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THE HONOURABLE DANIEL HAYS
SPEAKER

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THE SENATE

Tuesday, October 25, 2005

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL MEETING OF MINISTERS OF HEALTH ON PANDEMIC INFLUENZA

Hon. Jack Austin (Leader of the Government): Honourable senators, the Honourable Ujjal Dosanjh, Minister of Health, along with the Honourable Carolyn Bennett, Minister of State (Public Health) and the Honourable Aileen Carroll, Minister of International Cooperation yesterday and today are the hosts at an international meeting of ministers of health to address pandemic influenza. Representatives of some 30 countries and five multinational organizations are meeting in Ottawa to discuss global collaboration and cooperation in light of the possibility of an influenza epidemic.

Later today, a communiqué is expected to outline priority areas for action through international cooperation. Four main themes are the subject of concern: the relation of avian flu to human and animal health; surveillance in developing countries; vaccine and anti-viral development and access; and risk communication and risk assessment.

Canada's initiatives in pandemic preparedness take into account U.S. proposals for a formal international partnership to increase global collaboration; World Health Organization work for a strategic plan for pandemic preparedness; the Food and Agricultural Organization strategy for control of avian influenza; World Health Organization plans for a donors meeting and a pledging conference later this year; and the Asia-Pacific Economic Cooperation, APEC, symposium on avian influenza. Also taken into account are European Union plans for a pandemic preparedness workshop; bilateral efforts by countries to build capacity in Southeast Asia; and the appointment of an expert panel to the director general of the World Health Organization.

Over the last few years, Canada has worked closely with the World Health Organization. The Public Health Agency of Canada has sent a mobile lab to Vietnam and provided epidemiologic/public health expertise to Thailand, Vietnam and China.

In the last budget, Bill C-43, Canada provided \$34 million over five years to assist with the development and testing of a prototype pandemic influenza vaccine. We have also contributed \$24 million toward the development of a national anti-viral stockpile for preventing and treating a newly emergent strain of avian influenza. To increase surveillance in Southeast Asia and China, the Canadian International Development Agency, CIDA, is funding a \$15 million project that will be delivered through the Public Health Agency of Canada.

Canada will continue to be a leader in meeting the challenge of an avian flu pandemic. The World Health Organization continues to acknowledge Canada's leadership and to support Canada's initiatives. Let us wish today's conference a total success in cooperation and coordination while keeping in mind that this conference is only one step to meet the challenges that may lie ahead of us.

UNITED NATIONS

SIXTIETH ANNIVERSARY

Hon. Consiglio Di Nino: Honourable senators, as we mark what is known around the world as United Nations Day, the UN's sixtieth anniversary, I rise to congratulate the many wise men of that day for creating a world body that has contributed to peace and stability in our world.

Born in the ashes of the League of Nations, which sought to correct its inefficiencies and reinvent itself as the Second World War raged on, the UN has aimed to become a body of peace and cooperation for all the peoples of the earth — and mostly, it has achieved its objective.

Unfortunately, I am not as confident of its future, for I fear it has become overly bureaucratic and often dysfunctional and that it is now burdened by too many competing forces within its membership.

There is no doubt we need an effective world body to ensure future peace, cooperation and stability — “effective” being the operative word. My hope is that serious reform of the UN and its agencies will continue to take place to avoid any more cases of abuse and misuse such as we have seen.

Colleagues, birthdays serve not only to mark time, but also as a time to pause and reflect on our actions, objectives and future plans. I urge the UN and all of its membership to do just that. The UN is an organization whose intended purpose was to offer a forum where nations could come together to help people live better lives by eliminating poverty and disease, and to put an end to the madness of war and to foster respect for each other's rights and freedoms. The UN needs to reassess its performance on all levels and, as the League of Nations did, admit that it must now embrace serious reform so it can better represent the world's nations and help them reach the honourable objectives of peace and cooperation.

Honourable senators, I am pleased to join others in wishing the UN a happy birthday and Godspeed in its reform. I urge Canada to take a strong leadership role in defining the UN of tomorrow.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of a delegation from Cameroon. We have Martin Mpana, Acting High Commissioner for the Republic of Cameroon in Canada, Mr. Samson Ename Ename Samson, Secretary General of the National Assembly, the Honourable Matta Joseph Roland, Member, and Mr. Ahmadou Ndottiwa, Chief of Ceremonies and Missions.

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

• (1410)

[*English*]

SMALL BUSINESS WEEK

Hon. Catherine S. Callbeck: Honourable senators, last week, during Small Business Week, I had the pleasure to attend the sixth annual Women in Business Symposium held in Mill River, Prince Edward Island. The conference was hosted by the P.E.I. Business Women's Association, one of the most influential business associations on the Island, in conjunction with the Atlantic Canada Opportunities Agency and the P.E.I. Business Development Initiative. This year's symposium, with more than 135 delegates, offered a variety of workshops, panel discussions, keynote speakers and more to assist new women entrepreneurs who are thinking of starting up a business and to expand the knowledge and skills of established women entrepreneurs on Prince Edward Island. The event was a real success.

During the conference, I had the opportunity to meet Ms. Melody Dover, an Island graphic designer who last week earned the Business Development Canada Young Entrepreneur Award for Prince Edward Island. I should like to offer my congratulations to Melody and to the other provincial and territorial winners of this distinguished award. These young Canadian business people are the future of business in this country.

Honourable senators, we all know the great impact that small and medium-sized businesses have on Canada's economy. Entrepreneurs and their successes are the key to this country's economic growth. It is only fitting that a week be set aside to recognize these entrepreneurs and their contributions, and to encourage and to assist others in making their business dreams come true. In recognition of Small Business Week, I should like to congratulate the entrepreneurs and the small-business owners across Canada whose hard work, determination and innovative thinking add so much to our national economy.

HALIFAX HUMANITIES 101

Hon. Terry M. Mercer: Honourable senators, last Monday, October 17, I attended the launch event in Halifax for Halifax Humanities 101, a Clemente Humanities Course. The Clemente course, founded by Earl Shorris in the United States, seeks to break the cycle of poverty through education. It has spread throughout the world. All Halifax universities donated their professors' teaching time, and donations were received from the

McLean Foundation, the McCain foundation, the Royal Bank of Canada Foundation, the Rotary Club of Halifax and individuals to support rooms, teaching materials, supplies and food. There was even daycare support for those who needed it.

Poverty is neither easy to live with nor to overcome. These students want a hand up not a handout. The goal of the Clemente Course is to provide instruction in history, art and culture but, most importantly, to open up peoples' minds to new ideas, themes and goals. Students in this course have gone from living in the street to teaching in schools, even becoming dentists, counsellors and nurses.

Honourable senators, St. George's Parish and the Reverend Canon Dr. Gary Thorne spoke with me last year to seek my advice on how to put this project in motion. The St. George's Church Friends of Clemente Society have worked tirelessly to turn this dream into reality. I commend them for their efforts and look forward to seeing firsthand the results of their work.

I have always believed that education is the one true path for eliminating poverty. This new course in Halifax is well on its way to accomplishing that for its participants.

[*Translation*]

TERRY FOX MARATHON OF HOPE

TWENTY-FIFTH ANNIVERSARY

Hon. Joseph A. Day: Honourable senators, this afternoon, I would like to remind you of a very special anniversary that took place during our summer recess. I am talking about the twenty-fifth anniversary of the Terry Fox Marathon of Hope. Almost every day that I am in Ottawa, I pass by the monument dedicated to Terry Fox's life and vitality. It is located on the other side of the street, just opposite the Senate chamber.

I am always very proud to note that the artist who created this statue, John Hupper, hails from my home town of Hampton, New Brunswick. I am also extremely proud, as a Canadian, that Terry Fox chose to give us an extraordinary gift in such a sincere and public manner: the gift of hope.

[*English*]

Terry Fox was born in Winnipeg, Manitoba, and raised in Port Coquitlam, British Columbia. An active teenager involved in many sports, Terry was only 18 when he was diagnosed with bone cancer and, in 1977, he was forced to have his leg amputated six inches above the knee. While in hospital, Terry was so overcome by the suffering of other cancer patients, many of them young children, he was driven to do something to help. He decided to run across Canada to raise money for cancer research. He would call his journey the Marathon of Hope.

Preparation took 18 months, during which he ran over 5,000 kilometres. On April 12, 1980, 21-year-old Terry Fox started his run in St. John's, Newfoundland, by dipping his artificial leg in the Atlantic Ocean. Although it was difficult to garner attention in the beginning, enthusiasm soon grew, and the

money collected along the route began to mount. He ran at least 42 kilometres per day, further than a marathon, through Canada's Atlantic provinces, Quebec and Ontario. It was a journey that Canadians never forgot. However, on September 1, 1980, after 143 days and 5,373 kilometres, Terry was forced to stop running outside Thunder Bay, Ontario because cancer had appeared in his lungs. An entire nation was stunned and saddened. Terry died on June 28, 1981, at the age of 22. This heroic Canadian was gone, but his legacy was just beginning. To date, more than \$360 million has been raised worldwide for cancer research in Terry's name through the annual Terry Fox Run held across Canada and around the world.

I am sure honourable senators will join me in thanking the hundreds of participants and volunteers who have helped to make the Terry Fox Run an overwhelming success again this year on its twenty-fifth anniversary.

THE LATE DAME CICELY SAUNDERS

Hon. Sharon Carstairs: Honourable senators, Dame Cicely Saunders, founder of the modern day hospice palliative care movement, died earlier this year in London at the age of 87. Dame Saunders was a British nurse and physician who founded St. Christopher's Hospice in 1967 in London, England.

While the concept of hospice care dates back to medieval times, there was no real effort to update its procedures for the terminally ill in the latter half of the 20th century. When Cicely Saunders founded St. Christopher's, she used the term "palliative medicine" to describe a method of treating terminally ill patients with dignity while easing their pain with drugs such as morphine. Her methods began to be adopted around the world. Dame Saunders taught and wrote extensively on palliative care around the world, impressing others with her passion for alleviating suffering.

In the early 1970s, Dr. Paul Henteleff and Dr. Balfour Mount, Canadian physicians who had visited and worked at St. Christopher's, decided to bring this model of end-of-life care to Canada. In 1974, the first palliative care unit was opened in Winnipeg at the St. Boniface General Hospital, followed one month later by the opening of a palliative care unit at the Royal Victoria Hospital in Montreal.

