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Tuesday, July 5, 2005



THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Tuesday, July 5, 2005

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

Prayers.

SENATORS' STATEMENTS

AGRICULTURE AND AGRI-FOOD

GOVERNMENT MEASURES TO RELIEVE PROBLEMS IN INDUSTRY

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Gustafson, Senator Fairbairn and Senator St. Germain are among the very active members of the Senate who have focused their interests on our agricultural situation, and have continued to request information as well as make representations. I would like to add something to the responses I have previously made.

As is well known, the May 2003 finding of BSE in Canada radically changed the environment in which cattle and other ruminant sectors operate. Access to our largest market, the United States, closed for a time. However, on strong representations from the federal government, the provinces, in particular Alberta and Saskatchewan, and many industry groups, the United States Department of Agriculture reopened the border later in 2003 to packaged boneless cuts of Canadian beef from animals younger than 30 months. However, the U.S. market continues to remain closed to live cattle and other ruminants from Canada as well as to meat products from animals over the age of 30 months.

On September 10, 2004, the Government of Canada took measures to assist the Canadian livestock industry in ensuring longer-term viability. A federal investment of \$488 million was provided to help expand Canada's processing capacity, and to create new demand for value-added products.

Senator St. Germain and Senator Gustafson have been concerned about the policy dealing with older animals. A new program called Herd Management for Older Animals was announced on June 29, 2005 by Andy Mitchell, Minister of Agriculture and Agri-Food. The program is designed to provide for the selective culling of older animals. This program will be on a 60/40 cost-share basis with interested provinces.

Additional funding of \$17.1 million is being expended to develop Canada's slaughter capacity with the goal of processing 100 per cent of the country's livestock production. In particular, changes will be made to the Loan Loss Reserve Program to encourage investment in processing facilities, in particular those targeting older animals. The program will be extended through December 31, 2007.

All these measures are in addition to the \$1 billion Farm Income Payment Program announced in March 2005 to help Canadian farmers deal with immediate cash flow pressures due to record low farm income. Producers of cattle and other ruminants are expected to receive over \$300 million under this Farm Income Payment Program.

In addition, a further \$80 million is provided in Bill C-43 for the disposal of specific risk material; and \$10.2 million is provided to support genetic improvement of breed animals.

Canada, supported by the provinces and industry, continues to make all possible efforts toward the opening of international markets for Canadian beef producers.

Some Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before recognizing Senator Jaffer, I would like to draw your attention to the presence in our gallery of guests of Senator Jaffer, His Holiness Sri Sri Ravi Shankar and other guests.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

SRI SRI RAVI SHANKAR

Hon. Mobina S. B. Jaffer: Honourable senators, today I rise to call your attention to the visit of a great and talented man, His Holiness Sri Sri Ravi Shankar. He is a spiritual leader whose message of compassion, commitment to society and cosmic understanding of life has impacted on the lives of millions worldwide.

Sri Sri is the founder of the Art of Living Foundation, a United Nations non-governmental organization. He is the inspiration behind numerous humanitarian organizations focused on service and the promotion of human values. He says, "Service is the expression of joy and love. Ask yourself, 'How can I be useful to those around me and to the whole world?' Then your heart starts to blossom and a completely new level of life begins."

Today, Sri Sri reminds us that the great spiritual traditions have common goals and values. He encourages people from all religions and cultural traditions to come together and celebrate. His love, practical wisdom and whole-hearted dedication to service inspire people everywhere. With limitless compassion and grace he brings a whole new dimension to spirituality, infusing it with a sense of celebration and joy.

In 1997, he founded the International Association for Human Values, an NGO located in Geneva. Its mandate is to foster, on a global scale, a deeper understanding of the values that unite us as a human community.

Underlying this mandate is a vision of a world where people can celebrate their distinct traditions while having a greater appreciation of what we all have in common.

His 5-H program is making a difference in the world through service and social projects. It focuses on providing five goals. They are health, homes, hygiene, harmony in diversity and human values.

He has initiated projects in 25,300 villages around the world, bringing self-reliance to more than 2.3 million people.

His simple message of love, practical wisdom and service encourages harmony, and teaches everyone to follow their chosen religious or spiritual path while honouring the path of others.

Sri Sri's gift to mankind is that he teaches us:

A stress-free mind and a disease free body are birthrights of every human being. Neither at home nor at school have we learned how to handle negative emotions. The Art of Living breathing techniques and meditation courses have helped millions around the world and empowered them with unconditional joy.

Honourable senators, I know you will join me in welcoming this extraordinary man here today.

Hon. Senators: Hear, hear!

• (1410)

NOVA SCOTIA

SUMMER FESTIVALS AND EVENTS

Hon. Donald H. Oliver: Honourable senators, it is no secret that Nova Scotians love to celebrate, and when we celebrate we invite the world.

Every year, my home province of Nova Scotia hosts over 700 summer festivals and events. Today, I rise to share with honourable senators some of the festivals that make Nova Scotia one of the most artistically diverse and creative provinces in Canada. For instance, last month, from June 17 to 19, approximately 40,000 people from around the world converged on Dartmouth waterfront for Nova Scotia's Multiculturalism Festival. For three days, over 25 ethnocultural groups celebrated diversity through friendship, food and music.

When the festival was established, 18 years ago, the show was staged in the ballroom of Dalhousie University. Over the last 18 years, the multiculturalism festival has become the premier summer event in the province.

Another marquee event is the TD Canada Trust Atlantic Canada Jazz Festival that will be held this year from July 15 to 24, in venues throughout Halifax. A major event in the Canadian music scene, the TD Canada Trust Atlantic Jazz Festival is Atlantic Canada's largest music festival, with over 450 local, national and international performers delighting audiences for 10 days every summer. Since 1987, more than 65,000 music lovers from across the region, across the country and across the border have enjoyed countless top-quality acts.

One final example, honourable senators, is the Antigonish Highland Games, held every summer in my province since 1863. For generations, the Scottish way of life — and my wife is a Scot — has been maintained in eastern Nova Scotia and Cape Breton Island. The language, traditions, music, dances and songs of the Gael, along with feats of strength and excellence, continue to flourish at the Antigonish Highland Games. Every July, hundreds of musicians, dancers and athletes perform and compete in this grand festival, which is the oldest continuous highland games in the world outside Scotland.

Traditionally, Nova Scotians have referred to the province's tourism industry as "our best kept secret." However, with over \$1.3 billion in total revenue generated in 2004 alone, it would appear, honourable senators, that the secret is out.

Senator Mercer: Come, visit!

CIVIL MARRIAGE BILL

Hon. Shirley Maheu: Honourable senators, I take this opportunity to salute our brother and sister legislators in the Congress of Deputies of Spain. On Thursday last week, Spanish parliamentarians voted 187-147 to become the third nation to legalize same-sex marriage. Henceforth, the citizens of Spain will enjoy a broad definition of marriage. A majority of lawmakers in Belgium, Netherlands and Spain have been joined by a majority of members in our own House of Commons to proclaim that cherry-picking in the field of human rights will no longer be tolerated.

On Tuesday last week, the other place passed Bill C-38, respecting certain aspects of legal capacity for marriage for civil purposes. The proposals in this legislation have been debated, demeaned, demonized and delayed ad nauseam for many months. In fact, I believe that this proposal has had as thorough an examination as any piece of legislation that I can remember in my 17 years of service in both Houses of Parliament.

Honourable senators, it is time to move on. There is nothing about this proposal that has not yet been said in both our official languages by anyone, anywhere in Canada. Clearly, this is absolutely nothing new, or there is absolutely nothing new that could possibly be said.

Let us move on. Let us provide and enshrine dignity and inclusiveness for all Canadians, and let us do it now!

Some Hon. Senators: Hear, hear!

MS. MARY DAWSON, Q.C.

TRIBUTE ON RETIREMENT FROM DEPARTMENT OF JUSTICE

Hon. Lowell Murray: Honourable senators, our generation of parliamentarians, and several that have preceded us, would want to take note of the retirement last month of Mary Dawson, Q.C., as Associate Deputy Minister of Justice.

During her 35 years of public service, Ms. Dawson was directly involved, often as the senior responsible officer, in all the major legislative, constitutional and quasi-constitutional initiatives of the various governments that have held office during that period. She worked on the drafting of the Patriation of the Constitution in 1982 and the Canadian Charter of Rights and Freedoms. Parliamentarians came to know her well from her appearances at our committees, and during study of the Meech Lake accord and the Charlottetown accord under the Mulroney government, the regional vetoes bill, the Clarity Act, and the amendments to education provisions affecting Quebec and Newfoundland under the Chrétien government.

At a recent reception in her honour, the present Minister of Justice, Mr. Irwin Cotler, paid moving tribute to her central part in all that history. He went on to give personal witness to her critical role in developing and drafting two recent initiatives, Bill C-38, which is now before the Senate; and the political accord between First Nations and the federal Crown on the recommendation and implementation of First Nations governments.

When Mr. Cotler said that Mary Dawson personified justice, all of us knew what he meant. Ministers who worked closely with her — and I was one of several in that category who were present for her farewell — depended heavily on her intuitive understanding of the complexity and subtlety of issues. In my case, she often had to point them out to me. Parliamentarians appreciated her ability to articulate their concerns sometimes better than they could themselves, and to analyze and clarify difficult issues for and with them.

All of us valued her formidable professional skills and her professional integrity. Hers was a very high standard indeed, and she has done honour to her department, to her profession and to the Canadian public service.

Some Hon. Senators: Hear, hear!

COMMEMORATION OF PRIME MINISTERS

Hon. Serge Joyal: Honourable senators, last Thursday, June 30, the *Ottawa Citizen* reported, in an article signed by Randy Boswell, that the birthplace of Sir John A. Macdonald on 20 Brunswick Street in Glasgow, Scotland, was to be demolished. Only recently discovered by a journalist of CanWest News Service as the original birthplace of Sir John A., where he lived from 1815 to 1820 before emigrating to Canada, the site belongs to the British Selfridge chain store that is owned by a Canadian well-known in the retail business milieu, Mr. Galen Weston.

[*Translation*]

I need not remind you of the lead role Sir John A. Macdonald played in the negotiations for adopting the British North America Act in 1867 and in the development of a national policy that made Canada what it is today. His name remains inseparable with that of Sir George-Étienne Cartier. Their political association resulted in a lasting achievement that continues to benefit all Canadians.

[*English*]

Canada should have the pride to commemorate its prime ministers in Canada, where they have completed their achievement, and sometimes abroad when it so happens that

there lies their birthplace — as is the case for Sir John A. — in Glasgow, Scotland, where so many Canadians have ancestors. I remind honourable senators that it is through a Senate private bill, Bill S-14, introduced by former Senator Lynch-Staunton and adopted by Parliament in 2002 that Canada now officially celebrates Sir John A. Macdonald Day on January 11 and —

[*Translation*]

Sir Wilfrid Laurier Day is celebrated every year on November 20. Sir Wilfrid Laurier was born in Saint-Lin des Laurentides in 1841 and died in Ottawa in 1919. His two places of residence have been enhanced by Parks Canada, as well they should be. Even in Paris there is a street named for Wilfrid Laurier, with the explanation “Canadian politician,” located in the 14th arrondissement, near Porte de Vanves. It is a reminder that, in 1896, Sir Wilfrid was one of the first Canadians to be conferred the Legion of Honor, with the rank of Commander, its highest rank, by French President Félix Faure. This commemoration was due to an initiative by the City of Paris, not the Government of Canada.

[*English*]

Last week, I moved a motion calling the attention of the Senate to the need for a formal policy to be adopted by Parks Canada to commemorate, in an appropriate way, the various prime ministers of Canada who led the country in the building of our nation. I hope, honourable senators, that you will support that motion so that Sir John A. Macdonald’s birthplace and the residence of Sir Louis-Hippolyte Lafontaine in Montreal shall be preserved, and that their achievement will be commemorated by a country proud of its founders and origins.

Some Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

LEGAL AND CONSTITUTIONAL AFFAIRS NATIONAL FINANCE

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

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committees on Legal and Constitutional Affairs and National Finance be empowered, in accordance with rule 95(3), to sit during the period of July 8 until July 15, 2005 inclusive, even though the Senate may then be adjourned for a period exceeding one week; and

That these committees be authorized to meet at any time during this period.

[Senator Murray]

• (1420)

QUESTION PERIOD

FEDERAL CROWN CORPORATIONS AND AGENCIES

REPRESENTATION OF VISIBLE MINORITIES ON BOARDS

Hon. Donald H. Oliver: Honourable senators, my question is directed to the Leader of the Government in the Senate and is a follow-up to a question I asked the honourable leader on June 7, 2005, relating to the representation levels of visible minorities on significant public boards, commissions, Crown corporations, federal councils and agencies, and in executive level positions within the public service.

The Leader of the Government in the Senate will recall that at that time I asked whether he believed that there should be visible minority representation on significant public boards of directors and, if so, whether he would undertake to make representations to colleagues in cabinet in an attempt to rectify this problem and ensure that public boards and agencies more closely reflect the multicultural mosaic of Canada.

Has the honourable leader made those representations to his cabinet colleagues? If so, did he receive a favourable response? If so, when does he expect that some appointments can be made?

Could the Leader of the Government indicate whether cabinet is considering having an independent commissioner for an open and independent process modeled on the U.K. process?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have certainly had discussions with cabinet colleagues with respect to the subject matter of Senator Oliver's question, and I am confident that recognition of this problem and action on it is moving forward.

I obviously cannot answer as to when appointments will be made. I have no idea what persons are being considered. The government is a very large institution, and there are 38 other ministers who make appointments. Complexity sometimes defies an easy answer.

With respect to the question of an independent commissioner, I recognize that Senator Oliver has maintained this representation and identified the way in which the role is played in the United Kingdom. Again, I cannot forecast government policy, but I will make specific inquiries to satisfy myself that the question of an independent commissioner is being considered.

INFORMATION COMMISSIONER PRIVACY COMMISSIONER

COMBINING OF TWO OFFICES— TIMING OF ANNOUNCEMENT— INDEPENDENT REVIEW

Hon. Gerald J. Comeau: Honourable senators, my question is directed to the Leader of the Government in the Senate and is a follow-up to a request made last week by the Leader of the Opposition for an update on whether the government intends to extend the term of Information Commissioner John Reid.

The Leader of the Government had no information at that time, but later that afternoon he rose in the Senate and announced that there would be a three-month extension of Mr. Reid's term. That announcement was made around 4:30 in the afternoon. The email from the PMO indicates that it was released at 4:39, so the response of the Leader of the Government to the Leader of the Opposition was very timely.

The PMO's news release announced more than a simple three-month extension. It said that the Minister of Justice will engage an eminent person to be named in July to examine the merits of combining the responsibilities of the Information Commissioner and the Privacy Commissioner into a single office. This eminent person is to report to the Minister of Justice in September.

As we all know, announcements made at 4:39 p.m. on the eve of a long weekend generally do not get much media coverage. Why would the Prime Minister wait until the last possible moment to make such a major announcement involving two officers of Parliament? Why would the Prime Minister not have done this at a time when we could have asked questions about it immediately?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for acknowledging my timeliness in bringing forward information in response to Senator Kinsella's question about extending the term of the Privacy Commissioner. Senator Kinsella did not ask about any other issues and I did not want to go beyond his specific question, as it would not have been a succinct answer.

With respect to the remainder of Senator Comeau's question, I suppose that timing is never satisfactory to everyone. However, at least the answer was given. I believe that the idea of combining the offices of the Privacy Commissioner and the Information Commissioner deserves serious consideration. It would, if proven meritorious, provide a parliamentary officer with very strong authority.

Senator Comeau: Honourable senators, the Prime Minister's press release reads:

The arm's-length review will be conducted by an eminent person, whose mandate will be to assess the successes and challenges of the current model, review models used in other jurisdictions, and develop options for the Government's consideration.

Honourable senators, the Information Commissioner and the Privacy Commissioner are officers of Parliament. Why has the Prime Minister chosen to bypass Parliament to conduct this review? Why will this yet-to-be-named eminent person develop options for the consideration of the government but not of Parliament? What does the government have to do with this?

Senator Austin: Honourable senators, I believe that Senator Comeau knows more about the way government and Parliament works than his question discloses. The government is responsible for the governance of Canada and issues of any kind are within its provenance. The government must look at what it believes are important issues in Canadian public policy. This does not in any way direct Parliament or take away the role of Parliament.

As honourable senators know, Parliament disposes of whatever the government proposes. If a proposal by the Government of Canada with respect to the way in which Parliament operates is unacceptable to Parliament, it will be refused. This is the normal system and there is nothing alarming or of concern with respect to how it works. It is also completely possible for Parliament to reverse the system and carry out its own studies by way of motions in the other place or in this chamber. All these systems are available for the consideration of public policy.

