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OFFICIAL REPORT  
(HANSARD)

**Thursday, May 3, 2007**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, May 3, 2007

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

Prayers.

[*Translation*]

### ROYAL ASSENT

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

RIDEAU HALL

May 3, 2007

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 3rd day of May, 2007, at 10:30 a.m.

Yours sincerely,

Sheila-Marie Cook  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, May 3, 2007:

An Act to amend the Criminal Code (criminal interest rate) (*Bill C-26, Chapter 9, 2007*)

An Act to amend the Canada Elections Act (*Bill C-16, Chapter 10, 2007*)

An Act to amend the Canada Pension Plan and the Old Age Security Act (*Bill C-36, Chapter 11, 2007*)

[*English*]

### SENATORS' STATEMENTS

#### USE OF BLACKBERRY SMART PHONES IN CHAMBER

**Hon. Terry M. Mercer:** As honourable senators will recall, a discussion took place yesterday, following Question Period, with respect to the use of electronic devices in this chamber.

Research In Motion, the company that makes the BlackBerry, with offices in Waterloo, Ontario, and Dartmouth, Nova Scotia, is a very successful company.

**An Hon. Senator:** Dartmouth?

**Senator Mercer:** Exactly. The BlackBerry is sold worldwide. Following yesterday's debate in this place with respect to the use of the BlackBerry in the chamber, I was curious as to the policy respecting the use of the BlackBerry in the United States Senate and in the United States House of Representatives — the U.S. being Canada's biggest customer. As a result, my staff did some research for me and the following information was obtained.

The U.S. House of Representatives does not allow on the floor the use of laptops or any other devices that make noise. It does, however, allow the use of the BlackBerry smart phones when there have been placed on vibrate. The transmission signals do not interfere with the audio system.

The United States Senate does not allow on the floor the use of laptops or any other devices that make noise. The Senate does, however, allow the use of BlackBerry smart phones that have been placed on vibrate. The transmission signals do not interfere with their audio system.

Honourable senators, this information was obtained, by the way, from the Senate and House of Representatives parliamentary offices of the United States of America.

Your Honour, one of our many responsibilities in this place is to promote Canadian products worldwide. If we are to talk the talk, it is about time we walked the walk and allowed the use of the BlackBerry in this chamber.

### THE HONOURABLE JEAN LÉON CÔTÉ

ONE HUNDRED FORTIETH ANNIVERSARY OF BIRTH

**Hon. Tommy Banks:** Honourable senators, I thought it was the view of the party to which the senator does not belong that we should emulate the Americans in every respect.

**Senator Corbin:** Lowest common denominator!

**Senator Di Nino:** That is why he sits on our side.

**Senator Banks:** Honourable senators, I rise today to talk about the early history of Alberta because it was peopled, principally, by French Canadians who became Franco-Albertans. St. Albert is the first town in Alberta to have been incorporated. Most of the earliest traders and settlers in the part of Alberta from which I come were francophones. The place names in and around my city of Edmonton and the towns surrounding it are the best bearers of witness to the importance that those Franco-Albertans hold in our community.

• (1340)

This coming Sunday, May 6, is the one hundred fortieth birthday of Mr. Jean Léon Côté, one of our most distinguished citizens. He was one of our predecessors in this place.

In his book, *A History of the French-Speaking Community of Edmonton, 1795 to 1935*, E.J. Hart referred to Jean Léon Côté as one of our most prominent citizens.

Mr. Côté was born on May 6, 1867, in Charlevoix County, which is on the north shore of the St. Lawrence River, just east of Quebec City, and he was the eldest of seven children. He was a direct descendant of the Jean Côté who sailed from Dieppe in May 1634, and landed in Quebec that summer.

Jean Léon Côté grew up to be a large man. He was 6'2" and of heavy build. In 1890, he became a Dominion Land Surveyor with the Department of the Interior. In 1893, he became — and stayed until 1895 — a member of the Alaska Boundary Commission. In 1909, he was elected to the Alberta legislature as the Liberal member for Athabasca and then Grouard, and his interest there focused on Alberta's natural resources, including, in 1909, the Fort McMurray tar sands.

In 1918, he became the Provincial Treasurer; and then, in succession, the Minister of Mines and the Minister of Telephones and Railways. In 1923, he was named to the Senate of Canada as a Liberal for the senatorial division of Edmonton.

I call attention to the fact that Mount Côté, which is near Ketchikan, Alaska, is named after him, as is the hamlet of Jean Côté, which is just 12 miles from Falher, a town near Edmonton. Both of them are essentially francophone communities.

I hope that honourable senators will join me in celebrating the birthday of this distinguished Canadian and our predecessor in this place, Jean Léon Côté.

#### THE LATE HONOURABLE JACK WIEBE

**Hon. Rod A. A. Zimmer:** Honourable senators, I rise today to pay tribute and celebrate the life of an honourable colleague, comrade, statesman and great Canadian. He was a gentleman and a gentle man.

In 1961, while I was attending the University of Saskatchewan in Saskatoon, I had a summer job in Herbert, Saskatchewan as a lifeguard and swimming instructor. Contrary to folklore, it was an Olympic-sized swimming pool. Every evening at closing time, this gentle man, who had just come from the field in which he had been toiling during a long summer day, would stand at the fence, peer in and politely ask permission to cool down with a relaxing swim. Every evening, I granted his wish, allowing him to swim alone for at least half an hour.

After a few evenings of this routine, I started joining him for laps, which brought a relaxing end to the day. Soon we became competitors in the water and friends on dry land. Honourable senators, that gentle man was Jack Wiebe.

For the next 19 years, we were not reacquainted until the 1980 federal Liberal election campaign meeting right here in Ottawa. I was chairing Manitoba and this gentle man, who was

seated to my right, was chairing Saskatchewan. Although we only crossed paths like ships in the night during the years that followed, we developed a bond of friendship that lasted until he departed this life.

During his years on earth, he proudly represented his community as a member of the Saskatchewan legislature, as Lieutenant Governor and, finally, as an honourable senator.

His values and human qualities were exemplary, and he led by example in his own quiet way. When Jack entered the room, you knew the world was all right.

To his wife, Ann, and to the rest of his family and loved ones, I convey my deepest sympathy. Ann, my thoughts and prayers are with you and with him.

Jack, I have no plans to join you in the near future and, by the grace of God, I will not, but if I arrive at the gates, I trust that you will return the favour and let me swim in your heavenly Olympic-sized pool after hours.

• (1345)

#### ABORIGINAL HEALTH

**Hon. Gerry St. Germain:** Honourable senators, on April 26, 2007, Dr. John O'Neil, Director of the Centre for Aboriginal Health Research, appeared before the Senate Subcommittee on Population Health. In his presentation on the determinants of health of Aboriginal Peoples, he made a number of important statements that bear repeating for the benefit of all senators.

Dr. O'Neil's research positively affirms, I believe, the public policy work underway in the Senate concerning Aboriginal people, and generally addresses the need to institute a regime of equal treatment of human rights across the Canadian spectrum. I will quote several excerpts from Dr. O'Neil's testimony. He said:

The evidence is clear that health inequities in the Aboriginal population are largely determined by inequities in the social, economic and cultural conditions that characterize Aboriginal communities. Poor housing, limited employment opportunities and inadequate community infrastructure and services are widely cited in the scientific literature as the key determinants of poor health outcomes.

Equally clear is the evidence indicating that these conditions will likely only change through Aboriginal self-government. . . . Aboriginal communities that are self-governing and have strong cultural continuity with traditions have lower rates of health problems.

. . . The solution to improving health status . . . is to increase self-government. . . .

Colonization as an historical process works on two levels. On the most obvious level, it works to remove the levers of decision-making and ownership of resources from the hands of the people and puts these decisions and resources in the hands of a foreign or occupying nation. On a less obvious level, colonization captures the soul of a people, undermining a sense of self-efficacy and being able to

determine a future at the individual, community and societal levels. Again, the evidence is clear that this loss of self-efficacy or personal and community autonomy can have a profound effect on health outcomes at all levels. . . .

. . . the Royal Commission on Aboriginal Peoples a decade ago addressed the same question that we are addressing today, and it reviewed similar evidence and drew similar conclusions. . . . Here we are again engaged in a similar discussion with potentially similar outcomes: agreement on the roots of the problem but unwillingness to tackle the fundamental determinant of health inequities in Aboriginal communities.

. . . well-intentioned . . . programs . . . do not address the root causes of the problems. . . . if we continue in this tradition of tinkering with the policy and program levers of the bureaucracy to address a fundamental structural issue in Canadian statecraft, we, or at least our children, will be gathered around tables like these in 10 years addressing the same questions and bemoaning the lack of progress. . . .

. . . the resource base that should be historically available to Aboriginal social development must be honoured and equitably accessible. It is a myth that Aboriginal communities are poor. Although there are exceptions, most Aboriginal nations occupy territory that produces most of the wealth of this country. Resolving land claims, recognizing treaty rights and developing agreements that equitably distribute this wealth should be the first priority in order to strengthen the social determinant infrastructure of Aboriginal communities.

## ROUTINE PROCEEDINGS

### AGRICULTURE AND FORESTRY

#### BUDGET—STUDY ON RURAL POVERTY— REPORT OF COMMITTEE PRESENTED

**Hon. Joyce Fairbairn**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

#### NINTH REPORT

Your Committee, which was authorized by the Senate on May 16, 2006, to examine and report on the rural poverty in Canada, respectfully requests the approval of funds for fiscal year 2007-08.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On that date, the Senate approved the release of \$101,428 to the

Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN  
Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 1429.)

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

On motion of Senator Fairbairn, with leave of the Senate and notwithstanding rule 51(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1350)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FIFTEENTH REPORT OF COMMITTEE PRESENTED

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

Thursday, May 3, 2007

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

#### FIFTEENTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2007-08.

#### Aboriginal Peoples (Legislation)

Professional and Other Services	\$ 7,800
Transportation and Communications	\$ 0
All Other Expenditures	\$ 1,000
<b>Total</b>	<b>\$ 8,800</b>

#### Banking, Trade and Commerce (Legislation)

Professional and Other Services	\$ 22,000
Transportation and Communications	\$ 0
All Other Expenditures	\$ 8,000
<b>Total</b>	<b>\$ 30,000</b>

#### Conflict of Interest (Legislation)

Professional and Other Services	\$ 53,000
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 53,000</b>

#### Fisheries and Oceans (Legislation)

Professional and Other Services	\$ 4,600
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 4,600</b>

**Legal and Constitutional Affairs (Legislation)**

Professional and Other Services	\$ 42,500
Transportation and Communications	\$ 27,610
All Other Expenditures	\$ 4,000
<b>Total</b>	<b>\$ 74,110</b>

**National Finance (Legislation)**

Professional and Other Services	\$ 46,800
Transportation and Communications	\$ 15,000
All Other Expenditures	\$ 1,000
<b>Total</b>	<b>\$ 62,800</b>

**Rules, Procedure and Rights of Parliaments (Legislation)**

Professional and Other Services	\$ 19,500
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 19,500</b>

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

**RULES, PROCEDURES AND  
THE RIGHTS OF PARLIAMENT**

BUDGET AND AUTHORIZATION TO TRAVEL—  
STUDY ON USE OF ABORIGINAL LANGUAGES  
IN SENATE CHAMBER—FIFTH REPORT  
OF COMMITTEE PRESENTED

**Hon. Wilbert J. Keon,** Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Thursday, May 3, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

**FIFTH REPORT**

Your Committee, which was authorized by the Senate on October 19, 2006, to incur expenses for the purpose of its examination and consideration of the use of Aboriginal languages in the Senate Chamber, respectfully requests funds for the fiscal year ending March 31, 2008 and that it be empowered to travel and adjourn from place to place within Canada, for the purpose of such 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,

WILBERT JOSEPH KEON  
*Chair*

*(For text of report, see today's Journals of the Senate, Appendix B, p. 1430.)*

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

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

**FISHERIES AND OCEANS**

BUDGET—STUDY ON ISSUES RELATING  
TO NEW AND EVOLVING POLICY FRAMEWORK—  
REPORT OF COMMITTEE PRESENTED

**Hon. Janis G. Johnson,** Deputy Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

**EIGHTH REPORT**

Your Committee, which was authorized by the Senate on Tuesday, May 16, 2006 to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests the approval of funds for fiscal year 2007-08.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On April 24 2007, the Senate approved the release of \$75,656 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

JANIS G. JOHNSON  
*Deputy Chair*

*(For text of report, see today's Journals of the Senate, Appendix C, p. 1436.)*

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

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

[Translation]

### OFFICIAL LANGUAGES

#### BUDGET—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, May 3, 2007

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

#### SIXTH 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, 2008.

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 report, see today's Journals of the Senate, Appendix D, p. 1437.)

