homme.

Senator Hays has not discussed with me the global budgets of individual senators at all.

Senator Tkachuk: That is good to hear.

TREASURY BOARD

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT— COMMENTS OF LEADER OF GOVERNMENT

Hon. Marilyn Trenholme Counsell: Honourable senators, I did not intend to rise and talk about literacy until I participated in the inquiry of the Honourable Senator Fairbairn. When I heard the honourable leader speak these words yesterday, I felt compelled to be on the list today.

• (1510)

As quoted from the *Debates of the Senate* yesterday, "...the savings we announced have generally been very well-received across the country, except by the Liberals with their pet projects."

[*Translation*]

I would first like to point out the loss of a project under the New Brunswick Coalition for Literacy. The goal of the project, *Alphabétisation et santé, un monde à comprendre*, was to increase awareness and promote French literacy in Acadian and francophone communities in New Brunswick. It was a provincial forum intended to increase awareness among health care professionals and stakeholders in order to make medical information more accessible for people with low literacy levels.

[*English*]

I point out the Literacy Coalition of New Brunswick, the Bookwagon program in Saint John, the Raise-a-Reader Program, the Adopt-a-Book Program and the Story Sack program. Peter Sawyer, a man who I do not imagine ever went to a political meeting in his life and the President of the Moncton Regional Learning Council, talks about how traumatized they are with the slashing and burning of social programs across this country.

I rise to ask the Honourable Leader of the Government in the Senate, for whom I have great respect — she is a gracious lady and most considerate in her speeches and her remarks — whether she may consider withdrawing the statement "except by the

Liberals with their pet projects." I find it very offensive as well as the people involved in literacy issues across this country. It is a terrible thing, in my mind, to have on the record of this place.

Hon. Marjory LeBreton (Leader of the Government): I wish to thank Senator Trenholme Counsell for that question.

With regard to literacy, as I have pointed out, there are many organizations writing in and being heard. The very clear issue, however, is that literacy programs and development programs will be very well-funded in this country. The government announced an investment of \$81 million.

When I referred to them as "Liberal pet projects," I would be very happy to withdraw those remarks if the honourable senator finds them to be offensive. I can understand why she would, so I will withdraw those remarks.

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT—COMMENTS OF PRESIDENT OF TREASURY BOARD

Hon. Marilyn Trenholme Counsell: I thank the honourable leader. She continues to have my great respect and admiration. I do have figures here from the New Brunswick Coalition of Literacy and La Fédération d'alphabétisation du Nouveau-Brunswick, however the figures are not exactly clear until the final word is received from the Government of Canada.

I also want to address remarks made by the Honourable Mr. Baird, which struck at the very core of my sensitivity and passion for literacy — "...we've got to fix the ground floor problem and not be trying to do repair work..."

If we took this same philosophy into health care, we would not be dealing with heart attacks; we would be telling people to eat vegetables and jog. We would not be dealing with osteoporosis; we would ensure our children drank enough milk. We would not be dealing with fetal alcohol syndrome; we would say too bad, we will try to prevent our teenagers and young mothers from drinking.

I wonder if that really is the philosophy of our Government of Canada. Will we try to do repair work or try to address all those very unfortunate people for whom the family home was not a cradle of learning and of love? Will we try to help those unfortunate people, who, for no reason of their own, in the early years at least, did not have the chance to learn to read, write and have the full benefits of literacy?

• (1515)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her questions. I know this is an emotional issue for many people, but I believe that once people who are involved in the delivery of these various programs have a chance to assess what the government is in fact intending, many of these assumptions will prove inaccurate. Minister Finley has addressed this issue in the other place and has made it very clear that we will focus the literacy program on core programs for which the federal government is responsible in order to help groups such as the senator mentioned that need the program the most — Aboriginal peoples, people with disabilities, immigrants and EI claimants.

Obviously it is in the interests of us all to provide programs to help Canadians improve their literacy skills. Nothing in the savings that we made, having earmarked \$81 million for this purpose, will prevent us from doing so. We will do so by respecting and working with the provinces and territories to reduce overlap and duplication.

There is a John Lennon song entitled *Give Peace a Chance*. Give this program a chance.

SPENDING CUTS
TO NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I join with Senator Trenholme Counsell in expressing my respect for her over many decades.

This past week has been one of the most difficult I have spent in this chamber since I became a senator 22 years ago. Naturally, we have agreements and disagreements on a variety of issues; that is natural. However, it is unfortunate to be adversarial on an issue that touches as many adults and children across this country as does the reality of our literacy challenge in Canada.

Since former Prime Minister Brian Mulroney created the National Literacy Secretariat, all political parties on Parliament Hill have rallied to the cause. Yet, today we are doing battle over the dismantling of one of the most successful federal-provincial partnerships that I can remember. It is hard to understand why the federal government is pulling away from the partnership it has had with other levels of government on this issue by withdrawing \$17.7 million from proven programs that have a track record in assisting citizens of all ages to learn to write and communicate. We are letting Canadians down.

Could the Leader of the Government in the Senate try again to make her colleagues understand that it is critical to teach adults so that they can teach their children before poor literacy skills become a generational reality imbedded in every part of Canada? This is not simple rhetoric.

Every party supports this principle. Surely there should be no difficulty using the best efforts and financial support of all levels of government to deliver the goods directly to those who need them most. Thus far, that unified brand has touched every level, and it has had results. Why change now and create the acrimony that is currently challenging the whole system?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fairbairn for that question. The answer to that question is much the same as the answer I gave to Senator Trenholme Counsell. There is much misinformation and emotion at the moment. Minister Finley is working with her provincial and territorial counterparts.

• (1520)

We should not make the assumption that the \$17.7 million over two years will all of a sudden end all programs with regard to literacy and, specifically, adult literacy.

I am simply saying that \$81 million this year and next in adult learning, literacy and essential skills is a significant sum of money. I would hope that in six months' time it will be proven that we are, in fact, committed to programs of skills training and literacy,

[Senator LeBreton]

which we committed to during the election campaign. These programs will be implemented and many of the assumptions that are being thrown around at present will turn out not to be true.

Senator Fairbairn: Honourable senators, I hope the Leader of the Government in the Senate is correct, and we certainly will appreciate it if she is.

One thing that the minister could do, with her many personal skills, is to talk to her colleague, the President of the Treasury Board. The leader knows that deep hurt has been caused by what her colleague has said about adult literacy and people who are in difficulty. It is important that those people have an opportunity, as deeply as we can provide, to be able to do what learners do in this country, and that is, teach other people to learn, including their own children.

Senator LeBreton: Honourable senators, I will commit to Senator Fairbairn that I will ensure that my cabinet colleague, Minister Baird, will be informed of her strongly held views and her concern that some people may be offended by remarks he has made. I have not personally seen them, so I will take the transcripts of the *Debates of the Senate* today and give them to Minister Baird.

[*Translation*]

Hon. Fernand Robichaud: Could the minister tell us whether the community groups currently responsible for literacy programs and community projects previously funded under the literacy program will be able, at the community level, to benefit from the \$81 million program, or if those funds will only go towards supporting provincial or regional associations?

[*English*]

Senator LeBreton: Honourable senators, that is a very specific question. As I indicated to the honourable senator in an answer the other day, existing programs that had been approved would continue.

I will specifically ask for a clearer breakdown on exactly where they see the \$81-million being disbursed in the provinces and the territories.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, on a small matter of house business, I should like to offer a clarification. What we refused on this side a few moments ago was not to put a motion on the Order Paper; it was leave to consider that motion this day. We refused it because a similar motion is already on the Order Paper. We thought it was appropriate to deal with them separately.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Your Honour, is this a point of order?

Senator Fraser: No, it is a clarification. I said that I just wished to make a clarification.

• (1525)

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

He said: Honourable senators, I rise today to speak at second reading of Bill S-5, the 2006 Tax Conventions Implementation Bill. This legislation purports to amend and update three of our international tax treaties, namely, those that we have had in force for many years with Finland, South Korea and Mexico. These three tax treaties covered by this bill have two essential objectives: one, the avoidance of double taxation; and two, the prevention of income tax evasion.

I will elaborate further on the importance of these objectives, but before discussing the specifics of the bill there are several general points that I wish to make, honourable senators, on the nature of tax conventions or treaties and their role in contributing to a competitive and modern tax system for Canada.

First, I wish to make it clear, honourable senators, that Bill S-5 does not represent any new or significant change in Canada's international tax policy. Basically, it should be considered as routine legislation. Having said that, the three treaties covered by this bill, like their predecessors, are each patterned on the OECD Model Tax Convention, which has been accepted by most developed countries, and such treaties are in effect between Canada and many of our trading partners around the world. The provisions in these treaties or conventions referred to in Bill S-5 comply fully with the international norms that presently apply to such conventions.