Senator Comeau: Honourable senators, I hope that this chamber will take up the honourable leader's challenge. It is the purview of Parliament, not the government, to determine whether it wishes to have the Office of the Information Commissioner and the Office of the Privacy Commissioner combined into a single office. The two have quite different mandates. In the past we have had some good Privacy Commissioners and some not-so-good Privacy Commissioners.

I hope this chamber is up to the challenge that the Leader of the Government has issued to us this afternoon, and that we make up our own minds rather than leaving it up to the Minister of Justice as to whether we should be combining the two offices or whether they are to be kept separate.

• (1430)

Senator Austin: Honourable senators, good ideas should be acceptable from wherever they come. Why not wait to see what the eminent person reports and consider that report in the appropriate way here in this chamber? We can decide where we go from there.

Hon. Pierre Claude Nolin: Honourable senators, I am following up on the answers the Leader of the Government gave to our colleague.

We understand that that study will take place over a period of three months. By the end of September, then, we will know the result of that consultation. That is how we read the announcement.

Who gave the Prime Minister that advice? Was it cabinet? Who recently supported Mr. Reid's re-nomination for a year? Was it the Clerk of the Privy Council? Was it the Minister of Justice or PMO advisers who were concerned by linkages Mr. Reid made in various reports? Who gave the Prime Minister the advice?

Senator Austin: Honourable senators, I take it from his question that it was not Senator Nolin. The question of who gives advice to the Prime Minister is not one on which I respond. It is not within the conventions of our parliamentary practice to disclose the specific advisers to the Prime Minister or to the cabinet on any specific information.

Senator Nolin: Honourable senators, I accept that answer, but let me take the question down a different path. Can the government leader assure us that what is taking place is not a manoeuvre to get rid of Mr. Reid because he kicked some people in the rear? Give us that assurance, and we will take the answer as a promise.

[Senator Austin]

Senator Austin: Honourable senators, I believe Mr. Reid has performed in an outstanding way in his office. The government has shown confidence in extending his term by an additional three months. The press release, which was referred to by Senator Comeau, explains that the government wants an independent review of the possibility of combining those two offices. I do not think any implication of criticism can be drawn of John Reid in the way he has conducted his office.

Hon. Lowell Murray: Honourable senators, I wish to pursue something the Leader of the Government in the Senate said a few minutes ago. Will he give us the assurance that Parliament will have an opportunity to debate the report of the eminent persons group before any legislation is brought in affecting those two offices of Parliament?

Senator Austin: No, honourable senators, I cannot give that assurance. However, nothing bars any senator from initiating an inquiry to deal with this issue, should any senator wish to pursue it.

Hon. A. Raynell Andreychuk: Honourable senators, my question is a supplementary one as well. The Access to Information Act itself has been under review and continues to be under review. How will the three-month review to combine the Access to Information Act and the Privacy Act mesh with proposed changes that may be coming to the Access to Information Act?

Senator Austin: Honourable senators, I do not think it is a very long step to say that this study must be considered to be a part of that process.

Senator Andreychuk: Honourable senators, as a follow-up, the Access to Information Act has already been the subject of some deliberation in the other place. May I presume that that report then will be made available to them? If so, would it not be made available to the Senate?

Senator Austin: Honourable senators, any report made available to the other place will be made available to this chamber.

NATIONAL DEFENCE

SEARCH AND RESCUE—REPLACEMENT OF FIXED-WING AIRCRAFT—REFURBISHING OF LIBYAN AIR FORCE G222 PLANES

Hon. J. Michael Forrestall: I want to change the subject and ask the government leader whether he can give us a status report on the fixed-wing search and rescue aircraft replacement program. As he knows, it has been stalled for several months and is reportedly in a bit of a mess. Can the government leader tell us when the process might move forward or give us a report of sorts?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot provide any further information with respect to that program. I know that both Senator Forrestall and I are disappointed that the program has not made more obvious progress.

Senator ForreSTALL: I have a supplementary question, which, against the background of events here in Canada in recent years, has a degree of high importance.

It is my understanding that a number of former Libyan Air Force G222 transport aircraft that have sat for many years in the Libyan desert are now in Canada being refurbished for resale. The G222 is an early — albeit several decades older — version of the C-27J aircraft, now reportedly the favoured choice for the fixed-wing search and rescue competition. It is terribly important that we be very cautious about equipment, not necessarily given the experience of the submarine boats.

Can the Leader of the Government in the Senate assure the chamber that these refurbished G222s will not be allowed to enter the competitive process for the fixed-wing search and rescue program? I ask that question believing that the Canadian military is entitled to good, new working equipment. The equipment does not have to be built in Canada, but it has to be new, working and reliable. God knows, I would not invoke the Sea King, but it is nevertheless in the back of my mind.

Senator Austin: Honourable senators, as usual, Senator ForreSTALL is ahead of me on information with respect to defence procurement. I have no information with respect to the Libyan aircraft, but I shall make inquiries and, I hope, provide more details at a later time.

• (1440)

ANSWER TO ORDER PAPER QUESTION TABLED

FOREIGN AFFAIRS— CONSTRUCTION OF CANADIAN EMBASSY IN BERLIN

Hon. Bill Rompkey (Deputy Leader of the Government) tabled the answer to Question No. 11 on the Order Paper—by Senator Kinsella.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of presenting six delayed answers to oral questions raised in the Senate. The first three respond to oral questions by Senator Tkachuk, two regarding the firearms centre, the efficacy of the registry in reducing violent crime and the cost of gun registry, and the other regarding testing at CFB Gagetown. These questions were raised on June 14, 16 and 29 respectively.

[Translation]

I also have the response to a question raised in the Senate on June 14 by Senator Keon, regarding avian flu; the response to a question raised on June 23 by Senator Plamondon, regarding the Monsanto Study on Genetically Modified Corn — Right of Public to be Informed; and the response to a question raised on June 20 by Senator St. Germain, regarding assistance for lumber associations.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

FIREARMS CENTRE—EFFICACY OF REGISTRY IN REDUCING VIOLENT CRIME

(Response to question raised by Hon. David Tkachuk on June 14, 2005)

Canadian statistics on firearms crime, including homicide and robbery, were not reported in the Homicide Survey prior to 1974. The available national data from Statistics Canada show that:

- The firearm homicide rate has decreased over the last 30 years. Although there was a slight increase in firearm homicides in 2003 compared to 2002, the firearm homicide rate for 2003 (0.51 per 100,000) remains nearly 60 per cent lower than the 1974 rate of 1.24 per 100,000, and 47 per cent lower than the rate of a decade ago (0.97 per 100,000 in 1991);
- Over the past three decades, the rate of robberies involving the use of a firearm has declined by 54 per cent (from 26 per 100,000 in 1974 to 12 per 100,000 in 2003).

Canadian statistics on firearm-related domestic homicide were not reported prior to 1995. The available national data from Statistics Canada show that:

- The number of firearms-related spousal homicides has decreased by 8 per cent (from 25 incidents in 1995 to 23 incidents in 2003).
- The number of firearms-related family homicides has declined by 25 per cent (from 43 incidents in 1995 to 32 incidents in 2003).

Long-term reductions in firearms crime over the past several decades have paralleled the implementation of enhanced firearms control measures in Canada.

The National Weapons Enforcement Support Team (NWEST) — a national police service managed by the Royal Canadian Mounted Police — assists police investigations and helps to track stolen and illegal guns to their source across the country, and internationally. Since 2002, NWEST has helped with over 12,000 police investigations, assisted with over 700 search warrants, and provided approximately 1,000 technical information sessions to the policing community on investigation techniques including the appropriate use of databases such as: the Canadian Police Information Centre, the Canadian Firearms Information System, the Canadian Firearms Registry Online, and the Integrated Ballistic Identification System.

The Canadian Firearms Registry is one part of the Firearms Program responsible for the registration of firearms, including when a firearm is transferred to a new owner and upon import or manufacture. Police have direct online access to the licensing and registration database and they use it daily through the Canadian Firearms Registry Online (CFRO) service. With the help of this essential tool, police make approximately 14,000 queries to the online

system each week to support their efforts to prevent and investigate crime. Over 3.6 million queries have been made on the CFRO by police and other public safety officials since the program was first implemented in December 1998. Between 2002 and 2004, almost 3,800 affidavits have been provided by the Canadian Firearms Registry to support prosecutions of gun-related crimes across the country.

FIREARMS CENTRE—COST OF GUN REGISTRY

(Response to question raised by Hon. David Tkachuk on June 16, 2005)

Hill & Knowlton Ltd. was hired in January-February 2004 by the Treasury Board Secretariat. The Secretariat was seeking an assessment of the financial position of the Canadian Firearms Program and the Canada Firearms Centre and options for the future.

The Treasury Board Secretariat commissioned the report consistent with its role as the government's management board and in light of the government's decision to initiate a review of the Firearms Program and the potential changes to the program that could result from this review.

On August 20, 2004, the Access to Information and Privacy Office of the Secretariat received a request for a copy of the report prepared by John McLure, Senior Associate, Hill & Knowlton Canada Ltd. A copy of the report was released to the requestor on November 18, 2004. Sections of the report were not disclosed because the economic interests of Canada were at risk and because of confidential third party information.

The Treasury Board Secretariat specified that the review by Mr. McLure should focus on the current situation (Winter 2004) and should make recommendations for future action.

Officials of the Treasury Board Secretariat and the Canada Firearms Centre have studied and evaluated the report in the context of other reviews that have been commissioned on the Firearms Program.

In May 2004, the government announced the creation of a separate registration vote that would cap registration activity costs for the Canada Firearms Centre at \$25 million annually. The announcement also indicated that future funding for the Canada Firearms Centre would be \$85 million annually, including registration activities.

The 2005-2006 Main Estimates for the Canada Firearms Centre requested total funding of \$82.3 million. Of this amount, \$14.6 million is for operating expenditures in support of the registration vote. In total, registration activity costs for 2005-2006 are \$15.7 million including employee benefits of \$1.1 million.

Since becoming a department in 2003-2004, the Canada Firearms Centre has been reporting its licensing and registration activities to Parliament through its *Departmental Performance Report, Report on Plans and Priorities* and the *Commissioner's Annual Report*.

As of March 31, 2005, more than **7 million** firearms were registered with **6.76 million** firearms registered to individuals, **207,000** firearms registered to businesses and **40,000** firearms registered or recorded to public agencies and museums. In 2004-2005 alone, **352,000** firearms were registered.

In 2004-2005, the Canadian Firearms Registry Online service received approximately **2,000** daily queries from police and public safety officials.

Between December 1, 1998 and March 31, 2005, more than **13,500** firearm licences belonging to individuals have been refused (**5,700**) or revoked (**7,800**) for public safety reasons. Some reasons why firearms licence applications have been refused or licences revoked include: a history of violence, mental illness, the applicant is a potential risk to himself, herself or others, unsafe firearm use and storage, drug offences and providing false information.

NATIONAL DEFENCE

GAGETOWN—TESTING OF AGENT ORANGE AND AGENT PURPLE—TIMING IN RELATION TO STATED POSITION ON VIETNAM WAR

(Response to question raised by Hon. David Tkachuk on June 29, 2005)

For a total of seven days in 1966 and 1967 the government cooperated with the United States to test a number of chemicals at CFB Gagetown, including Agent Orange and Agent Purple.

The purpose of these tests was to determine the effectiveness of the chemicals as defoliants.

A list of the chemicals tested in 1966 and 1967 can be found at Annex A.

Since the 1950s, various types of herbicides have been applied at CFB Gagetown to reduce brush in the training areas and to reduce the risk of forest fires.

A brush control program is necessary to keep the training areas free of foliage for good sight and mobility. Originally, these areas were cleared mechanically and re-growth occurred quickly. Herbicide spraying offered a more effective and cost efficient solution.

As well, many of the base's target ranges cannot be cleared mechanically or by hand due to unexploded ordinance. For these areas, spraying herbicides is the only available option to maintain a cleared target zone.

Today, the CFB Gagetown's brush control program follows all provincial and federal regulations and utilizes licensed applicators.

ANNEX A

Chemicals Used During Spraying Tests at CFB Gagetown

The following is a list of the 19 compounds used during the spraying tests in conjunction with the U.S. at CFB Gagetown in 1966 and 1967. They are identified by their common name and the year in which they were used.

| Common Name | Year Used |
|-------------------------|-------------|
| Orange | 1966 & 1967 |
| Purple | 1966 |
| 2,4-D | 1967 |
| HCA + T | 1967 |
| 70% 2,4-D + 30% 2,4,5-T | 1966 |
| Picloram | 1966 & 1967 |
| White | 1966 & 1967 |
| Not provided in report | 1966 |
| Picloram Ester | 1967 |
| Picloram + Dalapon | 1967 |
| Paraquat | 1967 |
| Diquat | 1966 & 1967 |
| Not provided in report | 1966 |
| Cacodylic acid | 1966 |
| Cacodylic acid | 1967 |
| Penta | 1967 |
| Dinitro | 1967 |
| Benzoic Acid | 1967 |

HEALTH**PUBLIC HEALTH AGENCY—WEST NILE VIRUS AND AVIAN FLU—EFFORTS TO CONTROL AND CONTAIN SPREAD**

(Response to question raised by Hon. Wilbert J. Keon on June 14, 2005)

The international veterinary community recognises that vaccination of fowl is an acceptable tool for the control of foreign animal diseases such as avian influenza.

The World Health Organization for Animal Health (OIE) is the international animal health standard setting organization, and it recognizes vaccination as an acceptable tool in the most recent avian influenza chapter of the OIE Terrestrial Animal Health Code.

In Canada, the CFIA may choose to use vaccine as a control tool in the face of a serious outbreak of disease. However, our policy at the present time is to remove infected flocks rather than to vaccinate. This 'stamping out' policy is recognized internationally as more effective in that

it removes the virus rather than allowing for it to potentially remain at a low level and not detected. The use of avian influenza vaccine needs to be well-monitored since the level of protection is variable and vaccinated birds could get infected.

AGRICULTURE AND AGRI-FOOD**MONSANTO—STUDY ON GENETICALLY MODIFIED CORN—RIGHT OF PUBLIC TO BE INFORMED**

(Response to question raised by Hon. Madeleine Plamondon on June 23, 2005)

Yes, MON 863 is used in Canada.

MON 863 was approved in March 2003 by Health Canada and the Canadian Food Inspection Agency (CFIA) for food, feed and cultivation in Canada, after a comprehensive assessment. This genetically modified corn line is resistant to damage by corn rootworm and has also been approved in Australia, Japan, the Philippines, Taiwan and the U.S.

Canadians and other members of the public have access to decision documents for all novel foods and feeds. The MON 863 documentation is available at the following Health Canada and CFIA websites:

- http://www.hc-sc.gc.ca/food-aliment/mh-dm/ofb-bba/nfi-ani/e_cry3bb1.html
- <http://www.inspection.gc.ca/english/plaveg/bio/dd/dd0343e.shtml>

Germany, the European Union (EU) member state responsible for the assessment of this product, had requested a 90-day feeding study in rats as part of its evaluation. Canada and other regulatory authorities do not normally require this type of animal feeding data to be submitted for assessment because of the known limitations of these studies. It is internationally recognized that conventional toxicological tests are of limited value in assessing whole foods.

Germany issued a positive initial assessment and forwarded it to the EU member states for review. After the French Commission for Genetic Engineering raised questions regarding the 90-day study in October 2003, supplemental analyses were provided by Monsanto. On April 2, 2004, the European Food Safety Authority concluded that MON 863 was unlikely to have an adverse affect on human health, based on the assessment of all the available data for this corn line, including the 90-day feeding study in rats.

Health Canada and CFIA have concluded that MON 863 is safe for food, feed and environmental release in Canada.

The rat feeding study is not secret. The developer of this corn variety has published the entire feeding study on its website.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT—PAYMENT OF INDUSTRY LEGAL FEES—REQUEST FOR UPDATE

(Response to question raised by Hon. Gerry St. Germain on June 20, 2005)

The Government of Canada is sensitive to the impact that the dispute is having on the lumber industry in Canada and has announced \$20 million in assistance for lumber associations.

The government will work with industry associations over the coming months on the terms and conditions of the assistance.

The disbursement of funds can only follow parliamentary approval of the Government of Canada's Supplementary Estimates (A), expected in late 2005.

[*English*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I would like to call Bill C-38.

[*Translation*]

CIVIL MARRIAGE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill C-38, respecting certain aspects of legal capacity for marriage for civil purposes.

Hon. Madeleine Plamondon: Honourable senators, I will be brief. Given my religious beliefs, I will be voting against Bill C-38 and I want these reasons to be made public and entered into the record.