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

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

[English]

### NATIONAL SECURITY AND DEFENCE

#### BUDGET—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE PRESENTED

**Hon. Colin Kenny**, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

#### FIFTEENTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 29, 2007. On April 19, 2007, the Senate approved the release of \$213,882 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

COLIN KENNY  
Chair

(For text of report, see today's Journals of the Senate, Appendix E, p. 1445.)

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

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

• (1355)

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before calling Question Period, I wish to draw your attention to the presence in the gallery of His Excellency, Dr. Jaime José Matos da Gama, President of the Assembly of the Portuguese Republic.

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

## QUESTION PERIOD

### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

#### AFGHANISTAN— AGREEMENT FOR TREATMENT OF DETAINEES

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is to the Leader of the Government in the Senate. Amnesty International has taken the federal government to court over the mishandling of the detainee transfer agreement. They are seeking an injunction to ensure that no more prisoners are transferred to potential torture in Afghan jails unless we can effectively monitor their treatment. Today I understand the proceedings were halted in our courts because the government lawyers said they had a new deal.

My question to the minister is whether there is a new deal in place and, specifically, who is responsible for monitoring of detainees under the new agreement?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I wish to thank the honourable senator for her question. The December 2005 arrangement on detainees remains in effect. We repeatedly said we would work with the Afghan government to



clarify their responsibilities for the treatment of Taliban prisoners and other detainees. Working with the Afghan government, these clarifications make explicit their responsibilities. We have identified and implemented these clarifications to the existing 2005 arrangement, as we said we would do.

**Senator Jaffer:** I apologize; I have not yet had an opportunity to look at the agreement, but I am sure the leader has. I wish to obtain the assurance from the leader that the situation regarding the allegations of torture of prisoners is now well covered in the agreement. May I ask her for that assurance; namely, that the issue of torture and how Afghans we have detained will be looked after and dealt with is within our control?

**Senator LeBreton:** Honourable senators, the agreement on which we have been working with the Afghan government was signed by the previous government in December 2005.

We simply sought clarification and have been working with the government of Afghanistan. I wish to make it clear that we are working with the agreement of the Government of Canada as signed by the previous government. The matter here is simply one of clarifying and enhancing that agreement.

• (1400)

**Senator Jaffer:** Can the Leader of the Government in the Senate specify the exact department that will now be responsible for ensuring that this agreement will be followed?

**Senator LeBreton:** Honourable senators, these arrangements and agreements are, as they were in the past, within the realm and responsibility of the Department of Foreign Affairs.

[Translation]

## NATIONAL DEFENCE

### AFGHANISTAN—DIFFICULTIES IN DELIVERY OF HUMANITARIAN AID

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. Since 2002, we have repeatedly been told that the influence of warlords continues to grow in Afghanistan. Outside the major cities, there is a feudal system of government in which warlords reign over their territories and compete for power amongst themselves.

This makes it very difficult to transport humanitarian aid in rural regions of Afghanistan. Diseases such as polio, which was thought to have been eradicated, are resurfacing and spreading in these areas because the people who need to be vaccinated cannot be reached. It is difficult to transport food and water.

Our Armed Forces must work hard in these areas to improve the situation and to help the central government establish its authority in rural areas.

Could the minister give us particulars of the work our troops are carrying out in this area?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. Before I respond, I would like her to know that tremendous work has been completed on the ground in Afghanistan. I believe the information she has on the treatment of polio is not up to date.

I will be happy to provide the honourable senator with very encouraging numbers in terms of how Canadians especially have been able to assist in beating back this dreadful disease.

It bears repeating that Canada is in Afghanistan at the request of the democratically elected Afghan government. We are there as part of an international, United Nations sanctioned and NATO-led effort.

As honourable senators know, there is no doubt that this is a difficult and challenging endeavour. The Afghan people have been plagued by years of civil strife, extremist rule, poverty and a severe lack of basic infrastructure.

Canada has shown tremendous leadership by committing development assistance and deploying diplomats, development workers, troops and civilian police to help the Afghan people secure a better future for their country. We have made a commitment to help the Afghan people, and we are standing by that commitment.

According to reports within the last few days out of Afghanistan from General Hillier and our troops, they feel they are there for all the right reasons — and they are — and are very much encouraged by the progress they are making.

To address another part of the honourable senator's question — there is no question that this spring has seen increased activity by the Taliban. The Canadian Armed Forces and other NATO partners are working very hard to suppress these Taliban uprisings.

That is why it is so important to support the efforts of our military, our government and of the Canadian people. It is absolutely crucial to the future of Afghanistan and the people whom we are there trying to help.

### AFGHANISTAN—LENGTH OF MISSION

**Hon. Francis William Mahovlich:** My question is for the Leader of the Government in the Senate. Canada has signed a commitment to be in Afghanistan until 2009. That is a commitment we made to the world and to the people of Afghanistan. We obviously want to honour that commitment.

• (1405)

Last week, in the other place, the government voted against an opposition motion that would have made it clear that the Canadian commitment in Kandahar will end in 2009. This leaves the door open to indefinite and infinite extensions of the mission. We are leaving our troops and their families with no certainty about when their huge personal commitments will end, and we are denying Canadians clarity on this mission.

Will the minister tell us how long this mission will go on, or does she think it is a playoff hockey game, where games go into overtime and could last longer than the game itself?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I do not think using a hockey analogy is appropriate when we are dealing with a situation as serious as Afghanistan. The government voted against what I would call the rather frivolous motion in the other place. We are committed, as we said, to staying in Afghanistan until 2009.

The government, in consultation with our NATO partners and our own military and Foreign Affairs and development officials, will assess the situation on an ongoing basis at the appropriate times. As I said in an earlier answer to that question from another senator, it is impossible to predict or look into a crystal ball and try to make a decision in 2007 that will impact on Afghanistan in 2009.

The government has committed to reviewing this mission on an ongoing basis. When it is clear what the next step should be, the government will come to Parliament with their plans.

## INDUSTRY

### FUNDING SUPPORT FOR AGRICULTURE INNOVATION

**Hon. Lorna Milne:** Honourable senators, necessity is the mother of invention, and nowhere is that more clear than on Canadian farms. Farmers know the value of innovation instinctively from their own experiences. They are perpetually adapting and adopting new technologies, developing new products or tapping into new markets. Sometimes this experimentation leads to valuable innovations that benefit us all.

I recently heard of a building material that mixes wood, plastic and agricultural waste to create a waterproof, warp-free particle board resistant to rot and mould and impenetrable to insects. This product is far superior to wood and completely recyclable. However, on many occasions, farmers and other primary producers never get the chance to commercialize their products or take advantage of this ingenuity due to a lack of financial assistance. Large commercial banks simply do not want to take a chance on agricultural enterprises, and other avenues of funding are limited.

Can the Leader of the Government in the Senate tell honourable senators what this government has done to assist farmers and other producers in bringing their innovative products to market to manufacture them? Where is this in the budget?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. No one will argue about the innovation of Canadian farmers. Having been raised on a farm, I can attest to that. The question that the honourable senator asks about a very innovative technology that could have great value is a rather detailed one. When the honourable senator rose and began to address this matter, I was thinking back to her representations about hemp, and I thought she was perhaps going to give us another new idea. It is true; there are some wonderful things made from hemp.

As a result of the explicit details in her question, I will take the honourable senator's question as notice.

**Senator Milne:** Honourable senators, the Leader of the Government in the Senate is quite right that hemp is a product presently being used to produce these particulate boards and is also used in car panels produced here in Canada.

• (1410)

### FUNDING FOR RESEARCH AND DEVELOPMENT

**Hon. Lorna Milne:** Products such as these are developed by Canadian farms and are the kind of innovations we need to nurture and encourage if we are to address our environmental challenges in a serious matter. I hesitate to bring these problems to the leader's attention in light of the government's tendency to cut programs first and repent later. However, I noticed that my favourite fictional document entitled *Stand Up for Canada* states the following:

It is unacceptable that Canada's expenditure on research and development, at 1.9 percent of GDP, is below all other G-8 countries and well below the OECD average of 2.3 per cent.

**Senator Mercer:** That is embarrassing.

**Senator Milne:** I must ask the government what Canada's current expenditure is on research and development. Has it changed in the last 15 months? Is this government prepared to improve the opportunities for innovators to receive future financial assistance?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I appreciate the honourable senator putting on the record the poor record of the previous government, and I will take her question as notice.

## FINANCE

### REVIEW OF COST OF FOREIGN ACQUISITIONS

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have another question following my previous question to the Leader of the Government in the Senate with respect to the budget and the government's decision to curtail deductibility for companies investing abroad.

Yesterday, we read in the press that the C.D. Howe Institute, one of the most distinguished independent institutes in Canada, said that this decision is a major mistake and that it would have profound effects on Canadian competitiveness.

All of us in this chamber have watched budgets. Some of us have watched budgets for many decades. Many budgets have made mistakes, even profound errors. However, we have learned that it is not the mistakes one makes but how one recoups and corrects those mistakes that counts.

I urge the honourable senator to urge the government to change this measure immediately because it has profound effects, as the C.D. Howe Institute says, on our competitiveness. The institute also says that the decision will immediately raise the cost of capital for these companies. It deteriorates their competitive position abroad.

Will the Leader of the Government in the Senate prevail on the Minister of Finance to change this erroneous piece of judgment immediately?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** The proposed restriction on interest deductibility will help to protect the Canadian tax base and will address issues raised by the Auditor General on previous occasions. The Governor of the Bank of Canada, David Dodge, only yesterday, told the Standing Senate Committee on Banking, Trade and Commerce that he believes that is a good objective and that there should be caution about jumping to any conclusions until the minister brings forward his draft legislation.