To put the legislation in context, in 1971, the government undertook a comprehensive tax reform and overhaul of Canada's tax system. Among other initiatives at the time, the expansion of our network of tax treaties or conventions with other countries was implemented.

The present government is committed to maintaining our tax system in a modern state and has announced that it has many measures in mind to accomplish this end. One of these measures, with a view to making our system more competitive, is updating our current tax conventions and bringing them up to modern speed. This bill represents, for example, three of these measures. Other works are in progress with respect to other of our treaties. If we are able to accomplish updates across the board, Canada will indeed remain an active and leading participant in the global economy.

Honourable senators, these tax conventions have met with a great deal of success over the years, and I anticipate that the ones before us in Bill S-5 will be no exception. This depends, however, on the countries involved completing their own legislative

requirements. The indications are that all three countries — Finland, South Korea and Mexico — intend to ratify the conventions as soon as possible after our own enabling legislation. Once this bill comes into force, Canada will then have 89 conventions in place with other countries for the avoidance of double taxation.

Honourable senators, I mentioned earlier that tax treaties can contribute to a competitive tax system. Indeed, Canada's government has an important role to play in building a more competitive economy by creating an environment that enables Canada's entrepreneurs, businesses and taxpayers to excel and which does not stand in the way of their success. This includes ensuring that the fundamental elements of a growing and productive economy are in place.

• (1530)

Honourable senators, updated tax conventions such as those covered by Bill S-5 are an important ingredient of the government's overall approach to improving the tax system. Indeed, they are an integral element of the government's plan to improve the standard of living for all Canadians. You might ask, honourable senators, how international tax conventions, such as the ones contained in Bill S-5, make a difference for all Canadians? What do taxes in other countries have to do with us? Well, such tax treaties directly affect the international trade in goods and services that flow between Canada and the three countries involved and, in turn, impact on Canada's domestic economic performance. That impact is significant. Over 35 per cent of Canada's annual gross domestic product can be attributed to exports. Moreover, Canada's economic wealth each year also depends on foreign direct investment as well as inflows of information, capital, technology, royalties, dividends and interest. In other words, honourable senators, the updated tax treaties contained in Bill S-5 will benefit Canadian businesses and individuals with operations and investments in Mexico, Finland and South Korea. How will this happen?

To begin, perhaps the most important point is that taxpayers will know that a treaty rate of taxation cannot be suddenly increased without a substantial advance notice. As an interesting example, we have seen recently, with the recent high price of commodities and minerals, where Canada was investing heavily in mines in foreign countries, and suddenly taxes were being imposed that would absolutely destroy any possibility of making profits from these investments. If tax treaties like these were in effect with such countries, that risk would be obviated. As well, the mere existence of these treaties will foster an atmosphere of certainty and stability for investors and traders that can only enhance our economic relationship with each of these three countries.

Another important facet of the conventions is that the complexity in the operation of the tax system will be reduced and a mechanism to settle problems encountered by taxpayers will be provided. Reducing the burden of this administrative compliance will encourage more international economic activity, and this can only have a favourable effect on our domestic economy.

In short, honourable senators, these new updated treaties will provide individuals and businesses in Canada and the other signatory countries with more predictable and equitable tax

outcomes in their cross-border dealings. Canada's economy is becoming increasingly intertwined in the complexities of the global economy. Eliminating administrative difficulties and unnecessary tax impediments with respect to cross-border dealings is an important ongoing priority for Canada's government.

Eliminating administrative complications is an important component of international tax conventions, but hand in hand with that is the issue of tax fairness and tax evasion. In the name of fairness, Canadians should never find themselves subject to double taxation. It would also be unfair for those who owe taxes not to pay the taxes justly due as well. As the full title of this bill implies, this is exactly what the treaties work to eliminate.

Double taxation in an international sense arises as the result of the imposition of comparable taxes in two or more states on the same taxable revenue in the hands of the same person and for the same period of time. As you can appreciate, honourable senators, such an overlap between taxation by the country where the income arises and taxation by the country where the taxpayer resides can have obvious adverse and unfair consequences for taxpayers.

Honourable senators, to alleviate the potential for this happening, these tax treaties allocate taxing authority with respect to a given item of income. This can happen in one of three ways. Income may be taxable exclusively in the country in which it arises; it may be taxable only in the country in which the taxpayer is resident; it may be taxable in both the source country and the country of residence, with relief from double tax provided in some form such as treaties like these.

From an administrative point of view, when a country is granted the exclusive right to tax in accordance with its treaty privileges, the burden associated with filing tax returns in the jurisdiction of the other treaty signatory country is greatly reduced. As an example, if a Canadian resident employed by a Canadian company is sent on a short-term assignment, say for three months, to any one of the three treaty countries contained in this bill, Canada has the exclusive right to tax that person's employment income generated during that period. However, in the case of most items of income and capital, the right to tax is shared under any of the three tax treaties contained in this bill. Where a shared right exists to tax an item of income of a taxpayer, there also exists an obligation on the part of the country in which the taxpayer is resident to eliminate any double tax.

One method of reducing the potential for double taxation involves the reduction of withholding taxes. Certain countries, as you know, impose tax on certain types of income that non-residents earn. Without a tax treaty or other legislated exemption, Canada taxes various categories of income paid to non-residents at the rate of 25 per cent. Most of Canada's trading partners impose a similar level of withholding tax. However, Canada's network of tax treaties provides for several reciprocal withholding tax rate reductions that more accurately reflect the actual level of taxes owed. Normally, under treaty, the country where the income is generated can withhold tax, usually at say 5 per cent, 10 per cent or 15 per cent on dividends, depending on the circumstances, and 10 per cent in the case of interest and royalties. In some instances, royalties on copyrights, computer software, patents and know-how are exempt at source.

[Senator Angus]

There is more, honourable senators. It is exciting stuff. As I have just explained, double taxation or over taxation is clearly unfair and economically damaging, but tax evasion is anathema. Not only is it illegal, it is unfair to the other people who pay taxes. It is damaging to the economy. It is interesting that yesterday, in the House of Commons, the government introduced a new bill dealing with money laundering and financing of terrorist organizations. The proceeds of crime that are the targets of that legislation include monies that otherwise would be legally taxed. In other words, that legislation also goes to meet and remove or obviate tax evasion, in some sense.

As a part of being a global player in an international economy where billions of dollars in illicit funds are circulating, Canada is trying, in the global context, to minimize and defeat this stuff. It is like the finger in the dike. It is very difficult. The tax conventions themselves are part of the legislative network or the web of measures being taken by governments to try to stem the losses resulting from tax evasion and other criminal activity.

The government recognizes that the best defence against international tax evasion is through improved and expanded mechanisms for international cooperation and information sharing. To facilitate that goal, treaties like those contained in Bill S-5 permit the exchange of information between revenue authorities and, in so doing, help them identify cases of malfeasance and act on them. I would go so far as to say that these treaties represent the foundation upon which international efforts at combating tax fraud and evasion are built.

Honourable senators, as I mentioned at the outset, Bill S-5 is not controversial, nor does it contain any surprises or contentious issues. There is little doubt that its benefits are clear. As mentioned, the treaties covered in this proposed legislation will provide equitable solutions to the various tax problems existing between Canada, Finland, South Korea and Mexico. Moreover, the treaties will help secure Canada's position in the increasingly competitive world of international trade and investment.

Honourable senators, I urge expeditious reference to the Standing Senate Committee on Banking, Trade and Commerce for study of this bill.

Hon. Lowell Murray: Would the sponsor of the bill accept a question?

Senator Angus: Absolutely.

• (1540)

Senator Murray: The honourable senator touched on a matter that is of interest to me in the course of his speech. He said that our partners in Finland, Mexico and Korea intended to ratify the treaties as soon as possible. Recently, in the course of a more general discussion that some of us had with government officials, it was mentioned, in the case of a particular country, that some considerable time ago Canada had passed a bill similar to this one. It was mentioned that the country in question, for reasons that I think had to do with their legislative and political situation, had not moved on it and that Canada had been waiting some considerable time for this other country to ratify.

Although I do not expect the honourable senator to have the information at his fingertips, my question to him is whether that situation pertains in many other cases? I would ask the honourable senator to obtain from the government a list of cases where we had passed legislation of this kind and where there had been no reciprocity to date on the part of our partners. It might be that there are only one or two similar cases, but I would like to know. Would the honourable senator undertake to bring in that information prior to a vote at third reading of this bill?

Senator Angus: I thank Senator Murray for his question. I am happy to undertake to provide that information to the honourable senator. If it is of any comfort to him, I have raised the same question with the officials who briefed me thoroughly on this proposed legislation. As Senator Murray is aware, I have a reasonably extensive background in tax law and tax conventions with over 47 years at a leading tax law firm, so I am aware of the issue.

Canada has treaties in place with 89 countries. Bill S-5 is Canada's activity in terms of implementation from Canada's point of view. Obviously, the other side of the coin is that the other partner has to implement it as well.