Earlier this month, on October 8, we celebrated World Hospice and Palliative Care Day — a new, unified day of action to celebrate and support hospice and palliative care around the world and to raise awareness and understanding of the need and importance of hospice and palliative care. Through activities such as this and the Hike for Hospice and National Hospice Palliative Care Week, Dame Saunders' voice will continue to be heard as we work to ensure that all Canadians and people around the world have access to the best quality end-of-life care.

ROUTINE PROCEEDINGS

THE ESTIMATES 2005-06

GOVERNMENT RESPONSE TO NATIONAL FINANCE COMMITTEE SECOND INTERIM REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, pursuant to rule 131(3) of the *Rules of the Senate*, I have the honour to table two copies of the government response to the recommendations of the eleventh report of the Standing Senate Committee on National Finance.

• (1420)

[Translation]

GENOME CANADA

2004-05 ANNUAL REPORT TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the annual report of Genome Canada for 2004-05.

[English]

INDIAN CLAIMS COMMISSION

2003-04 ANNUAL REPORT TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table two copies, in both official languages, of the Indian Claims Commission 2003-04 annual report.

TELECOMMUNICATIONS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-37, to amend the Telecommunications Act.

Bill read first time.

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

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

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—FIRST READING

Hon. Noël A. Kinsella (Leader of the Opposition) presented Bill S-45, to amend the Canadian Human Rights Act.

Bill read first time.

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

[English]

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

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON BILINGUAL STATUS OF CITY OF OTTAWA

The Honourable Lise Bacon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Wednesday, April 13, 2005, the date for the presentation of the final report of the Standing Senate Committee on Legal and Constitutional Affairs on the petitions tabled during the Third Session of the Thirty-seventh Parliament, calling on the Senate to declare the City of Ottawa a bilingual city and to consider the merits of amending section 16 of the Constitution Act, 1867, be extended from October 27, 2005 to June 30, 2006.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

The Honourable Lise Bacon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Wednesday, November 3, 2004, the date for the presentation of the final report of the Standing Senate Committee on Legal and Constitutional Affairs on the implications of including, in legislation, non-derogation clauses relating to existing aboriginal and treaty rights of the aboriginal peoples of Canada, under s. 35 of the Constitution Act, 1982, be extended from October 31, 2005 to June 30, 2006.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORTS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Joseph A. Day: Honourable senators, I give notice, in the name of Honourable Senator Kenny, that, at the next sitting of the Senate, he will move:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the chamber.

QUESTION PERIOD

THE SENATE

CONSTITUTION ACT, 1867— RIGHT OF SENATORS TO HOLD DUAL CITIZENSHIP

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. He will no doubt know that some questions have been raised in the media concerning the application of section 31(2) of the Constitution Act. In order to assist all senators, both current and those who might follow us, will the minister tell us whether he might be seeking legal advice from the law officer of the Crown? If so, would he be able to share that information?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Kinsella for raising this question and for doing so in a factual context.

As the honourable senator says, this issue was the subject of media articles yesterday, including an article that appeared in the *Ottawa Citizen* under the byline of Jack Aubry. Questions of a constitutional nature are usually quite complex, and when citizenship matters are added to the complexity, they may be somewhat more difficult for the general public to understand. This matter involves both constitutional questions and citizenship issues.

We all know the constitutional requirements for being summoned to the Senate in section 23 of the Constitution Act, 1867. They include being at least 30 years of age, being a resident of the province for which one is appointed, having property in that province of a value of at least \$4,000, and being a natural-born or naturalized subject of the Queen.

Section 23 does not require that a senator not be a natural-born or naturalized subject of any other country; it only requires that a senator be a natural-born or naturalized subject of the Queen. It makes no reference to dual citizenship.

Honourable senators are also aware of the provisions in sections 30 and 31 of having one's place in the Senate vacated. Section 31 provides that:

The Place of a Senator shall become vacant...

(2) If he takes an Oath or makes a Declaration or Acknowledgement of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, or a Foreign Power.

A plain reading of this provision indicates that in order for a senator's seat to be vacated the senator must take a future action — in particular, take an oath or make a declaration or do an act to obtain other citizenship.

The wording of subsection 31(2) does not make vacation of office contingent on an ongoing status held by a senator. Rather, the wording of subsection 31(2) makes vacation of office contingent on the doing of an act whereby the senator becomes a subject or citizen of a foreign power.

It is clear to me that if a senator already had dual citizenship prior to appointment as a senator, the senator's seat would not be vacated solely by reason that the senator had prior dual citizenship. Rather, my reading of the provision would be that the intent is to vacate the office only if a person becomes a subject or citizen of a foreign power after having been summoned to the Senate.

• (1430)

As honourable senators will know, the rules governing citizenship in other countries cover a broad range of possibilities. For example, children who are born in Canada to a parent who has citizenship with another country may be either eligible for citizenship or, under the laws of that foreign country, a citizen. In some cases, children born to a parent who has citizenship of another country may automatically become citizens of that other country.

I also understand that some countries have restrictions on the voluntary renunciation of citizenship. Thus, even if one chose to read subsection 31(2) inaccurately, as requiring the renunciation of foreign citizenship, this renunciation might be difficult to do in some cases.

There are a number of hypothetical issues that could arise because of prior citizenship. For example, if a senator who has dual citizenship receives a pension from a foreign country, which is a general benefit for its citizens and/or residents, does receiving that pension imply doing something to become "entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power"? This could happen where, for instance, a young Canadian person served in the Armed Forces of another country, such as the United States.

This issue has been with us since Confederation. The application of the Constitution in this area has been the sensible one; namely, that prior holding of dual citizenship does not require vacation or renunciation of that dual citizenship.

While I am not aware of any honourable senator becoming a dual citizen after being summoned to the Senate, we are all aware of honourable senators who were summoned to the Senate with prior dual citizenship. There are 12 senators serving in the Chamber today who were not born in Canada.

I am not aware that any honourable senator is suggesting that this has in any way presented an issue for the conduct of business in this chamber.

I also note that because there are a growing number of persons in Canada who were born outside Canada, the matter of dual citizenship is likely to be an increasing feature of those summoned to the Senate in the future. This feature is a reflection of the

diversity of Canada, which is one of our strengths as a nation. I believe that the Senate will continue to be enriched by the appointment of persons to the Senate who are summoned from the breadth of our country.

Honourable senators are aware that citizenship is not a criterion to claim the benefits of the Charter of Rights.

Finally, section 33 of the Constitution Act, 1867, provides that questions regarding the qualifications of senators and vacancies are to be "heard and determined by the Senate." As far as I know, no facts have been alleged against any senator that would bring section 33 into play.

The assertion in news stories seems to be that dual citizenship requires disqualification. This is not legally or constitutionally true. I very much regret a headline in the *Ottawa Citizen* yesterday: "Senators with dual citizenship break rules." That is simply not the case. I very much regret an editorial in today's *Calgary Herald* that starts, "Ignorance of the law is no excuse." I think the writers better examine their own understanding of the law.

I thank Senator Kinsella for the opportunity to make this statement.

Hon. Senators: Hear, hear!

HEALTH

MINISTERS CONFERENCE— BENCHMARKS FOR WAIT TIMES

Hon. Wilbert J. Keon: Honourable senators, my question for the Leader of the Government in the Senate concerns the outcome of a meeting held this weekend between the provincial and federal ministers of health regarding benchmarks for wait times.

As honourable senators know, I had the privilege of attending the portion of the meeting that related to mental health. I am unaware of the exact details of the agreements on benchmarks.

As far as I can tell, it was agreed to provide a first set of evidence-based benchmarks by the end of this year, meaning that they could provide a benchmark for only one type of treatment in each of five priority areas that were laid out in the health accord. This agreement seems to translate into defined wait times for five procedures or tests.

Could the Leader of the Government in the Senate tell us if there is any indication when this information will be translated into action? In other words, will this agreement be accompanied by an implementation plan when the benchmarks are defined?

Hon. Jack Austin (Leader of the Government): Honourable senators, I know from comments made by the Minister of Health, the Honourable Ujjal Dosanjh, that the meeting made progress with respect to establishing the scientific criteria to establish benchmarks. I understand that the provinces are not reluctant to move forward with their agreement as established by a first ministers' meeting on health last year to put benchmarks in place,

but they are concerned that benchmarks be established in an objective fashion based on science. There are a number of experts in the field, and we discussed the opinion of one expert last week who believed that some of the benchmarks in some of the health categories could be put in place before the end of the year.

Senator Keon: Honourable senators, a communiqué from the health ministers meeting does not indicate how many wait-time benchmarks will be included in the first set or when a full set is expected. Could the Leader of the Government in the Senate make inquiries in this regard? I fully appreciate that he cannot have this answer today, but would he make inquiries and tell us how long the federal government believes it will take until there is a full suite of wait-times benchmarked, and if there is now another target date for this achievement?

Senator Austin: I take it that Senator Keon is speaking about wait-times in the five priority areas that are being discussed. I will make inquiries and hope to have better information for the honourable senator.

CANADA-UNITED STATES RELATIONS

SOFTWOOD LUMBER AGREEMENT

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate and it deals with softwood lumber. The question has three separate parts.

First, when will the Prime Minister stand up for Canada with respect to the softwood lumber dispute in ways that will yield real results?

Second, when is Prime Minister Martin prepared to cultivate the kind of influence with our largest trading partner that former Prime Minister Brian Mulroney had?

Finally, could the leader please comment on the reported statement of Minister Jim Peterson in today's *National Post* that the government would like to find ways to link energy exports to the United States as a means to resolve the softwood lumber dispute?

Hon. Jack Austin (Leader of the Government): Honourable senators, the questions asked by the Honourable Senator Oliver are an entirely political representation. The assertions in the questions are inaccurate. The Prime Minister stands up for Canada like no Prime Minister in recent times has done.

Senator Oliver is not paying attention to public affairs or may have been out of the country because the Prime Minister has made it clear that he represents Canadian interests.

Some Hon. Senators: Oh, oh.

Senator Oliver: Another cheap shot.

Senator Austin: Even yesterday the Prime Minister said that it does not affect bilateral relations with the United States to stand up for Canada; that is his job.

I will not comment on the relationship between the former Prime Minister Mulroney and the United States because that simply invites comparisons that are not relevant today.

With respect to Mr. Peterson, he has not linked trade and energy to the softwood lumber industry issue.

• (1440)

Senator Oliver: That is precisely what the quote said, but I did not expect the leader to accept it.

My supplementary question is: When Prime Minister Martin appointed Frank McKenna from New Brunswick as Ambassador to the United States, Liberals heralded it as the dawn of a new era in Canada-U.S. diplomacy, but McKenna has not delivered. In fact, as time goes by, his tenure as Canada's Ambassador to the United States is very much becoming one of diminished returns.