Yesterday, as usual, the Honourable Senator Joyal gave a speech that was well structured, well researched, interesting and respectful of all concerned. I am not as eloquent as he is; he is skilled in the art of discourse and seasoned in all manner of political nuances. I do not have his ability; he found elements in the legislation to support his argument. I do not have his knowledge of the Senate and of what all senators have said or

[Senator Rompkey]

done in the past, something that was extremely relevant to his remarks. I do not have his political experience. However, I still feel uneasy, even though this unease may not, perhaps, be justified.

If Prime Minister Martin had listened to his conscience and said publicly that he was unable to sanction same-sex marriage, would the political discourse be the same on the government side and the opposition side? To what point will a party line, of any party, be toed? I will say that, as a Catholic, I feel part of an endangered minority. Being politically correct means that we have to be open, not only to ideas but to the point where we have to deny our faith in order not to be labelled homophobic.

Instead of quoting legislation, I will quote the apostle Peter who, on the eve of the death of Jesus, answered three times before the rooster crowed, "No, I do not know that man."

The Canadian Charter of Rights and Freedoms is important and, as its preamble states, it recognizes the supremacy of God and the role of the family in a free society. This freedom is based on respect for moral and spiritual values. As long as the Charter is in harmony with my spiritual beliefs, I will defend it, but if, as today, I am forced to choose between my conscience and the Charter, I will not hesitate: I will vote according to my conscience and, therefore, against Bill C-38.

I know that everyone has a different path to follow. I respect all the opinions that have been and that will be voiced, because I know that they are being made in good faith. But, as a Christian, I want to leave you with these words, which could apply equally to the Charter and the gospel, "If the world sings my praises when you blame me, will it save me when you judge me?"

On motion of Senator Stratton, debate adjourned.

[*English*]

ALLOCATION OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of July 4, 2005, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of the second reading stage of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

He said: Honourable senators, I think it is clear with the adjournment of the debate on Bill C-38 that it will not be possible to move ahead with as much reasonable speed as we and most Canadians would have liked. We on this side certainly cannot

allow any undue delay in the passage of this bill. We have seen that delay practised in the other place, and we have taken note of that. We have no choice but to introduce this motion in order to ensure that similar tactics to those used in the House of Commons are not practised here and that the bill —

Some Hon. Senators: Shame!

Senator Rompkey: — passes with a reasonable amount of debate and expedition. Our preference would have been to have reached agreement to allot a specific number of days to the debate, but we could not come to such an agreement. Once again, I emphasize that we have to move ahead and prevent any delay in the passage of the bill.

I have no doubt that my colleagues on the other side will argue that we are limiting debate on a very important matter and that all sides must be heard. I agree, but the fact of the matter is that much debate has already taken place in parts of the country and indeed in Parliament itself. I should like to spend some time outlining how much debate has taken place on this issue.

Going back to November 12, 2002, the Minister of Justice released a discussion paper on marriage and the legal recognition of same-sex unions. The discussion paper was referred to the Justice Committee in the other place. That committee travelled across Canada from November 2002 to April 2003, holding 27 public hearings and hearing from 467 witnesses.

On June 17, 2003, the government announced that it would introduce legislation to permit same-sex couples to marry across Canada, but first it referred the marriage reference to the Supreme Court. On December 9, 2004, the Supreme Court of Canada ruled on the marriage reference, giving the federal government the go-ahead to introduce legislation.

The federal government introduced Bill C-38, the Civil Marriage Act, on February 1, 2005. Second reading debate in the other place lasted 11 days, with 164 members of Parliament speaking for a total of 30 hours and 25 minutes. This is not rushing, honourable senators.

The legislative committee on Bill C-38 began their hearings on May 5, 2005. The committee held 19 meetings and heard from 75 witnesses. Another nine hours and 30 minutes were spent at report stage, with 33 MPs speaking.

Finally, third reading debate took place on June 28, and 26 members of the other place spoke, equalling another nine more hours and 40 minutes of debate on this issue.

• (1450)

This issue has been fully discussed and both sides have been heard. We are giving the opposition further time to discuss the substance of this bill. They are being given that opportunity, but it will be for a set period of time.

What we do not want is another series of delays and filibusters as was witnessed in the other place. As a matter of fact, the only

reason Bill C-38 is before us now is because closure was successfully invoked at third reading in the other place.

Honourable senators, these are the reasons why it is important to pass this motion now and to refer the bill to committee where committee members can call witnesses, ask them questions and take the time needed to study the bill. Of course, there will be further opportunity for debate at third reading.

This is a debate that did not start this week, this month or this year. It has been going on in Canada for quite some time. It appears to me that Canadians have thought about the issue and have made up their minds about it. Parliamentarians on both sides of this chamber have made up their minds about it and want an opportunity to stand and to be counted. However, they do not want interminable debate and simply talking out the motion. It is important to pass this measure with a period of debate, but expeditiously and in a reasonable amount of time.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I really am rather surprised that the Deputy Leader of the Government would advocate the abolition of this place. It is amazing that the honourable senator says that we are delaying debate on this bill. We just started debating it yesterday. We have put up three speakers in the last two days. How many speakers has the government side put up?

Senator Kinsella: Two.

Senator Stratton: The question is: Who is delaying what? Why has the government not put up another speaker today? Who is delaying debate? Who is ignoring debate?

I am standing here because the government is shutting down debate on a critical issue, one which is divisive. It is something that should not be done. I do not believe that this bill is required because it is so divisive. It divides Canadians unnecessarily. I believe you are closing off debate because you know the longer it festers the worse it becomes for you.

Senator Kinsella: How many spoke in the other place?

Senator Stratton: Quite a substantial number.

Senator Tkachuk: They actually took the bill seriously.

Senator Stratton: There were 30-some hours of debate at second reading.

Thus far we have had five speakers in total on the bill. We have barely broached the subject at all.

Senator Cools: They do not care.

Senator Stratton: I think the government is worried more about what will transpire should this debate continue. I am prepared to sit all summer on this issue. I am sure others on this side are also prepared to do that.

The government wants to shut down debate because the issue is so highly polarized and divisive. That is why it is wrong. As Senator Kinsella pointed out so well in his speech yesterday, there are other solutions to this problem than the one that the government is advocating. We have not really explored those solutions.

Yesterday, the Leader of the Government in the Senate virtually told us that the leader of our party, Stephen Harper, and some members of our party are homophobic or anti-rights. Some other members of the party opposite have also alluded to that. That is wrong. It takes the level of debate down to where we do not want to go. It was totally inappropriate of the Leader of the Government in the Senate to do that.

I would like to remind honourable senators that when Paul Martin won the leadership of the Liberal Party, he said that he would do things differently in Ottawa. Democratic reform was at the top of the list of things that he wanted to do.

In February 2004, he issued an Action Plan for Democratic Reform, which included a letter signed by him that stated:

Democratic reform includes ensuring that members have greater freedom to voice their views and those of their constituents, reinforcing the role of House Committees and their capacity to influence and shape legislation, having Ministers engage Members and House Committees on policy priorities and legislation, giving Parliament a greater role in the appointment process for public office holders, and modernizing the procedures of the House of Commons.

Last night, debate was shut down. So much for democratic reform and doing things differently.

I wish to refer to a particularly interesting article that was written over a week ago by Norman Spector and which appeared in *The Globe and Mail*. He wrote:

To capture the essence of Mr. Martin's rhetoric, you have to refer to Harry G. Frankfurt, emeritus professor of philosophy at Princeton University.

Honourable senators know I do not like to use swear words, but the title of this paper is "On B——t." Honourable senators can fill in the blanks. The article continues:

"On B——t," a reprint of an academic paper the eminent Professor Frankfurt wrote nearly 20 years ago...

Mr. Spector then quoted *The Globe and Mail's* Zsuzi Gartner, who noted the article's applicability to our very own Prime Minister, who said:

For most people, the fact that a statement is false constitutes a reason...not to make the statement. For St. Augustine's pure liar, it is...a reason for making it. For the b——er, it is itself neither a reason in favour nor a reason against... The b——er...does not reject the authority of the truth, as the liar does...he pays no attention to it at all.

[Senator Stratton]

Paul Martin knows that by stopping debate on Bill C-38 he is throwing his promised democratic reform out the window. He knows that he is tossing aside alternative solutions that could work in this country. We know there are alternative solutions, such as those proposed by Senator Kinsella. We know there are other ways of doing this. Instead, the Prime Minister chose to close debate and narrow it down to a very singular issue, which is inappropriate.

I could go on and on about the broken promises by this minister. For example, at the height of Adscam, the Prime Minister went on TV to plead with Canadians not to fire him. He told the nation:

If so much as a dollar is found to have made its way into the Liberal Party from ill-gotten gains, it will be repaid to the people of Canada.

Has that money been repaid? No. I look at that and say that I do not think the Prime Minister can be trusted at his word because he says one thing and then simply does another.

That has nothing to do with a Prime Minister who is concerned about the elimination of the democratic deficit. It was a statement by a highly partisan politician scrambling pathetically to cling to power. Unfortunately, he had forgotten the people who had voted for him and made him Prime Minister — the people of Canada.

Honourable senators, I will close on that point. This debate is being cut off prematurely. This chamber is known for its sober second thought, in particular the work that we do in our committees.

• (1500)

I do not think we have explored the debate to its fullest; in other words, existing options could be explored, not only to address the concerns on both sides, but also to satisfy the required needs on both sides, without dividing the country.

The Hon. the Speaker: Honourable senators, normally I would alternate. No honourable senator rising on the government side, I now go to the opposition side.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I had not intended to take part in the debate on Senator Rompkey's motion, but these arguments strike me as so weak and insulting to this institution of ours that I feel obliged to rise in order to inform him that the effort we put into our committees to enhance the work of this institution cannot be made a mockery of by the desire to put a rapid end to a very important debate.

I am in agreement with the government on this bill, but I do not accept being forced to move quickly when the other place had as many hours as they wanted to discuss it. We must hold a serious, interested and constructive debate. Even if the other place had taken a thousand hours to discuss it, that is of no importance to the Senate. We are deciding to debate this matter because our

institution exists. As long as no new Fathers of Confederation come along and decide we cannot hold debates, debates there will be! The arguments of the deputy leader are weak.

That being said, I support the government's bill. Just because the rest of the world or the country took part in a debate is no reason for us not to have one. Not to have one would be a disservice to our institution.

Hon. Marcel Prud'homme: Honourable senators, as they say, "fasten your seatbelts," you are in for a very long speech.

I totally agree with my friend Senator Nolin, although I still have not made up my mind. I totally agree with what he said. I am against and totally opposed to closing debates on such important issues.

If anyone wants to leave this chamber, or if anyone feels unable to stay in the Senate, then leave. There are others who will stay. I think it is a shame that our speaking time is being cut. That goes against everything I have always said the Senate should be. It should be a chamber that takes its time and does not listen to the hue and cry. I still have not made up my mind on the substance of the issue.

I agree with Senator Nolin when he says it is absolutely absurd that we are being told in advance what will happen: we are impatient, we will give you six hours, we will go to committee, you will leave on Thursday, you will come back in two weeks and, just like that, end of debate.

If there is a vote today or tomorrow, I hope to be available, because there are special events going on in Ottawa that I must preside over. I will vote against the closure motion if I am in the Senate. If I am not here, just remember that I said I was against this motion. I want to thank Senator Nolin for inspiring my comments yet again.

[*English*]

Hon. Anne C. Cools: Honourable senators, I am always disappointed when I see government senators cheering a motion for time allocation or closure. My understanding of these processes is that, regardless of the substantive side of the issue that one is on, the Houses should have ample and plenary debate.

Many government supporters really do not understand that every time they applaud these kinds of initiatives they are placing another nail in the coffin of the Senate's effectiveness.

There are many in this country — and I am beginning to reach that position myself — who feel that Parliament as a ministerial responsibility of a system is essentially lost. It has morphed into something, but I do not know what. Even the lexicon of the system has been lost. This motion, moved by Senator Rompkey, who is not even bothering to listen to the debate, is proof of the state of affairs in this country.

Honourable senators, the term "democratic deficit" was coined by Prime Minister Martin. Well, this sort of activity is living proof of this government's democratic deficit.

I am again disappointed in the paltry and insufficient comments made by the Deputy Leader of the Government. From what I can see, he is saying that the House of Commons has spoken, so there is no need for the Senate to speak. In short, he is saying little debate is good, less debate is better, and none is best. I find this attitude disturbing. I would have expected that, if the deputy leader or the government chooses to resort to a measure that is as stringent as this motion, at least some serious and substantive reasons would be put before the chamber, supported by some constitutional authority and, perhaps, even some policy authority. Honourable senators, it truly bothers me. I would ask this chamber to reject the proposition that Senator Rompkey has placed before us. The deputy leader can cite before us no reason whatsoever for the motion he has moved, and he can cite no circumstances in this place; however, what he does cite is events in the other place. Senator Rompkey expects us to believe the not even credible proposition that, because of events in the other place, there should be no debate or serious limitation on debate in this place. I wonder where the defenders of the Senate are. The deputy leader's proposition is shameful.

Senator Rompkey used the expression "interminable debate." I have news for Senator Rompkey. First, this chamber has, to date, not had a debate on the question of marriage. Second, the House of Commons barely had a debate. For the past many years, the Attorneys General and the Ministers of Justice have contrived to ensure that there was no debate on the floor of the House of Commons. Hence, the debate in the Houses of Parliament, far from being interminable, has been woefully inadequate vis-à-vis the enormity of the question that was put before us.

All I can conclude, honourable senators, is that this motion that has been put here has nothing to do with circumstances in this place but everything to do with the fact that the government considers any debate in this place to be an inconvenience and to be dispensed with. I should like to record my very serious objections to that phenomenon.

The motion before us is of the nature of a motion described in the literature as a guillotine motion. It testifies to the collapse of parliamentary government because, as a proposal for time allocation, it is an extreme and severe procedure that has the effect of throwing the house into a state of siege, into a state of parliamentary dictatorship, and that in advance of the debate itself.

• (1510)

This is not even a classic closure motion wherein the question before the house has been well debated. This is a guillotine motion, a very serious process that should be rarely used. When it is used, the mover of the motion is supposed to demonstrate exceptional circumstances that require the invocation of such an extreme measure.

I served here, honourable senators, with Allan J. MacEachen, who once told us that in his career as a cabinet minister in the other place he never once moved a motion of closure.

Senator Murray: Although he voted for quite a few of them.

Senator Cools: Undoubtedly, but he said he never moved one. The point is that he was expressing an opinion. Honourable senators need not worry because Mr. MacEachen is in a league of his own and remains a giant of a parliamentarian.

Some Hon. Senators: Hear, hear!

Senator Mercer: Finally something we agree on!

Senator Cools: Honourable senators, Mr. Hawtrey and Mr. Abraham, in their *Parliamentary Dictionary*, describe the guillotine motion as follows:

A colloquial term for an order made by the House of Commons fixing the amount of time which may be spent in discussing a particular bill or a particular section of a bill at various stages. Such orders are technically termed "allocation of time orders".

Honourable senators, in old parliamentary debates one finds that stringent requirements should be in play when such a motion is put before the chamber for its consideration and judgment. All the literature makes clear that a guillotine motion is naturally distasteful and repugnant to Parliament. The requirements are threefold. First, there should be a state of urgency. In other words, the measure that is required must be urgently required. There is some sort of an emergency in play, and the literature describes this requirement as "urgency."

Second, the opposition in this house must be fiercely obstructing the measure that is urgently needed.

Senator Nolin: This house.

Senator Cools: That is right; this house, not the other place.

There must be obstruction, and the mover of the motion, who is usually a government member, is supposed to supply to members proof of the obstruction. An obstruction is not two, three or five days of debate. A good example of obstruction is the GST debate in 1990. I participated in that debate. I sat in this chamber 24 hours a day month after month after month because we were determined that the GST bill would not move. We were so determined that the bill would not move that we did not let the calendar of the day move for months and months. If one looks to the *Debates of the Senate* of that time, one will find that the date of the sitting did not change.

The Hon. the Speaker: Honourable senators, the rules provide for 10-minute speeches on these types of motions. Does the Honourable Senator Cools wish to ask for an extension of time?

Senator Cools: Honourable senators, I would love to have more time and my colleagues are prepared to defer to me.

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Senator Cools: I want to know who said no.

Senator Prud'homme: Many people said no.

The Hon. the Speaker: Senator Cools is asking for leave to continue. Is leave granted, honourable senators?

Some Hon. Senators: No.

Senator Kinsella: Who said "no"?

Senator Comeau: Lapointe and Mercer. Mark them down. A former director of the Liberal Party.