As I have said in the past to similar questions from the honourable senator, officials are discussing details of this proposed change with industry representatives as they develop the legislation, including transition issues.

**Senator Grafstein:** The governor did not say that. He came before our committee and said this matter is complex, which we accept, but we should await the defined regulation. We urge the leader to urge the minister to table it as quickly as possible.

If the honourable senator is talking about the governor's report, the governor tabled his report on monetary conditions. In the report, there is another troubling matter affecting the Canadian economy, and that is the deterioration of our imports. The percentage of foreign imports now exceeds our exports by 5 to 6 per cent. That trend is dangerous. The C.D. Howe report suggests that such investment would create markets for domestic goods.

Not only would it increase the competitiveness of Canadian companies abroad, but it might change the drastic trend where imports in Canada exceed exports. I ask the Leader of the Government in the Senate to move on this quickly.

• (1415)

**Senator LeBreton:** I responded to the honourable senator's first question with the words of the Governor of the Bank of Canada, Mr. Dodge, which the honourable senator has repeated in his supplementary question — that is, that Governor Dodge said to allow the minister to develop the legislation.

With regard to exports and imports, I take the honourable senator's concerns as notice. I shall attempt to get some further information. Obviously, Canada is part of a global economy. The strength of the dollar, among other issues, plays into the whole import-export situation, as has always been the case.

However, the honourable senator has expressed great concern about this issue and I shall relay his remarks to the Minister of Finance.

[Translation]

## NATIONAL DEFENCE

### REOPENING OF SAINT-JEAN ROYAL MILITARY COLLEGE

**Hon. Marcel Prud'homme:** Honourable senators, the closing of Saint-Jean Royal Military College is one error of the past that I find unforgivable.

Given the very important role the new administration wants to give to the armed forces, could the government now consider reopening the military college in Saint-Jean as soon as possible? Could the Leader of the Government in the Senate pass along this request to cabinet and the Prime Minister?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I have not been party to any discussions respecting this matter. I shall be happy to express Senator Prud'homme's concerns and views on this matter to the appropriate people, and shall respond by delayed answer in due course.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. I would like to come back to the royal military college in Saint-Jean. In 1952, the Canadian Armed Forces were growing, as they are today, and the Conservative member for Trois-Rivières, Léon Balcer, forced the Liberal government to recognize the fundamental importance of enabling francophones to become officer cadets and, eventually, senior officers in the Canadian Armed Forces. Balcer started this campaign 55 years ago; seven months later, the military college opened.

The possibility of starting a new program at the college — a military Cegep that would allow all officer cadets to spend two years in Saint-Jean before going to Kingston, instead of studying only in Kingston — is being considered. In the spirit of progress, would it be possible to support a principle as basic as the freedom of francophones in the Canadian Armed Forces by establishing a Cegep-style francophone bilingual military college?

[English]

**Senator LeBreton:** Honourable senators, I was around when Léon Balcer was a member of the Diefenbaker government. I can even remember where his office was situated — although I do not believe there is an office there today; it was on the first floor on the House of Commons side.

The honourable senator makes an impassioned plea for this particular facility. I have forgotten the rationale of the previous government for closing Collège militaire royal de Saint-Jean; nevertheless, I am happy to take the honourable senator's arguments to the present government about the need for such a facility, to ensure that there is proper representation in the ranks of our military.

• (1420)

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### RESIDENTIAL SCHOOL SETTLEMENT—APOLOGY

**Hon. Larry W. Campbell:** Honourable senators, my question is to the Leader of the Government in the Senate. I listened intently as Minister Prentice spoke of how he thought it would be more appropriate to wait another five years before apologizing for atrocities committed in the residential school system. I especially loved his reasoning with some vague attempt at a correlation between the residential school system in Canada and post-apartheid South Africa. Let us

be clear: Just because South Africa decided to put off its responsibility to apologize to Black South Africans does not make it right. I never knew that South Africa was the model we were trying to imitate.

Mr. Prentice is trying to compare apples and oranges so he has time to ensure an apology will not cost his government any money. This is just another example of this Conservative government's policy of cash over compassion.

Ever since I have been involved in politics, it has always amazed me how difficult it is for politicians in government, in general, to say those words: "I am sorry."

When will Minister Prentice stop making excuses, listen to Canadians and apologize to the victims of the residential school system?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for his question. As we all know, this has been a long, drawn-out process to try to resolve the issues of the residential school settlements.

On May 10, 2006, Minister Prentice announced that the Government of Canada had reached a fair, lasting and historic agreement. We concluded the agreements and budgeted \$2.2 billion in Budget 2006 to address the legacy of residential schools. We are firmly committed to implementing the agreement.

We are also working toward implementing in the agreement elements such as the Truth and Reconciliation Commission, a common experience payment and funding for the Aboriginal Healing Foundation. The commission will be empowered to travel across Canada and report its findings. Part of the settlement was the inclusion of the Truth and Reconciliation Commission. Minister Prentice has worked hard to resolve this issue. In addition, a few days ago, the members of the House of Commons unanimously voted to apologize.

**Senator Campbell:** I appreciate the answer of the leader. I do not dispute that Minister Prentice has worked hard. He has appeared before our committee and I am not saying that he does not work hard.

What I am saying is that the First Nations and Aboriginal peoples of this country have almost unanimously asked for an apology. This is not attached to any money. This is not attached to truth and reconciliation. This is not attached to any such payments. They are simply asking for recognition that what went on in the past was not right.

Again, I ask when this government will live up to the promises of the previous government, which did say they would make an apology, and when can we expect that?

**Senator LeBreton:** Honourable senators, it is not clear to me what the previous government had decided to do. We inherited this issue and have tried to resolve it since we formed the government. Minister Prentice has worked hard, he has reached an agreement, and then further added the Truth and Reconciliation Commission, which will address all of these issues. It behooves all of us to let this commission work with the various groups and come to an appropriate resolution of this issue.

[ Senator Campbell ]

• (1425)

**Hon. Robert W. Peterson:** Honourable senators, my question is also to the Leader of the Government. This week in the other place, a motion in respect to an apology to residential school survivors was passed unanimously. Now we hear that the Prime Minister and the Minister of Indian Affairs and Northern Development are refusing to apologize on behalf of the people of Canada.

The truth and reconciliation process could take up to five years to complete. A great deal of anger and resentment could build up in that time, and I do not think it has any bearing on the apology.

Can the Leader of the Government assure this chamber that she will encourage her colleagues at the cabinet table to do the right thing and present a full apology to the residential school survivors immediately?

**Senator LeBreton:** My previous answer to Senator Campbell is my answer to Senator Peterson. In the House of Commons, there was a motion that all members of Parliament supported. Our government agrees that this sad legacy in our history must be addressed. That is precisely why Minister Prentice concluded an agreement on May 10, which included the Truth and Reconciliation Commission. That body will resolve matters of this nature.

[Translation]

#### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting the answers to oral questions raised by Senator St. Germain on March 21, 2007, concerning Budget 2007, Aboriginal land claims, entitlements and additions to reserves; by Senator Sibbeston on March 27, 2007, concerning Aboriginal business and economic development; and by Senator Mercer on April 17, 2007, concerning Fisheries and Oceans, the Coast Guard, and the redeployment of icebreakers.

#### BUDGET 2007

##### ABORIGINAL LAND CLAIMS, ENTITLEMENTS AND ADDITIONS TO RESERVES

*(Response to question raised by Hon. Gerry St. Germain on March 21, 2007)*

The budget plan for 2007 contains a commitment that the Minister of Indian Affairs and Northern Development will work with First Nations leadership in the coming year to move forward an action plan to accelerate the resolution of specific claims and explore alternatives such as providing for independent adjudication of claims that cannot be settled by negotiations.

Departmental officials met with representatives of the Assembly of First Nations on March 13, 2007 and further meetings are planned. It will take a period of several months to work together with the Assembly of First Nations to be prepared to bring a new system forward for approval.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### ABORIGINAL BUSINESS AND ECONOMIC DEVELOPMENT

*(Response to question raised by Hon. Nick G. Sibbeston on March 27, 2007)*

As part of the expenditure review process, in 2005, funding for Aboriginal economic development was reduced by the previous government. Accordingly, the Department of Indian Affairs and Northern Development discontinued its equity programs.

However, in an effort to provide greater focus to the importance of Aboriginal economic development, Canada's New Government transferred, in December 2006, the Aboriginal Business Canada program from Industry Canada to Indian and Northern Affairs Canada. This business development program is currently being consolidated with existing community and resource development initiatives within Indian and Northern Affairs Canada. In addition, a new Aboriginal Economic Development Sector has been established within the department, thus providing the Minister with important community and business development levers.

## FISHERIES AND OCEANS

### COAST GUARD—REDEPLOYMENT OF ICEBREAKERS

*(Response to question raised by Hon. Terry M. Mercer on April 17, 2007)*

A decision was made in 1997, following the merger of Fisheries and Oceans Canada and the Canadian Coast Guard (CCG), to consolidate all local Coast Guard personnel and the fleet in modernized facilities at the Bedford Institute of Oceanography (BIO), once expansion work there was completed. It was originally anticipated that all vessels might be berthed at BIO. That work is not yet complete. A decision was required as to whether to invest in repairs at Dartmouth, invest in the new facilities anticipated at BIO, or explore other possible options.

The cost of expanding the wharf space at BIO to accommodate all but the CCGS *Louis S. St-Laurent* and the CCGS *Terry Fox* is estimated at \$10 million. The Coast Guard remains committed to that investment. Once the expansion is complete, CCG Maritimes Region personnel and the rest of the fleet will be consolidated at BIO, and the Dartmouth base will close.

To accommodate the *Fox* and the *Louis* at BIO would have cost another estimated \$10 million. An extensive search for appropriate facilities for the two icebreakers close to Dartmouth was carried out, without success. It was determined that sufficient infrastructure already exists in Newfoundland to accommodate the two vessels. Given that there is no operational need to base the two vessels in Halifax and that sufficient infrastructure and support already exists in Newfoundland to accommodate the vessels, the Coast Guard could not justify making an additional \$10 million expenditure, particularly since the

main theatre of operations for these vessels is the Arctic. The Coast Guard must ensure it invests as much as possible in its operations in support of federal maritime priorities.

This is a straightforward change in home ports for the two vessels that results in significant cost avoidance with no impact on Coast Guard programs and services to clients. The full range of services provided by the two icebreakers will continue.

The decision was made by the Commissioner of the Canadian Coast Guard and received approval by the Deputy Minister and the Minister.

It was considered extremely important to allow the Commissioner and Deputy Commissioner time to meet with the crew of the affected vessels and staff in the Maritimes Region prior to any public announcement. Their first priority was to inform them of the decision, to explain the rationale and reassure them that there would be no job loss nor would anyone be forced to move as a result of the decision. Until the announcement was made, it could not be included in draft versions of the Business Plan. It has since been added.

• (1430)

[English]

## ORDERS OF THE DAY

### AGRICULTURE AND FORESTRY

#### BUDGET—STUDY ON RURAL POVERTY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on rural poverty), presented in the Senate earlier this day.