I understand that we no longer bring such bills forward because of the experience to which the honourable senator has referred. As senators may recall from the last Parliament, the then Leader of the Opposition in the Senate, the Honourable Senator John Lynch-Staunton, made it a personal mission to audit each of these treaties to ensure that the partner country was not engaging in any actions that Canada does not support, such as civil and human rights abuses. He also endeavoured to ensure that the partner country would play fairly.

One or two such treaties are works in progress and are being upgraded due to changes in respect of money laundering. Most larger countries are following suit. I will double-check and bring a list to the honourable senator to ensure that I have not misled him.

Senator Murray: I am glad that the honourable senator mentioned his long and distinguished experience in tax law. If he had not done so, I would have done so as preface to my second question. He mentioned tax evasion, which, as he correctly points out, is illegal — a criminal activity, in fact.

Senator Angus: It falls under criminal law.

Senator Murray: Yes. What does the honourable senator think of the advertising campaign on television? I am sure he has seen the commercials in which a firm of tax advisers, I suppose, offers Canadian taxpayers the opportunity to consult them. The message is such that if you are cheating the fisc, you do not go to a firm of accountants; rather you go to them because they have lawyers. The minute you walk in the door, you will be protected by solicitor-client privilege, and they will run interference for you with the Canada Revenue Agency. I wonder if the honourable senator has a comment to make on that advertising campaign?

Senator Angus: It is my view that any advertising by a law firm is anathema. I am from the old school when lawyers did not advertise. When I see law partners putting up their ads, I quickly

take note. I understood the ads referenced by the honourable senator to be sending the message that if someone has been cheating the fisc, it is time to come clean because this new government is getting tough and is determined to have more law and order. Ottawa will search out the cheaters and will bring them to justice. The ad offers the ability to make a declaration and be defended. This is all part of the great new government.

Hon. Sharon Carstairs: Honourable senators, I have watched those ads carefully with my husband, who is a lawyer, and he is totally appalled by them. I do not think the ads are of the nature characterized by the honourable senator.

On motion of Senator Fraser, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

MOTION TO APPROVE NOMINATION OF GRAHAM FRASER AS COMMISSIONER ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of September 26, 2006, moved:

That, in accordance with section 49 of the *Official Languages Act*, R.S.C. 1985, chapter 31 (4th Supp.), the Senate approve the appointment of Graham Fraser as Commissioner of Official Languages for a term of seven years.

Motion agreed to.

• (1550)

[English]

BUSINESS OF THE SENATE

Hon. Tommy Banks: Honourable senators, I think we missed order number 9. May I ask leave to revert to order number 9?

The Hon. the Speaker: As I was following the scroll, I think we skipped one. Let us agree, honourable senators, that the table is now calling order number 9, for second reading of Bill S-210.

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Cools*)

Hon. Tommy Banks: Honourable senators, I have heard others speak about this matter. This is very important. If there is any place in Canada that ought to be a national park, in the normal sense of that word, it is Gatineau Park. There are many reasons for that. For one thing, it was supposed to be Canada's first national park created under the National Parks Branch — not

only the first national park for Quebec, and not only the first national park advocated to be created outside of the Rocky Mountains of the West, it was also the first park advocated for creation by the first parks branch in the world, which was in Canada. It was created in 1911, and Dominion Parks Commissioner James Harkin suggested that the first national park to be created outside of the Rocky Mountains of Alberta and British Columbia should be Gatineau Park. However, his suggestion was never acted upon. Gatineau Park remains the only large federal park that is not a national park. It is a poor second cousin.

In the past when this subject has been raised, we have heard from the National Capital Commission that the reason for this state of affairs is the intransigence of the Province of Quebec in dealing with the question. Several senior officials and journalists over the past years, even since I have been here in the Senate, have claimed that the Quebec government is responsible for preventing Gatineau Park from becoming a national park because that government has historically refused to transfer its 17 per cent ownership of the land to the federal government.

For example, when he was appearing before the House of Commons Environment committee in 2005, in response to a question, Parks Canada's chief executive officer Alan Latourelle said, in part:

...for any part of Canada to be considered for a national park, the National Parks Act is very clear that we need a federal-provincial agreement, or the province has to agree that those lands would be used for that purpose...

In the case of the Gatineau Park, part of the land is not federal. It is provincially owned... In this specific case, if it were to be considered for a national park, we would require the Government of Quebec's support, and clearly historically we have not received that level of support anywhere in Quebec to create national parks. So it's not an option we're currently looking at.

However, that claim is both wrong and misleading since it seems, on the face of it, that the provincial transfer needed for the creation of a national park in Gatineau Park had already taken place. According to a 1973 agreement on Gatineau Park and the exchange of Orders-in-Council, the Quebec government transferred the control and management of provincial lands located inside the park to the federal government in perpetuity. The province also transferred the control and management of the lake bottoms located in the park. The Province of Quebec committed itself not to issue mining exploration permits, stipulated that the land it was transferring was to form a part of Gatineau Park and guaranteed that the rights it was transferring were free of all defects in title.

In those kinds of agreements, and those preceding the creation of national parks, it is not ownership that is being transferred when we are talking about Crown lands; it is rather the control and management of those Crown lands. In setting the principle of the indivisibility of the Crown, the Supreme Court has ruled that Her Majesty is the owner of the property, whether in right of Canada or in right of the provinces, and Her Majesty cannot

grant unto herself. Only the administrative control of the property passes. The transfer is therefore made by reciprocal Orders-in-Council and is confirmed by statute where third party rights are involved.

According to University of Calgary Professor Nigel Banks — no relation, incidentally — a transfer of land from the provincial to the federal government for the creation of a national park is not technically a conveyance of ownership. Rather, it is the administration and control of the land and resources that are being transferred from the province to the federal government.

By virtue of this 1973 agreement, the province essentially has done what it needed to do when it participates in the creation of a national park. It has handed over control and management of Gatineau Park lands, which it owns, to the federal government and has agreed to do so specifically for park purposes.

When asked why it claims that the province still owns or holds title to 17 per cent of the land in Gatineau Park, the National Capital Commission answered in part:

The issue of ownership of these lands is complex. Because of the nature of the agreement governing these lands, the National Capital Commission does not have clear title to these lands.

In essence, this absence of clear title means that the province transferred the management and operation of the land to the federal government with considerations.

An examination of clause C2 of the Quebec Order-in-Council that makes that transfer reveals the nature of those conditions, and here is what they are:

- that the lands transferred to the commission
- the National Capital Commission
- by the government —
- by which is meant the Government of Quebec

described in Annex A are to form part of Gatineau Park, and in the event that any part of the said lands not be required for the purpose of Gatineau Park, the control and management of such parts of said lands shall be transferred by the commission to the government.

In other words, here is the management and control of the lands for park purposes, and if you do not use them for those purposes, you must give them back. The federal government — and the National Capital Commission therefore — has the effective control and management of those lands in perpetuity, as evidenced by the Orders-in-Council in question. The only condition is that they continue to be used for the purposes of a park, and if they cease to be used for that purpose and are, instead, used for purposes other than that, they will be transferred back to the province. It seems that the National Capital Commission has consistently misrepresented, or perhaps misunderstood, that condition and has referred to that in opposing the idea of turning Gatineau Park into a national park.

I have in my hands the federal Order-in-Council, the Quebec Order-in-Council and the agreement of the Government of Canada respecting these lands — the control and their transfer into the Government of Canada's hands, into the hands of the National Capital Commission for the purposes of a park.

There remains only one impediment to the creation of a national park in respect of control of all of those lands, honourable senators, and that is the fact that there are still some privately owned lands that lie within what is now called Gatineau Park. They are private properties that remain within what would be, one assumes, Gatineau Park. There are a number of options open to the government to deal with this impediment. It could, of course, resort to expropriation. In the past, it has not hesitated to use expropriation in the creation of national parks, but it has not done so since 1979 as a matter of policy, and since 2000 as a matter of legislative estoppel.

The NCC can use its powers of expropriation under sections 14(1) and (2) of the National Capital Act, but it has not shown any intention of doing so. If it did, there would be an enormous resistance. There is a much less draconian way to deal with the situation, and that way is contained in the two bills currently before Parliament. Both Bill S-210 and Bill C-311 deal with this issue by giving the National Capital Commission a right of first refusal over all private properties contained within Gatineau Park.

• (1600)

I hope that we will deal with those bills, the one that is now before the Senate and the one that will be coming to us when it leaves, as I hope it will, the House of Commons, with alacrity so that we can get on with the business of bringing about what should be a national park.

I am from Alberta and British Columbia. In Alberta, there are three national parks but there is a certain cache to Gatineau Park, which should be a national park for all Canadians, because of its proximity to, and is effectively part of, the National Capital Region.

I urge all honourable senators to remember these things when these matters come before us.