Senator Cools: I will get hundreds of letters about this tomorrow.

Hon. Sharon Carstairs: Honourable senators, I am delighted to rise to join in this debate pursuant to a rule that, as we all remember, was used when the opposite side was on this side of the chamber.

Time allocation motions always evoke interesting debate. In my nearly 11 years in this place, I have never heard new arguments made on this side for moving time allocations, and I have never heard new arguments made on the other side for not moving it. It is important to examine the purpose of time allocation and how it can be put into force and effect.

First, there must be discussions between the sides. That is the first step in the rule that provides for time allocation. The Deputy Leader of the Government meets with the Deputy Leader of the Opposition in an attempt to reach agreement on when second reading stage of the bill can be concluded, which is what we are attempting to move to here.

We heard yesterday, when the Deputy Leader of the Government introduced his motion, that he tried to negotiate but that it did not work. There was no agreement to a specific number of days in which we could conclude second reading debate. Therefore, the government decided that it is now time to use the rule, so well put in the book by the other side, to conclude the debate at second reading stage. In order to do that, we must have six hours of debate.

Another interesting fact is important to remember. Again in my nearly 11 years in this place, I have never known a debate on a time allocation motion to occupy the full six hours. It always collapses. The aim is to pass this motion so that honourable senators on both sides can put on the record their very strongly and firmly held views on Bill C-38. Bill C-38 will then be referred to committee, where witnesses will be heard. The bill will then come back to this chamber for third reading and, honourable senators, I think we will all be well served.

Some Hon. Senators: Hear, hear!

Hon. David Tkachuk: Honourable senators, I rise to speak against the closure motion moved yesterday by Senator Rompkey. I have always believed that debate is not merely a frenzied attempt to deal with a matter without time to think. Perhaps people shot each other in years gone by when they disagreed because there was no time to think.

Closure causes us to complete our debate in one day, which gives us no time to contemplate what other senators have said or to research whether what they are telling us is true. We have no time to think about the consequences of what we are trying to do here.

If the whole idea of Parliament was efficiency, we would do this with every bill.

• (1520)

We would have a quick three-hour or six-hour debate. We would not care whether there was time for what we were talking about to get to the public. The idea of Parliament is to have what we say make its way somehow over time to the general public, the people we are representing. Parliament is not here just for us to talk to each other. Surely, if the only thing we had to do here was sit around and speak for 10 minutes over six hours on every piece of legislation that comes here, Parliament would be an awfully expensive debating club.

Many pieces of proposed legislation are given much debate. Yet, with respect to one of the most important pieces of proposed legislation to come before this chamber, the government has said, "Well, we have had lots of debate; the House of Commons has had debate."

What does that have to do with us? The Senate is one of three parts of Parliament. The Senate's purpose is to closely examine proposed legislation. If we accept Senator Carstairs' premise of just sitting around for six hours and getting it done, perhaps not even using the full six hours — forget about the idea of time, forget about the idea of engaging the general public, so that they have some say in this — and say that just because the bill was debated in the House of Commons we should accept it, then why are we here?

I have talked about this on other items of closure. If a debate has taken place over three or four months — for example, if the government is of the view that a particular matter has been the subject of significant debate, as was the case with the GST — then perhaps a motion like this is necessary. However, Bill C-38 has only had one day of debate. All of a sudden, because we adjourn the debate and want to think about it for a while, we hear, "Oh, gee, we should have closure."

We have all lamented at times the lack of coverage by the media of the Senate. It is actions such as this that give sustenance to the opinion that we are irrelevant. In meetings of the Transport and Communications Committee, I have inquired of a number of media companies, including *The Globe and Mail*, Global and CTV, whether their newsrooms have decided that the Senate is irrelevant. They have all assured me that they have not. I do not believe them. They have decided that we are irrelevant. Would we be acting this way if we were elected?

Senator Andreychuk: No.

Senator Tkachuk: I wonder how the Liberal senators from Alberta would be dealing with this legislation if they were elected. I wonder how the Liberal senators from Saskatchewan would be

acting if we were elected. If the senators from Atlantic Canada were elected, how they would be acting in this place?

It is because we are buried in this place with no media attention that we can get away with this. That is the only reason we can get away with this, because nobody can see what we are doing. The media does not report on us and we do not have to face the electorate.

That, to me, is a dishonourable thing for us to do. That is why I do not support the position of the government on this matter.

[*Translation*]

Hon. Roméo Antonius Dallaire: Honourable senators, I realize that I am still a novice in this place and, consequently, I am quite surprised by the attitude often shown toward the usefulness and essential nature of this chamber.

If we belong to an organization, we do so with the purpose of being faithful to it because we believe in it and we pledge our allegiance to it. If we believe that this institution must change, it must be done in a way that is structured, according to an established process and in order to improve the fate of the institution.

Since my appointment to the Senate, I have received a great many requests — as I did before — to speak, discuss and take part in various activities. I respond that I cannot because I have a full-time job making an important contribution to the democratic process in our country, and that my presence in the Senate is required. And almost without exception people just laugh at me or tell me, "Be serious, it is more important for you to attend our event than the Senate."

I do not understand why, after so many years, we have such a bad reputation and are so misunderstood by society. We have not established a process, a methodology or an increased presence in this society that would convince the people about our work and how vital it is.

I constantly see RCMP officers in red uniforms. We see them at weddings, baptisms and funerals. They made a decision nearly five years ago, because they felt they were misunderstood, had a poor reputation and did not have a public presence. They said, "We have a strong image to offer Canada, because we are a Canadian entity that supports this democracy and the supremacy of law in Canada."

I think that we are capable of doing the same thing. We do not need to wear red outfits; we can establish a methodology to put an end to our self-accusations that our role is irrelevant. On the contrary, we must be proactive, take a leadership role in our society and "sell our product."

To come back to the speech by our colleague Senator Cools, I am surprised by her use of hyperbole. We cannot use the terms "dictatorship" and "Parliament" in the same sentence. That cannot exist. It is impossible. We are in an institution that reflects the democratic history of a country. The Liberal Party was elected and the Liberal Party has a leader who becomes the Prime

Minister. It is up to the Prime Minister to take decisions such as appointing senators. It is an extension of the democratic process. I do not see the urgent need to call an election when valuable and pertinent work is being done.

Instead of throwing accusations at one another and making up stories about abusing the democratic system, we should be working on enhancing our presence, confirming the value of committee reports, and affirming the extent of our influence on the decisions from the other place.

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I would like to join this debate briefly.

Senator St. Germain: What about a question?

Senator Kinsella: Can we not ask a question?

Senator Comeau: He still has time.

The Hon. the Speaker: I think a senator is rising to ask a question. It is up to you, Senator Dallaire, whether you will take a question.

Senator Cools: I wonder if Senator Dallaire would take a question.

Senator Dallaire: I am sure the question would be pertinent, and I certainly would respond.

Senator Cools: Is the honourable senator aware that, in the literature on closure motions and guillotine motions, this is the language that is used, that Parliament is thrown into a dictatorship, into a state of siege? Is the honourable senator aware that this is used frequently among the "authorities" on Parliament?

• (1530)

Senator Dallaire: I cannot believe that we are using terminology like that in official responses or in the debate, because it is impossible to have Parliament, which is a democratic process, and to speak of dictatorship. We are using an instrument of Parliament that is procedural, that is accepted and that is used by the government in power when it feels that its use is essential. Its use is by exception, and I totally agree with this exception. This is not anything other than the appropriate use of the proper procedures in the democratic process.

Senator Cools: Honourable senators, I wish to rise on a point of order.

Different senators come here with different experiences, and some senators have served less or more in this place.

Senator Austin: Honourable senators, I wonder if a point of order is in order during this debate.

The Hon. the Speaker: I am not aware of any rule, other than that points of order cannot be raised during our Routine

[Senator Dallaire]

Proceedings, that prevents a point of order being raised. Whether or not there is a point of order is difficult to determine until one hears the claimed breach of order, so I will hear Senator Cools.

Senator Cools: Honourable senators, my understanding is that this motion is before us under rule 39, and rule 39 does not prohibit points of order.

Honourable senators, the expression "dictatorship" seems to shock Senator Dallaire. Perhaps because I have served here as long as I have, I am neither shocked nor surprised. The only surprise for me was the manner in which the leaders proposed this guillotine motion. That is the word that is used, because it stops and ends everything with great abruptness. This is a point of order. In fact, what surprises me is the lack of serious and good reasons for invoking such a stringent measure.

For the sake of Senator Dallaire, I would like to read from a book by Josef Redlich.

Your Honour, I ask that this be taken into consideration because of the motion before us. You would not want any honourable senators to entertain a thought that the language is somehow or the other improper or inappropriate. The document I cite is called, *The Procedure of the House of Commons: A Study of its History and Present Form*. It was written by Josef Redlich. I do not have the year it was published, but it is of some reasonable age.

The Hon. the Speaker: I am having difficulty hearing Senator Cools. If you could come to your point of order expeditiously, Senator Cools, I can allow other honourable senators to participate if I see a point of order. Please give me your point of order as quickly as possible.

Senator Cools: The use of terms such as "guillotine" or "dictatorship" are commonplace in debate on this particular procedure. I would like to refer to Chapter 3 of Redlich's book, *The Urgency Procedure and the Introduction of the Closure (1881-1888)*. It says:

The resolution brought in by Mr. Gladstone with the object of preventing further Irish obstruction upon the Coercion bill is one of the most remarkable documents in English parliamentary history. Its contents may be characterised in one word. It proclaimed a parliamentary state of siege and introduced a *dictatorship* into the House of Commons.

The author, Mr. Redlich, proceeds to lay out the entire history of the origins of closure and subsequent time allocation systems. Therefore, honourable senators, it is in order to refer to a state of siege and to a state of dictatorship. That state is created far too frequently in today's community.

Honourable senators, I ask the Speaker to adjudicate as well the propriety of this motion being before us, because none of the requirements have been met that would give any reason, or even qualify the Speaker to put this motion before us for a vote. As His Honour would know, it is within the discretion of the Speaker to refuse to put a motion that is irregular or not in order. I contend, in addition, that this particular motion is out of order as well.

The Hon. the Speaker: I have listened to Senator Cools, and I thank her for her intervention. Her question is an anticipatory one at most. I do not find in it any matter of order. The motion we are on is a debatable one, albeit limited to a specific time: two and a half hours, ten minutes per senator, thirty minutes for the leaders and fifteen minutes, if we had any, for the leaders of official parties. We are in a different set of time references than normal, but apart from that, it is a debatable motion.

In the course of debate, I think the exchange that took place between Senator Dallaire and Senator Cools over the use of certain words does not involve any breach of order in that there is no evidence of this motion having been introduced improperly or the Senate having proceeded in any way not in accordance with our rules. Accordingly, I find the motion in order.

Senator Austin: Honourable senators, when I last rose to my feet, I said that I doubted it was a point of order. Senator Cools is famous for manufacturing debate opportunities out of alleged points of order. Believe me, we have had a long experience of that. Sometimes it was used from this side. Sometimes it is now used from that side. Honourable senators, it is not in accordance with the practices of this chamber and the fairness allowed to members to proceed contrary to the rules in the fashion that is familiar to Senator Cools.

Having said that, I point out, as did Senator Carstairs, that the time allocation rules are long-standing in parliamentary practice. I, however, put no negative charge against Senator Murray and his era when these rules were so designed. They were in accordance with parliamentary practice. Ample use has been made of this rule from time to time by all governments in this chamber and all government supporters in this chamber. The real issue here is not the rule, as some have said in their debate, but the necessity for applying the rule.

Honourable senators, as my colleagues Senator Rompkey and Senator Carstairs have said, we have sought an orderly process with respect to the debate on Bill C-38.

• (1540)

We believe that an orderly process is something that ought to have been negotiated. For the reasons that Senator Rompkey addressed, there has been extensive debate throughout the country. Ours is a chamber to review that debate in the context of Bill C-38, which is now before us.

When this debate was called this afternoon, there was no speaker speaking for the official opposition. Senator Plamondon spoke. She is an independent.

On our side, we believe that it would be of maximum value to the members of this chamber if the debate were allowed to proceed within rule 39 and the matter then referred to committee, where witnesses can be heard. With respect to the committee, we do want to hear from the Minister of Justice, who is willing to make himself available by video conference because he is in Europe. We do want to hear other appropriate witnesses, not to reargue the same propositions that have been maintained

everywhere else for so very long, but to know whether there are new insights that could bring a better judgment on the issues.

We would like to see what Senator Kinsella means in terms of a possible amendment and to consider it in the committee if he is prepared to introduce it there, or at least to have the further information that we need with respect to the amendment so that if he wishes to introduce it at third reading we have the opportunity at least to consider and examine the proposals in the committee.

Honourable senators, the situation is not one that I would like to see reduced to personal denunciation. I am very regretful that Senator Stratton referred to me as arguing that any member of Parliament was homophobic. I did not say so; I deny having said so and I do not believe that. I have not seen any evidence to establish that there is any member of Parliament in either House who has that attitude.

Honourable senators, I do however agree with Senator Stratton but on the other side of the point he makes. I do believe there are many in the other place and perhaps even some in this chamber who do not understand the concept of the equality of human rights. That is what our debate is about. That is what we are dealing with on the merits.

Honourable senators, finally, I wish to address the points Senator Dallaire was making. I appreciate his comments. Parliament is not merely a place for debate. Parliament is also a place for decisions. Our responsibility is to effectively raise the issues through debate and then to arrive at a time when a decision is to be made.

Honourable senators, we must move in an orderly way and we must take a decision on this bill. Therefore, I maintain that it is correct in both the rules and in the proper behaviour of this chamber that this motion be dealt with.

Hon. Lowell Murray: Honourable senators, in the spirit of decision making, we have been filling time here in a quite agreeable way this afternoon. However, while all this has been going on, Senator Rompkey and Senator Stratton have been leaving the chamber together, returning to the chamber together, leaving the chamber together, returning to the chamber together. In the spirit of decision making, may we now find out what they have decided so that we can know where we go from here?

Senator Prud'homme: Point of order.

Senator Rompkey: We have decided that the carpet in the chamber is in immediate need of repair.

The Hon. the Speaker: Honourable senators, comments made about points of order are much in my mind. If a senator is rising on a point of order, it is our practice to hear them first.

Senator Prud'homme: Your Honour, knowing your wisdom, you will stop me if I am not on a point of order.

Following on what Senator Murray has said, I was also witness to this movement in and out of the chamber.

I wish to repeat that there are 11 non-aligned senators: five independents, five Progressive Conservatives and one New Democrat. We are totally out in the bush. No one tells us anything. No one told us that Senator Robichaud has been elected as the fifth senator to sit on the conflict of interest committee. We are in limbo. It is as if we do not exist. It is my view we do exist and most of us contribute much more than any other 11 senators. Therefore, we would like to know what it is going on. I back what Senator Murray just said.

The Hon. the Speaker: We have a few minutes left on Senator Murray's 10 minutes. He has raised something that might be commented on or a question that someone might want to comment on in terms of what he is asking of the house leadership. If no one rises, I will see Senator St. Germain.

Hon. Gerry St. Germain: Honourable senators, I would like to enter this debate on closure because Canadians have a right to a full and unfettered debate on this issue. Those who would see this act as democratic really surprise me. Invoking closure after one day of debate is not democracy.

The government is trying to narrow Bill C-38 down to a human rights issue. It never has been and never will be. When Canadians went to the polls in the last election, they were not aware that this piece of legislation would be before the House of Commons or the Senate. Mr. Martin had clearly stated that this was not an issue with which he would deal. The fact is that he has continually said that judicial activism in the provinces have driven him to this decision.

Senator Austin: The Supreme Court made its decision.

Senator St. Germain: One of the senators from the other side spoke of the great democracy of this place and the other place. Why are we making reference to the Supreme Court? We must be respectful of the Supreme Court. However, the fact is that the Liberal government has misrepresented the facts to Canadians, whether we go back to wage and price controls in the 1970s, then in the late 1970s and early 1980s, 18 cents a gallon on gas, GST, free trade and same-sex marriage. The way the Liberals have presented things is a total disgrace. They invoke closure on anything that is contentious or anything that will embarrass them.

Honourable senators, I believe that we must debate this issue fully. To many of us, same-sex marriage goes to the very core of what we stand for as human beings. Senator Plamondon spoke of her position today and laid it out clearly. There are very few issues that go to the core of the moral and religious beliefs of people in this country. For the Liberal government to attempt to narrow the gap and ram this bill through is absolutely and unequivocally wrong and disgraceful because it is such an important issue to so many people.

It is a different situation for those who think that the country should be totally secular. For those who have their faith and beliefs, this bill is an intrusion into the foundation of section 2 of our Constitution, the freedom of expression of religion. For the government of the day to be derogatory toward anyone who speaks about restricting debate is an embarrassment to this place.