**Hon. Joyce Fairbairn** moved adoption of the report.

She said: Honourable senators, the motion before you will enable your committee, in the future, as it continues its travels for its study on rural poverty in Canada, to proceed with its second and third trips, to the province of Quebec, in a matter of weeks, and then to the northern territories. These funds will enable us to make the necessary arrangements for these trips as well as to continue our hearings in Ottawa.

**Hon. Terry Stratton:** As honourable senators are aware, there are four proposed trips to the North, and three of them are close in time. The Aboriginal Peoples Committee took its trip in the fall and the Agriculture Committee and the Fisheries Committee both have trips planned to take place soon. The Rules Committee is also planning to travel to the North.

As Chair of the Subcommittee on Budgets of the Internal Economy Committee, I expressed to each committee chairman making the presentations my concern that three Senate committees will travel to the North. Residents of that region

will be amazed by all the attention they are suddenly receiving from the Senate. The question now becomes one of overlap. The Standing Senate Committee on Aboriginal Peoples travelled to the North to study how to achieve prosperity in the North. Next, the Agriculture Committee will travel to the North to study rural poverty. How might the two be combined? Is the honourable senator aware of conflicts? Has she discussed this with the chairman of the Aboriginal Committee to ensure that the two committees will not be repeating the same work?

**Senator Fairbairn:** I thank the honourable senator for that question. Yes, I have discussed with the very fine chairman of the Standing Senate Committee on Aboriginal Peoples. Indeed, when we began some time ago, we talked about our trip across Canada, after the two years for the Aboriginal Peoples Committee to do its study, following which it put out a fine report. An agreement was reached with the Aboriginal Committee. I was asked on a number of occasions when we were going across southern Canada whether we would travel to Aboriginal areas. We said that no, we had a different committee. That is the case as well in the North. The committee has talked about the matter and has had the pleasure and privilege of having the chairman of the Aboriginal Peoples Committee as a member of the Agriculture Committee.

Committee members have been working very hard over the past year to do something that no committee in either the House of Commons or the Senate has done — an in-depth survey and report on rural poverty in this country. For many on the committee it was difficult to rationalize the notion that we will have travelled to every province in the southern part of our nation while this country has a northern region that is also interested in this issue.

Honourable senators, the members of this committee would very much appreciate the support of this chamber.

**Senator Stratton:** I have one last question, if I may. For the information of honourable senators, when the subcommittee on budgets reviews the budget applications, it always asks the question about value for money. Is the Senate achieving value for the Canadian taxpayers' dollar on the trip in the budget plan?

It is the view of the subcommittee that it would not have approved the report if we did not feel that this committee had answered that question. I want all honourable senators to clearly understand that. I still have problems, however, with the matter of overlap. I hope that having Senator St. Germain along will overcome that problem, to a large degree, and I would expect that to happen.

As well, I have a perception problem with four committees travelling to the North, especially the three that are going virtually at the same time, albeit with different ends in mind. It should be crowded up there.

**Senator Fairbairn:** I thank the honourable senator for his comments. I assure him that the committee will be frugal in its spending on the trip, as it was with other trips and hearings conducted during the last year. If memory serves me correctly, the other day we were able to make considerable savings in our efforts this past year.

**Hon. Percy Downe:** Honourable senators, I would like to thank the chair and members of the Agriculture Committee for going to all the provinces. I do not share the view of my colleague, Senator

Stratton, Chair of the Subcommittee on Budgets. It is important for Senate committees to visit all regions of Canada and that they not exclude the northern territories and northern Canada in any way.

When a Senate committee travels to Prince Edward Island, for example, there is tremendous interest, enthusiasm and substantial media coverage for the work of the Senate committee. It is important for committees to go outside the region of Ottawa and to travel across the country.

I bring to the attention of all honourable senators that last year the budget for Senate committee travel was roughly \$3.4 million and \$1.4 million of that was not spent. The committees are being frugal. On the other side of that argument, some of the committees might not be undertaking the work that should be done because they might be concerned that there is not enough funding. However, that is not the case. If there is good value for Canadians in the work, then the subcommittee on budgets will consider them.

I thank the Honourable Senator Fairbairn and her committee for going to Prince Edward Island.

**Senator Stratton:** My question is to the chair of the Agriculture Committee. Did the honourable senator feel in any way that I was against her travel to the North?

**Senator Fairbairn:** Absolutely not, senator.

**Senator Stratton:** Thank you.

**Senator Fairbairn:** I am very thankful for his straightforward response during the meeting on that issue. I know that all members of the committee, through me, send their appreciation to the honourable senator as well.

• (1440)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, this exchange has been extremely helpful to me. I was trying to understand why the Standing Senate Committee on Agriculture and Forestry wished to do a study of agriculture and forestry issues in the North, because my experience in the North has been that there is little in the way of agriculture and forestry there. My initial impression was that committee was studying poverty from the point of view of agricultural communities and how these communities would make the transition from a dwindling agricultural sector to a different sector.

If I understand correctly, the committee is not looking at a transition from an agricultural society to something else but, rather, is looking at poverty. I want to be absolutely sure about that. The committee is not looking at a transition period, as such, but at poverty in general?

**Senator Fairbairn:** Yes, we are, under the full national umbrella of rural Canada. This was put forward with great assistance from Senator Segal, and it is not meant to be strictly an agricultural issue. That is the narrow view of our committee, and this takes a broader view.

We have worked assiduously here in Ottawa for the last year. We would not do this at all if we had not received information in our hearings on an issue that is far more serious than we anticipated when we started.

The only time this type of issue has been studied by a Senate committee was many years ago under the chairmanship of Senator Croll, and it was a small mention. Since then, there has been no study of Canada from this particular perspective.

**Senator Comeau:** As the committee studies rural poverty, will it look for possible solutions? For example, in Senator Adams' region in the North they have resources close by that could be tapped into to develop the economy. However, many of these resources, which are resources of the sea, are caught and taken to southern ports for processing. Will you look at means by which rural poverty can be eliminated in the North?

**Senator Fairbairn:** Yes, we certainly will, as we have done everywhere we have gone in Canada.

We had a particularly vigorous beginning to our study through some of the worst blizzards of the winter in Atlantic Canada, where we learned a lot.

**Hon. Willie Adams:** Honourable senators, I want to contribute to what the senator said about the North. We do not live like people do in the South. We have a caribou population of over 1 million. In the Agriculture Committee, we usually talk about how many cows there are in Canada.

The Standing Senate Committee on Agriculture and Forestry could learn a lot by taking a trip to the North. They could see how people hunt, fish and seal for their families. People in Nunavut earn over \$6 million a year from trapping fox and seals, et cetera.

The Americans, Germans and Italians, as well as people from the South of Canada, come to the North to hunt muskox and caribou. The committee should study how people can earn more income. People want their families to live like the people in the South.

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

**Some Hon. Senators:** Question!

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

Motion agreed to and report adopted.

### THE SENATE

#### MOTION URGING GOVERNMENT TO TAKE LEADING ROLE IN REINVIGORATING NUCLEAR DISARMAMENT ADOPTED

On the Order:

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

That the Senate call on the Government of Canada to take a leading role in the reinvigoration of the urgent matter of nuclear disarmament in accordance with the *Nuclear Non-Proliferation Treaty* at the Preparatory Committee Meetings scheduled to convene April 30 to May 11, 2007 in Vienna which act as a prelude to the next Treaty Review Conference in 2010; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating the dire threat to humanity posed by nuclear weapons.  
—(Honourable Senator Tardif)

**Hon. Roméo Antonius Dallaire:** Honourable senators, I propose to speak to this motion and, in so doing, close debate on the motion and bring it to a vote.

**The Hon. the Speaker:** Honourable senators, if Senator Dallaire speaks now, it will have the effect of closing debate.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I must say that it is one of the issues that has interested me the most throughout my entire political career.

I have chaired the International Commission on Political Issues, International Security and Disarmament of the Inter-Parliamentary Union.

I will repeat. I was the international chair for nuclear disarmament until I was nudged out because of my status as an independent senator. I would like to say that the issue of nuclear disarmament is of the utmost interest to me and I will be following the proceedings very closely.

Although that may have been my intention, I will not be participating in the debate.

**The Hon. the Speaker:** Is Senator Prud'homme moving adjournment of the debate?

[English]

**Senator Prud'homme:** No, that is not my intention. I could have done so, but I prefer to listen to the conclusion of Senator Dallaire's remarks. I want him to know that I support him fully.

[Translation]

**Senator Dallaire:** I thank Senator Prud'homme for always surprising me with procedure. It is educational for me to watch one of our most senior colleagues come forward in this manner.

[English]

Honourable senators, there is simply no other issue of equal or greater importance, significance, danger or threat than that of nuclear weapons to Canadians and to global security. This sword of Damocles hovers above our collective head; it hovers above humanity.

We seem to be stuck in a Cold War paradigm that no longer works. The Cold War is history. It is over. It was won. We did not need to fight. We invested and committed. It is over. There is no more threat of world domination by the great powers that we saw for over four decades in Central Europe.

After 9/11, too many countries have been in a paralytic state. The status quo and the same entrenched positions simply cannot continue. We seem to be hovering and trying to avoid the problem. This is not the time to watch and listen and see what might happen. This is not an approach; this is an abandonment of the fact. This is an irresponsible position taken by non-nuclear nations in permitting the nuclear nations not only to expand their capability, modernize their capability but also to aid other countries to acquire the capability, as the United States has recently done in supporting India in increasing its arsenals.

• (1450)

It is Canada's moral obligation to assume a proactive leadership role to save the Nuclear Non-Proliferation Treaty — our last best hope to stave off a frightening cascade of nuclear proliferation from which there can be no rescue. The treaty is not monolithic; it has two legs, just like we have. One leg is non-proliferation. We do not want other countries to acquire the ability to annihilate humanity. That makes sense. The other leg is those who have it should get rid of it — essentially, disarm. Do not modernize; do not increase capacity; do not tell us that by reducing the numbers you are actually reducing the threat. What we are seeing is that countries are reducing in numbers but increasing in yield because the systems are more effective. They are becoming more powerful.

It bears consideration that, despite Canada's status as a non-nuclear weapon state, our hands are not clean. Canadian uranium has found its way into nuclear weapons, including the Hiroshima bomb. Although we were duped, Canada provided nuclear technology and materials that enabled India to acquire a nuclear weapons capacity and thereby to be involved in a nuclear arms race in the most volatile region of the world. Look at all the time we are wasting on Afghanistan and detainees when the place will go up in smoke with nuclear weapons. Not a word is being said by either side in either House.

We continue to treat nuclear weapons as a necessary element of Canadian and NATO defences. That is a false premise. That is not a defensible threat when we look at the vulnerabilities of the international community.

The first of three preparatory committee meetings, under the Nuclear Non-Proliferation Treaty, that lead up to the review conference that will be held in 2010, as it is every five years, is presently under way in Vienna. United Nations Secretary-General Ban Ki-moon took the unprecedented step of addressing the gathering due to his perception of a "persisting crisis of confidence in the treaty," and "insufficient progress in nuclear disarmament."

Let us send an unequivocal, strong message to our delegation that Canada is not content being a mere bystander but is committed to building bridges, devising creative alternative security mechanisms and engaging in tough talk, where necessary, to advance the process. In order to demonstrate our commitment to disarmament, we must ensure that senior people are in charge of this portfolio and are sent as our delegates.