Hon. Anne C. Cools: Honourable senators, Senator Banks has made a reference in his remark about having in his possession two Orders-In-Council.

Senator Banks: Yes.

Senator Cools: The purpose of my intervention is to invite Senator Banks to put to the house the numbers and dates of the two Orders-in-Council on the record and, if you could, to table them for the record and for all of us.

Senator Banks: I will go in the order in which they happened.

The first is an Order-in-Council of the Province of Quebec, number 3736-72, signed on December 13, 1972. The second is an agreement entered into on August 1, 1973 between the Government of Quebec and the National Capital Commission. This sets out the transfer of the management and effective

operation of those lands with the condition to which I referred; that is, this is the purpose for which they are to be used, and a reversion clause, which requires, if they are not used for those purposes, the management reverts. The third document is an Order-in-Council of the Government of Canada signed by His Excellency on February 20, 1973.

Senator Cools: The number?

Senator Banks: TB716459.

With permission, Your Honour, I will table these documents

Senator Cools: Agreed.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Further debate?

On motion of Senator Cools, debate adjourned.

SCOUTS CANADA

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

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-1001, respecting Scouts Canada.—(*Honourable Senator Jaffer*)

Hon. Mobina S. B. Jaffer: Honourable senators, it is an honour and a pleasure to speak again to Bill S-1001, which officially changes the name of Boy Scouts of Canada to Scouts Canada. I have had two previous opportunities to speak on this subject and I want to take the time to repeat some of the reasons I continue to support this bill.

I have been involved in Scouting nearly all my life. I was a Brownie, a Girl Guide, a Queen's Guide, while growing up in Africa, and a Girl Scout in the United States.

For my family, Scouting is a tradition. My mother grew up working with Lady Baden-Powell, the wife of Lord Baden-Powell, the founder of Scouting. She then went on to become a Girl Guide leader and she continues to support the movement to this day.

When I first came to Canada, I wanted to ensure that I continued to be involved in Scouting and pass this tradition on to my children the way my own parents had passed it on to me. With my husband, I was a Beaver, a Cub and a Venturer leader. In the 1980s, my husband and I started a coed Venturer group, one of the few in the country at this time. We thought this would be an excellent way to bring together young men and women so that they would learn to challenge and relate to one another.

Honourable senators, I have always supported and will continue to support Scouting because I believe that it teaches young boys and girls skills that apply not only to survival in the wilderness, but also lessons that they can apply to all of life's situations. As the Scouting motto says, "Be prepared."

Scouting helps young people build interpersonal bonds and to become leaders, to confront challenges hands-on and to work as a team. These lessons can be learned only in the kind of environment that Scouting offers. These were the kinds of life lessons that Lord Baden-Powell had in mind when he began the Scouting movement almost one century ago. He thought it would be a good idea to teach boys some of the skills and ideals of Scouting.

Scouts should be strong, courageous and alert, able to read the smallest signs of nature and track animals and to survive in the wilderness. They should always be ready and willing to help each other and to decide what to do and when to do it.

Lord Baden-Powell believed that Scouting affected a person's education, appreciation of religion and a greater promotion of peace. He set out a number of reasons why Scouting was an important educational experience. He stated that the secret to sound education was to get each pupil to learn for himself instead of instructing him by driving knowledge into him through a stereotypical system.

Lord Baden-Powell had a vision that went beyond simple survivor skills to much larger views on the promotion of peace and justice. He said, and it is very relevant at this time:

...before you can abolish armaments, before you can make treaty promises, before you build palaces for peace delegates to sit in, the first step of all is to train the rising generations — in every nation — to be guided in all things by an absolute sense of justice. When men have it as an instinct in their conduct of all affairs of life to look to the question impartially from both sides before becoming partisans of one, then, if a crisis arises between two nations, they will naturally be more ready to recognize the justice of the cause and to adopt a peaceful solution, which is impossible so long as their minds are accustomed to run to war as the only resource.

This underlines why I think Scouting is important and why I work to encourage the Scouting experience in my own family and community. As Senator Di Nino mentioned, Scouts Canada now includes boys and girls. Bill S-1001 will formally change the name of the organization in both languages to reflect this change.

Honourable senators, when I took my own group of coed Venturers to the world jamboree in Kananaskis, Alberta, the experience was particularly rewarding for the girls. They learned they could do outdoor activities as well as, if not better than, the boys. They gained confidence as a result. These young Muslim girls learned that they could do anything that the boys could do. They learned that they could take on any challenges, gain more points and awards than their male colleagues. It helped these girls take on life careers that otherwise they would not have done. Today these Venturers tell me that they are engineers and scientists because they have no mental barriers as to what girls can achieve.

One of the proudest moments in the lives of my husband and I was when we came across a female member of our Venturer group who told us she was doing very well and was doing well because of the skills she learned as a member of our coed Venturer group. She told us that being a member of a coed Venturer group helped her alleviate any fear she had of her own limitations.

As a former Girl Guide commissioner, I believe that the Girl Guide movement is important for the growth of girls and has a great role to play. However, I also believe that the coed group helps to build confidence in young people. I want to thank Senator Di Nino for introducing Bill S-1001 and I join him in support of its speedy passage.

I urge all honourable senators to take one more step and support the Canadian Scouting movement in their own regions to ensure that our young people are given the opportunity to participate in the unique experience that Scouting offers.

On motion of Senator Hays, debate adjourned.

• (1610)

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Day*)

Hon. Joseph A. Day: Honourable senators, I rise to fulfil my obligation under rule 99, which provides that:

On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

Honourable senators will know that this is a private member's bill sponsored by Senator Ringuette. It deals with the elimination of bureaucratic patronage and geographic criteria for the appointment process.

During the clause-by-clause study of this particular bill after we had witnesses before us, in the interests of compromise Senator Ringuette agreed to — and all other senators were in agreement — the proposed amendments. With respect to the implementation of the existing policy of the Public Service Commission that is currently being phased in, and in the interests of assisting this transition, the committee has recommended to the Senate that rather than a blanket prohibition on the existing geographic criterion for competition there should be some level of flexibility.

The report, therefore, recommends that the bill be amended so that the advertised external competitions would have to have a national area of selection, but for other competitions the existing options of establishing geographic criteria would be maintained.

That is the essence of the amendment. My recollection is that the amendment was adopted, on division.

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

On motion of Senator Stratton, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Out of the Shadows at Last*, deposited with the Clerk of the Senate on May 8, 2006.—(Honourable Senator Cordy)

Hon. Jane Cordy: Honourable senators, I am proud to rise today to speak about the report entitled, *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*, which was tabled by the Standing Senate Committee on Social Affairs, Science and Technology in May of this year.

I am particularly pleased to have the opportunity to speak on this issue during Mental Illness Awareness Week, which this year is being observed from October 1 to October 7.

I would like to thank the chair of the committee, Senator Michael Kirby, and the vice-chair, Senator Wilbert Keon, both of whom provided excellent leadership and both of whom did so much work to include all stakeholders in our study.

I would also like to thank all members of the committee. It was a pleasure to work with such hard-working senators who all felt so passionately about the issues with which we were dealing. I know there were many occasions, after hearing the testimony of witnesses, when we did not know whether to be angry or to cry because of the stories that were told. I think we all did a bit of both.

Why did the committee begin to study the issue of mental health, mental illness and addiction? Once we had completed our study of the health care system in 2002, we knew that there was a need for work to be done specifically in this area. It was evident to each of us on the committee just how widespread and pressing were the needs in the field of mental health and mental illness.

When Senator Kirby looked around the table at the committee meeting and asked what our next focus should be, it was unanimous that it be mental health. In fact, every senator around the table had a friend or a family member who had experienced poor mental health. In February 2003, our committee embarked on a major study of mental health, mental illness and addiction.

There is a high prevalence of mental illness in Canada. Twenty per cent of Canadians — that is one in five Canadians — will suffer from poor mental health at some point in their lives. Mental health has been so ignored and underfunded that it has

left some groups particularly vulnerable, such as children, adolescents, Aboriginal peoples and individuals with complex needs.

There is also a continuing stigma and discrimination against those suffering from mental illness or addiction. Combatting this problem requires a multi-pronged effort sustained over a long period of time that is coordinated at all levels of government.

Honourable senators, if you were unable to read the entire report, I would ask you to read the first two chapters which tell the stories that we heard as we travelled across the country. We heard from those living with mental illness, from their families and from those working in this area. Their stories were both uplifting and devastating, and they are a testament to those who have gone unheard for so long.

I remember the mother from Prince Edward Island who went to visit her son a few weeks after he started university. She was expecting to see him play on the football team and instead found him distraught under the bleachers. He was diagnosed with schizophrenia and now lives in a group home.

Another mother from Ontario spoke of her son who was a top athlete and an honour student with lots of friends. He became mentally ill in high school and he did not receive any phone calls or visits from his friends or from the school when he was unable to attend classes. The mother felt — and I would agree with her — that if it had been a physical illness there would have been lots of cards, phone calls and visits.