[Senator Prud'homme]

• (1550)

It is correct. We always wonder why we do not get publicity. Senator Dallaire spoke of how we have not got a better position in society. He spoke about the RCMP improving its image. What do we do at the end of term? We save up all our bills to the end and try to ram them through in one day. We wonder why Canadians question that.

I have seen it before, Senator Austin. Every time we come to Christmas and this time of the year, we try to ram things through. Just because we want to have a full, intelligent, constructive civil debate on an issue, we are ridiculed on this side. We will never improve our image in the eyes of Canadians if we do not deal with each piece of legislation in a systematic chronological method. Honourable senators, if we want to improve our image, we can do it in the way we conduct ourselves. Let us not try to get home; rather, let us do our work and do it properly on something that is truly important.

Senator Austin: Would the honourable senator take a question?

Senator St. Germain: Yes.

Senator Austin: Were you ever a member of government that brought in time allocation?

Senator St. Germain: Absolutely, we were part of it. I can remember the GST debate in this place. I will compare notes with you any time as to time allocation. I am not worried about that. Time allocation is time allocation, but after one day of debate do we try to sweep it under the rug, boys and girls? That is not the way it should be done, and I can tell you that there has been closure invoked by the government that I was part of.

If you look at the GST debate that went on in this place — I was not part of this place then — and if you think that was a time to be proud of being senators, believe me, you disgraced the Senate. It was your side that had kazoos, or whatever they call them, and all those other crazy things going on. I remember one senator reading into the record the book he wrote so he could get it translated. Do you believe that, honourable senators? That actually happened here. They read the book into the record so that he did not have to pay to get his publication translated.

Forget it, gang, you guys are out to lunch.

Senator Austin: Honourable senators, I am sorry I asked.

[*Translation*]

Hon. Gerald J. Comeau: Honourable senators, I am disappointed to hear Senator Rompkey saying that the debate on same-sex marriage is over, that all the discussion has been held, that there is nothing more to say. The House of Commons has done all the work so there is nothing more to do in this place.

Senator Dallaire has used the argument that the Prime Minister was entitled to invoke closure. Perhaps he does not understand that this chamber is part of Parliament, not part of the government. It is a separate chamber.

While not denying that Senator Dallaire is a man of experience, I would point out that decisions sometimes have to be made very quickly in the military from which he has come, but things are done very differently here in Parliament. Parliament was designed to avoid having to resort to the military. Debate takes time and can be costly, but what is the alternative to a worthwhile parliamentary debate? That is what we are discussing today: Will there be a debate or will we make decisions immediately?

We could well ask all the questions quickly, as Senator Mercer suggested, and do as we generally do. As Senator St. Germain just said, every year in the month of June we pass a whole lot of bills at lightning speed, as we also do at the end of December. That is not our purpose. Our purpose is to examine issues, reflect on them and think before acting.

I am still interested in hearing the arguments from both sides. I do not, however, want to address the great debates that went on in the House of Commons. I would rather reflect on the arguments presented in this chamber. So far, I have not been impressed by the fact that a guillotine motion has to be moved immediately.

[English]

I would like to cite *An Encyclopedia of Parliament*, Fourth Edition, by Norman Wilding and Philip Laundry. It makes reference to the word “guillotine”:

Unlike a closure motion, which has to be passed when a question is actually before the House, an allocation of time or ‘guillotine’ motion is passed in advance of the debate it is proposed to limit.

[Translation]

Thus, debate is limited.

[English]

A ‘guillotine’ motion is designed to expedite the passage of a Bill, and seeks to do so by means of time-table, allotting a certain number of days....

And so on.

[Translation]

Somewhat later, they return to the guillotine.

[English]

The ‘guillotine’ is unpopular on all sides of the House. It renders the opposition ineffective and severely impairs the value of debate. Its only virtue is that of saving time, although a certain amount of time is always lost in the discussion of the motion itself. A Government is usually reluctant to propose its use...

[Translation]

Except this one, with all the stress it is under.

[English]

It “will only do so as a matter of urgency.”

Where is the urgency here? Who is in such an all-fired hurry to get through this as quickly as they want?

For instance, a government might seek to call the guillotine into operation if it is being unduly harassed by delaying tactics or if fierce and prolonged debate is anticipated on a measure that threatens to disrupt the program for the session.

Fierce and prolonged debate by the great opposition of 22 who will cause you all kinds of grief — what is this chamber coming to? There are 22 of us, but we wanted to propose quality debate on this issue.

Apparently, it has all been done in the House of Commons, according to Senator Rompkey. According to Senator Dallaire, we have exhausted completely what we need to say on it. Let us quickly proceed to action as they do in the military. Make a decision and go for it. Ram the torpedoes.

That is not the way for Parliament to operate.

Let us take time to reflect. Let us take time to debate what is extremely important. I hear from people in my area that we should take our time on this, and reflect on what we are doing. Then, when we have properly taken the time to reflect, we will come to a decision.

[Translation]

We will reach that decision as quickly as possible and we will do so on behalf of our fellow citizens, without having to say that it has all been discussed in the House of Commons.

[English]

It would be an abdication of our responsibility as a chamber if we have to resort to saying that the House of Commons has done its work, and, therefore, there is nothing else for us to do. If that is the case, why would we be here?

• (1600)

Hon. Joan Fraser: Honourable senators, like Senator Prud’homme, I have the intention of making a long speech.

Senator Andreychuk: Good!

Senator Fraser: As an aside, like my colleagues, I was around during the last election campaign. I remember being clearly persuaded by the public discussion during the campaign that this bill would be before us. I do not find that surprising at all.

However, in my view, six hours of debate is a long debate. The motion now before us proposes six hours of debate. That length of time allows for 24 speakers, plus the five we have already heard, which makes 29. How many bills on second reading are addressed by 29 speakers in this chamber?

Senator Rompkey: There is still third reading.

Senator Fraser: There is still third reading. There is also committee study.

The only argument against not proceeding would be that in some way this bill had come as such a total surprise that senators needed months more to understand it and to make up their minds. As has been explained to us by the Deputy Leader of the Government, and by others, this issue has been before the country and Parliament for years. I suspect there is not a single member of this chamber who has not thought long and deeply about this question. It involves serious questions about the way in which we view society.

There is no surprise in this. It is time for us to take that six hours, say what we believe, and then do what the people of Canada pay us to do, which is to cast our votes.

Some Hon. Senators: Hear, hear!

Senator Tkachuk: Would the Honourable Senator Fraser take a question?

Senator Fraser: No.

Senator Cools: She will not debate.

Hon. Serge Joyal: Honourable senators, I will be brief. I wish to bring an additional dimension to the reflections we are having this afternoon on the motion of Senator Rompkey.

If honourable senators look at today's Order Paper, they will see on page 5, Motion No. 12 standing in the name of Senator Cools. Motion No. 12 states:

Second reading of Bill S-32, An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

Honourable senators, this motion has been on the Order Paper for years in various incarnations. I do not dispute for a fraction of a second the right of Senator Cools to postpone the debate on that proposed bill that has been on the Order Paper in many incarnations. I can do it. If we choose to keep an issue on the Order Paper, any one of us can do it. Of course, in all logic, if any senator presents a bill in this chamber and respects the legislative process, it is because that senator has a clear objective to draw the attention of colleagues to the issue of marriage, for instance.

This bill has reached 15 days. It has been rolled back for another 15 days, time and time again. As I said yesterday in my speech, Senator Cools put forward to the Supreme Court a well-articulated and well-argued brief. It was expected that at one point in time she would have an opportunity to raise those issues and we would review them.

What did we do? Both last winter and last spring, I proposed twice that the subject matter of marriage be studied by the Standing Senate Committee on Legal and Constitutional Affairs so that we could have an opportunity to review the brief of Senator Cools. I did that on February 23. To that request, we received a clear "no" from the representative of the opposition party. It is their right. I do not dispute that.

We raised it again a second time on March 9, which was a Wednesday, and a regular meeting day of the committee. Again, the answer was "no." I do not dispute that. They have the right not to want to discuss an issue.

We are now told that we need many more hours to discuss this issue. I humbly submit that the six-hour time limit in front of us will allow honourable senators to conclude the second reading stage of this bill. The Standing Senate Committee on Legal and Constitutional Affairs will then meet. Personally, I am ready to sit mornings, afternoons and evenings, five days in a row, if need be, to hear the arguments that any honourable senator wishes to bring forward. At some point in time we must know if we want it or not.

Some Hon. Senators: Hear, hear!

Senator Tkachuk: Would the honourable senator take a question?

Senator Joyal: With pleasure, Senator Tkachuk.

Senator Tkachuk: This is a question I wished to ask of Senator Fraser. However, I will ask it of Senator Joyal.

Will the minister appear before the committee to present the bill?

Senator Joyal: I might not be in a position to answer that question. However, because I am the sponsor of this bill at second reading, I met last week with officers of the department and the minister's office in preparation for this debate. I understand that this week the minister is travelling in France. In fact, if honourable senators have read the paper this morning, they will have seen that he received an honorary degree from an institute of law in Paris for his work in support of human rights.

Some Hon. Senators: Hear, hear!

Senator St. Germain: On secular rights.

Senator Joyal: The minister's assistant happened to be in the gallery this afternoon. I said there is no way that our committee would want to debate this bill without the testimony of the minister, especially in light of the question so rightly raised by Senator St. Germain. He needs an answer to his concern regarding the interpretation of the bill. In my opinion, the minister has the capacity to offer an answer.

I proposed that the minister and his officials appear by video conference. That is something which the Special Senate Committee on the Subject Matter of Bill C-36 did regularly and efficiently with the concurrence of former Senator Lynch-Staunton. We heard witnesses from Indonesia, New Zealand, London — from almost everywhere in the world — without having to leave Ottawa. We offered the minister the opportunity to appear via video conference. The minister has appeared many times before the committee. He is familiar with the regular members of the committee. We will have a good exchange with the minister. Because the minister has time available in his

European schedule, he has accepted to appear before the committee this Friday. He must also address various groups in Strasbourg and other places.

Many members on this side, including myself, have said that we are ready to listen to the minister on Friday, pending the fact that we get the bill into committee by Friday.

Senator Tkachuk: I do not understand this. Are we debating this closure motion today so that we can hear the minister on Friday?

Some Hon. Senators: Oh, oh!

Senator Tkachuk: Is that what this is all about?

Some Hon. Senators: No!

Senator Tkachuk: That is what this is all about. You know that is exactly what you said.

Senator Mahovlich: You misinterpreted.

Senator Tkachuk: My point is that a minister of your government does not think it is important enough to come to Ottawa to testify before the committee on a bill that you say is so important that we need a closure motion on it.

Senator Cools: And so urgent!

Senator Tkachuk: What is the minister doing all next week? Why is the minister not prepared to come before us to speak to his own bill?

Senator Joyal: Honourable senators, the minister makes himself available, as any minister makes himself or herself available, and proposes to the committee a date that fits within his agenda. The minister has proposed to make himself available this Friday by way of video conference. I feel that is totally amenable for any honourable senator who wants to attend the meeting of the Legal and Constitutional Affairs Committee.

• (1610)

Senator Tkachuk: What I am hearing, first, is that Parliament is here in Ottawa; not in Paris, Strasbourg or wherever he is. I hope he is having a very nice time, getting an honorary degree and all that. If this closure motion does not pass for some reason, and we do not have committee meetings until Monday and Tuesday, will the minister be available anytime after Friday?

Senator Joyal: In all fairness, honourable senators, I cannot answer that question. I do not know the agenda of the minister. The only thing I know is that, in his schedule — his travel was planned a long time ago — there is an opening for this Friday. I did not check for the next week or the week after. I did not want to inquire about that. The only thing I wanted to know is the soonest the minister would be available so that we would have the benefit of questioning him on all of the aspects of the bill raised yesterday by the Honourable Senators St. Germain, Kinsella and some others.

Senator Tkachuk: We hear on this side that the government denotes the importance of a bill by the symbolism and the treatment that they reserve for it. First, the honourable senator tells me that the minister does not think it is important enough to come back to Ottawa to deal with this bill or that he does not think we are important enough to come and deal with this bill. In both cases, I find it insulting that the person who is actually putting the bill forward and who thinks it is important enough that we have closure in this place, so that we can have a video conference on Friday rather than fully debate the bill and, perhaps, send it to committee next week, when the minister should be able to appear, but he will not be here. My view is this: No minister, no bill!

Senator Cools: That is right!

Senator Joyal: Honourable senators, I have attended all the meetings of the Standing Senate Committee on Legal and Constitutional Affairs where the minister was invited to appear and testify and for which he made himself available on each of those occasions, the last one being about 10 days ago on Bill C-2. The minister offers.

Senator Tkachuk: That is his job! He gets paid to do that.

Senator Joyal: The minister offered and shared all his knowledge and expertise with the members of the committee.

Senator Tkachuk: We are thrilled.

Senator Joyal: As a matter of fact, I think the minister was genuine in his testimony. I expect that the minister, knowing the importance and sensitivity of this issue, will want to help the committee members do a thorough study of this bill.

The Hon. the Speaker: I regret to advise that Senator Joyal's 10 minutes have expired.

Senator St. Germain: Could I ask for leave? I would like to ask him another question?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Only Senator Joyal can ask for leave.

Senator Cools: Yesterday Senator Rompkey did it.

Senator Joyal: Honourable senators, I have answered at length the concerns of the other side of the house on the testimony of the Minister of Justice.

Senator Prud'homme: Is that a yes or a no?

Hon. A. Raynell Andreychuk: Honourable senators, I wish to go on record supporting my colleagues on this side that this closure is not necessary and is an affront to the Senate. I want to deal with two points that I find surprising and disappointing that came up in the exchange that we just had. The exchange enlightened us and gave us information that we, as individual senators, do not otherwise have.

If we allow a minister to appear by video conference because he has a prior set schedule and does not believe it is more important to be here to represent his bill face-to-face with senators, it will set a precedent that each and every one of us, because of our schedules, which may be equally important —

Senator Kinsella: More!

Senator Andreychuk: — or, in some cases, more important, as Senator Kinsella says — can follow. We have already had a request by one of our own here in this chamber to do just that. How can we turn down a senator's request to be afforded the option of video conferencing once we do it for a minister? I think it would be highly improbable and unjust if we did not accept the request.

Personally, I said I would not participate in a study on subject matter again after I participated in the one on anti-terrorism. I was assured that if we did a pre-study it would enlighten us and alert us to the issues and then we would have full and fair debate throughout the process of Parliament for second reading, committee stage and final stage. However, after I participated in the pre-study it went to the minister and it came back to the committee. What were we told? Well, you already had your chance to look at it and we shortened and shortened the debate. Not only did we shorten the debate on that piece of legislation, but on all the companion pieces of legislation.

Honourable senators, our rules were put in place for a purpose. They should not be casually put aside. I do not believe that because we said no to a study on the subject matter it should be used against us when we want to work on the subject itself through the elements of process we have in place here.

I thought all senators were independent and that in doing our work we would receive information from as many sources as we could find. Each of us is unique. We have different constituencies. Some of us belong to parties and are extremely loyal. Some are loyal but are guided by other concepts and other loyalties. We work differently. We place a high price on independence. What we are saying by closure in this case is that we do not have time for each other, that the debates that other people have had in other fora are more important. I thought this chamber was all about dialogue, debate and compromise and having heard varying points of view.

Make no mistake, honourable senators, the average Canadian has not been involved. Those who are deeply religious have been involved and the community that will be affected by same-sex marriage has been involved, not only with those who wish to avail themselves of marriage but also those who have to perform marriages and the provincial governments that have to implement it. Those groups have followed it. Certainly, from the people I talk to, they have some opinions, but not informed opinions. They look to the Senate and the House for informed opinion. If we do not do that, we have not served the public. Make no mistake, members in the other place are accountable by election, we are not. We cannot afford to take shortcuts if we are to do our duty.

[Senator Andreychuk]

Finally, this is an issue about human rights. Any violation of human rights commands urgency. This is not just about same sex. This is about the right to freedom of expression and religion. It is about how we balance those elements. I think Senator Kinsella eloquently raised other aspects. That is what the Senate does well. We take what they do in the other place, which is highly driven by politics, and review it here. The Legal and Constitutional Affairs Committee in particular looks at the aspects of administration. We have said, "Is this ideologically a good bill? How will it be administered?" The devil is in the detail. The government may want a certain outcome, but what will happen when the legislation is put into practice? We who have sat on the Legal and Constitutional Affairs Committee for many years know that while the government may have a good idea, it often falters in practice. That is what I thought we would do, namely, look at how this bill would be administered.