My supplementary question for the Leader of the Government in the Senate partly concerns the ambassador's recent comments when he called the American political system dysfunctional. In view of the failure of Mr. McKenna to cultivate any real influence in his current role, as illustrated by the frustration evidenced in his recent verbal miscue, would this government consider the Conservative Party's highly sensible suggestion to appoint a special envoy exclusively dedicated to resolving the softwood lumber dispute?

Senator Austin: Honourable senators, it is really entertaining and amusing to listen to the political fantasies of Senator Oliver with respect to his question. The reality, however, is that Ambassador McKenna is performing an outstanding job in representing Canada in the United States.

Some Hon. Senators: Hear, hear!

Senator Austin: I think Senator Oliver and some on that side may be confused between the integrity and the vigour of representing Canada and the bowing to dictates of the United States, thinking that this is the best way to represent Canadian interests in the U.S. One might only reflect on the Leader of the Opposition in the other place and his statements with respect to Canadian interests, particularly his interest in supporting the United States in its policies directed toward Iraq.

Honourable senators, I do not want to become tendentious about the role of Ambassador McKenna, but I do want to say that the U.S. Secretary of State, the Honourable Condoleezza Rice, has been in Ottawa since yesterday for bilateral discussions on a number of issues in Canada-U.S. relations. Ambassador McKenna is involved, as is the American ambassador, and these talks are proceeding in a businesslike and positive way. It is not in the Canadian national interest to ask the types of questions that Senator Oliver is asking, unless he has something of a specific character with which to charge Ambassador McKenna.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, the minister made reference to the visit of the U.S. Secretary of State. If it is true that the Honourable Prime Minister is defending the interests of Canada to the United States, can the minister right now, in a concrete way, in order to illustrate how well the Prime Minister of Canada is defending the interests of Canada, confirm that Ms. Rice has given the Canadian government the \$3 billion or \$4 billion the U.S. owes Canada under the free trade agreement in the softwood lumber dispute?

[English]

Senator Austin: Honourable senators, I would love to confirm that the results of the talks between the Secretary of State, the Prime Minister and our Minister of Foreign Affairs had a complete capitulation on the part of the United States on softwood lumber. I do not think anyone here realistically expects that I will be able to do that.

As to the first part of the honourable senator's question, I wonder if he is aware that the Prime Minister spoke to the Economic Club of New York in the last three weeks and delivered a clear message about Canada's views of NAFTA, of the softwood lumber issue and the obligations of the United States under NAFTA.

EFFICACY OF DIPLOMATIC INITIATIVES

Hon. David Tkachuk: Honourable senators, I go back to Senator Oliver's query. It did no good to demean Senator Oliver's characterization of Canada's attitude to the United States. It does this place no good for the leader to imply that acid rain was not a victory for Canada and that Prime Minister Mulroney did not stand up for Canada's interests, because he always did. On the issue of South Africa Prime Minister Mulroney stood up to the United States. He stood up to Great Britain and he stood up to other conservative leaders throughout the world on that issue. He stood up to them on the missile defence shield and on Arctic sovereignty.

Everyone on this side has Canada's interests at heart, not the Liberal Party's interests at heart. Prime Minister Chrétien and Prime Minister Martin have not dealt in a forthright manner with the Americans on many occasions. I remember the former Prime Minister on the question of Iraq. It was not the question that we differed with them on Iraq that was the big deal, but the fact that he said that they could hear about it on CNN. That is not how you treat neighbours. That is not how I would treat a neighbour. That is not how people on this side would treat a neighbour. The Prime Minister can continue to do that and think that somehow he will get ahead on this matter, but he will not.

Senator Austin: Is this a question or is this a speech?

Senator Tkachuk: I am trying to make a point that you started.

Senator LeBreton: You make speeches all the time.

Senator Tkachuk: You have made your speech and I will make mine.

Senator Austin: You are only asking questions and I am answering them.

Senator Tkachuk: You may comment on it if you wish.

Senator Tkachuk: Thank you. I leap to my feet to comment on Senator Tkachuk's speech.

First, I want to say that I admire his ability to make a speech in Question Period.

Senator LeBreton: You are the expert at it!

Senator Austin: As well, I admire his ability to outline in his speech a series of policies followed by the Mulroney government. In fact, there was no basis in what I said for the speech that the honourable senator started. I said that I did not intend to speak to the question of a reference to Prime Minister Mulroney because these times are different circumstances from his times.

Senator LeBreton: Check the blues!

Senator Tkachuk: Do not change them.

Senator Austin: That was all I said about Prime Minister Mulroney.

I understand the role of Senator Tkachuk is to keep justifying the past.

Senator LeBreton: You have dined off it for years.

Senator Austin: I am not being negative about any of the policies to which the honourable senator made reference. One way or the other, history will decide on the accomplishments of the Mulroney government.

Senator LeBreton: They already have.

Senator Austin: The editorial comments in this chamber will not add or detract from that judgment.

I want to make clear to honourable senators that in the era in which we are now living, Canada and the United States have an excellent relationship. Senior level talks are being conducted on a wide range of issues. However, I want to make clear, too, that the United States Congress is reacting in ways that deal with their view of globalized issues. They have policies with respect to trade. They have policies with respect to the transfer of manufacturing activity. There are domestic politics in the United States. This is not the Mulroney era; it is a different era. We have to deal with the differences, and we have to ask the United States to stand up to their obligations when a final NAFTA panel provides a judgment. That is the position of the Canadian government on softwood lumber and that is the position from which we want to start in our negotiations with the United States.

• (1450)

NATIONAL FINANCE

INVITATION TO CHAIRMAN TO SPEAK ON PRESENCE OF VISIBLE MINORITIES IN BIG BUSINESS

Hon. Noël A. Kinsella (Leader of the Opposition): Honourable senators, my question is for Senator Oliver, Chairman of the Standing Senate Committee on National Finance. It is my understanding that the National Finance Committee will be continuing its study that will take it to Ireland and the United Kingdom in the next few days. It is my understanding that a happy occasion has presented itself where the Canadian High Commissioner to the Court of St. James has extended an invitation to the honourable senator, which brings honour to this chamber, to give a public speech on diversity. Is that true and is the honourable senator receiving support?

Hon. Donald H. Oliver: I thank the honourable senator for his question. Yes, it is true. I am deeply honoured to have been asked. I would like to read the notice that was sent out by the Canadian High Commission under the hand of Canada's distinguished High Commissioner in London:

The Canadian High Commission in London in conjunction with Operation Black Vote would cordially like to invite you to attend a round table discussion with the Hon Senator Don Oliver on Monday 7 November at 1800 hours at Canada House, Trafalgar Square, London.

Senator Oliver has been instrumental in challenging Canada's big business for its lack of senior "visible minorities" in the work place.

His ground breaking report, "Maximizing the Talents of Visible Minorities, An Employer's Guide", is already having a big impact within business circles.

As part of the round table discussion Senator Oliver will give an outline of his report, and take questions, but is also keen to listen and learn from the BME (Black and Minority Ethnic) experience here in the UK. It will also be an opportunity for activists, politicians and those in business to build greater links with potential partners in Canada.

The meeting should last no more than 1.5 hours. Snacks and drinks will be provided.

I have been informed that the Leader of the Government in the Senate is opposed to my giving such a speech.

Hon. Jack Austin (Leader of the Government): Might I ask Senator Oliver where he heard such a thing?

Senator Oliver: Is the Leader of the Government denying that he has been attempting to prevent the speech?

Senator Austin: Absolutely. Why would I want to prevent any speech the honourable senator wants to make? Who told you such a thing? That is an absolute untruth.

Senator Rompkey: Withdraw.

Senator Stratton: He is calling you a liar.

Senator Rompkey: Withdraw.

The Hon. the Speaker: Are we ready for Orders of the Day?

Hon. Terry Stratton (Deputy Leader of the Opposition): No, no, no. I cannot let this pass even if Senator Oliver can. I would ask the Leader of the Government in the Senate to withdraw that statement until this matter is checked out.

Senator Austin: Not at all. There is no evidence of any kind whatever that I have reflected that Senator Oliver should not make a speech any place he wishes to make a speech and on any topic he wishes to make a speech. That is an outrageous comment.

Senator Stratton: It appears that you are content to call him a liar.

Senator Austin: I said what I wanted to say, and if you want to carry this dispute further, by all means, you carry it further in any way you want to carry it.

I want to put on record that Senator Oliver and I have never had a conversation on this subject of where or when or on what topic he would ever make a speech. That is outrageous.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised in the Senate. The first response is to a question raised in the Senate by Senator Tkachuk on October 20, 2005, in regard to the registration of Mr. David Dingwall as a lobbyist.

[English]

The second is a response to an oral question raised on October 18, 2005, by Senator Murray regarding the Canadian Broadcasting Corporation/Radio-Canada.

INDUSTRY

MR. DAVID DINGWALL—REGISTRATION AS LOBBYIST FOR BIONICHE LIFE SCIENCES INC.

(Response to question raised by Hon. David Tkachuk on October 20, 2005)

The Department, based on the work conducted by external auditors, determined that the company was in breach of certain of its obligations under its TPC contribution agreements. As a result of that determination, the Department issued a notice of event of default to Bioniche.

The Government and Bioniche have subsequently agreed on the rectification of this matter.

A Status Report, released this September, confirmed the existence of company non-compliance issues with terms dealing with the payment of contingency fees and the use of unregistered lobbyists. This is prohibited, and the department acted immediately.

When companies have been found in breach of their contracts, we have sought and received remedy payments equivalent to the amounts paid or payable by the company to its lobbyist, plus the cost of conducting the audit. The Auditor General agrees with our approach. The taxpayer's interest is protected.

CANADIAN BROADCASTING CORPORATION

UNION LOCKOUT— INVOLVEMENT OF BOARD OF DIRECTORS

(Response to question raised by Hon. Lowell Murray on October 18, 2005)

- The CBC/Radio-Canada is a Crown corporation that operates at arm's length from the Government and is responsible for its own day-to-day management, including contract negotiations with unions.
- The issue the Honourable Senator raises as to the relationship between the CBC/Radio-Canada Board of Directors and Senior Management with regard to the recent labour disruption is within the purview of the CBC/Radio-Canada.
- The labour dispute was resolved through collective bargaining between the Canadian Media Guild and the CBC/Radio-Canada with the assistance of the Federal Mediation and Conciliation Service as appointed by the Honourable Joseph Frank Fontana, Minister of Labour and Housing. It was not and would not be appropriate for the Government to intervene otherwise on this issue.
- A copy of the profile of the CBC/Radio Canada Board of Directors is attached.