I will never forget listening to the young girl at hearings in Newfoundland. She was in her late twenties, married, university educated and bilingual. She had been working for the federal government in Ottawa when she became clinically depressed. She was on leave from her job and had moved back to Newfoundland for financial reasons and to be close to family. She started to cry and said she wished she had breast cancer because at least she would not have lost her family and friends. I am not sure if senators are supposed to cry at hearings, but I found myself dabbing at my eyes because it should not be this way.

There was a doctor who suffered from postpartum depression and was treated by a colleague who did not charge her for treatment because he was afraid it would affect her career if people found out about her illness.

There are a great many young people who are living with mental illness. It is conservatively estimated that a total of some 1.2 million young Canadians live with anxiety, attention deficit, depression, addiction or other disorders. Given that families are so often involved in the care and support of their younger members and that they are usually enrolled in school, the impact of these high rates of illness is widely felt. When a young person lives with mental illness or addiction, so too do his or her family members and teachers and schoolmates.

Although one might expect that these high rates of prevalence, coupled with advocates — in this case parents and teachers — would have resulted in a well-organized, appropriately funded mental health system capable of attending to the needs of children and youth, this is not the case. The Senate committee learned that

intervention occurs far later than it should, that the system is fragmented and underfunded, and that there is a critical shortage of mental health professionals.

• (1620)

Children and youth are at a significant disadvantage when compared with other demographic groups affected by mental illness in that the failings of the mental health system affect them more acutely and more severely. For this reason, the Senate committee believes, as I do, that it is imperative to move aggressively to tackle key problems now.

How do we do this? Our committee feels that it is important to identify and provide services to those children who are living with or who are at risk of developing mental illness at the earliest possible opportunity. Also, a way must be found to effectively manage the transition into the school system and, again, as youth move into the adult mental health and social services systems.

To help achieve these goals we have recommended that school boards mandate the establishment of school-based teams made up of social workers, child youth workers and teachers. Working across disciplines, these teams would be tasked with helping family caregivers navigate and access the mental health services their children require.

Our committee also recommended that the school be made the site for the delivery of mental health services to be provided by these newly established in-house mental health teams. The teams would respond to referrals from teachers who would be trained and supported so that they could be involved in the early identification of mental illness. Proper support for teachers is crucial to the success of this initiative, as we cannot again ask our educators to do more with less. Teachers and children's service personnel must be part of the team and their voices must be heard.

In addition, the Senate committee's recommendations encourage mental health professionals and provincial and territorial governments to work together to tear down barriers within and between the mental health and social services system. It is our strong belief that all treatment and social services, be they community, school or hospital-based, should be fully integrated to ensure children and youth receive age appropriate interventions and supports for as long as they are needed.

Honourable senators, the difficulty with any parliamentary report is that it does not necessarily spur the government to act. To ensure that our committee's recommendations are implemented, we have asked the Government of Canada to create a new national body, the Canadian mental health commission. The commission will be charged, among other things, with operating a national campaign to reduce the stigma associated with mental illness and to establish a knowledge exchange centre.

The previous Liberal Minister of Health, Ujjal Dosanjh, had agreed to the establishment of the commission, as did the current minister, Tony Clement.

[Senator Cordy]

Honourable senators, I am hopeful that this government will move immediately to set up the commission so that we can begin to address the numerous concerns that we heard from across the country. By working together to break down the silos between government departments and different levels of government, I hope that we can change those lives that have been affected by mental health, mental illness and addictions. It is through partnerships and working together that solutions will be found to transform mental health, mental illness and addiction services in Canada. I hope that we can change the lives of many others.

I would like to close by quoting Roy Muise, a certified peer specialist employed by the Consumer Initiative Centre who appeared before our committee in Halifax and who has suffered from mental illness. He said:

To the people of Canada I say welcome us into society as full partners. We are not to be feared or pitied. Remember we are your mothers and fathers, sisters and brothers, your friends, your co-workers and children. Join hands with us and travel together with us on the road to recovery.

On motion of Senator Keon, debate adjourned.

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to the consideration of the fourth report of the Committee of Selection (change in membership for the Official Languages Committee), presented in the Senate on October 4, 2006.—(*Honourable Senator Stratton*)

Hon. Terry Stratton moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*, tabled in the Senate on October 4, 2006.—(*Honourable Senator Kenny*)

Hon. Bill Rompkey: Honourable senators, I wish to make some comments on this report and, in particular, to a certain section that I find hurtful, inaccurate and ill-considered. I refer to the section on page 53, entitled "Goose Bay: The Poster Boy For Warped Military Spending."

I do not know who writes these things. The first thing that offended people in Goose Bay from whom I heard today was the wording.

Leaving aside the wording — and there are other examples in the report, such as "loveable old Goose Bay," which is mentioned later on — in fact, it is an attack on the base. This was done

without any consultation, as far as I know. Certainly no one consulted with me. I have been working for this base for 40 years and pretend to know something about it. No one asked me for my opinion or my position or to explain what was going on there. Yet this report comes out with all these recommendations which are supposedly knowledgeable.

To my mind, this is micromanaging. It is not the job of a House of Commons committee or a Senate committee to micromanage defence. It is the job of the House or Senate committee to make a broad critique of government policy.

Some Hon. Senators: Hear, hear!

Senator Rompkey: What gives anyone the right to say which bases live and which bases die? There are bases all across this country. There are bases in Nova Scotia, British Columbia and Alberta. Would anyone here accept that their base would be closed without a fair hearing or without a fair trial or without some defence of what they were trying to do? This is micromanaging and it is unacceptable.

I have had some experience with this. I chaired a House of Commons defence committee. I chaired the defence review in 1993. I took the stance then that our position was to recommend policy, not to micromanage policy. That is the job of the government.

Senator LeBreton: That is right.

Senator Rompkey: It seems to me that this report has gotten way out of line. It has taken on a role that is not intended for them. It is one that they do not require or deserve.

The report goes on to talk about the “remarkably powerful lobby from such a small community.” I was part of that lobby, and I was quite proud of that. I thought it was part of my job. I have been here since 1972. If you asked Don Jamieson what I was supposed to do, he would tell you that I was supposed to represent and to lobby for my community, and to get what I could for it. If you asked Jean Chretien about Shawinigan, he would say the same thing. Our job here is to be lobbyists and spokesmen for our communities and to try to get what we can do. This report seems to suggest that that is not job of a politician.

As I said, the report states that it is a “remarkably powerful lobby.” Thank God that for a small community we had a powerful lobby.

It further states that “there is no apparent operational military mission.” It is not apparent, but did anyone ask anyone? I think I know what an apparent operational military mission is. Did anyone ask? No, they did not. There may well be an apparent operational military mission. If you do not ask, you do not know. Then you come out and report and say there is no apparent military mission.

I know there is excess capacity, and so what would the committee have us do? Do they want to move more people to Fort McMurray? Are there not enough of us there already? Is that what we are supposed to do, pack up our pickup trucks and drive to Fort McMurray? You have a highly trained workforce there that can work with either the military or a private operation. That is what we plan to do.

• (1630)

The committee recommends a plan. The committee has an alternative plan. Essential to the plan could be marketing. We have done that, and financial assistance from the appropriate national regional economic body is there. It has happened; we have done it.

With respect to retraining for all the workers, you have in Goose Bay the most remarkably well-trained people, and they have been there since the Second World War. They know about aircraft and airfields, and they can do that job. They are technicians. They do not need retraining; they need some work.

The federal and provincial governments support the production of a business development plan; that is what they asked for. The community has come together: unions, business, town council and chamber of commerce. There is a broad community consensus on what should be done. There is a plan going forward, working with both levels of government, but the committee did not seem to know that. Maybe the committee did not want to know it. They did not seem to know it, but it has been done.

Those are the things in the report that I object to. I certainly will not vote for this report while such references are in it, and I would ask my colleagues to do the same. If it happens to me, colleagues, it can happen to you. Each one of us in this chamber represents a part of Canada. Our job is to stand up for our parts of Canada. I am standing up for my part, and I am saying I do not agree with this report.

Some Hon. Senators: Hear, hear!

Hon. Joan Cook: Honourable senators, I move adjournment of the debate.

Hon. Lowell Murray: Honourable senators, obviously, a motion to adjourn debate is not debatable, but I rise simply to ask that someone's good offices be employed to ensure that the chair of that committee is present in the Senate when the debate is resumed.

On motion of Senator Cook, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATING DIRECTIVES AND REPORTS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Official Languages (*budget—study on the application of the Official Languages Act—power to hire staff and travel*) presented in the Senate earlier this day.

Hon. Maria Chaput moved adoption of the report.

Motion agreed to and report adopted.