Honourable senators, the word I got from our delegation is this: We will go there and watch and see what is going on; we will monitor what is happening. Canada has not sent a delegation with a mandate, in any way, shape or form, on disarmament.

Canada has sent a delegation to Vienna. Canada, a leading middle power in the world, with a capacity of arming ourselves with nuclear weapons if we wanted to, has sent a delegation to Vienna to watch and see. If Canada ranked 163 out of 194 countries in the world, with limited technology, I would say that that is probably a smart move, that it might help emancipate the country with regard to the world theatre. However, if one of the leading nations in the world is "watching and seeing," who the hell is running the place? Is it the super powers, who will continue to dominate the argument with non-proliferation because it skews their power structure in the world? Or will Canada actually lead?

Canada has the resources to acquire nuclear capabilities and, ultimately, to use the weapons, heaven forbid, if we ever wanted to go that route. Canada could say at that meeting that this country is not going down that route, that we have stopped going down this route. Canada could say that it wants NATO to stop going down that route. Canada could also say that, by the way, it is high time the big boys stop fiddling with our human rights — our right to live, our right to exist, our right to security — by modernizing and increasing their capabilities. For what? To create another artificial nuclear umbrella as we had in the Cold War.

Not only is there an incredibly complex threat in the world today — with terrorism and imploding nations, with extremism and dogma that is pushing people to extremes — but a new umbrella will also be created. This new umbrella will not be Eurocentric — it will be spread around. Instead of having an umbrella of nuclear capability over Europe, we will put a prophylactic of nuclear capability over the globe. In so doing, we will ensure that everyone stays inside it, and some day it will implode.

What will happen then? Honourable senators, we will simply eliminate humanity. We will not be talking about contamination in "this area" or "that area." We will not be talking about a place that may take generations to come back; we will not be talking about sending money to help people who are deformed as a result of nuclear fallout. We will not be talking about an event like World War II, where a couple of cities were blown up. With the yield capability that exists, we will be talking about the whole environment.

Kyoto is small potatoes compared to this. The destruction of the two towers in New York will be seen as insignificant compared to the destruction created by the first tactical nuclear device launched by some extremist whacko in any town in the world. The paranoia that exists, that our American colleagues live — that paranoia is like a cancer in them; Americans do not exist as they once did, because of that vulnerability — is nothing. Once a nuclear device is launched, the whole world balance will be changed. The world balance will not be skewing just for a time; the skew will be permanent, because there is so much uncontrolled nuclear capability out there, as a result of the Cold War.

Honourable senators, tactical weapons of 150 kilotonnes that are easily deliverable exist. To put that into perspective, a 150-kilotonne nuclear weapon is 10 times the size of the Hiroshima bomb. A 150-kilotonne weapon is considered to be a small-yield weapon. Weapons in the megatonne range exist. If there were only a few such weapons, one might argue that control



over them would be so tight that a Dr. Strangelove situation would be impossible. However, honourable senators, there are 27,000 of them, of which over 3,000 are sitting ready, at 30 minutes' notice, for the button to be pressed.

Those weapons are being modernized. With the expansion of proliferation, modernizing those weapons will require nuclear testing. Although a treaty exists to ban nuclear weapon testing, do honourable senators believe that that will stop countries like North Korea? It did not. Do you think it will stop other countries? It will not.

Honourable senators, it is nearly foolhardy to ponder the debates of certain issues that find themselves on the Order Paper here and certainly in the other place while avoiding any in-depth debate on the fundamental premise of the survival of humanity on the planet. It does not make any sense. That is why I will be writing to the Defence Committee, the Foreign Affairs Committee, the Human Rights Committee and the Energy Committee. I will ask: Why do you not look at the fact that everything else you are doing is not insignificant but pales before the threat that humanity is facing now and for no real reason except power?

• (1500)

The Big Five have power, they want to keep it and they do not want to move into a whole different era. That is what we are asking them to do, to shift gears and consider power in a different way. Consider power not in regard to capability, but rather the moral power to do the right thing.

That is the basis of the UN. The permanent five of the UN are the guarantors of the moral power of the UN and of the availability of nuclear weapons in the world. If that is not hypocritical, I do not know how to qualify it.

[*Translation*]

I will conclude by saying — and I mean it in the most pejorative sense possible — that the life we are living right now is almost an innocent one. The modernization of nuclear weapons and increase in proliferation are beginning in highly unstable countries. Not only do major powers refuse to disarm, but they are actually rearming through modernization programs. We are on the road to ruin for humanity. The Kyoto Protocol is a joke compared to the reality of nuclear weapons.

**Senator Prud'homme:** Would the honourable senator entertain two short questions?

**Senator Dallaire:** Gladly, if I have time left.

**Senator Prud'homme:** As we all know — and you reminded us — the nuclear arms race between the United States and Russia started right after World War II. Russia reacted to the United States having nuclear weapons. It became a mad race, as you pointed out. I agree with your statement.

There are nuclear powers, but there are also lesser nuclear powers, which you have listed. We have been betrayed. That is how Mr. Trudeau always referred to what happened with

India. As the honourable senator told us, Mr. Trudeau said he felt personally betrayed by that country for taking advantage of Canadian technology.

What is most bothersome to me is that, each time I raise the issue of the arms race in the Middle East, people get all worked up and completely hysterical. If there is one part of the world that should be of concern to the public, before it all blows up in our face, that is the one. While fingers are being pointed at Iran, which is not yet a nuclear power, the nuclear arms race was started by what we all know now.

I chaired the Foreign Affairs and National Defence Committee for more than ten years under Mr. Trudeau. What I am about to tell you brought trouble upon me at the time and is likely to continue to do so. In the nuclear arms race going on in that part of the world, how could one not expect that, in its madness — and these are friends — Libya would want to join the nuclear arms race? Knowing its neighbours, how could Iran not want to join a nuclear arms race?

I find it odd that there seems to be silence when we say that we should make more efforts to ask the state of Israel to comply with the Nuclear Non-Proliferation Treaty, which has incited its neighbours to participate in the arms race.

When you talk about the five major powers, there is Russia — as the former Soviet Union is now called — and there is the United States, but just before France, China and Great Britain, there is the state of Israel, which is said to have more nuclear weapons, but we do not dare talk about it. This always gets us into trouble. That was the case for me at the Inter-Parliamentary Union, with the Canadian delegation — not with parliamentarians from all over the world, but from my own Canadian delegation — whenever we raised this issue.

Do you not think it would be a good thing to ask the government to make efforts with a country that is a friend — not an ally — to also get that country to comply with the Nuclear Non-Proliferation Treaty in that hot spot of the world?

**The Hon. the Speaker:** I regret to inform the honourable senator that his speaking time is up.

**Senator Dallaire:** Honourable senators, given the scope of the question, I would need a few more minutes.

**Senator Comeau:** You can have five minutes.

[*English*]

**Senator Dallaire:** With respect to nuclear weapons, we have seen the creation of tactical nuclear weapons. Tactical nuclear weapons were identified because the threat specified a significant amount of armour capability, which was very difficult to stop. By creating tactical nuclear weapons, by funnelling and using conventional systems and large portions of armour, we could send in a tactical nuclear weapon that would neutralize a force. That capability is still out there. The concern of using tactical nuclear weapons for those targets was not insignificant. Therefore, a massive effort was undertaken for more precise and conventional weapons so that you would achieve the same effect. That is to say, if you could wipe out up to 30 to 40 per cent of an armoured capability, you would essentially neutralize it. Therefore, conventional weapons could not do that unless there was a new generation of weapons. Billions of dollars were spent

on more precise weapons systems that actually produced that 30 to 40 per cent so we would not need tactical nuclear weapons. We could use conventional but very sophisticated, new-generation, precise weapons systems. They are in the inventory.

When we joined the Ottawa Convention on Land Mines, we went to a number of countries that did not want to sign. We told them that they do not need land mines to achieve their tactical or strategic objectives or defences. There are alternative systems that can be used instead of the mines to do that. If they acquired the alternative systems, then they could tell their government — we were talking to generals — to acquire that and then they could sign the Ottawa treaty because they would not need land mines anymore. There are alternatives.

My response to the honourable senator is that there are alternatives to nuclear weapons, so why do we not push them down that road? Then every Tom, Dick or Harry who thinks that by acquiring nuclear weapons all of a sudden they become a significant country in the world will understand that, on the contrary, they move down the most perverse route that humanity can ever imagine by the continuance of a capability that is totally and completely unnecessary in our era.

**Some Hon. Senators:** Hear, hear!

**Senator Prud'homme:** I totally agree with the honourable senator. My question is very simple. Would the honourable senator agree that the Canadian government should impress on the Government of Israel to sign the Nuclear Non-Proliferation Treaty since this is one of the reasons why there is a proliferation of the arms race in the region? Every neighbour to Israel wants nuclear arms. They say: My neighbour has one, so I want one. My question is very simple and precise. This is, of course, the subject of much debate among colleagues, resulting in many big divisions.

• (1510)

**Senator Dallaire:** If they are sending delegations to the meetings that ultimately have an aim of not only stopping the proliferation but disarming, with the concept, mandate or orders to watch and see, how does the honourable senator think we will convince them to take such a significant decision in such a sensitive area of the world? Be it Israel, Iran or any other country, what is missing in this exercise is that this leading middle power in the world realizes it has power and influence, moral and technical. In realizing this, why does this nation shove its weight around the world? It does it because people are waiting for it to do it, and they are waiting for it to do it in a sense that is consistent with what this nation has been pushing for, for decades previously.

**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.

[ Senator Dallaire ]

## CRIMINAL CODE

### BILL TO AMEND—REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Lorna Milne,** Deputy Chair of the Standing Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 3, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### ELEVENTH REPORT

Your Committee, to which was referred Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment), has, in obedience to the Order of Reference of Tuesday, February 27, 2007, examined the said Bill and now reports the same without amendment but with observations, which are appended to this report.

Respectfully submitted,

LORNA MILNE  
*Deputy Chair*

### OBSERVATIONS TO THE ELEVENTH REPORT OF THE STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS (BILL C-9)

Your Committee notes with concern that this bill, along with other proposed amendments to the *Criminal Code*, are likely to have an impact on Canada's legal aid system as a result of a reduced number of guilty pleas, and a greater number of appeals. Though we note that the government has recently moved to stabilize federal funding of legal aid services, we believe the current funding may be inadequate given the changes the government is proposing in Bill C-9 and elsewhere. We therefore urge the government to work with provincial governments and stakeholders to ensure that the federal government's contribution to legal aid in Canada is increased to meet the needs of Canadians.

Furthermore, your Committee notes that the issues of conditional sentencing touched on in Bill C-9 address only part of Canada's sentencing regime. We therefore propose to study the issue of sentencing more broadly at a future time. Your Committee also expresses its concern about the lack of detailed data on conditional sentences and hopes that the Canadian Centre for Justice Statistics, Statistics Canada, will expand its research to enable us to better understand and evaluate the implications of Bill C-9, and how conditional sentences are implemented in the future.