(For copy of profile, see Appendix, p. 1996.)

ORDERS OF THE DAY

PUBLIC SERVANTS DISCLOSURE PROTECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. David P. Smith moved second reading of Bill C-11, to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

He said: Honourable senators, Bill C-11, which is captioned "An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of

persons who disclose the wrongdoings," has been abbreviated to the Public Servants Disclosure Protection Act. In a nutshell, this bill is all about transparency, accountability, financial responsibility and ethical conduct in the federal public sector.

Honourable senators, every now and then a piece of legislation arrives that ends up representing consensus. I believe that this bill falls into that category. I am not suggesting that the bill started off reflecting consensus, but I do believe it wound up there. It does not happen too often. When it does happen, it is not because the government that presents the bill, regardless of what party might form the government, is the fount of all wisdom on the subject, although that might be nice. However, I do not think that is the case. I believe, though, that there are several dynamics necessary for a bill to wind up achieving the consensus benchmark.

First, there must be a genuine need for the legislation on the subject matter. Whistle-blowing protection is hard to argue with. Second, basic elements of the bill need to be strong, not necessarily perfect when it starts off, but strong. I would suggest that those elements are the following: a rationale, objectives, and reasonable and practicable mechanics to achieve those objectives.

If we start off with a bill that fits that definition of being strong but not perfect, what else is necessary to reach consensus? First, there is input from other parliamentary parties and input from non-parliamentary parties. I would suggest that in this particular instance, that did occur. Second, listening with open minds on both sides of the house is necessary, and I would emphasize the phrase "with open minds." How do we know when these four dynamics — the need for rationale for the bill, a strong framework, bona fide inputs and open minded listening — occur?

Let me suggest a few litmus paper tests. By way of background, it is important to understand that there was a predecessor bill to Bill C-11, known as Bill C-25. Senator Kinsella also had a bill that he sponsored which dealt with the same subject. Both government bills were introduced in 2004, one before the election and one after the election. The numbers that I will cite relate to both bills, but they were both introduced in the same year.

First, on the subject of hearings, the House of Commons Standing Committee on Government Operations and Estimates had 33 meetings on the whistle-blowing subject. Of those, 27 were on Bill C-37, the current bill, and six were on Bill C-25, its predecessor, for a total of 33 meetings.

- (1500)

One hundred and thirteen witnesses testified on the subject of whistle-blowing. Eighty-two spoke to Bill C-11 and 31 spoke to Bill C-25, for a total of 113. The witnesses included representatives of 76 organizations, with 37 witnesses appearing as individuals.

Fifty-two amendments were adopted, including amendments proposed by members of the opposition, some of which were of fundamental significance.

Twenty amendments were voted on but not adopted. We can assume there was lively debate. That figure does not include those that were withdrawn. Six were not formally moved and one was deemed not admissible. The bottom line is that 52 amendments, which were put forward by various parties, were adopted.

This process is not unprecedented but is certainly not routine. The criteria I have identified as relevant — the need, the sound basic elements, the input and everyone listening with an open mind — did occur. How do we know that it passed that threshold? It passed with a unanimous vote in the House of Commons. That does not happen often. At the outset, unanimous agreement would not have been possible. It occurred as a result of the process that was outlined here.

I might mention that nothing I have said comes from any department of government. These are my own perceptions on how this controversial bill which deals with an important subject matter was passed unanimously.

I should now like to touch on the basic elements of the bill.

Bill C-11 is important, both for its content and for the democratic process by which it has been developed. If passed, Bill C-11 will give Canada one of the world's strongest legislative frameworks in support of ethical conduct in the federal public sector. It will help build a public service climate in which employees can honestly and openly raise concerns about potential wrongdoing without fear or threat of reprisal. It will encourage public servants to disclose possible wrongdoing, but it will also ensure a fair process for those against whom allegations are made.

It is crucial that people understand that the protection of whistle-blowers does not work if complaints are not made in good faith. A complaint may be founded on erroneous facts, and that is all very well but, if a complaint is made for mischievous, malicious or defamatory reasons, then the protections outlined in the bill are not guaranteed, nor should they be. It is important that what we do has balance.

The bill before us is the outcome of open and vigorous public debate. As I mentioned, there was a great deal of input from all the parties.

Let us go through some of the features of this bill. First, it applies not just to the core public service but to the entire federal public sector, including departments, separate federal agencies and Crown corporations. It applies equally to members of the RCMP. I might point out that that amendment was moved by a Conservative member and seconded by a Liberal member. It is fair to say that this is one instance when members put aside partisan differences.

Organizations excluded from specific application — the Communications Security Establishment, CSIS and the Canadian Forces — are not completely exempt from the provisions of the bill. Each of these organizations must establish its own disclosure and reprisal protection regimes similar to those set out in this bill and satisfy Treasury Board that it has done so.

Second, the bill defines wrongdoing broadly, to include activity in or relating to the public sector. It is not restricted to activities carried out by public servants. Wrongdoings include any violation of the law, any misuse of public funds, gross mismanagement, a danger to the life, health or safety of Canadians or the environment, and a serious breach of a code of conduct. Furthermore, any reprisal — and this is most important — taken as a result of a disclosure is also considered to be an act of wrongdoing. This is one of several important protections contained in the bill for those who would make a disclosure, protections that I will now discuss in detail.

Third, the bill allows for the disclosure of information about a possible wrongdoing. In other words, public servants do not require absolute certainty about whether or not a wrongdoing has occurred or is about to occur before making a disclosure. I would again point out, though, that this is assuming that they are doing so in good faith because, if they are not doing so in good faith, they do not have that protection.

Fourth, while the proposed legislation is aimed at public servants, the public sector integrity commissioner will have the discretion to commence an investigation as a result of information received from a person other than a public servant. If information comes into his or her hands, an investigation can occur.

This brings me to one of the key features of the bill, one about which honourable senators may have already heard. This is, of course, the proposed establishment of a new public sector integrity commissioner as the neutral third party to receive disclosures. I do not think that provision was contained in the bill sponsored by Senator Kinsella. He was unable to include that provision since such an appointment would have required Royal Consent.

Of course, Senator Kinsella can speak for himself, but I believe he will agree that the end result of the process we embarked upon is a satisfactory one, in that we now have a provision which will provide for the appointment of a public sector integrity commissioner.

The public sector integrity commissioner would receive, investigate and report on disclosures of wrongdoing in the federal public sector. The commissioner would exercise investigative and other powers equivalent to those of other officers, such as the Information and Privacy Commissioners and the Auditor General. He or she — and I cannot resist pointing out that some of the original draft notes referred to “she,” which, I am sure was not a slip of the pen — would report directly to Parliament on an annual basis and could also make a report to Parliament where an issue warrants a special report, that is, if an issue arises which must be dealt with in a timely fashion.

While the establishment of an independent officer of Parliament for disclosures is an important part of the bill, if the legislation is to work, public servants must feel confident that they will not face reprisal for making disclosures.

A key challenge with this type of legislation is determining the appropriate balance between openness and transparency and the protection of persons who make disclosures. Over the past few months, this issue has been the subject of much debate. Refinements have been made to the bill to achieve the correct

balance. I believe this bill has succeeded by providing for release of records relating to disclosures under access to information legislation within a reasonable time frame, namely five years, but in the shorter term, protecting the confidentiality of the disclosure and investigation process and the identities of persons involved in the disclosure process so that they will feel safe and have the confidence to make disclosures.

Bill C-11 includes strong confidentiality and reprisal protections for public servants who make disclosures. First, employees are free to choose between whether they make disclosures within their own organization or to the public sector integrity commissioner. They have a choice. Second, the identity of a person making a disclosure must be protected to the extent possible. Third, if, despite best efforts, the identity of a discloser should become known, the bill allows for the temporary reassignment of employees involved in the disclosure process, should there be concerns about possible reprisals.

• (1510)

Should employees believe they have suffered reprisal in spite of the above measures, they could then make a reprisal complaint to labour boards that have the authority to remedy the situation, including the payment of compensation. They also have a reasonable time frame in which to make such complaints to the boards. All these provisions are aimed at giving public servants more confidence to come forward.

I would also like to clarify a few points that have been raised in public and parliamentary debate. I would like to underline again unequivocally that public servants can go directly to the commissioner with their disclosure of wrongdoing. As I have said, they also have the option of using an internal mechanism if public servants prefer to raise that issue within their own organizations.

I also stress that this legislation is intended to help prevent wrongdoing from occurring in the first place and to address the situations of wrongdoing or potential wrongdoing as quickly and as expeditiously as possible. I think this bill is all about establishing a culture.

For example, the purpose of the commissioner's investigations under this proposed act, Bill C-11, is to bring the existence of wrongdoing to the attention of chief executives and to make recommendations so that corrective measures can be taken by the chief executives who are responsible for managing their organizations.

Regarding the argument that this bill is not strong enough, it is important to note that if the commissioner is not satisfied with a chief executive's response to his or her recommendations, the commissioner can elevate the matter to the minister or the governing council of a Crown corporation. As I said earlier, the commissioner can also make a special report to Parliament, if necessary, apart from their annual report. This process does not

in any way mean that there are no punishments or consequences to wrongdoing.

In addition to all existing legal sanctions or breaches of any acts or regulations, all current administrative sanctions available through the regular disciplinary process can apply to public servants up to and including dismissal.

Some have also called for rewards to persons who make disclosures of wrongdoing, and they have pointed to the U.S. system as an example. There has been talk about this, but it is a myth that public servants in the United States are rewarded financially for whistle-blowing. I will repeat the word "myth." No such awards are provided by the Whistleblower Protection Act.

Citizens may sue on behalf of the government, individuals or corporations for defrauding government, and they may retain a portion of the proceeds under the False Claims Act. U.S. public servants do not receive financial rewards for whistle-blowing. I think we in Canada do not want to go down this road. Honourable senators, it would be contrary to our values to do so.

While one should never suffer for trying in good faith to protect the integrity of public sector institutions, neither do we want to live in a society that must provide financial incentives for people to do the right thing.

This brings me to the larger overall purpose of Bill C-11: Building a positive environment for the demonstration of public service values. The goal is a public sector environment that promotes and supports positive behaviour and sets those behaviours as the norm; an environment in which employees are comfortable talking about problems and supervisors are comfortable dealing with them before they grow into a major situation.