Senator Kinsella has pointed out that there are better ways than dividing the community to achieve the objectives of the government. Surely we owe that to Canadians. We owe that to each other. I do not believe that the way to do business in this place is to shut down debate and say it is July.

• (1620)

I would accept closure if I believed there was an emergency. What about the human rights of Aboriginal people? Two reports of this Senate state that the rights of women and children on reserves are being violated. We have said that repeatedly, but I do not see a government bill to deal with that matter. We are not dealing with that problem with urgency.

Some say this is a matter of human rights. There are many human rights entrenched in the Charter of Rights and Freedoms that some Canadians are not enjoying and that should be given equal attention.

Government members say that it is only closure, that we will have six more hours of debate at second reading stage of debate on Bill C-38, then committee hearings and third reading debate. However, the air goes out of the balloon the minute closure is imposed. Why would I talk to people who do not want to hear me? Why would I attend committee hearings when the minister will be available only this Friday and only by video conference? What reason do I have to believe that the government will listen to what I have to say about amending the bill in committee or at third reading?

This is the point where it becomes clear whether the Senate is independent or is just an organ of government without the power that the House of Commons has.

Senator Prud'homme: Will the Honourable Senator Andreychuk accept a question?

Senator Andreychuk: Yes.

Senator Prud'homme: We have been told that the minister can appear before the committee by video conference. Is not the first duty of a minister to answer to Parliament? Unfortunately, the CBC and everyone else has said that Parliament has adjourned, but the Senate will continue. That is unbelievable. The Senate is Parliament.

Is it not true that the minister's first and greatest responsibility is to answer to Parliament, of which we are a part? Does the minister want to avoid the press? It is easier to avoid a press scrum in Ottawa by appearing via video conference than it is to be here in person.

The minister received this great award on Sunday. The award reads:

[*Translation*]

Mr. Cotler, in recognition of his career in the cause of human rights and the protection of vulnerable people around the world.

[*English*]

This is a great award, but he received it last Sunday. What is he doing next week?

The Hon. the Speaker: I regret to advise that the 10 minutes allotted to Senator Andreychuk have expired.

Senator St. Germain: I have a question for Senator Andreychuk.

The Hon. the Speaker: The rules limit speeches on a time allocation motion to 10 minutes.

Senator Andreychuk: I request leave for additional time.

Some Hon. Senators: No.

Senator St. Germain: We will remember that!

Senator Comeau: Mercer said no.

Senator Andreychuk: Senator Austin said no.

Senator Austin: I would like to hear some new points of view.

The Hon. the Speaker: Senator Andreychuk has asked for additional time. Is leave granted, honourable senators?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: I am sorry, Senator Andreychuk, leave is not granted.

I see no senator rising to speak. As honourable senators know, the motion can be neither amended nor adjourned. When debate is completed, the obligation of the Speaker is to put the question.

Seeing no senator rising, I take it that debate is completed. I will put the question.

It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Robichaud:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of the second reading stage of Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

Those honourable senators in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: The rule provides for a one-hour bell, honourable senators.

Hon. Fernand Robichaud: I propose a 30-minute bell.

Hon. Marjory LeBreton: I agree to 30 minutes.

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

Hon. Senators: Agreed.

The Hon. the Speaker: We will have a 30-minute bell with the vote to be held at 4:58 p.m.

Do I have permission to leave the chair, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

• (1650)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|-------------|-----------------------|
| Austin | Joyal |
| Bacon | Kirby |
| Banks | Lapointe |
| Bryden | Maheu |
| Callbeck | Mahovlich |
| Corbin | Mercer |
| Carstairs | Milne |
| Chaput | Mitchell |
| Christensen | Pearson |
| Cook | Pépin |
| Cordy | Peterson |
| Cowan | Phalen |
| Dallaire | Poulin |
| Day | Poy |
| Downe | Ringuette |
| Dyck | Robichaud |
| Eggleton | Rompkey |
| Fitzpatrick | Stollery |
| Fraser | Tardif |
| Jaffer | Trenholme Counsell—40 |

NAYS
THE HONOURABLE SENATORS

| | |
|------------|-------------|
| Andreychuk | LeBreton |
| Buchanan | McCoy |
| Cochrane | Nolin |
| Comeau | Plamondon |
| Cools | Prud'homme |
| Forrestall | St. Germain |
| Johnson | Stratton |
| Keon | Tkachuk—17 |
| Kinsella | |

ABSTENTIONS
THE HONOURABLE SENATORS

| | |
|------------------|----------|
| Hervieux-Payette | Spivak—2 |
|------------------|----------|

• (1700)

**BILL TO AUTHORIZE MINISTER OF FINANCE
TO MAKE CERTAIN PAYMENTS**

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Baker, P.C., for the second reading of Bill C-48, to authorize the Minister of Finance to make certain payments.

Hon. Gerry St. Germain: Honourable senators, I am pleased today to offer some remarks on Bill C-48, which deals with the New Democratic Party's budget.

I would like to begin by reminding all honourable senators of a passage from the February 2004 Speech from the Throne:

Aboriginal Canadians have not fully shared in our nation's good fortune. While some progress has been made, the conditions in far too many Aboriginal communities can only be described as shameful. This offends our values. It is in our collective interest to turn the corner. And we must start now.

The use of this word "shameful" to describe many Aboriginal communities struck a chord with people right across Canada. "Shameful" is a strong word and, unfortunately in this instance, a very appropriate one. Perhaps at the time Canadians thought that the Speech from the Throne would signal a renewed willingness on behalf of the federal government to deal with the issues facing Aboriginal peoples quickly and in an innovative matter. However, this has not yet come to pass.

Not too long ago, the United Nations released a report that illustrated how far Aboriginal peoples in our country have yet to come. The report makes the following observation:

Poverty, infant mortality, unemployment, morbidity, suicide, criminal detention, children on welfare, women victims of abuse, child prostitution, are all much higher among Aboriginal people than in any other sector of Canadian society.

The litany of problems facing First Nations communities, as laid out in the UN report, does not tell Canadians anything we did not already know. These problems are well documented and long-standing. However, another part of the UN report may prove more surprising: If Canada's ranking on the human development index were based solely on the lives of registered Indians, Canada's ranking would plummet, from the eighth best country in the world in which to live to number 48.

Honourable senators, with both the United Nations report and the Speech from the Throne in mind, I would like to take a look at the bill before us today.

On the face of it, the bill authorizes massive levels of spending, including \$1.5 billion for access to training and post-secondary education, to benefit Aboriginal Canadians, among others. It also allocates \$1.6 billion for affordable housing, including housing for Aboriginal Canadians. However, just how much of this money will benefit Aboriginal Canadians is nowhere to be found in the bill. Nothing in the NDP budget suggests that this money will be provided in conjunction with an evaluation of the situation or a well-thought-out plan.

This bill contains no move by the federal government to seek greater assurances that the \$10 billion spent annually on Aboriginal programs and services will go to those who need it in an effective and timely manner. In fact, Bill C-48 will add millions more in unfocused spending.

I would like to point out that the original agreement reached between the Liberal government and the New Democratic Party contained little to supplement the meagre provisions for Aboriginal peoples made in the finance minister's version of the

federal budget, which was tabled on February 23 of this year. In fact, it appears that one element of the NDP budget particular to Aboriginal peoples was added as little more than an afterthought. I am referring to the post-secondary education portion of the bill.

According to Mr. Jack Layton, leader of the New Democratic Party, the budget deal initially promised an increase of \$1.5 billion over two years in provincial transfer payments for the purpose of tuition reduction and to provide training programs for unemployed workers. Bill C-48 removes specific mention of tuition reduction but added that this money should “benefit, among others, Aboriginal Canadians.” That is not very definitive.

Honourable senators, as I have said, the bill does not state how much of this money should be allocated for Aboriginal education or how it should be used.

Last November, the Auditor General reminded us of the widening education gap between the high school graduation rates of First Nations people living on reserve and the Canadian population as a whole. This gap, my friends, will take 28 years to close.

Despite the \$1 billion allocated annually for primary and secondary education by Indian and Northern Affairs Canada, the education gap has actually increased since 2000. That year, the Auditor General issued a similar alarm about the mess that characterizes the funding and delivery of Aboriginal education.

Honourable senators, we are talking here about an entire generation of Aboriginal men and women who are being kept on the sidelines. A country as blessed as Canada, which offers its citizens so many advantages and opportunities, should never accept a situation like this. Its government should not accept the situation either. We do not fix it, however, by throwing more money at programs that do not meet their objectives. We fix it by making sure that the money currently available is spent effectively to provide young Aboriginals with the highest quality of education.

While the NDP budget will provide more spending, it does not pay any regard whatsoever to another very important part of the Auditor General’s warning. In last November’s report, the Auditor General told us that the department does not know if the funds it provides to students are sufficient, if the funds it provides are enough to meet the department’s own educational standards, or — and this is very important — if the funds are even used for their intended purpose. The department simply does not know these things and, because it does not know, Parliament does not know. The Treasury Board Secretariat does not know. In fact, no one knows. Is that how we improve Aboriginal education in this country, with ignorance and a lack of accountability?

As the Honourable Leader of the Opposition in the Senate has pointed out in reference to post-secondary education, and as Senator Keon has told us with respect to our health care system, throwing piles of money at a given problem without a clear assessment of the reality of the situation will never solve anything. We need a frank assessment of what is working and what is not.

• (1710)

Honourable senators, let us now consider the other element of the bill that is particular to Aboriginal Canadians, which is housing. As I have said, the NDP budget sets aside \$1.6 billion for affordable housing, including housing for Aboriginal Canadians. There is no way of knowing how much of this money is allocated for Aboriginal housing, whether it would go to the building of new homes or whether it will provide much-needed upgrades and repairs to existing homes. We do not know if it will go towards new programs or if it will be funnelled into the department’s housing program. We do not know if it will be limited solely to housing on reserve or if some portion will be set aside for off-reserve housing.

There is no question that housing conditions on reserves across Canada are in need of improvement, and more money is required to address the problems. This situation is reflected in the words of Mr. Richard Jock of the Assembly of First Nations, who recently said to the House of Commons Finance Committee, “When you’re in desperate need, you don’t necessarily look a possible gift horse in the mouth.” The original version of this year’s budget tabled by Finance Minister Goodale provided \$295 million over five years for housing construction and renovation on reserves. It is interesting that the original budget plan found this amount to be sufficient. Page 96 of the 2005 budget plan states that the original amount set aside was “enough to stem the growing shortage of housing units and begin to eliminate it.”

As was the case with the post-secondary education component, the original press release from Jack Layton on April 27 contains different information than what is found in this bill. Mr. Layton said that the affordable housing allocation would hold “a dedicated fund for aboriginal housing construction to improve the appalling living conditions many Aboriginal peoples face. This money is not contingent upon provincial matching funds, since this requirement has been proven to fail in the delivery of affordable housing construction.”

None of this is found in the bill. Only when the government found itself on shaky political grounds did it decide to increase this funding.

Again, I must stress that we do not know how much will go to Aboriginal housing or what plans this money will follow. This information just does not exist.

Honourable senators, the complete lack of consultation behind the bill is amazing and, in my view, unprecedented. Beyond the ongoing roundtable process, was there any consultation with Aboriginal peoples on this specific bill? Did anyone ask their priorities in these areas? I understand the AFN will be lobbying for between one half and one third of this new money to be directed towards First Nations.

Honourable senators, these kinds of funding decisions usually take place before the money has been set aside, not after.

An NDP member of the other place, Mr. Pat Martin, who is also the party’s Aboriginal Affairs critic, told *The Globe and Mail* on May 4 that three ministers of the Crown had approached him

to encourage spending for First Nations in the crafting of this bill. This claim only served to further illustrate the irrelevancy of the Finance Minister, whose cabinet colleagues turned not to him but to the NDP to seek changes to the federal budget.

Those who have been lauding this deal would do well to remember the federal government's track record with providing the funding it has promised in a timely manner and in full.

For example, Finance Minister Goodale's version of the budget highlighted a federal commitment made at last September's first ministers' meeting to provide \$700 million over five years for Aboriginal health care. However, instead of building on this commitment, this year's original budget actually made funding cuts in the area of Aboriginal health.

I draw your attention to a press release, dated February 24, from the Assembly of First Nations. It noted that the budget removed \$27 million in funding from the coverage of non-insured health benefits, which provides medically necessary goods and services to about 700,000 treaty Indians and recognized Inuit and Innu.

In addition, the original budget will phase out \$36 million in funding for the First Nations and Inuit Health Information System, which will result in its shutting down.

The Assembly of First Nations also expressed its disappointment that the \$700-million investment did not constitute new money, as the budget reassigned \$75 million from previously announced programs, such as the Aboriginal Diabetes Initiative.

I should also like to remind all honourable senators that, in March, the Minister of Health acknowledged that First Nations communities had not yet received this money and could not say when it would be made available. This is a commitment that was made about 10 months ago. Where is the money?

Honourable senators, examples of the federal government's mismanagement in the area of Aboriginal Affairs are not hard to find, but one particularly painful example could be found in a system that provides compensation to residential school abuse survivors. When the federal government instituted the alternative dispute resolution process, also known as ADR, it argued that dealing with the claims in this way, outside of the normal litigation route, would prove to be more efficient and timely. The facts do not bear this out. In fact, I would say that the failings of the resolution process have re-victimized people who have already suffered enough. The numbers paint for us a system that did not work as the government said it would. The department acknowledges that between November 2003 and February of this year, almost 1,300 claimants applied for ADR, but only 79 former students have seen their cases settled. The Assembly of First Nations has said that, at this rate, it will take 53 years to resolve all the claims, at an administrative cost of \$2 billion.

The CBC reported in April that, over a 16-month period, the ADR process paid out about \$1 million in compensation in total, while the administrative costs during that time amounted to \$34 million — \$1 million cost \$34 million to administer.

A few months ago, the Deputy Prime Minister, who is the minister responsible for Indian Residential Schools Resolution Canada, told a committee of the other place that there has been no mismanagement of the ADR process. I find that statement incredible. Where can we find efficiency in a process that took so long to settle a handful of cases? Where is the good financial management in a department that has invested the vast majority of its spending over several years towards administrative costs and lawyer's fees and not the victims?

Honourable senators, I wish to point out that Bill C-48 follows the federal government's method of dealing with matters affecting First Nations peoples. This can be summed up in its response to the October 2003 report of the Standing Senate Committee on Aboriginal Peoples, a report entitled *Urban Aboriginal Youth: An Action Plan for Change*. Very little in the government's response would indicate its willingness to move forward on the recommendations brought forward by that very excellent committee. Many of the government's answers were vague responses to specific recommendations made over a year and half ago.

The Minister of State for Northern Development, the Honourable Ethel Blondin-Andrew, appeared before the committee to speak about the government's response to the committee report. She admitted that the department still has a lot of work to do to assist urban Aboriginal youth. The minister said, "What the department currently offers them is spotty and in need of better coordination." Those words could be stretched to cover much of the department.

Canada's Aboriginal population is young, with almost 40 per cent under the age of 19. These young people will need more than superficial concern.

The Hon. the Speaker *pro tempore*: I regret to inform you that your time has expired, Senator St. Germain.

Senator St. Germain: Thank you very much, Your Honour. I have only a few words left to read in my speech.

The Hon. the Speaker *pro tempore*: In that case, you may finish your speech.

Senator St. Germain: These young people will need more than superficial concern.

I believe that new ideas are necessary, ideas that are not rooted in policies bound by the past. These ideas must come from all parties, especially the young people themselves.

Honourable senators, this bill speaks in generalities. The Aboriginal people of Canada want specifics. They cannot live in a world of generalities.

Senator Joyal was part of the constitutional package of 1982 whereby we were going to right the wrongs to our Aboriginal peoples. We were going to make things right. We are 23 years down the road, and they are still living in total despair. Davis Inlet still exists, as it did with the relocation of these people.

I would ask all honourable senators to make certain that, when we make financial commitments, they are not hollow promises based on nothing. We need sound, positive results. This is a human rights issue, if ever there was one.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I rise today at second reading stage of Bill C-48, to authorize the Minister of Finance to make certain payments, in order to set the record straight.

First, before I comment on the bill itself, I want to respond to certain statements by Senator Mitchell that I consider unjustified. In his opinion, a so-called cooperative agreement reached a few weeks ago between the Conservative Party and the Bloc Québécois threatened national unity.

• (1720)

Honourable senators, Senator Mitchell and I agree on one thing only: the Bloc Québécois is a sovereigntist party whose sole objective is to demonstrate that Canada does not work and that it will never fulfill the profound aspirations of Quebecers.