Finally, in light of the amendment to Bill C-9 made by the House of Commons Standing Committee on Justice and Human Rights referring to criminal organization offences prosecuted by indictment and carrying maximum terms of imprisonment of ten years or more, your Committee notes that the offence of participation in the activities of a criminal organization, set out in section 467.11 of the *Criminal Code*, is not excluded from having a conditional sentence. We

accordingly suggest that a future study on sentencing consider the possibility that all “criminal organization offences,” as defined in section 2 of the *Criminal Code*, be ineligible for a conditional sentence.

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

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** With leave, I suggest we deal with it now.

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

**An Hon. Senator:** No

**Senator Comeau:** At the next sitting.

**The Hon. the Speaker:** Honourable senators, I would like clarification on this matter. The report from the Standing Senate Committee on Legal and Constitutional Affairs was on a bill, and it was reported without amendment. The question was, “When shall the bill be read a third time?” Senator Comeau wanted to do it now if leave was granted. Leave was not granted and that bill is on the Order Paper for Tuesday, agreed?

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

[Translation]

## THE SENATE

### FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.—(*Honourable Senator Day*)

**Hon. Joseph A. Day:** Honourable senators, allow me to first thank Senator Banks for putting forward this inquiry calling the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate. I also want to congratulate Senator Banks and Senator Moore for their speeches on this inquiry.

[English]

Honourable senators, I am concerned to see our Prime Minister’s failure, in fact refusal, to appoint qualified people to this chamber. I am concerned as a senator because the position of this new Government of Canada could well undermine the high quality of the work we do in this place.

I am also concerned as a citizen. It is beginning to appear that the Prime Minister is determined to impose his views on this country, irrespective of what anyone else thinks or wants. He has

decided, without trying, that he cannot obtain the constitutional changes he wants by following the amending formula set out in the Constitution, so he has chosen to ignore the Constitution.

Prime Minister Harper uses the term “incrementalism” to describe his approach to constitutional change. Increasingly, I conclude that this term is a euphemism for constitutional circumvention. That may be leadership of a sort. It certainly is one way to get things done, but it is not, honourable senators, the Canadian way.

Under our Constitution, the Governor General is directed, in mandatory language, to summon a fit and qualified person to fill a vacancy in the Senate when a vacancy happens.

Section 32 of the Constitution is clear, honourable senators.

When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person, fill the Vacancy.

The Governor General shall fill the vacancy, honourable senators. Senator Moore made the point that in statutory construction the word “shall” is mandatory language. It is not the discretionary “may.” The Constitution is clear. Senator Banks was equally clear in his discussion on the meaning of the word “when,” for when a vacancy occurs. It does not mean one day far off in the future when the Prime Minister feels like acting. It implies a time certain, a sense of immediacy. When a vacancy occurs, the Governor General shall act. That is our Constitution. It does not say “after a vacancy occurs the Governor General may act.” It could have been said in that language, but it is not said in that language.

Honourable senators, if the words of our Constitution are not to be afforded respect and complied with, then of what value is our work in this institution in meticulously reviewing and amending the legislation and choosing the right words? What difference does a word in the statute make if we are not meticulous about upholding and implementing the words carefully chosen in our laws and in our Constitution?

By convention, of course, honourable senators, the Governor General appoints people on the recommendation of the Prime Minister. The courts in this country have been respectful of the political nature of senatorial appointments.

They said “there are no procedural or other limitations restricting the exercise of the Governor General’s discretionary constitutional power of appointment,” and observed that the courts cannot fetter the exercise of the Governor General’s discretion.

A citation for that, honourable senators, is *Samson v. Canada (Attorney General)* 1998.

• (1520)

Honourable senators, the cases have all arisen in circumstances where the Governor General, acting on the recommendation of the Prime Minister, has exercised this constitutional power, summoned someone to the Senate, and the court action was brought by those who disagreed with the Governor General’s exercise. They did not like what the Governor General did.

One case, for example, was brought by a gentleman from Alberta, Mr. Bert Brown, an individual we will likely have the opportunity to meet, honourable senators. In that case, Mr. Brown was protesting that his "election" to this chamber under the Alberta Senatorial Selection Act had been ignored and that someone else had been summoned other than himself. When he took his case to court, the court upheld that the Governor General had the right and indeed the responsibility under section 32 to fill vacancies in the Senate without court interference.

We find ourselves today in a very different situation, one that I believe raises very different legal issues, honourable senators. We have a Prime Minister who has declared his intention not to make further recommendations in relation to senators unless and until his desired changes to this chamber have been effected. In particular, he has referred to the change of tenure proposed in Bill S-4 and also to his proposal for elections, or consultative elections, as proposed in his government's Bill C-43. In other words, this is not a case of agreeing or not with how the Prime Minister directs and advises the Governor General to exercise a constitutional power; rather, it is a case of a Prime Minister who is openly refusing to advise the Governor General on how to exercise a mandatory constitutional power. The Prime Minister is refusing to advise her on how to exercise her legal responsibilities.

To my knowledge, this is a first in Canadian history. I looked up the records, honourable senators. Every single Prime Minister since Sir John A. Macdonald has recognized the constitutional role of this chamber and has advised the Governor General of the time to summon senators to fill that role. The only prime ministers who did not appoint any senators were Kim Campbell, who was Prime Minister for four and a half months, and Arthur Meighen, Prime Minister for less than three months. Our current situation appears to be unprecedented.

I recognize that this Prime Minister is not the first to leave vacancies in this chamber for lengthy periods of time; however, I believe he is the first to publicly declare his intention not to make recommendations until he gets his way and achieves certain reforms to this chamber. Conservative Prime Ministers in the past have believed cavalierly in rolling the dice, honourable senators, with the Constitution. Has this new Conservative Prime Minister learned the wrong lessons from his mentor? Do we now have one who is trying to load the dice and then roll them?

Honourable senators, a number of us have spent time recently rereading the 1980 Supreme Court of Canada decision in the *Upper House Reference*. That case was a reference from the government of the day asking for guidance as to what Parliament could do on its own to reform the Senate, that is, without engaging the provinces under the Constitution.

The first question posed to the court was whether the Parliament of Canada had the authority unilaterally to abolish the Senate. The court was very clear on this question, honourable senators. Parliament does not have that power. The Parliament of Canada cannot act unilaterally to abolish this chamber, which was the product of extensive negotiations during the debates leading to Confederation and whose existence was a critical condition for the entry of several provinces, including my own province of New Brunswick, into Confederation.

Honourable senators, the question now is whether the Prime Minister is trying to do indirectly what he cannot do directly, that is, whether his actions, in refusing to make recommendations to the Governor General as to how to fill vacancies in this chamber, are tantamount to an attempt to unilaterally cause a crisis in this chamber.

There are now 12 vacancies in the Senate and no indication from Mr. Harper that he has any intention of acting on them at any time soon. Quite frankly, it is the contrary.

*Maclean's* magazine published an article last June entitled "Harper's First Steps Towards Senate Reform." The author of the article is John Geddes. At the time of writing the article, Mr. Geddes wrote that there were seven vacancies and that another 49 senators would reach mandatory retirement age over the next nine years.

Honourable senators, speaking hypothetically, if Prime Minister Harper were to be re-elected and were to continue as he has begun, of the 105 seats in this chamber more than half would be vacant. I wonder whether there is a constructive undermining of this chamber. That would be very troubling to a court, honourable senators.

A decline in numbers impedes our ability in this chamber to do our constitutional job as effectively as our Constitution and the people of Canada quite rightly expect of this chamber. The quality of our studies, whether of draft legislation or policy questions, must surely suffer at a certain point.

We know from public statements that certain advocates of Senate reform believe that a benefit to so-called incremental Senate reform may be that the status quo would be so destabilized that a consensus would emerge that the Senate must be reformed in order to function. Is this the agenda of the Prime Minister? Does a Prime Minister have the constitutional right to undermine an institution such as the Senate of Canada because he does not agree with how it is constituted? I thought the first role of a Prime Minister was to uphold the Constitution, honourable senators, not to destabilize and to circumvent the Constitution.

The constitutional questions loom even larger when I consider Prime Minister Harper's recent actions. As Senator Moore pointed out when he spoke on this inquiry a few days ago, this Prime Minister is unilaterally amending the geographic representation of provinces and territories in this chamber, something that, under the Constitution, is expressly listed under section 42 as requiring the agreement of at least seven provinces representing 50 per cent of the population.

We know from his public statements that the Prime Minister does not agree with the constitutionally established breakdown of geographic representation in this chamber. He has told us that. He believes the Maritime provinces are overrepresented proportionately and the Western provinces underrepresented. We also know he believes that he would not be successful in obtaining agreement among the provinces and territories on a revised geographic representation in this Senate, or at least not the one he wants.

However, honourable senators, I am deeply concerned to see a Prime Minister seemingly attempting to achieve his desired geographic breakdown by selective senatorial appointments. Let

me explain. The Maritime division has vacancies in 20 per cent of their Senate seats at the present time. Indeed, Prince Edward Island has 25 per cent of its seats vacant. Nova Scotia, missing three of 10 seats, has 30 per cent of its statutorily provided representation missing. The Prime Minister has indicated that he has no intention of filling these seats. However, as soon as he learned there would be a vacancy in his home province of Alberta, the Prime Minister announced his intention to appoint a senator to fill that vacancy and keep that province's Senate representation at full capacity. Indeed, he did not even wait until the seat was vacant. He announced his intention to appoint Mr. Brown to a seat before Senator Hays had even left.

**An Hon. Senator:** The body is still warm.

**Senator Day:** I do not know Mr. Harper's views on the appropriate representation for the northern territories, but de facto he has told them — and us — that he does not consider it an important value, at least not as important as he considers representation from the island of Montreal. The Yukon Territory is currently without any representation in this chamber, honourable senators.

• (1530)

As a lawyer, I ask myself whether a court would be concerned that a Prime Minister could selectively exercise his prerogative to recommend names to the Governor General when the effect —

**The Hon. the Speaker:** I regret to advise the honourable senator that his time has expired.

**Senator Mercer:** More, more, more!

**Senator Tardif:** Yes, five minutes.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** No more than five minutes.

**Senator Day:** I appreciate that.

**The Hon. the Speaker:** My understanding is that honourable senators are granting unanimous consent for another five minutes.

**Senator Cools:** No, I want to ask a question. Make it 10 minutes.

**Senator Fraser:** Five minutes!

**Senator Day:** A separate question concerns this Prime Minister's insistence on appointing only senators who have been chosen through some form of public election.

**Senator Cools:** A dubious one.

**Senator Day:** It is public knowledge that not all provinces agree with the Prime Minister on this important issue. As well, there are serious constitutional issues with Bill C-43, which, I assume, explains why the government left it to languish for four months at first reading in the other place.

Honourable senators may know that, while Bill C-43 was tabled on December 13, 2006, it was only brought forward for debate for the first time on April 20, 2007.

**Senator Tkachuk:** We thought you might need the time to read it.

**Senator Day:** Among other problems, and there are many, the Constitution is explicit that any amendment in relation to the method of selecting senators can only be made together with the provinces, under the 7-50 rule.

In summary, we know Prime Minister Harper would like to see elections for senators; we know he is unlikely to achieve agreement from the provinces and territories on that any time soon; and we know this is likely not an amendment that can be effected unilaterally under section 44.