That is why the bill requires the minister responsible for the Public Service Human Resources Management Agency of Canada to promote ethical practices in the public sector and a positive environment for disclosing wrongdoing. It is why the bill also commits the government to establishing a charter of values of public service setting out the values that should guide public servants in their work and professional conduct.

Finally, it is why the Treasury Board must establish a code of conduct for the public sector and why heads of public sector organizations must also establish codes of conduct specific to their organizations and in keeping with the Treasury Board code.

These are the main features of the proposed Public Servants Disclosure Protection Act. The bill sets out a broad regime for the disclosure of wrongdoing, a regime broad enough to meet every potential situation that could arise. The bill is underpinned by strong protections and other provisions to encourage public servants to report potential wrongdoing, and it is set into a legislative framework that supports these strong values of service, integrity and honesty that hundreds of thousands of Canadians have demonstrated as public servants since this country was born.

The origins of Bill C-11 date back to 2003. It is an evolution of a previous disclosure bill that received much input, committee work and debate in the other place but did not progress through Parliament due to the election call in the spring of 2004. That previous bill was, of course, Bill C-25.

The bill was revised to take into account the input received during its sojourn in the other place and was reintroduced there in October 2004.

I also want to underline to honourable senators that if and when this bill is passed, our involvement in the disclosure legislation will not end. We will have the opportunity and the responsibility to keep tabs on how the legislation is being implemented.

For example, as I said a moment ago, the bill requires the Treasury Board to establish, in consultation with employee unions and bargaining agents, a code of conduct for the public sector. The importance of this code cannot be underestimated. A serious breach of the code is considered a serious wrongdoing under the proposed act. Once the code is developed, parliamentarians will have an opportunity to review it, as it will be tabled in each House for at least 30 days before it comes into force.

In addition, if the bill passes, a public sector integrity commissioner will need to be selected and appointed. The appointment will be approved in both Houses — I repeat that phrase, in both Houses — thus giving us a participatory role in the process of selecting the right candidate for this important position.

Of course, as an officer of Parliament, the proposed new commissioner will not be accountable to a minister but will report directly to us here in Parliament. The commissioner will report annually to Parliament and, as I have said before, will be free to make special reports when appropriate.

Finally, Bill C-11 also requires a review of the proposed act five years after its implementation. That requirement is built in. This review will allow Parliament to assess how well the legislation is functioning, whether it has had unintended consequences and whether any changes need to be made.

In conclusion, if and when this bill passes, we in this house will still have an important role to ensure that it is implemented well. We will have a responsibility to ensure that it lives up to its potential to help restore the confidence of Canadians in their public institutions by making public sector management more open and accountable.

Honourable senators, Bill C-11 is about setting aside partisan differences. All four parties obviously were able to do that in the House, which was refreshing to see. Bill C-11 is also about getting down to the tough but rewarding job of working collaboratively and creating the best possible legislation for Canadians.

[Senator Smith]

Bill C-11 is even more about valuing the important role that the public service plays in our democratic institutions. It is about creating a public sector climate — I like the word culture — that allows and encourages the vast majority of honest and committed public servants to continue to be the best that they can be in the service of government and Canadians.

The Hon. the Speaker: Will you take a question, Senator Smith?

Senator Smith: Yes.

Hon. Noël A. Kinsella (Leader of the Opposition): First and foremost, honourable senators, I wish to congratulate Senator Smith for his explication of the principle that is contained in Bill C-11. This chamber is familiar with the file, having examined it in principle. The Standing Senate Committee on National Finance has also examined Bill C-11 in great detail and heard witnesses on a couple of other whistle-blowing bills before us. I appreciate the progress that has been made, and I am sure that the work of all honourable senators has helped move this proposed legislation, under various drafts, to the stage it is at now.

• (1520)

Senator Smith did allow that the bill was not perfect in that there may be some flaws. As senators, our business is to determine if proposed legislation is flawed and to suggest amendments to correct those flaws.

Senator Smith has a wealth of experience and knowledge of parliamentarians, and I am sure he will recall the red book promise of 1993 and the correspondence of his leader at the time. Why does he think it has taken all these years to pass a bill through the House of Commons on whistle-blowing when a commitment or a promise was made by then Liberal leader Mr. Chrétien that that would be one of the first bills introduced by his party if they formed the government back in the early 1990s? As a historian, I am curious about why has it taken so long.

Senator Smith: Honourable senators, I am certain that question was asked objectively and in good faith, so I will try to answer it objectively and in good faith. The answer is: I do not know.

Senator Di Nino: An honest answer. That is good.

Senator Smith: I suppose on any given day there were, perhaps, more pressing issues. Yes, I admit that it would have been better if it had been dealt with earlier. I also believe that Senator Kinsella's private bill helped to develop a receptive consensus on the Hill that it was time to move on this issue. When it was voted on in the Commons — and I spent quite a bit of time on that today — it did receive unanimous consent. That is a pretty high threshold to achieve. However, I admit it probably took them too long.

Senator Kinsella: My second question to Senator Smith is this: The honourable senator accurately traced the debate, and I must confess that I did not follow it every day in the House of Commons or in the committee of that House. As described, a large number of amendments were put forward, many of which were proposed by colleagues in my own party in the other place. Therefore, in a sense, the bill that comes from the other place is a consensus bill.

After a large number of witnesses appeared before the House of Commons committee, amendments were proposed. Many of those witnesses probably would not recognize the present bill as the bill that they spoke to when they appeared before the committee. Am I correct in reading the record from the other place that those witnesses — many of whom are, to use the terminology of the town, particular stakeholders — have not had a chance to comment on Bill C-11 as it has been sent to us from the other place?

Senator Smith: Honourable senators, I would have to go through the list thoroughly to give an accurate response to that question. I believe, in some instances, the same witnesses spoke to both Bill C-25 and then, after the election, Bill C-11.

To go back to the honourable senator's earlier question, I cannot resist observing that this is an opportunity for this institution to show how we can do the right thing expeditiously without abandoning due diligence.

Senator Kinsella: This brings me to what I consider to be a terribly important point and, hopefully, a point upon which we will have agreement in this house. Those many witnesses have loads of experience to share on this whole area of whistle-blowing, including the experience of individuals who were victimized by retaliation when they courageously blew the whistle on apprehended wrongdoing. Senators in our committee will carefully study the bill, in the course of which we will hear from those witnesses. We will not be rushed in our study of this bill. We will conclude a serious study. In particular, we will hear from those many witnesses who have not had the opportunity to express their views to Parliament on the bill as it is now before this chamber. The bill was amended significantly during the committee process in the other place.

Does the honourable senator know whether a draft document dealing with Charter issues as they may affect public servants has been prepared and, if so, has he seen such a document?

Senator Smith: I understand there has been a great deal of discussion on this subject, but I have not seen such a document.

I agree with the honourable senator's earlier comments. I also believe that most senators would hope that this bill would be passed before we go to the polls. If we put our shoulders to the wheel, we can make that happen, with due diligence.

Hon. Marcel Prud'homme: Honourable senators, I am pleased to participate briefly by asking a question. As every senator should, I listened attentively to the honourable senator's comments. When the bill is being dealt with in committee I will give careful consideration to the exception in the bill. Would the honourable senator care to comment on that exception?

Senator Smith and I have known each other for a long time. We knew each other 45 years ago as young Liberals, as well as Senator Grafstein and a few others. We are still here.

CSIS and the RCMP have been excluded from the provisions of this bill. However, they will have to establish disclosure and reprisal protection regimes which satisfy Treasury Board. I am

not one of those who trembles in his shoes at the thought of touching CSIS and the RCMP, having dealt with both at different times. However, I should like to be sure of what we are proposing to do. I will attend the meetings of the committee that will be studying this bill to learn why these organizations are excluded. Will the response of Treasury Board simply be that they are satisfied because the RCMP and CSIS have assured them that whistle-blowers will not be punished? If there is a place where whistle-blowing is prevalent these days, it is CSIS. Yet, they are excluded from the provisions of this bill.

Senator Smith: Originally, the RCMP was not to be excluded but, as the result of an amendment proposed by a Conservative and supported by a Liberal in the other place, the RCMP is now included. The organizations excluded are the Communications Security Establishment, CSIS and the Canadian Armed Forces. They are obliged to establish their own disclosure and reprisal protections consistent with the requirements of Treasury Board. The RCMP are included. I am sure the honourable senator is familiar with the mindset of the military and the security establishments. They will have to come up with their own compatible systems.

• (1530)

Senator Prud'homme: Because of their mindset, I think we should look into that when it goes to committee.

Hon. Serge Joyal: May I ask an additional question?

Senator Spivak: I would like to adjourn the debate and speak on it tomorrow.

Senator Joyal: The honourable senator has referred in his presentation of the bill to the fact that the public sector integrity commissioner would be an officer of Parliament. If I remember correctly, he used that term.

In reading the bill quickly — and I thank Senator Robichaud for having given me a copy — at clauses 38 and 39, there seems to be confusion on the concept of “officer of Parliament.” I will explain my point.

The honourable senator will remember well when we adopted the bill recently establishing a Senate Ethics Officer, it was clearly stated in the bill that the SEO was an officer of Parliament. Not only that, he was exercising his responsibility within the institution of the Senate and, moreover, he enjoyed the privilege of the Senate and the senators individually. To me, that bill is clear. There is no question or any doubt in my mind that the SEO is an officer of Parliament, meaning the SEO is an extension of the Senate. The SEO exercises a power of the Senate and the power is the disciplinary power that the Supreme Court has recognized as being a power of this chamber. It is within this chamber that the SEO exercises his or her role and responsibility.

When the honourable senator uses the same expression, “officer of Parliament,” in relation to the public sector integrity commissioner, I recognize that the integrity commissioner is appointed after the approval of appointment by resolution of the Senate and the House of Commons in clause 39(1). I recognize, at clause 38(5), that the integrity commissioner tables a report to Parliament each year, to the Honourable Speaker. However,

when you read the other clauses of the bill — clause 39(1), the commissioner has the rank and all the powers of a deputy head of a department; and 39.2(3), the commissioner is deemed to be employed in the public service for the purpose of the Public Service Superannuation Act — it seems there are two kinds of references at the same time.

The honourable senator concludes in his presentation that the new commissioner is an officer of Parliament, so we have to see him or her as an extension of the Senate's power. The new commissioner exercises the Senate's power, probably with the protection that entails; but at the same time, the commissioner seems to be a position within the public administration, which means not the Senate but the administration. It might seem arcane as a distinction, but it is important for the duty that the person will have to perform on behalf of the Senate, if the commissioner is to be an officer of Parliament.