[English]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Segal*)

Hon. Sharon Carstairs: Honourable senators, I rise to speak to you about literacy and, more particularly, about adult literacy. I would ask each of you to do a self examination. How would your life be different if you could not read?

You wake up in the morning and it is late. Your alarm clock failed to go off. Why? Because you could not read the instructions as to how to set your clock. How many of you have found yourself, as have I, in a hotel room unable to figure out how the clock in the room works? You finally, in despair, call down for a wakeup call. Can you imagine the frustration of this happening every day without the advantage of having someone there to give you a wakeup call?

Your children will be late for school. You try to get dressed quickly; however, your new sweater does not fit. You have not gained weight, but you did wash it. Unfortunately, you washed it in hot water, and it has shrunk because you could not read the washing instructions.

You decide on something else to wear, and you go to the kitchen to prepare breakfast for you and your family. Although the doctor has suggested you eat more fibre, you cannot read the nutrients labels and choose Rice Krispies, which is, unfortunately, low in fibre. Your coffee is far too weak because you cannot read how many tablespoons to put in the coffeemaker. Your orange juice is too strong because you cannot read the frozen concentrate label, and it needs three cans of water and you only put in two. You are not having a great day up to this point.

However, you hope it will get better. Your children arrive for breakfast. They need permission slips signed for immunization, signed by the school nurse, and for field trips. You cannot read them, but sign them. You have learned to sign your name, one of your very few literate skills, and hope for the best.

You explain you are going grocery shopping and ask if they have any special requests. Fortunately, you have developed some memory skills and hope that you can remember these requests because you cannot write down a list, and even if you did, you could not read it. You kiss the children good-bye and depart for the grocery store, stopping by the bank on the way to get some money. You cannot go to the automated teller machine because you cannot read the instructions. You cannot fill out the withdrawal certificate because you cannot read the instructions and you cannot write.

You wait in line for a teller wondering what excuse you will use today for not being properly prepared. A favourite one is, "I do not have my glasses" — in fact, you do not wear glasses — or, "I do not have a pen." You sense that the teller knows what your real problem is, and you cannot help but blush in embarrassment. You are, unfortunately, all too used to being embarrassed.

You would like to find employment, but, to date, you have been unable to find very much. Clerking and waitressing are impossible because your numeric skills are weak. Your computer skills are non-existent. You clean other persons' homes when you can but cannot read the notes left by many clients and they become frustrated with your lack of service.

You return home and are somewhat tired because you had to carry the groceries five blocks. Although there is a family car, you cannot use it because the written part of the driver's test is beyond your ability.

In the afternoon, you walk to your children's school for a parent-teacher conference. Your youngest daughter is reading below her grade level and her teacher is concerned. The teacher has urged you to read to her at home. However, you have been unable to admit that you cannot read and have asked your partner to do it, but, unfortunately, that is very erratic because he works shift work. The news is not good. Your daughter is falling even further behind. It is time for you to make a decision. You have suffered for yourself, but now it is leading to the suffering of your child.

You explain to the teacher, after having gotten up the courage, that you cannot read and can she tell you where to go for help. The teacher is supportive, but she has bad news. In the newspaper that morning, she has read that the new government in Ottawa has just cut the funding to the local literacy project, and the project has had to cut its program in half and can no longer, for the immediate future, accept any new students.

The teacher explains that she has a volunteer parent helping in the class, and she will make sure that the volunteer reads often to your child. Some good news at least, but for your walk home, deeply disappointed, you agonize about how you are going to ultimately help your child.

Honourable senators, this and similar experiences are the daily burden of thousands of Canadians. Some are Canadian-born who have been failed by the school system; some are immigrants who are not illiterate in their first language, but they cannot read either French or English, the two official languages of this country.

• (1640)

Let me be very clear. We are not speaking of Canadians who do not have the capacity to learn. We are speaking of Canadians who have not had the opportunity to learn their way. Canada is facing the challenge of insufficiently skilled workers, but you cannot have skilled workers without literacy skills. You cannot make Canada a more productive country without literacy skills. You cannot have appropriate of health care delivery without literacy skills. You cannot have a truly just legal system without literacy skills. Honourable senators, how can we bring a greater sense of equality across this country without literacy skills?

This government has made a terrible mistake in cutting literacy programs. I can but urge them to rethink this decision, do the right thing and give these Canadians a chance to be full citizens of this great country.

On motion of Senator Jaffer, debate adjourned.

[Translation]

THE SENATE

MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the government's decision to terminate the Court Challenges Program and urges it to take action to persuade the government to reconsider that decision.—(*Honourable Senator Comeau*)

Hon. Claudette Tardif: Honourable senators, like many of us here, I was shocked to learn that the federal government was suddenly abolishing the Court Challenges Program, to save \$5.6 million over a two-year period, this on the very day that the government announced a surplus of some \$13 billion.

We are not the only ones to be disappointed. The Fédération des communautés francophones et acadienne, the Fédération des juristes d'expression française de common law, the outgoing Commissioner of Official Languages and the francophone associations in every province were all disappointed and shocked to hear that this program was being discontinued. This is obvious from the numerous articles published in newspapers across the country.

I, like many, feel that the Conservative government is making a serious mistake in abolishing a program which, over the years, has helped assert the equality and linguistic rights guaranteed under the Canadian Constitution.

[English]

I believe that the existence of this program is a clear manifestation of Canada's democratic values and an important exercise of democracy. In an ideal world, it would be expected that governments would respect and promote the constitutional rights afforded to minorities.

[Translation]

As many of you know, and as Senator Joyal so eloquently and passionately stated, it has historically been very difficult for minorities, especially francophone minority communities, to assert their rights under the Canadian Constitution to their respective provincial governments.

I can think of several examples, such as the *Mahé* decision, which gave francophone parents like me, in Alberta, the right to manage their own schools. Roughly seven years passed from the time the case first went to court in Alberta until the Supreme Court of Canada handed down the final decision in 1990.

Honourable senators, do you think that the parents involved in that case would have had the money to carry on their struggle for seven years if they had not had the support of the Court Challenges Program? Without this Supreme Court decision, my own children and many others would not have been able to obtain their education in their mother tongue, in a French-language school in Alberta.

I also think of the parents in Summerside, Prince Edward Island, who won a Supreme Court judgment confirming their right to establish a French-language school in their community. The Montfort Hospital, here in the nation's capital, would not be open today if it had not been able to assert its rights in court. There are many other examples.

[English]

Contrary to what Madam Minister said on October 3, some 25 years after the adoption of the Charter, there is still much left to challenge with regards to the Charter.

Today, in Alberta, a case concerning language rights is before the courts. An individual is bringing the Government of Alberta to court. This case, which was funded by the Court Challenges Program, has significant potential to affect minority linguistic rights in the province and to afford services to francophone citizens living in Alberta.

Will these rights be further compromised by the elimination of the Court Challenges Program?

[Translation]

Twenty-five years after the Charter was adopted, the courts are still being asked to rule on issues pertaining to language rights. However, we all know that, in 1982, all the provinces except Quebec agreed to entrench in the Canadian Constitution the Charter of Rights and Freedoms, which recognizes the right to instruction in the language of the minority and management of its institutions across the country, among other things.

The provincial and federal governments thus had constitutional responsibilities with respect to official language minority communities. Yet they did not honour them!

In response to criticism, the federal government has stated that it will not adopt unconstitutional legislation and that it is a matter of program savings and efficiencies.

Are the constitutional rights of official language minorities a matter of dollars and cents? Minority rights do not boil down to a mere accounting exercise. Efficiencies or savings are not the issue here.

Furthermore, since we are a federation, laws are enacted not only by the federal government but also by the provinces. Recent history has shown that it is often the provincial governments that do not live up to their constitutional commitments under the Canadian Charter of Human Rights and Freedoms.

[English]

Without financial support from the Court Challenges Program, official language minority communities in Canada would not have had any way to remind obdurate provincial governments of their constitutional obligations and responsibilities toward them. We should not forget that members of minority communities rarely have the human or financial resources of a provincial or federal government. Between an individual and a big, mighty government, do you really think that the average citizen stands a chance?

• (1650)

The Court Challenges Program was an important tool that helped to level the playing field and made it possible for official language minority communities to exercise their constitutional rights. That is why it has been so instrumental in the exercise of Canadian democracy.

Honourable senators, the strength of a democracy is reflected in the way it treats its minorities.

[Translation]

What I find even more perplexing in this decision is the conflicting message it sends. On the one hand, the federal government is reminding all francophone minority communities — and I heard it again today — that it supported the amendments to the Official Languages Act through Bill S-3. How can such cuts be rationalized then?

The government tells us that it is committed to ensuring that positive steps are taken to implement its plan to promote flourishing francophone and anglophone minority communities throughout Canada and to support their development.

On the other hand, by eliminating the Court Challenges Program, the government is taking away an important tool that gives francophone minority communities the ability to safeguard their rights if they are being violated. Are these communities to understand that such a decision is an example of what the government means by “positive steps”? I certainly hope not.