**Senator LeBreton:** Read the bill.

**Senator Day:** What, then, is the Prime Minister to do? Is he engaging the provinces and territories in constitutional discussions on possible elections of senators? No, he is not. He is simply refusing to appoint senators, except from provinces that have put in place some form of election process. No election process means no Senate appointments, which means no Senate representation.

**Senator Mercer:** No representation in Prince Edward Island.

**Senator Day:** That certainly appears to be the de facto result of Mr. Harper's position on Senate appointments. Indeed, the Deputy Leader of the Government in the Senate admitted to *The Hill Times* that the Prime Minister is trying to manipulate this chamber through selective use of the appointment power. Let me read from an article entitled "PM Harper to have largest number of Senate vacancies since 1983 by 2009":

Nova Scotia Conservative Sen. Gerald Comeau said that, as more and more seats are vacated, the pressure on the Liberal-dominated Senate will build. This, he said, is Mr. Harper's reason for holding off on appointments.

**Senator Comeau:** Hear, hear!

**Senator Day:** The passage continues:

This is one of the ways of encouraging the other side to move along on these bills," he said. "It's an incentive for the other side to get moving on it. Then the Prime Minister might consider starting to look at appointments.

In other words, honourable senators, the Prime Minister, according to his deputy leader in this chamber, is holding this chamber — a house of the Parliament of Canada, which was established precisely to act as a check on the executive — hostage, to force us to pass reforms that he wants.

I might add that the overwhelming weight of constitutional law experts who appeared before the Standing Senate Committee on Legal and Constitutional Affairs before this chamber have testified that there are serious constitutional problems with the Prime Minister's position with respect to Bill S-4.

**Senator Tkachuk:** Just vote on it!

**Senator Day:** My home province of New Brunswick recently stated its position on Bill S-4 through a letter and an accompanying position paper from Premier Graham to the

Honourable Chair of the Standing Senate Committee on Legal and Constitutional Affairs. Within that letter, Premier Graham stated — and I quote:

The Government of New Brunswick does not accept the conclusions of the Committee that the Government of Canada has a constitutional authority to unilaterally proceed with this proposed change to the tenure of Senators. Our review of jurisprudence on this issue, contained in the attached position paper, supports the view that the provinces must give consent to any change that affects representation in the Senate.

This Prime Minister has brought forward two bills on Senate reform, both of which are probably unconstitutional.

**Senator Tkachuk:** Vote on it, then.

**Senator Day:** To pressure their passage, the Prime Minister is ignoring the constitutional obligation that individuals be summoned to this chamber when vacancies occur. He appears to be trying to starve this chamber of its ability to perform its constitutional responsibility to act as a check on his power.

Honourable senators, I am not surprised that this government sat out the recent celebrations of our Charter of Rights and Freedoms. It appears that this government believes it is or should be above the Constitution. They do not get it, honourable senators. The whole point is that government operates within the Constitution and are subject to the Constitution.

I realize my time is growing short. In fact, I am just about done. I have two pages.

**Senator Cools:** Let the honourable senator finish.

**Senator Comeau:** No.

**Senator Day:** Two pages, please.

**Senator Mercer:** Such a great speech. Let him continue.

**The Hon. the Speaker:** Honourable senators, the extended time of five minutes has expired.

**Senator Prud'homme:** Tough luck.

**The Hon. the Speaker:** Is the honourable senator requesting further time?

**Senator Day:** I request two more minutes.

**The Hon. the Speaker:** Is there unanimous consent for two more minutes?

**Senator Tardif:** Agreed.

**Senator Comeau:** No.

**The Hon. the Speaker:** The senator's time is over.

**Senator LeBreton:** No, no, because you are breaking the precedent.

**Senator Comeau:** We are not breaking the precedents now.

**Senator Cools:** They are not breaking precedent. You do not know what the precedent is. Finish. Good stuff.

**Hon. Eymard G. Corbin:** I will finish it.

**Senator Cools:** We then have 15 minutes to ask questions. Good stuff!

**Senator Corbin:** Honourable senators, it appears the new Government of Canada believes it is or should be above the Constitution.

**Senator LeBreton:** You want this place televised? My goodness!

**Senator Corbin:** They do not get it, honourable senators. The whole point is that government operates within and subject to the Constitution, not the other way around.

**Some Hon. Senators:** Hear, hear!

**Senator Corbin:** As the previous speaker was saying, my time is growing short, but I am sure the other side will not object if I quote to this chamber the words of their leader. Prime Minister Harper said the following on September 7, when he appeared before the Special Committee on Senate Reform:

The government prefers not to appoint senators unless it has the necessary reasons to do so. I mentioned one of these reasons in the case of Senator Fortier. Frankly, we are concerned about the representation in the Senate and about the number and the age of our Senate caucus. It is necessary for the government, even in the present system, to have a certain number of senators to do the work of the government in the Senate.

I thought we were here to do the work of the nation, honourable senators.

**Senator Comeau:** That is right.

**Senator Corbin:** The quotation continues:

We have not reached a point where it is necessary to appoint certain senators to meet this objective. At this time, I prefer to have an election process where we can consult the population rather than to appoint senators traditionally.

**Senator LeBreton:** Excellent idea.

**Senator Comeau:** Hear, hear!

**Senator Corbin:** That was from the proceedings before the Special Senate Committee on Senate Reform, September 7, 2006.

**Senator Comeau:** Read that again. We will give you the extra five minutes.

**Senator Corbin:** Honourable senators, this is quite extraordinary. This Prime Minister takes the position publicly and on the record that the only reason to have senators in the Senate is "to do the work of the government in the Senate."

**Senator Cools:** He does not even know the difference.

**Senator Corbin:** Honourable senators, we are not here to do the work of the government in the Senate. We are here to act as a check of the government.

**Some Hon. Senators:** Hear, hear!

• (1540)

**Senator Corbin:** We are here to represent our provinces and our regions. We are here to protect minorities. Frankly, I do not believe I have ever read, in any materials setting out the fundamental responsibilities of the Senate, that this chamber is to do the work of the government.

Honourable senators, what is to be done? Under the Constitution, it is the responsibility of the Governor General to summon a qualified person to fill a vacancy in the Senate when one occurs. This is, as Senator Day said earlier, a mandatory duty. I have said it many times previously, in various fora. By convention, the Governor General appoints individuals on the recommendation of the Prime Minister, but, honourable senators, we know from case law that convention cannot override law. I believe the courts would, first and foremost, interpret this. There is a mandatory duty imposed on the Governor General to act, and the Prime Minister is using convention to prevent her from acting — one might say the Prime Minister, by inaction, is placing the Governor General in the position of breaching the Constitution that she is bound to uphold. Should the Governor General continue to break the law or should she follow through with her constitutional responsibility?

I believe there is a point at which a constitutional duty must be performed. Should we look to the Governor General to initiate the appointment process, thus exercising the mandatory constitutional duty imposed on her under the Constitution?

Again, this is not a situation like those that have arisen before, where the issue was concern over how the responsibility is being exercised. The issue now is compelling the Governor General to exercise her responsibility, as required in mandatory language in our Constitution. These are very interesting legal issues, and are ones on which both Senator Day and I believe we need guidance from the courts.

Canadians have the right to have representation in a properly and efficiently functioning Senate. Unless there is a constitutional amendment to reform or abolish the Senate, it must be able to continue to do the work that is required and expected of it, most notably to act as a check on the actions of the executive. That means that our provinces and territories are represented as provided in our Constitution. That means that our numbers must be sufficient to enable us to equip ourselves for our responsibilities. In a free and open society, remaking government by stealth is not acceptable. In a free and open society, the Constitution must be followed.

**Some Hon. Senators:** Hear, hear!

**Hon. A. Raynell Andreychuk:** Honourable senators, I must say that when I stood up, it was not to give a standing ovation; it was to ask whether Senator Corbin would accept a question.

**Senator Corbin:** I am out of breath. I will not accept questions at this time.

On motion of Senator Fraser, debate adjourned.

#### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I would like to draw your attention to the presence in the gallery of a very distinguished member of the Privy Council, the Honourable Eugene Whelan, a former member of this chamber.

[*Translation*]

#### HUMAN RIGHTS

##### MOTION TO AUTHORIZE COMMITTEE TO STUDY GENDER EQUITY IN PARLIAMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Tardif:

That the Standing Senate Committee on Human Rights, in the spirit of reflection and commemoration of International Women's Day and the 25th anniversary of the patriation of the Constitution and its *Canadian Charter of Rights and Freedoms*, be authorized:

- (a) to examine and report on all issues related to female representation in Parliament, including the barriers to the participation of women in federal politics;
- (b) to propose positive measures for electoral and other reforms that will
  - i) promote gender equity in Parliament, and
  - ii) achieve an increase in the number of women in Parliament;
- (c) to consider the status of female representation in other legislative assemblies for comparative purposes in formulating proposed measures; and

That the Committee present its report no later than June 29, 2007.—(*Honourable Senator Tardif*)

**Hon. Lucie Pépin:** Honourable senators, I rise following my colleague, Senator Poulin, to ask that the Committee on Human Rights be authorized to examine gender equity in Parliament. I thank our colleague for raising this important issue and setting in motion a process to overturn the status quo. I completely agree with her that it is time to do away with the barriers that still face Canadian women who want to go into politics. This democratic deficit must be corrected.

Eighty-six years after Agnes McPhail was elected to the House of Commons, women's presence in Parliament has not changed significantly. Canadian women are a long way from carrying a significant weight on the political scene. According to the United

Nations, the critical mass should be at least 30 per cent, but women's representation in the House of Commons remains around 20 per cent.

After six successive federal elections, women still have not managed to break through this glass ceiling. Clearly, the current inaction will not solve this problem.

Yet the main causes of this imbalance are known. It is well documented that the nomination process and the expenses involved are major barriers to women's entry into politics. As early as 1970, the report of the Royal Commission on the Status of Women, headed by our former colleague, the Honourable Florence Bird, stated that it is much more difficult for a woman to win her party's nomination than to win an election.

The 1992 Royal Commission on Electoral Reform, on which I was one of the five commissioners, made the same finding as 22 years ago: the nomination process is a major obstacle. Most of us know something about that.

In the final report, *Reforming Electoral Democracy*, a number of recommendations were made in order to correct this imbalance and make it easier for women to go into politics. Nonetheless, we have to acknowledge that the reality is quite different. Allow me to give you an overview.

Many candidates wake up the morning after their nomination only to realize that they will have to take out a bank loan to cover expenses. To resolve this problem and facilitate women's access to nominations, the commission recommended that ceilings on expenses and tax credits be adopted upon nomination.

Better still, we recommended that a limit be imposed on the expenses of people standing as candidates during the nomination period, and that contributions to nomination campaigns be tax deductible.

The royal commission also recommended that political parties be compensated financially if they elected more women. That is, a party's election expenses could be reimbursed up to a ceiling of 150 per cent if they succeeded in getting more women elected. This incentive would be cancelled when the number of women elected to the House of Commons reached 40 per cent. Naturally, it was understood that to get more women elected, parties would have to present more female candidates in ridings that are safe or all but guaranteed. This was not entirely the case, and is even less so today.

We felt that these measures would make the race more equitable for those without access to a large network of donors, for it has been proven, and it continues to be the case, that for a nomination campaign to be successful, you need financial resources and a good network of donors. Women seeking nomination do not always come from the legal or business communities. Consequently, they do not always have the necessary financial resources or networks to support the costs of a nomination campaign.