When he or she performs his or her duties according to the act, the way that the act defines those duties is that the commissioner is acting on behalf of the Senate and not on behalf of the administration. There is a slight distinction between the two, honourable senators. I know you might not want to answer in detail, but I think the committee will have to look into that. We really need to understand what that position means in terms of its independence from the administration versus the commissioner's responsibility, which is the responsibility of the Senate, to ensure that the Senate can protect somebody in the administration who might be the object of recourse by his or her superiors in the performance of his duties, and his responsibility to report wrongdoing.

I think there is a slight difference between the two, but I do not see that difference in the bill unless I have not read it correctly. There is a little confusion here.

Senator Smith: That is a precise question, which probably warrants a studied response.

I understand what the honourable senator is getting at. I do not think establishing the rank officers of Parliament are equal to is incompatible with the officer of Parliament designation. I believe the SEO has a similar rank, so there is certainly a pattern there. Of course, officers of Parliament can also be removed by joint address.

These questions are legalistic, but of serious importance. I am sure they will be addressed at committee and I welcome that.

Hon. Anne C. Cools: Honourable senators, I was listening to the debate with some interest. I have done a fair amount of research on the history of officers of Parliament and I have discovered that the constitutional creature called an officer of Parliament is a novel animal and one that was quite recently created.

The literature is replete with officers of the House of Commons and officers of the Senate. For example, our clerk, Mr. Bélisle, is an officer of the Senate; and with due respect to Senator Joyal, I believe our Senate Ethics Officer is an officer of the Senate. He is not an officer of Parliament, only of the Senate.

[Senator Joyal]

I want to make the point because I take Senator Joyal's point well that the Senate committee has to give this matter ample study and consideration to satisfy itself that the appropriate constitutional tool is being used to constitute the position that is required. I urge the committee members — I do not see the chairman here at the moment — to study this particular point thoroughly.

I believe that when we were studying a bill or some other issue some years ago, we had a witness before us — I think his name was Professor Smith — who reported in his testimony that he could find very little on the officers of Parliament. I believe that the term “officer of Parliament” makes its entry into Canadian constitutional history — I am not sure, I would have to look this up — with the creation of the new Auditor General Act, many years ago following that whole crisis with Auditor General James MacDonnell and the subsequent creation of the new Auditor General Act.

I am not totally convinced that this is an appropriate or a desirable constitutional instrument to use for this so-called whistle-blower act. It may well be that the committee investigation and study may convince me that it is a desirable way to proceed. However, I am making the point to emphasize the constitutional importance of this position.

It is not my way to use the slang, “whistle-blowers.” However, we must be sure that we are proceeding in a proper way; otherwise, we will end up with another creature that will be a novel constitutional creature, unknown to the Constitution. It will undoubtedly present a host of problems and mischief that none of us are yet able to contemplate or even consider.

• (1540)

My question to the honourable senator has to do with precisely the point I raised, bearing in mind the brevity of the constitutional existence of these officers of Parliament. Perhaps the honourable senator could tell this house why it was determined that an officer of Parliament could fulfill the particular task intended in the bill.

The Hon. the Speaker: Honourable senators, I advise Senator Smith that his time has expired. Does the honourable senator wish leave to continue?

Senator Smith: Yes, I am happy to attempt to answer the question of the Honourable Senator Cools.

Hon. Bill Rompkey (Deputy Leader of the Government): This side agrees to leave to continue for five minutes.

Senator Smith: It is my understanding that the other place chose an officer of Parliament because they determined that the role and function should be carried out by someone who reported to Parliament rather than to the administration only. I agree with that logic. I would confirm that the witness to whom Senator Cools referred is the distinguished Professor David Smith from the University of Saskatchewan.

Senator Cools: It seems to be a little known fact that the Queen is the head of Parliament. Parliament has no power to create its own officers. This is one of the reasons I raise this oddity. It is a characteristic of each House of Parliament that its officers are

appointed under the Royal Prerogative of Her Majesty the Queen. The House of Commons and the Senate have no power to create or appoint their own officers or their clerks or law officers, so I do not understand how Parliament can expect to do this. I have done much research and would appreciate help on the issue. Is the Honourable Senator Smith aware whether the government side, in proposing this legislation, contemplated any of these thorny constitutional questions? I understand that the government has a way of saying “it is so” and, therefore, the law is whatever the government says it is. I frequently disagree with that view. Did the government contemplate the thorny issue of creating such an officer of Parliament to work in this kind of situation?

Senator Smith: The short answer is, yes, government did contemplate the issue. I might give Senator Cools comfort by saying that I believe in and support the monarchy system, but if it were to put government in a straitjacket such that it could never do anything, then I might have to rethink that. I do not think that it puts us in such a straitjacket. When an approach represents good public policy and there is a will, then there is a way. I believe those in the other House have found an appropriate way.

Senator Cools: I understand that the honourable senator has his beliefs, which he has articulated, but I believe that the law is greater than beliefs. What is the constitutional authority for bringing forth this position as an officer of Parliament?

Senator Smith: Those matters are studied quite thoroughly by the appropriate authorities in the Privy Council, in whose qualifications you might not have great comfort. However, they are quite sensitized to the issues raised by the honourable senator. The approach spelled out in the bill is appropriate for putting sound public policy in place.

On motion of Senator Kinsella, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Mobina S. B. Jaffer moved second reading of Bill C-49, to amend the Criminal Code (trafficking in persons).

She said: Honourable senators, it is with great pleasure but also with some sadness that I rise today to speak in strong support of Bill C-49, to amend the Criminal Code in respect of trafficking in persons. I am very happy that Canadians are taking the necessary steps to stop the heinous crime of human trafficking, but I am very sad that these kinds of deplorable acts happen anywhere in the world, let alone right here within our borders.

Honourable senators, last week I was in Abuja, Nigeria, where I met with officials of the Nigerian National Agency for the Prohibition of Traffic in Persons, NAPTIP. I also met with nine girls from the ages of 12 to 15 who had, a few days ago, been rescued in a bus station. These girls were with a woman — in Nigeria they call them “madams” — who was preparing to traffic them as house girls in Lagos and later, when they were a little

older, as sex objects in Italy. All these girls were in school, but their parents had sold them to a Nigerian madam.

While talking to the girls, I really bonded with a young 12-year-old who was so innocent. There are many girls like her who will not be rescued. I am so privileged to speak in support of Bill C-49 because it is for girls like my little friend in Nigeria.

Honourable senators, Bill C-49 is important not only because it proposes new protections against human trafficking but also because of what it represents at its core.

[Translation]

It is a reflection of Canadian ideals and values in that it seeks to protect against criminal violations of fundamental human rights. It is a reflection of the government’s commitment to these values. It is a realization of the government’s Speech from the Throne commitment to introduce criminal law reforms to better protect against human trafficking.

[English]

To understand how important this bill is, honourable senators must understand the devastating consequences that human trafficking has on people. I will read a human trafficking experience from the U.S. 2005 Trafficking in Persons Report of a woman called Neary.

Neary grew up in rural Cambodia. Her parents died when she was a child, and, in an effort to give her a better life, her sister married her off when she was 17. Three months later, they went to visit a fishing village. Her husband rented a room in what Neary thought was a guest house. But when she woke the next morning, her husband was gone. The owner of the house told her she had been sold by her husband for \$300 and that she was actually in a brothel.

For five years, Neary was raped by five to seven men every day. In addition to brutal physical and sexual abuse, Neary was infected with HIV and contracted AIDS. The brothel threw her out when she became sick, and she eventually found her way to a local shelter. She died of HIV/AIDS at the age of 23.

Neary was a victim of human trafficking. Although she was from Cambodia, she could just as easily have been from anywhere else in the world, including Canada. Bill C-49 is for people like Neary, my young Nigerian friend, and many others.

• (1550)

This is a bill about people. It is about protecting the fundamental values of human security and human dignity that we value as Canadians. On third reading debate on this bill in the House of Commons, the Minister of Justice said:

...the true measure of a society’s commitment to the principles of equality and human dignity is taken by the way it protects its most vulnerable members. This is what Bill C-49 is all about. It is about more clearly recognizing and denouncing human trafficking as the persistent and pervasive assault on human rights that it is.

These are the basic principles that serve as a starting point in discussing Bill C-49.

[*Translation*]

Sadly, human trafficking is not new. Throughout history, people have been bought and sold, traded as though they were commodities, in flagrant violation of their worth as individuals and for the sole benefit of those who sought to exploit them.

Today's human trafficking has many parallels to these historical experiences, which explains why it is often described as the "contemporary global slave trade."

While countries around the world continue to struggle to fully understand the pervasiveness of this clandestine activity, what we do know is staggering and simply unfathomable.

[*English*]

In a report released in May 2005, the International Labour Organization estimated that at any given time a minimum of 2.45 million people are in situations of forced labour as a result of human trafficking. The United Nations has suggested that each year as many as 700,000 persons are trafficked across international borders. Similarly, the United States, in their annual report on trafficking in persons, has placed the number between 600,000 and 800,000 persons annually.

When we hear numbers in the millions, it is difficult for us to remember that each one represents a real life. Who are these trafficking victims? They are the marginalized and the disenfranchised — the most vulnerable persons in our society.

This is a crime that disproportionately affects women and children. They are the ones who routinely face the greatest legal, social, economic and political inequality around the world. Human trafficking is very much a crime that exploits inequity and is fuelled by the greed of its perpetrators.

Human trafficking exists in as many forms as its perpetrators can devise. The International Labour Organization estimates that 43 per cent of all labour extracted as a result of human trafficking involves commercial sexual exploitation, that 32 per cent involves economic exploitation, and that the remaining 25 per cent of persons trafficked into forced labour are subjected to both economical and commercial sexual exploitation or are trafficked for purposes that cannot be determined.

Those who are exploited in the sex industry are forced to provide sexual services in massage parlours, brothels or on the street. This area of forced labour is especially pronounced in industrialized countries where the sex industry is big business, exceeding \$12 billion a year.

Demand is at its greatest in the industrialized world. The ILO estimates that as much as 72 per cent of forced labour in industrialized countries is sexual exploitation.

Honourable senators, I recently spoke at a conference on human trafficking held by the European Women's Lobby in London, England. They focused on the demand side of trafficking

[Senator Jaffer]

and were preoccupied with the way in which major sports and cultural events within the industrialized world have fuelled the trafficking of women and girls for sexual exploitation in the industrial world.