[Senator Tardif]

[English]

I truly hope that this government does not define these cuts as a definition and a reflection of what it means by a positive measure for the implementation of its commitments under the Official Languages Act.

[Translation]

Honourable senators, as the government reminds us that this program has already been eliminated in the past, it seems to overlook the fact that that Bill S-3 changed everything. For this reason, honourable senators, this matter needs to be studied objectively and in greater detail. As Senator Joyal underscored, this has already been done and I believe that we, in the Senate, as protectors of minority interests, must review the matter once more to determine whether the federal government has failed in its responsibilities to minorities or has acted reasonably.

Hon. Maria Chaput: Honourable senators, this government has made an ill-advised decision in discontinuing the Court Challenges Program of Canada, a valuable tool that allowed minorities to assert their rights. Francophone minority communities are among those that made use of that program over the years. I cannot emphasize enough how invaluable this program is.

Before I deal with that issue, I must ask my honourable colleagues who are sitting here, in the upper chamber, on behalf of the current government to explain the vision of the government in power. Can it be said that the government is showing leadership when it is dismantling what was put in place for those whom our Canadian Charter of Rights and Freedoms sought to protect?

I am asking you, honourable senators on the government side. I am asking you that question and reminding you that, before the general election on January 23, your leader, Prime Minister Stephen Harper, signed a solemn promise in which he recognized the important contribution made by francophone and Acadian communities to the country's development and prosperity.

“I promise”, said Mr. Harper, “to recognize the vital role that organizations and institutions play in community development and to do everything possible to invest in building their capacity. I will also work to facilitate access to federal government services and programs, keeping in mind the specific realities of those communities”.

What a gap between that solemn promise and the recent decision! Moreover, Part VII of the Official Languages Act sets out the government's responsibility with respect to consultation. The government must ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society. The minority francophone communities were not consulted! Who is reminding the Prime Minister about his election promises? Who is advising him about his obligations?

The Court Challenges Program was created in 1978 by the federal government of the day to fund lawsuits challenging the constitutionality of Quebec's newly adopted Charter of the French Language. The justice department also used the program to fund the *Forest* case in Manitoba. I would remind honourable

senators that the *Forest* case had a significant, positive impact on Manitoba, because it re-established French as an official language in that province.

When the Canadian Charter of Rights and Freedoms took effect in 1982, the program's mandate was expanded to fund cases based on the Charter's language provisions — sections 16 to 23. The program's mandate was broadened further in 1985 to include equality rights with respect to federal government acts, regulations, directives and policies.

The Court Challenges Program, the only program of its kind in the world, is designed to support Charter equality rights cases.

Over the years, the program has supported an impressive number of cases in court. One of the best-known cases involving language rights was the *Forest* case.

Thanks to this Saint-Boniface businessman, who contested the legality of suppressing the official status of the French language in Manitoba, and to the support he received from the Court Challenges Program, among others, the Supreme Court of Canada declared Manitoba's Official Language Act of 1890 unconstitutional, which was a historic decision for my province's francophone community. Need I remind honourable senators that the Province of Manitoba operated illegally for 90 years before our rights were reinstated?

There have been many similar cases, cases that have had a major impact on the development and vitality of francophone minority communities in Canada — cases, may I remind you, that were brought by francophones against mean-spirited government legislation.

It should come as no surprise that I cannot remain indifferent to the termination of the Court Challenges Program. This program ensured recognition of my fundamental rights in Manitoba, rights that were trampled on for far too long, rights that I did not have as a young student. My daughters have benefited from it, and my granddaughters to an even greater extent.

[*English*]

I want to tell you my story, and I am going to do so in English because I want all of you to hear my voice and not that of an interpreter.

I come from a small rural francophone community. Values were transmitted to me through many generations; values founded on being proud of what you are and where you come from, and on having faith in the people around you. I grew up in a typical francophone family of that period, the eldest of eleven children. In my early years, I attended school in a convent run by the Grey Nuns in a French-speaking community called Sainte-Anne-des-Chênes in southeast Manitoba. Those were the years when learning in French in Manitoba schools was forbidden by law. We had to hide our French books when the provincial inspector was in the neighbourhood.

We were all French-speaking, and so were our teachers. We were taught in French every day except on the days when the school inspector was visiting. On that day, we had to put our French books away and bring our English books out.

• (1700)

As a young mother — I have three daughters and four granddaughters — I remember once taking my daughters to a movie in Winnipeg. It would have been in the late 1960s. Seated in the theatre and waiting for the movie to start, we quite naturally spoke French among ourselves; that was our first language. A middle-aged couple in front of us turned around and told us to “speak White.”

You spoke French in Winnipeg in those years and people would turn to stare and object. You wrote a cheque in French at that time in the Hudson's Bay store and they would give you a hard time.

As a mother, I fought to have French schools in Manitoba and a French-language school division for my children and grandchildren. Our access to French as a language of instruction depended on a classroom-by-classroom opting-in formula. We needed 28 students at the elementary level and 23 in high school. Along with other parents, after our day's work we undertook door-to-door canvassing in order to get the signatures of 28 parents for the elementary classes. You must understand that we French-speaking parents had English-speaking neighbours and friends, but we wanted to keep our language and have our own schools for our children. Those were very difficult years, and today I am under the impression that we could still have very difficult years ahead of us.

I will never forget the following quote heard a long time ago: “A person who has accepted crumbs for 89 years, and mutters when he doesn't get more, will have far less respect than one who insists on a full-course meal.” I never forgot those words. In plain language this meant: Take your place and claim what is rightly yours.

[*Translation*]

Honourable senators, when a government decides to abolish a program or service, it must first assess the impact of that decision on the citizens and communities targeted. In the case of the Court Challenges Program, I find it hard to believe that the government researched the potential impact of abolishing this program.

Many have protested the elimination of this program, with the Canadian Bar Association and the Premier of Newfoundland and Labrador, the Hon. Danny Williams, at the top of this list. This week, Luc Desjardins of *L'Acadie Nouvelle*, insisted that, and I quote:

...it is vital for official language minorities to have access to the courts to force governments to implement the measures necessary to bring about true equality.

Also this week, our former colleague, the Honourable Jean-Robert Gauthier, urged his fellow citizens and anyone with their heart in the right place to file a complaint with the Commissioner of Official Languages and federal parliamentarians denouncing the elimination of the program.

We can already imagine the consequences of this inopportune action for Canadians. Surely Canadians will not give up; it is not in their nature!

Honourable senators, I will conclude by urging you to do all that you can to pressure the Harper government into reinstating this program as quickly as possible to affirm, once and for all, the supremacy of the Canadian Charter of Rights and Freedoms and the importance of the means available to our citizens to defend these rights and liberties before our courts.

The situation is serious when the means needed by Canadians to defend their rights are cut. The Court Challenges Program of Canada is an essential program.

On motion of Senator Comeau, debate adjourned.

[English]

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Fraser*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we are all aware of the enormous contribution that Senator Dallaire has made to raising public awareness in Canada of the terrible, tragic situation in Darfur.

It is almost beyond belief that we should, again, be seeing what has, so far as I can see, rightly been called a genocide and that, once again, we should be saying that there is nothing much that we can do.

I am not an expert on this matter — others in this chamber are — but I did want to place on the record my support for Senator Dallaire's work in this matter.

On motion of Senator Jaffer, debate adjourned.

THE HONOURABLE MICHAEL KIRBY

INQUIRY—DEBATE ADJOURNED

Hon. Joan Fraser (Deputy Leader of the Opposition) pursuant to notice of October 5, 2006, moved:

That the attention of the Senate be called to the contributions to the Senate of the Honourable Senator Kirby, who will resign October 31, 2006.

She said: Honourable senators, when I came here, Michael Kirby was already a legend a couple of times over at least. He had become a legend in Nova Scotia, as we heard earlier today, and then had become a legend in federal-provincial affairs. Those of us who were news junkies will remember the deathless phrase, "the Kirby Memo."

One of the things about coming to this extraordinary place is to realize that one is privileged to sit among colleagues of such an incredible breadth and range of experience, wisdom and skill.

[Senator Chaput]

I had not really thought about it, but when I realized that Michael Kirby was one of them, I felt truly daunted.

• (1710)

Of course, Senator Kirby just went on acquiring legends. His work as chair, in particular, of the Social Affairs Committee is a monument, one of the great achievements of the Senate, one of the great contributions to public policy debate in this country, and one of the great contributions to explaining and demonstrating to Canadians why a Senate is useful. He did not preach about a useful Senate; he just went out and made it clear that this body is useful, with his unique intelligence, passion and drive.