That said, I believe it is important to remind him that the Bloc Québécois was created because the Meech Lake accord was rejected, particularly by former Prime Ministers Pierre Elliott Trudeau and Jean Chrétien, at the end of the 1980s. If this historic accord, which satisfied Quebec's five traditional demands, had been adopted, the sovereigntist movement would never have been revived in the early 1990s. I want to remind you that these five demands were made by both Premier René Lévesque and Premier Robert Bourassa. The Bloc Québécois would never have won 54 seats in the 1993 federal election. Perhaps it would never even have been created! Ultimately, our country would never have found itself on the edge of a precipice on the evening of October 30, 1995.

To those who might try to minimize the shock wave that was sent through Quebec with the failure of this accord, I will remind the earnest statement that the former federalist Premier of Quebec, Robert Bourassa, made on June 22, 1990, on the eve of the official failure of the Meech Lake Accord.

English Canada must clearly understand, Quebec is today and for all times a distinct society, free and capable of assuming its destiny and its development.

Honourable senators, I can assure you that, as a member of the Quebec "no" committee, I witnessed the harmful consequences of this tragic event for national unity throughout the difficult 1995 referendum campaign. I was not alone in making this observation. Some members of the current government did as well.

In asking Robert Bourassa a question during a debate on the failure of the Meech Lake Accord for his book *Gouverner le Québec*, Stéphane Dion, who was a political science professor at the University of Montreal at the time, said:

After Meech, we would have had stability for a very long time. The worst constitutional mistake of this country was probably Mr. Trudeau's campaign against Meech.

In this context, honourable senators, we on this side of the chamber — and I think this position is shared by the other side of the chamber as well and by everyone — do not need any lessons from the current government on how to promote national unity, since it has shown to what extent it can be a serious threat to national unity! If you do not believe me, then just look at the various polls on support for Quebec's sovereignty since the spectacular revelations of Jean Brault at the Gomery inquiry.

An opinion poll conducted by CROP for the Montreal daily *La Presse* yields some rather troubling data. According to a poll released on July 2, 55 per cent of Quebecers today would vote in favour of Quebec's sovereignty in combination with a partnership with the rest of Canada — the question they were asked in 1995.

Surprisingly, close to 45 per cent of Quebecers would vote "yes" to a sovereign Quebec without any political association with Canada!

I must remind you that, at the start of the 1995 referendum campaign, close to 45 per cent of Quebecers were already in favour of the concept of sovereignty-association before the referendum came along. Today, that same percentage, 45 per cent, supports the concept of pure sovereignty.

Never has there been such support for Quebec sovereignty since the failure of the Meech Lake Accord. Is that really the fault of the Conservative Party?

Truth to tell — and Senator Mitchell is well aware of this — the sponsorship scandal is one of the main causes of the rapid increase in support for the sovereigntist option in Quebec.

Rather than respond to the profound aspirations of Quebecers, in keeping with his solemn promise just days before the referendum, former Prime Minister Chrétien found nothing better to do than inundate Quebec with pro-Canada advertising.

Let us not be afraid of calling a spade a spade. The government wanted to buy Quebecers' votes and hearts without any thought to the long-term consequences of doing so.

Honourable senators, this government has unfortunately made a miserable showing in other ways than its acceptance of Quebec's traditional demands. National unity has also been seriously compromised since 1994 by the deterioration of federal-provincial relations. There is no doubt that the problem of fiscal imbalance has made matters worse.

Now, getting back to the debate on Bill C-48, the problem of fiscal imbalance was wholly the creation of the present Prime Minister back in the days when he was Minister of Finance. This is, without a doubt, one more cause of the increase in sovereigntist fervour in Quebec. To some extent, the introduction of Bill C-48 bears witness to that rather sad situation.

Unfortunately, more often than not throughout the entire 20th century, expansion of the federal government's role has caused friction with the provinces. This did not reach the serious level, however, that it did in the 1990s, with this government's cavalier handling of its relations with the provinces. The arrogant way in which this government pits one province against another, with the ultimate goal of gaining control, is a source of great concern.

After 10 years of Liberal reign, can we truly blame the provincial premiers for constantly mistrusting Ottawa, which shamelessly uses its spending powers to impose its own views?

Can we criticize the provinces and territories for having created the Council of the Federation in order to better confront a federal government that is hostile to their needs? Honourable senators, is this how our founding fathers imagined the 1867 pact, one based on compromise, mutual respect and equality between the two levels of government within our federation?

I am pleased to remind you of something that former Prime Minister Pierre Elliott Trudeau wrote in 1957, when he was a journalist, in an article published in *Cité Libre*, in which he addressed the fiscal imbalance as he saw it.

...if a government had such an excess of revenue and undertook to ensure the part of the common good that fell outside its jurisdiction, the presumption would arise that that government had taken more than its share of taxable capacity.

As you know, between 1995 and 1999, the government unilaterally and drastically slashed federal transfer payments to the provinces by several billion dollars. In 2002, a poll conducted for the Commission québécoise sur le déséquilibre fiscal revealed that more than 66 per cent of Canadians acknowledged the existence of this serious problem undermining our social fabric and national unity.

Each year, Canadians realize that the federal government surpluses increase substantially and unjustly.

• (1730)

For example, for the year 2004-05, the government initially announced a smallish surplus of \$1.9 billion in its budget speech, which is relatively normal.

This magically swelled to over \$14 billion in the latest federal budget, and then to \$19 billion, according to the April issue of *The Fiscal Monitor*, published by the Department of Finance.

According to the latest budget figures, this leeway could reach the \$100 billion level over the next six years, while a number of provinces, Quebec and Ontario not the least of them, will be confronted with budget deficits because of their spiraling health costs.

On February 5, 2000, Hon. Jean Lapierre, Mr. Martin's current political lieutenant in Quebec, wrote the following in the ultra-conservative journal *Les Affaires*:

[Senator Nolin]

Pockets bulging with what is estimated to be a \$100 billion-plus surplus for the next five years, the federal government is taking a cavalier and paternalistic approach to the provinces. This Ottawa-knows-best attitude is beginning to rub the taxpayers the wrong way. After all, their coffers are overflowing because we are paying too much in taxes.

Once again, Canadians have become aware of this sad reality with the Prime Minister's introduction of Bill C-48 intended to save his scandal-plagued government. That, incidentally, had nothing at all to do with the Minister of Finance's financial and fiscal priorities.

This bill provides for expenditures of up to \$4.5 billion, several components of which concern areas of provincial responsibility. Once again, they are blithely and shameless invading areas of provincial jurisdiction, that is, provincial responsibilities as defined by our Constitution.

The government therefore had a fresh, unheard-of opportunity to sit down with the provinces in a true partnership to attempt to resolve the problem of the fiscal imbalance, as well as perhaps bolstering our federation.

What did it do? It gave up the future and the proper functioning of our country for its own partisan interests.

The government concocted a budgetary agreement with the New Democratic Party about which we know very little concerning how it will be carried out, who will get the money, which departments will be responsible for the financial management, or how the provinces will be involved.

For example, clause 2 of Bill C-48 includes a \$1.5 billion expenditure in the area of post-secondary education. Unless there is evidence to the contrary, honourable senators, you will agree, this area of activity is exclusively a provincial jurisdiction.

How will this money be spent? Will it be transferred to the provinces through the Canada Social Transfer or the highly controversial Canada Millennium Scholarship Foundation?

Since Quebec has its own loans and bursary program, will the money simply be transferred to that province so that it can find its own way to resolve the critical funding problem for the CEGEPs and universities, and the student debt problem, within the framework of its own constitutional jurisdiction in matters of education? I doubt it.

Clause 3 of this bill only vaguely proposes all of these options.

For this reason, I believe that Bill C-48 is far from being a crucial step in improving federal-provincial relations or budgetary practices and will instead confirm the fact that the government does not, in any way whatsoever, recognize the fiscal imbalance.

It is even worse, given that an amendment to the Speech from the Throne, passed unanimously by the other place last October, urged the federal government to resolve this problem.

Since Bill C-48 does not in any way respect that amendment or the fundamental principles of healthy budgetary planning, I will vote against it.

In closing, if national unity is being threatened today, we have only the current government to blame.

The Conservative Party created Canada, despite opposition from Sir Wilfrid Laurier. My political party, the Conservative Party of Canada, tried honestly to bring Quebec back into the Canadian fold, with honour and enthusiasm, in the words of a prime minister whose name I will not mention.

The Hon. the Speaker *pro tempore*: Your time is up. Is it your pleasure, honourable senators, to extend the speaking time of Senator Nolin?

[*English*]

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I believe the usual agreement is five minutes.

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

Hon. Senators: Agreed.

[*Translation*]

Senator Nolin: In the coming years, as we have done since Confederation began and as we will continue to do in the future, my political party, with the support of a majority of Canadians of good faith, will work hard to respect the Canadian pact in order to reinforce national unity and, unfortunately but necessarily, address the spectre of Quebec's separation.

The Conservative Party of Canada will show Canadians and Quebecers in particular that, when all the partners in our federation respect one another and work together, our country can accomplish great things.

It will prove that the ideal defended by Sir George-Étienne Cartier and Sir John A. Macdonald, although greatly sullied over the past decade, is still alive and well in this country.

In closing, I want to address the point made by our colleague Senator Eggleton. With regard to the 1993 deficit, stop treating us like idiots. The then Auditor General clearly explained it to you. You cooked the books. When you came to power in the fall of 1993, you set out expenditures for 1994 in 1993, thereby increasing the deficit to \$42 billion. Stop trying to mislead us. You sat at the table, Senator Eggleton.

As for the increase in the GDP, as several of your colleagues whispered to you during your speech, I refer you to the revenues resulting from the Canada-United States agreements on trade and the revenues from the GST, in the coffers of your Minister of National Revenue. You will understand the reason for the increase in Canada's GDP.

Since you raised the issue of your government's major priorities in your remarks, how is it that, in your famous Bill C-48 — we are no longer talking about Bill C-43, on the budget — which is an addition to the budget, you did not consider it a priority to make up for the cuts you made between 1995 and 1999? Why did you not take this opportunity to restore funding to the official languages support program in minority communities and make that a priority? We would have started to believe in your real priorities instead of concluding that Bill C-48 is nothing more than a shameless partisan measure?

Hon. Marcel Prud'homme: Honourable senators, I want to remain true to the memory of Mr. Trudeau. I will ask the senator to make a brief comment. Was rejecting the Victoria Charter, which would have resolved all our problems, not one of Quebec's greatest mistakes of all time? I think that this position has been well defended by Mr. Beaudoin.

We know it was because of those I have always referred to, although perhaps not politely, as the three Claudes, Claude Castonguay, Claude Morin — who was on the RCMP payroll — and Claude Ryan, that the Victoria Charter was stillborn, unfortunately. Mr. Bourassa supported it but had to withdraw his support when he came back to Quebec. We know it would have resolved all the problems we have encountered since. Out of respect for history, we must acknowledge that the Victoria Charter was certainly an extraordinary masterpiece.

While not being one to defend those who are no longer here to defend themselves, I would like to share what I saw.

• (1740)

Senator Nolin: Honourable senators, there is no doubt whatsoever that, had there been agreement on the Victoria Charter, this could have been a very good step toward a solution. However, we must not lose sight of the fact that, when 10 first ministers ratified the Charter of Rights and Freedoms in 1982, this was a charter of individual rights. That is why René Lévesque decided — and rightfully so — against signing it, since we have had collective rights in Quebec since 1763, and all representatives of Quebec, regardless of political stripe, have always defended those rights. This is why the Meech Lake Accord was important: it successfully married individual rights as recognized by the Charter — and no one questions the importance of those rights — with the collective rights of Quebecers and other Canadians living in other provinces, which the Victoria Charter did not. One of those rights is raised by the debate on another bill.

Senator Ringette: We were second-class workers.

Senator Nolin: No, you also had collective rights in New Brunswick. One of the beauties of this country is, moreover, that individual and collective rights are able to co-exist. But for this co-existence to have a legal basis, we must ensure that the courts are properly aware of them, hence the importance of the distinct society clause.

[English]

Hon. Noël A. Kinsella (Leader of the Opposition): I take it that no one on the other side wishes to participate in this debate. Therefore, I shall participate in this debate.

I listened carefully to Senator Eggleton's speech on Bill C-48; it was interesting but, in my judgment, not very convincing. I listened carefully as Senator Tkachuk made some very convincing arguments. I listened to Senator St. Germain and now, very eloquently, Senator Nolin.

I am of the view now, unless I hear more convincing arguments to the contrary, that this bill is not worth supporting, even in principle, at second reading.

However, there are many other reasons why the bill should not be supported, in addition to the reasons that were so well articulated by my colleagues. I will focus on the area of education.

Senator Eggleton, who has vast experience in the other place, sponsored the bill in this chamber. Whilst this bill is entitled "An Act to authorize the Minister of Finance to make certain payments," the bill, oddly enough, does not have a short title. A bill usually has a short title. Thus, it is left to the great unwashed rest of us to identify it by short title. It is not surprising, therefore, that Bill C-48 has been referred to as the "socialist budget" or the "Liberal-NDP budget" or the "budget companion bill." In light of the fact that it seems to have barely a passing acquaintance with planning, which is the hallmark of a budgetary process, perhaps it might best be called the "blow the budget" bill.

Honourable senators, both Senator Tkachuk's and Senator Nolin's remarks offer a useful description of the difficulties such a bill poses for parliamentarians.

The dearth of detail means that we are being asked to approve discretionary spending in the amount of \$4.5 billion, with only a general idea of the broad areas to which the additional spending is supposed to be devoted.

For those who have not yet had a chance to peruse the bill, I would note that it contains just three clauses in two pages. When we consider the relatively detailed control structures surrounding monies that were diverted to Liberal friends and to the Liberal Party coffers through the AdScam profiteering effort, I expect the Auditor General will find this process of more than passing interest.

Although I need no more argument as to why this bill is not worthy of support, I should like to examine briefly paragraph 2(1) (b), which allocates up to \$1.5 billion — and I quote:

for supporting training programs and enhancing access to post-secondary education, to benefit, among others, aboriginal Canadians, an amount not exceeding \$1.5 billion.

Senators Nolin and St. Germain have alluded to this clause in a general way. In addition to what we have heard from Senators St. Germain and Nolin, honourable senators will be surprised to learn that this paragraph contains within it — well hidden, mind

you — a pledge to reduce tuition fees for post-secondary education. Senator Nolin just reminded us that it is ultra vires for the Parliament of Canada to be setting tuition rates. This matter is for provincial jurisdictions.

I cannot base what I just said on the actual wording of the bill, because there are so few words in the details, but, rather, in reliance on the news releases and media coverage that followed on the heels of the bargain reached between the Prime Minister and the leader of the New Democratic Party.

Canadians are only too well aware of the fact that tuition costs are indeed mounting and that these costs present significant challenges to individuals wishing to pursue higher education. The goal of lower tuition is certainly a goal that I support and, based upon debates we have had in this place on that topic, a goal supported by many honourable senators on all sides of the house.

It is always worth underscoring, honourable senators, particularly in these days where much of our debate is on different topics, that the issue of human rights norms is advanced. Interestingly, a certain amount of cherry-picking takes place. If it is supportive of the government's position on an issue, defenders will articulate a human rights instrument, and some particularly define human rights. If it is not convenient, or if it is not supportive of a given position, defenders will not underscore human rights instruments or define human rights. This is why I now wish to draw attention to article 13(2) of the International Covenant on Economic, Social and Cultural Rights, an international human rights treaty binding on Canada as a state party, a treaty that has been in the corpus of international human rights to which Canada has been bound for a long number of years. That article provides as follows:

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

In clause (c) — which I shall now read — the term "higher education" is the United Nations' terminology for post-secondary education.

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.

• (1750)

That is an obligation undertaken by Canada under international treaty law and not being complied with.

Honourable senators, in many provinces the exact opposite is going on. Higher education has become more expensive for students and their families as tuition fees have been increased to cover a greater proportion of the costs.

This brings me to the public pronouncements on April 26 of this year, made at the time the Faustian bargain was struck to divert some \$4.5 billion from the normal budgetary process into the bill presently before us. On that day, April 26, Mr. Layton stated the following:

It appears likely that we will have an agreement in principle reached with the government. Families will pay less for their kids' education.

The text of this budget bill agreement states:

\$1.5 billion in total measures in two areas: to enhance access to post-secondary education, particularly aimed at assisting students through tuition reduction or other measures as appropriate; as well as money to support training programs, with no obligation for provincial matching funds. Both measures will include Aboriginal Canadians.

Honourable senators, Mr. Layton could not have been clearer. Tuition reduction was part and parcel of the agreement. Thus, current and future post-secondary students would be relieved of some of the burden placed on them by tuition and other ancillary fees.