For instance, next year, when Germany hosts the World Cup of Soccer in 2006, it is estimated that there will be an influx of 30,000 to 40,000 women in prostitution to the city of Cologne during a four-week period. An increase of this magnitude would almost certainly require women who have been trafficked.

Economic exploitation can include forced labour as a domestic worker in a private household or in the agricultural, construction, garment and food processing industries. It can also include forced begging or involvement in illicit activities such as couriering drugs.

[*Translation*]

In addition, the forms of labour and services which are extracted will vary depending on where in the world the person has been trafficked.

For example, forced labour involving commercial sexual exploitation is more prevalent in industrialized countries than it is in transition or developing economies where forced labour for economic exploitation is more common.

[*English*]

As well, in some parts of the world children are at risk of being trafficked as child soldiers. One need only think of the terrible practices of such groups as the Lord's Resistance Army, which operates in Northern Uganda and abducts children, forcing them to serve in their rebel army, to realize how far reaching the negative consequences of this crime are.

I met with some of the children who were abducted in Northern Uganda and later placed in detention centres in Gulu. The hardship to which they have been subjected is unimaginable. They have been brainwashed into harming their own families. They have cut off the lips or ears of their mothers and sisters. Today, they are in detention centres, as even their mothers and parents do not want them to return home.

Women and children are most often victims of this crime. It has been estimated that half of all victims of human trafficking are children — as many as 400,000 each year. The ILO report estimates that 98 per cent of those forced into commercial sexual exploitation are women and girls. Children who should be in schools and playing with their friends are instead subjected to terrible crimes that we can hardly comprehend. Women and girls also comprise 56 per cent of those forced into economic exploitation.

In a country that prides itself on its efforts to protect the vulnerable, these statistics are a clarion call to action. I believe, honourable senators, that Bill C-49 clearly answers that call and reflects the government's commitment to protect the vulnerable.

[*Translation*]

Bill C-49 proposes to amend the Criminal Code to create three new indictable offences to better protect against human trafficking.

These new offences will more clearly define and denounce this criminal conduct, and they will impose increased accountability on those who seek to perpetrate this crime.

[*English*]

Although it is our Canadian values that demand that we respond to human trafficking, we must always remember that Canada does not exist in a bubble. Canada is part of the international effort to combat human trafficking, of which Bill C-49 represents a significant part.

In particular, Bill C-49 is consistent with the comprehensive international framework in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Canada was one of the first countries to ratify the trafficking protocol, having done so in May 2002. Bill C-49 will enable Canada to remain among those countries that continue to demonstrate international leadership in the fight against this terrible crime.

Bill C-49's proposed main offence of trafficking in persons would specifically prohibit anyone from engaging in specified acts, including recruiting, transporting, harbouring or controlling the movements of another person for the purposes of exploiting or facilitating the exploitation of that person. This offence would carry a strong penalty of life imprisonment where the offence involves kidnapping, aggravated assault, aggravated sexual assault or the death of a victim. In all other cases, the penalty would be imprisonment for 14 years.

• (1600)

[*Translation*]

In addition to the main offence, Bill C-49 proposes the creation of a second indictable offence to deter those who would profit from the exploitation of others. This offence would specifically prohibit anyone from receiving a financial or material benefit knowing that it results from the trafficking of another person. This new offence would carry a maximum penalty of 10 years imprisonment.

[*English*]

It is very important that we include this offence. It addresses several key elements of human trafficking that may not be as obvious as those in the main offence but without which trafficking in persons would not be as widespread as it is now.

First, it enables law enforcement to better target those who would benefit from the crime of human trafficking even where they do not engage in the physical acts involved with trafficking.

Second, it goes to one of the main reasons that trafficking not only persists, but also that it is growing; namely, it is a major revenue generator. Indeed, recent international estimates put the

profits from this activity in the billions of dollars, placing it among the top three money-makers for organized crime.

The final new offence proposed by Bill C-49 is also important because it addresses behaviour that is known to help perpetuate the crime of human trafficking. Traffickers often withhold or destroy the personal documents of their victims such as passports, visas and other identification. This is just another way in which the lives of victims are controlled and dominated by those who engage in this heinous crime.

The third offence proposed by Bill C-49 would prohibit the withholding or destroying of travel or identity documents in order to commit or facilitate the trafficking of persons. This new offence would carry a maximum penalty of imprisonment for five years.

The offences proposed by Bill C-49 are an attempt to strike at the very root of human trafficking and the reason that it is so sickening — the exploitation of its victims. Perhaps more than anything else exploitation is at the heart of this criminal conduct. While it may be part of what we are talking about, human trafficking is more than just recruiting and moving individuals unlawfully; it is really all about engaging in that conduct for the purpose of exploiting the victim. It is exploitation from which those involved in human trafficking draw their profits, and it is exploitation of the victim that makes it such a deplorable activity.

To paraphrase the work of the European Union's Experts Group of Trafficking in Human Beings, it is the forced aspect of labour or services, including forced prostitution, which is the key element to the definition of trafficking as reflected in the trafficking protocol. I would say it is the key element of Bill C-49, and that, in my opinion, is especially welcomed.

"Exploitation" is defined in Bill C-49 to mean causing another person to provide or offer to provide labour or services by engaging in conduct that can reasonably be expected to cause that person to fear for their safety or someone known to them if they fail to provide labour or services. It also includes causing them, by means of deception or the use of threat of force or any other form of coercion, to have an organ or a tissue removed. This definition is broad, and rightly so, because we know that human trafficking can take many forms.

[*Translation*]

The proposed new offences would carry severe penalties — penalties that are consistent not only with the Criminal Code itself but also with those enacted by other countries as part of their anti-trafficking legislation.

[*English*]

Human trafficking is, after all, a global program. As César Chelala, an international public health consultant, noted in yesterday's *Globe and Mail*:

Every year, thousands of Vietnamese women and girls are transported to China. Most are made to believe they will find good jobs and marriage prospects there. Once they reach China, however, many end up as beggars, forced labourers or prostitutes.

It is worth pausing again to note that Bill C-49 will not operate in a vacuum; it must be seen as part of a larger legislative framework that Canada has in place to protect persons from exploitation. For instance, in 2002, a specific trafficking in persons offence was created in the Immigration and Refugee Protection Act, or IRPA. This offence addresses human trafficking that involves organized, illegal cross-border entry of persons into Canada. The first charges under the IRPA trafficking in persons offence were laid in April of this year by the Royal Canadian Mounted Police against a Vancouver massage parlour owner.

Existing Criminal Code offences are also being used to address various acts often related to human trafficking, such as kidnapping, assault, sexual assault and offences involving organized crime. Bill C-49 supplements these provisions, ensuring that the various ways in which these crimes can be committed are properly addressed including, most notably, trafficking that occurs wholly within our borders.

In other words, Bill C-49 will provide police and prosecutors with welcome new tools to ensure that no matter what form human trafficking takes or for what purpose human trafficking occurs in Canada, our laws can fully and properly address this criminal conduct.

Human trafficking victims will also be able to benefit from other recent criminal law reforms. Bill C-2, to amend the Criminal Code (protection of children and other vulnerable persons), received Royal Assent on July 20, 2005. It will be proclaimed into force on a date to be determined. This bill enacted criminal law reforms that seek to make the criminal justice process more sensitive to the realities of vulnerable victims.

[Translation]

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable Senator Jaffer, I regret having to interrupt you, but the Blackberry mobile devices seem to be interfering with the sound system. I ask therefore that those senators currently using them turn them off so that we can better hear the Honourable Senator Jaffer.

[English]

Senator Jaffer: As a result, trafficking victims may now be able to provide their testimony with the assistance of testimonial aids such as screens, closed-circuit televisions or with the assistance of support people.

[Translation]

Honourable senators, Bill C-49 is an important part of Canada's ongoing efforts to combat human trafficking. Having said that, we know that legislative reforms alone cannot fully address the scourge that we know human trafficking to be.

[English]

That is why I am pleased to know that Bill C-49 is part of a broader Canadian initiative to prevent trafficking, to protect its victims and to prosecute the offenders. The Minister of Justice has

[Senator Jaffer]

referred to this approach as the three Ps — prevent, protect and prosecute — which dovetails with the international community's response to this crime.

The government has undertaken measures in support of the three Ps, including increasing public awareness through a website, posters and a pamphlet that is available in 14 languages and that has been widely distributed within Canada and abroad, through Canadian embassies, to warn persons who may be vulnerable to this form of criminal conduct.

The government has also supported public forums and professional training for law enforcement, again with a view to raising public and professional awareness of and responses to human trafficking.

I understand that the ongoing federal efforts to combat human trafficking continue to be coordinated by the Interdepartmental Working Group on Trafficking in Persons, which is co-chaired by the Departments of Justice and Foreign Affairs and is currently developing a federal anti-trafficking strategy.

• (1610)

In summary, I urge all honourable senators to support this bill. It will clearly and strongly denounce this crime. It will provide increased protection to vulnerable persons and it will increase accountability for those who engage in it.

Honourable senators, I believe that Bill C-49 affirms the fundamental values for which Canada is respected the world over. Those values are liberty, equality and justice. I hope that all honourable senators will join with me and strongly support the quick passage of this bill into law.

[Translation]

The Hon. the Acting Speaker: Would Senator Jaffer entertain a question?

Senator Jaffer: Of course.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, I consider this to be an excellent bill. We, who have been active at the Organization for the Security and Economic Cooperation in Europe, which includes Canada and the United States, have been tracking this issue for over five years and we are delighted that our efforts and the efforts of the United Nations have finally brought this to fruition in this particular bill.

I have a couple of questions for the honourable senator about the bill to see whether or not the scope of the bill — not in terms of enforcement but in terms of protection — is adequate.

As honourable senators know, one problem with trafficking is that the victim becomes the double victim. Victims are brought into the process — a person, male or female, mostly female, sometimes with children, sometimes without — are trafficked from the four corners of the earth and the target market is

Europe, Canada or the United States. Somewhere between 15,000 and 20,000 people are trafficked through Canada every year. Obviously this bill deals not only with the international but also the domestic scope.

When a person — a woman in particular who is vulnerable and young — is dragged into this process, to break loose of this economic pipeline that she has been injected into, her personal protection is a problem. She is without papers and the question is this: If she challenges the system and those who put her into this bondage, into this slave trade, does this bill satisfy her needs in terms of protecting her, not only as a victim who will blow the whistle, in effect, but also ensure that she will be fairly treated under our immigration process once she is here?