Another quality of his that many of us will long remember, even though it is not legendary outside these walls, is the extraordinary degree of trust, friendship, dedication and passion that he inspired among his colleagues on his committees. I am looking at Senator Keon, who is perhaps, being legendary himself, the most illustrious example. But I cannot tell honourable senators how many times, when I heard a senator grumbling about something or other that happened, that the end of the discussion would be: Well, so-and-so — sometimes it would be me — does not chair a committee like Senator Kirby. Those of us who chaired other committees had reason to feel that perhaps an impossibly high standard was being set for the rest of us to attain.

I never had the pleasure to work on one of Senator Kirby's committees; I only had the opportunity to look at the output. However, listening to those who worked with him and looking at the output made one realize what a truly efficient and extraordinary human being he is. He is a renaissance man in many ways and will be a great loss to this chamber.

I hope it is true, as so many of those who paid tribute to him earlier this afternoon suggested, that Senator Kirby's departure from this place will not be a loss to the public policy scene in Canada and that he will be able to continue contributing there, if not here, because it is quite obvious that not only has this man given much to Canada but that much remains for him to give. I wish him well in the years to come.

Hon. Sharon Carstairs: Honourable senators, along with Senator Cowan, I knew Mike when we was just a young'un. I went to university with him. He really should have been a geek, a nerd. After all, we were studying political science and subjects that made sense. He was studying mathematics, and he should have been walking around looking like a geek, but he was not. He was, along with Denis Stairs, the co-editor of *The Dalhousie Gazette*, the student newspaper. I was somewhat amused at his comments this afternoon. They were heartfelt and I agreed with all of them, but he portrayed himself this afternoon as somewhat of a non-partisan.

I want to recall — and I think Senator Cowan will remember this — a certain very partisan activity on the part of Senator Kirby and Dr. Denis Stairs. The Right Honourable John Diefenbaker came to speak at Dalhousie University, in room 21 of the Arts Building. I must say that he did not make a correct judgment in the audience that he was speaking to, and so he said an awful lot of warm, fuzzy things but nothing of a great deal of substance. Senator Kirby and Dr. Stairs decided to prepare a front-page story of the visit of the Right Honourable John

Diefenbaker. They developed a column in which they said, “The Right Honourable John G. Diefenbaker appeared at Dalhousie University last week and this is what he had to say,” and they left a completely blank column.

Senator LeBreton: Typical, typical. Rudeness!

Senator Carstairs: When I later in that year, along with Reid Morden — whom some of you on the other side will know well, who was also a classmate — had to make a presentation to Mr. Diefenbaker on the funding of post-secondary education in which Nova Scotians were arguing that we should be funded on a per capita attendance base at university and not on a per capita number of people living in the province, Mr. Diefenbaker did not greet us with the most warm reception in that we were from Dalhousie University. I think it is fair to say that Michael Kirby was also a bit of a man about campus at that time.

While we have all watched with great interest and have great appreciation of Senator Kirby’s achievements, I thought I should share a few of these remarks with you this afternoon, to let you know that he is altogether human, just like the rest of us.

On motion of Senator Trenholme Counsell, debate adjourned.

STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

MOTION TO ADOPT FISHERIES AND OCEANS
COMMITTEE’S INTERIM (SECOND) REPORT AND
REQUEST FOR GOVERNMENT RESPONSE ADOPTED

Hon. Bill Rompkey, pursuant to notice of September 26, 2006, moved:

That, the second report of the Standing Senate Committee on Fisheries and Oceans, tabled in the Senate on June 22, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Fisheries and Oceans and the President of the Treasury Board being identified as Ministers responsible for responding to the report.

He said: Honourable senators, I do not think I need to make too many comments. This is a pro forma motion. We are asking the government for a response, which we do from time to time. This is our first report on crab, and we need responses on scientific exploration and on rationalizing the catch capacity. There are a number of things that we would like the government to tell us about their plan for the future.

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

Hon. Senators: Question!

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

Motion agreed to and report adopted.

SCRUTINY OF REGULATIONS

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerard J. Comeau (Deputy Leader of the Government), for Senator Eyton, pursuant to notice of October 3, 2006, moved:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we are all in favour of letting Canadians know about the good work of the Senate. I realize that this particular committee does important work. However, is there a particular reason for this motion? Is there something particularly, dare I say, sexy coming before this committee, rather than its usual dry study of regulations, to make us think that television is merited, after all these years in worthy obscurity?

• (1720)

Senator Rompkey: Do they have a sponsor?

Senator Comeau: The word “scrutiny” means “throw some light.” Shine a bright light on this very exciting and often quite overlooked, hard-working committee. It is about time that we did bring in media coverage to see just how exciting it can be when people pour over regulations for hours.

Senator Rompkey: It is like watching paint dry!

Senator Comeau: One of my colleagues from British Columbia says it is sexy, and I agree with him.

Senator Campbell: Life is quiet.

Senator Comeau: I agree with the honourable senator from British Columbia that we should show Canadians how important this committee can be. It is one of the committees I wanted to sit on for a long time, but I could not because so many people were waiting in line to become members.

Having said that, I do hope that honourable senators adopt this motion.

Senator Fraser: I think there are probably no budgetary implications, so I shall not object. When I used the phrase “worthy obscurity” a moment ago, I did not mean deserved obscurity, I did mean “worthy.” The committee has been doing wonderful work for many years.

Hon. Serge Joyal: I do not want to repeat the words of Senator Fraser. I join with Senator Comeau on this. This is Benedictine work. Sometimes the regulations are very important — more important than the enabling legislation.

Senator Prud’homme: Absolutely.

Senator Joyal: My colleague Senator Nolin and I worked on the Standing Senate Committee on Legal and Constitutional Affairs for many years, and I remember the legislation we were discussing where what was trusted in the regulations was more important than what was contained in the legislation. If this committee is

faced with regulations that have substantial importance for the implementation of a bill or act, or if they are reviewing legislation that calls for consultation with various groups and is of general interest to Canadians, I enthusiastically support the request. However, we do not know exactly what it is. I do not want to create the impression that the Benedictine work that I have been alluding to is the subject of the committee that is requesting the broadcasting.

Senator Comeau: As far as I know, there is no specific regulation under which they wish to have the committee televised. The fact is that this is one of those motions that are dealt with as routine business in case they need to bring in the television cameras.

I agree entirely with Senator Joyal that this is one of our hard-working committees. It is probably one of our most important, and one that we sometimes tend to neglect. We should actually know more about it. I followed some of the work the committee did on fisheries issues. Senator Joyal used the word "Benedictine," and it is. I was absolutely amazed with the depth they went into on some fishing issues that dealt with West Coast salmon. They were very difficult issues.

Getting back to whether or not it is for a particular reason, no, I do not think it is. It is strictly a routine request.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I entirely agree with adopting this motion. From what I know about Senator Eyton, to watch him in the Senate, if such a senator thinks it a good idea to seek leave to permit electronic coverage of committee deliberations, then he must have good reason and we should adopt this motion.

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

Hon. Senators: Question!

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

Motion agreed to.

ANTI-TERRORISM ACT

COMMITTEE AUTHORIZED TO MEET ON MONDAYS

Hon. Pierre Claude Nolin, for Senator Smith, pursuant to notice of October 3, 2006, moved:

That the Special Senate Committee on the Anti-terrorism Act be empowered, in accordance with rule 95(3), to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, in order that all senators understand the purpose of this motion, it is to authorize us to sit on Mondays when we would normally be authorized to sit if the Senate were sitting the following day. However, if for any reason the Senate were not sitting on a Tuesday, we want

authorization to sit on the Monday. We have a report to prepare in short order and — time goes by so quickly — we would like to have the latitude to sit on Mondays. That is why we are seeking this authorization.

[*English*]

Hon. Sharon Carstairs: I will certainly support the motion, honourable senators. However, a number of committees now sit on Mondays. It is time for the leadership to come forward with a general motion that if committees are sitting in their normal time slot on a Monday but they are not allowed to sit during a sitting week, then we should make that part of our regular procedure.

Hon. Gerald J. Comeau (Deputy Leader of the Government): The honourable senator is a number of weeks late. That has been done for the Standing Senate Committee on Official Languages, the Standing Senate Committee on National Security and Defence and the Standing Senate Committee on Human Rights. There is now a house order for all of them. This special committee is temporary and will be wrapping up its work, so it was not placed with the other committees.

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

Hon. Senators: Question!

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

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before I go on to the adjournment motion, I should like to note that there had been a number of issues to be resolved regarding the Standing Senate Committee on Legal and Constitutional Affairs meeting times. These issues, to my understanding, have been resolved between myself and the Deputy Leader of the Opposition, with the concurrence of our respective leaders and in consultation with members of the committee. With that in mind, the committee will be meeting for extended hours on October 18, 19, 25 and 26.

Having said that, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 17, 2006, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 17, 2006, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

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

(1st Session, 39th Parliament)

Thursday, October 5, 2006

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		subject-matter 06/06/28 Special Committee on Senate Reform					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs					
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27							

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