Across the country, immediately after the agreement was publicly announced, expectations were raised. The Canadian Alliance of Student Associations, which represents some 300,000 students, issued its press release, from which I quote:

The increase of \$1.5 billion in transfer payments, a portion of which is committed to the reduction of tuition fees, is a positive step to addressing the complete lack of attention afforded to education in the last federal budget.

In addition, the Canadian Federation of Students issued their press release on the same day, from which I quote:

The deal reached between Prime Minister Paul Martin and NDP Leader Jack Layton is good for post-secondary education according to the Canadian Federation of Students. Among other initiatives, the agreement reached between the federal Liberals and the NDP will allocate more funding to the provinces in return for reducing tuition fees.

Honourable senators, media from coast to coast broadcast the news that tuition relief was on its way. Unfortunately, neither the word "tuition" nor the word "reduction" is anywhere to be found in this bill that is before us. It may have been a simple oversight in the drafting of the bill, one which might be corrected through an amendment, or it may be that, once again, Canadians and students have been led down the proverbial garden path.

My hope is that if and when this bill reaches a standing Senate committee, members of that committee will take their time to explicate that issue, probe into the depths of that commitment, and report to this chamber with the assurance that we will see a timeline as to when this money will flow and that it will be demonstrated that tuition at our universities will be, indeed, reduced.

Even if an express commitment to tuition reduction was included in the bill, it would be virtually meaningless in the absence of provincial agreement, which was the point just underscored by Senator Nolin. As he has indicated, there is no confusion as to jurisdiction in this manner. Section 93 of the Constitution Act of 1867 begins as follows:

In and for each Province the Legislature may exclusively make Laws in relation to Education...

Tuition at publicly funded post-secondary institutions remains the sole jurisdiction of the provinces. That factor is important and must be borne in mind when it comes to policy matters and efforts by the federal government to interfere.

The undeniable fact of the matter is that the Government of Canada handled this matter irresponsibly. A major funding initiative was announced without anything resembling a comprehensive legislative framework or agreement with the provinces to back it up. Moreover, the government did not even bother to undertake that crucial step of first negotiating an agreement with the provinces and territories. To use the oft-quoted analogy, they put the cart before the horse.

Had the federal government really intended to take a proactive approach to tuition fees, we would be facing a completely different scenario with federal-provincial consultations leading to an agreement.

Honourable senators, having a meeting such as this would have provided the provinces and the territories with the opportunity for significant debate and for the establishment of clear objectives to which all stakeholders could lend their mutual support.

The absence of a plan for lowering tuition has not gone unnoticed by the media. On April 29, the Montreal *Gazette* stated the following in an editorial:

How will the \$1.5 billion over two years ear-marked for tuition cuts be allocated? Per student, or on the basis of existing tuition rates? If the latter, will Martin be able to justify giving Quebec less than other provinces where fees are higher? What happens when the two-year deal expires and the provinces stop getting this money? Will provincial governments have to suck up the cost, or will tuition rise? Do provinces get any say in this?

Honourable senators, I notice that we are approaching six o'clock. Rather than be interrupted, I wonder if the Deputy Leader of the Government would express his wish.

Senator Rompkey: I believe there would be a consensus not to see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that we not see the clock?

Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, from that editorial in the *Montreal Gazette*, I found it interesting that the day before in *The Globe and Mail*, a column written by John Ibbitson also noted some of the pitfalls of this haphazard approach to tuition relief proffered by the Liberals and the socialists:

The \$1.5 billion is to be spread over two years. All premiers would want to ask Prime Minister Paul Martin a few questions such as what happens after two years? Does the money stop coming, leaving us to pick up the tab? Or is this really an offer of an additional \$750 million in annual transfers?

Perhaps Senator Eggleton could answer that question. If not, we had better get an answer to that question in committee.

To continue with John Ibbitson's article:

No premier should sign any agreement to take the new federal money for post-secondary education without a written guarantee that the funding increase is permanent, and won't be sabotaged by future cuts in federal transfers in other areas. That, of course, would require a meeting of first ministers, complete with asymmetrical agreements and provincial reporting mechanisms.

• (1800)

Honourable senators, these views about the government's erratic approach are not just the musings of various columnists. Dalton McGuinty, the Liberal Premier of Ontario was, I would suggest, less than charitable in his reaction to this hastily arranged addendum to government expenditure. On April 28, Premier McGuinty was quoted in the *Ottawa Citizen* as follows:

It is of passing interest that I certainly wasn't consulted on this either as head of the Council of the Federation or as premier of Ontario.

Premier McGuinty went on to note that his colleagues were likely in the same situation. He stated:

I don't believe that any one of my 12 counterparts across the country were consulted either.

Convening a federal-provincial conference on this matter in advance of trying to push legislation through Parliament would have been the prudent and responsible choice. It would have given Canadians a clear indication of exactly what their hard-earned tax dollars would be funding. There is ample precedent for such a conference between federal and provincial leaders. Less than one year ago, the Prime Minister, provincial and territorial leaders gathered at the Conference Centre in Ottawa to come to terms on a new funding allocation for health care in Canada. In addition, despite the difficult moments during the negotiation process, the premiers of Newfoundland and Labrador and Nova Scotia reached a deal with the Prime Minister on the terms of the Atlantic accord.

That is how the process in Canada is supposed to work. This government, however, has decided to completely ignore the

provinces and territories and their sphere of jurisdiction. That is obviously part of the price being paid for the support of the 19 New Democratic Party members in the other place.

Honourable senators, the problems I have indicated thus far are reason enough for one to be in ardent opposition to the legislation before us. Unfortunately, there are more problems. Specifically, this bill further nullifies the role of Parliament by granting virtually untrammelled power to cabinet to spend this money in whatever manner it deems fit. By cost comparison, the sponsorship program could be considered a minor aberration when viewed beside this lightly-worded but extremely expensive piece of legislation.

Bill C-48 extracts a large sum of money from the public treasury with no details and virtually no controls. One might ask where Parliament fits into this equation. Notwithstanding the rather novel analysis of our democratic parliamentary system that we heard earlier this afternoon, it seems clear to me that if this chamber passes this bill as it now stands, the rest is in the hands of cabinet. How can we properly fulfil our role of scrutiny and examination of taxpayers' funds if we allow an additional \$4.5 billion to be spent with only a flimsy two-page document as our frame of reference?

Sadly, the problems of parliamentary oversight and lack of planning are not the only ones that plague Bill C-48. As Senator St. Germain noted, Aboriginal Canadians are likely to get short shrift, should this bill proceed. In my view, the Senate, as an institution, desires positive outcomes for all Canadians, in particular Aboriginal Canadians. As all senators are aware, especially those serving on the Standing Senate Committee on Aboriginal Peoples, First Nations Canadians face great challenges and, overall, their socio-economic prospects lag behind those of non-Aboriginals. This situation is clearly unacceptable and I believe that members on all sides of this chamber are interested in having this change for the better. This legislation makes only passing mention of improving access to higher education for Aboriginal Canadians and, as expected, fails to state how this will be done.

According to the Auditor General, the Department of Indian and Northern Affairs already has much to do to improve accountability in its handling of post-secondary student support programs. In the Auditor General's report of November 2004, we read:

...in examining program implementation and accountability under the new framework, we found significant weaknesses in a number of areas. These included ambiguity in the Department's roles and responsibilities, potential inequities in how funds are allocated, a lack of clearly defined expected results, limited program and performance information, and discrepancies in the information provided to the Treasury Board.

Honourable senators, the Auditor General's report went on to note the following:

In our opinion, these weaknesses seriously undermine the capacity of the Department and First Nations to work together toward achieving the program's objective, using

resources effectively to produce expected results, measuring and reporting performance, and taking corrective action when necessary.

These aforementioned statements from the Auditor General's report indicate to me that current mechanisms for post-secondary education support for Aboriginal Canadians are not, in the judgment of the Auditor General of Canada, entirely effective. The department must do more to demonstrate accountability and transparency. Moreover, the department must ensure that First Nations peoples receive access to higher education. Knowledge and skills development are necessary ingredients in the recipe for economic prosperity, and we must do all we can to ensure that the Aboriginal peoples of Canada have full access to those opportunities.

Again, Bill C-48 pays lip service to the ostensible goal of enhancing access to post-secondary education by our First Nations peoples, but there is no plan, no framework, and an existing apparatus that, in the judgment of the Auditor General, is flawed.

Higher education is a societal matter that should not be used as a pawn for political expediency. It is only through concrete action that we, as parliamentarians, can achieve positive outcomes for Canadian students, present and future. My judgment on this front, as on all the other fronts that have been articulated so far, is that this bill is a dismal failure, not the least in the appalling lack of vision it represents. The Canadian people expect and deserve much more than what this bill offers them.

Hon. Sharon Carstairs: Honourable senators, never do I understand better why I sit on the government side than during debates on fiscal policy that always emanate from the budget.

Unlike colleagues on the opposite side who have spoken against Bill C-48, I think it is an excellent bill.

Some Hon. Senators: Hear, hear!

Senator Carstairs: As politicians, we always want to have our cake and eat it too.

• (1810)

However, what we heard in some of the debate today is the kind of thing I have been hearing for years. It is that we need more tax cuts. I have to tell you, honourable senators, that I have never been a great believer in Reaganomics because I do not think it ever does filter down to the people in this country who need it the most. Almost always, when we have tax cuts, it is the rich who benefit, not the poor.

Honourable senators, when I hear rhetoric from the other side about the need for tax cuts or how they will result in higher productivity, I look at the American presidencies. When have they had the highest deficits? It was under Ronald Reagan and now under George W. Bush. That is the reality of so-called Reaganomics.

I look at the success of the Liberal government since 1997, with eight successive balanced budgets and with surpluses, and then I look at the other side. Having sat in this seat for a while, I know the kinds of questions that have emanated: "Why are you always underestimating your surpluses? Why are you not more fiscally responsible?"

In this bill, we actually have a very good first start. After some months, we can project a surplus and then spend that surplus to enhance already good programming. We can make that good programming just that little bit better.

When I look at the \$4.5 billion commitment over two years, which will only come forward should there be the kind of surpluses that we anticipate, I look at the five areas in which this money will be spent.

The first is in the area of housing for two specific groups of people: our Aboriginal people and our homeless people. For those senators who have not had the same opportunity to visit reserves as I have had, let me say that when you drive onto the reserve — sometimes you must land because you can only get there by aircraft — the very first thing that strikes you is the totally inadequate housing. We know that sometimes there are 25 people living in a home. I do not disagree with anything that Senator St. Germain said about the educational needs of our Aboriginal community. However, as an educator, I can say that it is awfully hard to teach a hungry child. It is very hard to teach a child who comes — or does not come, as the case may be — to school because they do not have any clothes. It is very hard to teach an Aboriginal child who does not have adequate housing, because when that many people are living together, those children do not have regular bedtimes. That often means they do not have regular get-up times and, as a result, they frequently are not in the very classrooms where an educator would need to have them to have any impact on them.

When I see the government specifically targeting housing for our First Nations people, I say hallelujah; it is a much-needed step forward. I see them targeting the homeless.

Honourable senators are well aware of my deep commitment to the issue of palliative care. One of the most interesting projects that we have in Canada is the palliative care beds located in the mission here in the city of Ottawa, which the government wants to use as a model to spread elsewhere. The reality is that the homeless do not like institutions very much generally and will not go into the hospital. They sometimes will not even go to a hospice if such a hospice is available, but they will go to the mission and accept care. If any of this money can find its way into homeless initiatives across the country that will provide for those homeless people who are dying on our streets, then I say hallelujah.

Honourable senators, when I look at the third objective, which is public transit, then again I say this is a very positive initiative. We know that we have a serious pollution problem in this country. How many senators have grandchildren out there with puffers in their pockets?

Senator Stratton: None if they live in Western Canada.

Senator Carstairs: I have to tell you, Senator Stratton, I live in Western Canada in the very same city that you do and never in the history of my province and my city — and your city — have so many children been walking around with puffers. The reality is that one of the major causes of asthma in young children is pollution, and one of the major causes of pollution is the number of automobiles on our roads. One way to address that significant problem is, quite frankly, by investing in a major way in public transit. When I see additions to a public transit initiative, I say hallelujah.

Honourable senators, I was extraordinarily proud of our Prime Minister when he said, “I will not make a commitment if I cannot meet that commitment.” We look at other countries, and we know from tsunami relief, earthquake relief and all kinds of other initiatives that they make great pledges but do not deliver. One thing about Canada, whether it was under the previous Mulroney government or this government, is that when we make a commitment to be there in terms of fiscal contribution, we are there.

Yes, I would like our foreign aid to get to 0.7 per cent of GDP tomorrow. However, the reality is that we probably cannot do that. I have enormous respect for a Prime Minister who says, “I will get there as fast as I can, but I will not make commitments to the international community until I am fully assured that I can honour those commitments.”

Honourable senators, I am bullish on this particular package of new budgetary measures. They can only enhance the lives of those in this country who need it the most. However, I also am bullish on the fact that the government once again is showing its fiscal responsibility. It is saying: We are looking forward to spending our surplus in this direction. These are the directions we want to go. We are very confident we will have it but, again, we are not making commitments we cannot keep. That, to me, is the very best thing about being a Liberal.

Hon. David Tkachuk: Will the honourable senator take a question?

• (1820)

Senator Carstairs: Of course.

Senator Tkachuk: The senator talked with great passion about housing. Mr. Joe Fontana, the Minister of Labour and Housing, testified on June 13 in the Commons Finance Committee. I would like to quote him. In his statement, he said:

Originally, our government committed to spending \$1.5 billion over five years, which was reiterated by Minister Goodale following the tabling of the budget in 2005.

This committee meeting was on Bill C-48.

Bill C-48 — has now accelerated that commitment to two years and increased it to \$1.6 billion, obviously with the assistance of some of our partners. As the finance minister has already mentioned, the accelerated delivery is contingent on year-end surpluses.

He said that there was \$1.5 billion allocated in the budget over five years. They took that \$1.5 billion and made it \$1.6 billion and said that instead of spending it over five years, they would spend it over two years. There really is not \$1.5 billion new money, but perhaps the senator might answer that. Is it \$1.5 billion of new money over the top of the budget, or is it simply the same amount of money increased by \$100 million and accelerated over two years?

Senator Carstairs: Honourable senators, we need to get this into committee so we can ask the minister those kinds of questions. That is the purpose of the excellent committee study that we undertake in the Senate of Canada. The reality is that \$1.6 billion over two years is a lot better than \$1.5 billion over five years, and that means enhanced housing for the homeless and the Aboriginal people.

Senator Tkachuk: I am sure when we look at the transcripts, Senator Carstairs said new money. This is not new money. This is the same money that is in the Goodale budget, increased by \$100 million and squeezed from five years to two years. Then you run around the country and say, “There is \$1.5 billion in new money.” That is not what the Minister of Labour and Housing said in committee in the House of Commons. He said, and I will quote it again, because this is a big deal here:

Bill C-48 has now accelerated that commitment to two years and increased it to \$1.6 billion ...

He increased the \$1.5 billion to \$1.6 billion. That is all he did. It is \$100 million worth of money. It is not new money, so why all this talk about all the great things you will do with all that extra money? Are we counting this money twice? Are we counting the money in the Goodale budget and the money in this budget? Are you counting it twice? We are confused here about what kind of sham you are trying to put over on the Canadian people, and it is a sham.

Senator Carstairs: I was not a mathematics teacher, but I think I can multiply and divide: \$1.5 billion over five years is \$0.3 billion, and \$1.6 billion over two years is \$0.8 billion. It seems to me that is a significant difference and a significant additional amount of money.

Senator Robichaud: Do you need a calculator?

Senator Stratton: Just a few billion dollars. This is obviously not new money. It is just old money squeezed.

On motion of Senator Stratton, debate adjourned.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, I think that if you were to seek the consensus of the chamber, you would find that there is agreement to stand all other items on the Order Paper, including government items, to the next sitting of the Senate and that they stand in their place.

The Hon. the Speaker: I do not think I need to repeat that. It was fairly straightforward.

Hon. Terry Stratton (Deputy Leader of the Opposition): Honourable senators, I have one question. Is there still a commitment from Senator Austin to speak tomorrow on the 0.7 per cent?

Hon. Jack Austin (Leader of the Government): I hope to do that. I am still working on the address. It is my intention to speak tomorrow.

Senator Stratton: That is the commitment I would ask, because we had that commitment for today.

The Hon. the Speaker: Honourable senators, the Deputy Leader of the Government has asked if we have an agreement, and I put that question to you, that we stand remaining items on the Order Paper, that they remain in their place to the next sitting and that we proceed to the adjournment motion. It is agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, July 6, 2005, at 1:30 p.m.

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