I know several candidates who are currently making monthly payments to pay off their debt from their nomination in the 2004 election.

The commission recommended that people be allowed to take leave from work to obtain a nomination or stand for election. We also suggested that leave be granted to employees who submit their candidacy or run in an election.

We also came up with the idea that child care deductions should be granted during nomination and electoral campaigns. In 2000, Bill C-2 allowed candidates to claim as electoral expenses child care expenses and expenses relating to the provision of care for a person for whom the candidate normally provides such care. This is the only recommendation that has been taken into account.

• (1550)

It is essential to ensure greater equality of opportunity by legislating at the nominations stage. Clearly, if measures are not taken to remove financial barriers at that stage, a large number of people will be unable to seek nomination.

Any examination of gender equity in politics must focus on the first step in the process. If authorized to do so, the Standing Senate Committee on Human Rights could act on the recommendations made by the royal commission and find appropriate ways to implement them.

I also wanted to highlight the royal commission's recommendations to remind everyone that a number of relevant proposals are just gathering dust. One of the committee's goals could be to dust off those proposals and update them.

The study proposed by Senator Poulin would be a good thing for our democracy. Canadians deserve better, and we will not be able to deliver that by just sitting on the sidelines.

Canada ranks 48th on the list of women in national parliaments, behind countries like Iraq, Afghanistan and Rwanda.

Some Third-World countries have rebuilt their electoral systems from the ground up to ensure gender equity.

The Nordic nations are often held out as models, and with good reason. For example, 47 per cent of Swedish parliamentarians are women, as are 42 per cent in Finland, 38 per cent in Norway and 37 per cent in Denmark. Those are all models worth taking.

These countries have made progress thanks to a combination of equity legislation and family-centred social policies suited to women's needs.

In Sweden, municipalities must provide child care for all children under the age of six. Women who do not have to look after their children can put more energy into serving society. Finland has adopted a 60/40 principle for public administration. Staff in all government departments must include at least 40 per cent women or men. This initiative has had a definite impact on female representation in politics.

In the Scandinavian democracies, as well as in the Netherlands, Spain, New Zealand and Germany, the parties have adopted voluntary quotas that guarantee a strong female presence among candidates. At present, a variety of policies for voluntary quotas



can be found throughout the world. Some countries, including Belgium and Argentina, have even adopted a legal quota system, meaning that quotas have been legislated.

Here at home, the Quebec premier recently presented a cabinet with equal representation. This serves as a model to be commended and emulated.

We are not lacking in models. If we want to see more women in Parliament, there are a number of things that require serious consideration. We must look at practices that have been successful in other countries and in some of our provinces, take inspiration from them and adapt them to our reality.

Women's equal participation in decision-making is not only a demand for simple justice or democracy, but can also be seen as a necessary condition for women's interests to be taken into account. No one can speak on behalf of Canadian women better than they can speak for themselves.

Additionally, women practice politics differently than men. We do not use the same approach or the same arguments when dealing with public policy. This distinction is not innate, but has more to do with the fact that women have different life experiences and different areas of expertise that inspire different perspectives.

**Senator Corbin:** That is quite right.

**Senator Pépin:** Some studies suggest that women approach problems in a more inclusive and multi-dimensional fashion, because in our daily lives we are often forced to wear many hats at once and have to strike a balance between demands that are often conflicting. More so than men, women must find a way to balance their families and domestic responsibilities with their careers.

It is a well-known fact that women have an impact on how things are said and done in politics.

The presence of a small number of women in Canadian politics has already changed the political environment and public policy to a certain degree. Clearly, a critical mass of women would lead to significant, long-term changes. Many Canadian women thought that the right to vote would naturally translate into fair representation within the legislative bodies. Years later, we see that this is not the case. Getting elected is a long and difficult journey.

Canadian voters are receptive to female candidates, who nonetheless remain the exception. Is that because our parties are primarily run by males? Obviously the example does not come from the top, since there are not many women leading political parties in Canada.

A number of avenues have already been explored. Some solutions have been proposed to attract more Canadian women to public life. However, one might question the explanations given to date, and push even more to understand the lack of female Canadians in the different legislatures. The traditional responses perhaps do not explain everything.

For all these reasons, I support Senator Poulin's motion. More than once, the Senate has shown its ability to address complex issues and come up with recommendations that have advanced Canadian society. I have no doubt that this will always be the

case, and that our institution will enable Canadians to build a truly representative democracy in our country.

**Hon. Marcel Prud'homme:** Honourable senators, I have a question for Senator Pépin.

First of all, I would like to congratulate her for always being at the forefront in searching and advocating for female candidates. In 1984, well before me, she was already broaching these topics in the House of Commons. The issue remains the same. One way to achieve equal representation would perhaps be for the Prime Minister of Canada to appoint only women until the numbers even out.

[English]

Remember the famous quote: You had an option, sir.

[Translation]

He should immediately launch a national call for candidates and make appointments until there are 53 women in the Senate. These women would come from all parts of society until balance is achieved. There would be a critical mass of active women in the Senate, thus reflecting the female population in each riding throughout the country.

I must, of course, salute Mr. Chrétien. Of his 74 appointments, 33 were women, the largest number in history. He is followed by Mr. Mulroney, who appointed 13, and then Mr. Trudeau, who appointed 12. Would that not be a first step in attempting to persuade the government to appoint only women until equality is achieved? It could be achieved before my own departure in 2009 if we put in the time and effort, and provided we have unanimous consent.

**Senator Pépin:** I would be in favour of the Prime Minister taking such action and appointing women to the Senate. A percentage of women should also run for office. In the Liberal Party, one third of candidates in the next election should be women. Until women hold 40 per cent of the seats in the House of Commons, it would be fair that they have at least 50 per cent or 53 per cent of the seats in the Senate. I completely agree with that.

[English]

**Hon. Terry M. Mercer:** Honourable senators, I have a question for my colleague. I presume from the question of Senator Prud'homme, that he will be supporting my inquiry number 27 with respect to gender equity in this chamber when it comes up for debate.

Gender equity could be achieved in this chamber by early 2009 by appointing women to fill the vacancies that will occur between now and 2009. This would give this country an opportunity to do something that no major western country has been able to do: To have gender equity in one of their major legislative bodies, provincial or federal.

This is a unique opportunity that Prime Minister Harper has.

**The Hon. the Speaker:** Senator Pepin's time has expired. Is she requesting time to answer that question?

• (1600)

[*Translation*]

**Senator Pépin:** Honourable senators, I think it is an excellent idea to make such a recommendation to the Prime Minister. I am even sure that several colleagues on the government side could suggest the names of women who could be appointed to the Senate.

In Quebec, the premier has formed a cabinet that has an equal number of men and women. I think this is unprecedented in Canada, and it is definitely an example that should be followed. I hope that Mr. Harper will take this initiative.

**Hon. Roméo Antonius Dallaire:** Honourable senators, if it took 140 years to appoint 36 women out of 94 senators, imagine what it would be like if, tomorrow, it was decided to elect senators. Based on the results of the past 140 years, do you not think that having an elected Senate could delay, in a significant way, women being fully represented in the Senate?

**Senator Pépin:** Honourable senators, if the bill were reviewed in committee, and if the government supported the committee's recommendations, the suggestion could be made that at least 40 per cent of the candidates from all political parties be women. We would then get 40 per cent, and this would already be a huge improvement. Later on, we could get the remaining 10 per cent.

[*English*]

**Hon. Francis William Mahovlich:** In the election that Alberta had with Bert Brown, were there many women who were against Bert Brown?

[*Translation*]

**Senator Pépin:** I think there was a woman who was running.

On motion of Senator Tardif, debate adjourned.

## OFFICIAL LANGUAGES

### COMMITTEE AUTHORIZED TO STUDY STATE OF FRANCOPHONE CULTURE IN CANADA

**Hon. Maria Chaput,** pursuant to notice of May 2, 2007, moved:

That the Standing Senate Committee on Official Languages be authorized to study and report on the state of francophone culture in Canada, particularly in francophone minority communities;

That the Committee submit its final report no later than June 20, 2008, and that the Committee retain all powers necessary to publicize its findings until October 31, 2008.

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

**Hon. Senators:** Agreed.

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, 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, May 8, 2007, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 8, 2007, 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, May 3, 2007**

*(\*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 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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	07/03/29	7/07
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	06/12/06	0 observations + 2 at 3rd	07/02/15	07/03/29	5/07
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)  (bill 07/02/20 Legal and Constitutional Affairs)	(report on subject- matter 06/ 10/26)				
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	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06
S-6	An Act to amend the First Nations Land Management Act	07/04/25							

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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	06/10/26	156 Observations + 3 at 3 <sup>rd</sup> (including 1 amend. to report) 06/11/09 Total 158	06/11/09  Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21  Referred to committee 06/11/23  Report adopted 06/12/07  Message from Commons- agree with Senate amendments 06/12/11	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
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	06/11/02	0 observations	06/11/03	06/12/12	5/06
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-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06	07/02/27	Legal and Constitutional Affairs	07/05/03	0 observations			
C-11	An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts	07/03/01	07/03/28	Transport and Communications					
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11	07/03/28	Special Committee on the Anti-terrorism Act					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0 + 1 at 3rd	07/03/28  Message from Commons disagreeing with Senate amendment 07/04/27  Senate does not insist on its amendment 07/05/01	07/05/03*	10/07
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-18	An Act to amend certain Acts in relation to DNA identification	07/03/29							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07	07/02/28	Banking, Trade and Commerce	07/04/19	0 observations	07/04/26	07/05/03*	9/07
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14	07/02/21*	2/07
C-31	An Act to amend the Canada Elections Act and the Public Service Employment Act	07/02/21	07/03/21	Legal and Constitutional Affairs					
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-36	An Act to amend the Canada Pension Plan and the Old Age Security Act	07/03/20	07/04/17	Banking, Trade and Commerce	07/04/19	0	07/05/01	07/05/03*	11/07

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-37	An Act to amend the law governing financial institutions and to provide for related and consequential matters	07/02/28	07/03/21	Banking, Trade and Commerce	07/03/29	0	07/03/29	07/03/29	6/07
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.2, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.3, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06
C-46	An Act to provide for the resumption and continuation of railway operations	07/04/18	07/04/18	Committee of the Whole	07/04/18	0	07/04/18	07/04/18*	8/07
C-48	An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption	07/05/01							
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.4, 2006-2007</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	3/07
C-50	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No.1, 2007-2008</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	4/07

#### COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-252	An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition)	07/03/22	07/04/19	Social Affairs, Science and Technology					
C-277	An Act to amend the Criminal Code (luring a child)	07/03/29							
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15	07/03/29	Energy, the Environment and Natural Resources					
C-292	An Act to implement the Kelowna Accord	07/03/22							
C-293	An Act respecting the provision of official development assistance abroad	07/03/29							
C-294	An Act to amend the Income Tax Act (sports and recreation programs)	07/04/17	07/05/02	National Finance					

**SENATE PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0	07/04/25		
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
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	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
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	06/10/17		
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	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
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	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
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	06/11/02	Legal and Constitutional Affairs					
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	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							
S-224	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/04/17							

**PRIVATE BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	



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