Senator Jaffer: When I was at the European Women's Lobby, there was a lot of talk about the fact that in Europe, North America and Canada sometimes trafficking and migration are confused. I have had a number of these cases already. Under the Immigration Act and under our humanitarian and compassionate category in our immigration legislation we have been able to make a case for the women who get out of this bondage. However, there is a lot more work we can do. I am sure this will be explored in the committee. Besides it being explored in the committee, this is the first stage. It is the foundation. The next stage is to ensure that the women are protected under our immigration system.

Senator Grafstein: I am glad to hear that. I hope the committee will look at this issue and bring national and international evidence to bear, because the broad powers will not work if the women or children who are in the pipeline do not feel that they will be fully and completely protected as witnesses and in terms of their status. Without that protection, the broad powers will not work because of the confidentiality and fear that is injected into these victims.

I hope the government will be open to broaden this bill to provide adequate protection to those people who are victims. I am satisfied that the learned senator will make sure that this aspect is fully explored in the committee.

The University of Chicago had a seminar on this subject. It was excellent. I was one of the speakers there. I would be glad to send the honourable senator a copy of the speech that dealt with all these issues.

Senator Jaffer: I thank the honourable senator for that submission. It is not just of women who are trafficked but even, under our immigration bill, women who are brought here under the live-in care program. Also, women who come as mail order brides or for arranged marriages sometimes suffer a lot of abuses. Those are all of the challenges and this will help us look at the next steps.

Hon. Serge Joyal: Would the honourable senator entertain another question?

Senator Jaffer: Yes.

Senator Joyal: Honourable senators, I was one of those who thought that the infamous program of the exotic dancers was a shame on Canada's reputation. It occurs to me that most of those persons were recruited under the false pretext that they were coming to Canada to work in the hotel and tourism industries, and of course under the lure of high wages and even the prospect of getting married and establishing a family on a permanent basis in Canada. It is one of those horrendous initiatives whereby to meet the need of "labour markets," Canada was in fact complicit in the sex trade. Once they were in Canada, it was as if it were no longer anyone's responsibility to assume the plight of those women.

I hope, honourable senator, that the amendments brought to section 279.01 of the Criminal Code by this bill has wording broad enough to catch that awful program in its net. It should never have existed. If no Canadian women want to fill those jobs, there is a reason: It is because they feel shame in occupying those positions. Why should a foreign woman be mistreated for doing something that a Canadian woman does not want to do? They are brought here and left on their own and they fall into the blackmail of their employers.

I believe, honourable senators, that if Bill C-49 can answer the situation denounced by Senator P  pin in one of her Senators' Statements a year ago, I think that this bill must be supported wholeheartedly.

Senator Jaffer: We can learn from that situation and be humbled by what happened with exotic dancers. That kind of situation happens even in our country and we should not become complacent in thinking that it only happens elsewhere in the world.

One challenge women face in coming to our country is the points system we have, which is unequal. Sometimes the only way women can come into this country is through such terrible trafficking programs. Once this bill has been given consent in the future, we will have to look at how our Immigration Act is unequal when it comes to women.

Hon. Gerard A. Phalen: Honourable senators, I rise today to speak in support of Bill C-49, an Act to amend the Criminal Code (trafficking in persons).

The Hon. the Speaker: Before I give the floor to Senator Phalen, because this is the time for the second speech to be made at second reading, the normal procedure would be to look to the other side because there is a 45-minute time allocation for the second speech, which is not automatically given. It is only given to the second speaker. Usually when that happens we make a special arrangement and someone would rise to adjourn. We would then clarify that by consent and I could then see Senator Phalen.

Hon. Marjory LeBreton: Honourable senators, we agreed that we would allow Senator Phalen to speak on the proviso that Senator Andreychuk's 45 minutes would be preserved.

The Hon. the Speaker: It is agreed that I will go to Senator LeBreton for the adjournment afterwards.

Senator Phalen: Honourable senators, I would like to start out today by reciting a few verses of a poem that was published on the Internet by a poet named Munda, who has visited our glorious country.

Canada, oh Canada
what hast thou done with me
whenever I do close my eyes
my heart is there with thee...

Golden fields of waving grain
whisper a lullaby
the sunset slowly fades away
beyond your endless sky

Canada, oh Canada
what hast thou done with me
I feel thou whispers in my soul
I wish to be with thee...

I see your children playing
out on a frozen pond
at snowball fights and slapping pucks
a magic way beyond

Mem'ries of the days gone by
engraved into my soul
return to you I will some day
it's always been my goal

Canada, oh Canada
what hast thou done with me
thou temptress of my craving heart
I long to be with thee

• (1620)

This poem clearly shows the magnificent Canada that this visitor to our shores experienced. Unfortunately, not everyone who comes to Canada's shores is fortunate enough to see our country as such a wonderful place.

I would like now to read you a bit of a story that appeared in *Maclean's* magazine. It is one of the many such stories but seems to say it best. This story is of a young woman who came to Canada from Hungary a number of years ago.

This young woman, university educated but out of work, responded to an advertisement in a popular Budapest employment magazine. The ad said a Canadian family was looking for a Hungarian-speaking nanny. "I met with this woman in Budapest who said her company wanted to hire me," said Terri. "She knew exactly where to take the conversation. She asked me for information about my life, like what does my mom do and can we take her address in case of an emergency. I was very naive and open."

Upon her arrival in Toronto, Terri's job description changed dramatically. There was no nanny position. Instead, the diminutive redhead was whisked off to a west-end strip club and asked to perform risqué dances on stage and illegal acts in the VIP private rooms. Her employers took her passports and work permit so she could not leave the country and held back her tips

and wages, saying she owed them \$1600 a week for securing her employment. A bodyguard escorted Terri from the club to the hotel room she shared with other Eastern European women. She was fed nothing but egg salad sandwiches and raped by one of her bosses who threatened to harm her family in Budapest if she did not comply.

After six weeks of this existence, Terri ran away with the help of a strip club DJ and now works as a waitress while she waits to testify in court against one of her former bosses. "Do I live in fear," she asks? "Not anymore. Now I live with depression. My life has been taken away and I can never get it back."

This young woman, along with hundreds and perhaps thousands of others, has not experienced the same wonderful Canada as the poet I quoted earlier. That poem spoke to me because it beautifully describes the wonderful country that I have been fortunate enough to live in. I am sure Terri does not see this poem describing Canada the way she experienced it, and that, honourable senators, is why this legislation is so important.

Bill C-49 is a three-pronged approach to the horrific problem of trafficking in persons. The United Nations estimates that over 700,000 people, mostly women and children, are trafficked annually. Bill C-49 would prohibit anyone from exploiting or facilitating the exploitation of a person and would carry a maximum penalty of life imprisonment where it involves kidnapping, aggravated assault, sexual assault or death.

In Canada, there are virtually no reliable statistics on the problem, and the estimates vary from 800 people annually that the RCMP believe are trafficked into Canada to estimates from NGOs that up to 16,000 people are trafficked.

Regardless of the numbers, human trafficking starts in countries where people are desperate for economic opportunities. We as Canadians find it almost impossible to understand the vulnerability of people in poor and desperate countries. For instance, up to 400,000 Ukrainian women have been trafficked for sexual exploitation in the past decade. In the Ivory Coast, a girl can allegedly be bought as a slave for \$7, and a shipment of 10 children from Mali for work on the cocoa plantation costs about \$420. Up to 90 per cent of girls in rural Albania do not go to school for fear of being abducted and sold into sexual servitude.

Criminal organizations charge these desperate people thousands of dollars to bring them into countries like Canada, often with promises of jobs that are not there. Instead, they get turned over to pimps in massage parlours, where they are expected to work off their debt. The methods employed by these traffickers to force victims into compliance range from confinement and beatings to threats to their families.

In other countries, like Nigeria, traffickers have gone so far as to force young women to swear oaths to repay debts and even to witch doctors who take a lock of their hair or toenail clipping and warn they will die if they break the oath.

Bill C-49 would also prohibit anyone from receiving financial or other material benefits resulting from the commission of a trafficking offence.

Trafficking in human beings is so profitable that a 1999 report by the RCMP concluded that smuggling migrants is so lucrative in Canada that rival criminal gangs set aside their differences to share safe houses, illegal travel documents and ways of sneaking people into the country.

Smuggling people is more profitable than drugs. According to one UN immigration official, the situation is as follows:

We're seeing a global transition of organized criminals that deal in drugs and arms smuggling now turning to this new area of human smuggling. Some say the illegal immigrant business has become more attractive to syndicates because the penalties for human smuggling are less severe than those for drug trafficking.

The recently released United States Trafficking in Persons report says that according to the FBI human trafficking generates an estimated \$9.5 billion in annual revenue.

The third objective of Bill C-49 is to prohibit destroying or withholding documents such as identification or travel documents for the purpose of committing or facilitating trafficking.

In almost every case, step one for human traffickers is to withhold passports, visas or other travel documents. A recent federal intelligence study obtained by Canadian Press showed 12 per cent of people who arrive in Canada without proper documents are associated with a smuggler or escort. It is also interesting to note that in the year 2000 the RCMP seized 966 counterfeit travel documents with a street value of \$13 million.

Honourable senators, Bill C-49 is an excellent step toward punishing those who would traffic in human beings. The federal government website on trafficking in persons, as well as the distribution in foreign missions and through NGOs abroad of anti-trafficking pamphlets and posters in up to 17 languages, are also welcome steps in the battle against trafficking.

According to the 2005 U.S. report, the dangers of becoming a trafficking victim can lead vulnerable groups such as children and young women to go into hiding, with adverse effects on their schooling and family structure. The loss of education reduces their future economic opportunities and increases their vulnerability to be re-trafficked in the future. Victims who are able to return to their communities often find themselves stigmatized or ostracized. It is a vicious cycle.

That is why I believe the battle against this scourge of human trafficking must also include support for the victim. The RCMP says that only one in 10 victims of trafficking report the crime to the police. Without adequate processes in place to protect the trafficked victims, Canada will continue to see a low rate of victims reporting offenders.

Honourable senators, for one moment, put yourselves in the shoes of persons who have been trafficked into Canada and are being forced to work or prostitute themselves. They do not speak the language; their level of education may be almost non-existent; they have no family or social support structure; they may be physically or mentally abused; their loved ones back home are

threatened; and, they have been told that they will be deported if they report to the authorities. These poor souls probably even do not know how to take the local bus, yet our legal system counts on them reporting their traffickers.

Honourable senators, we need a victim-centred approach to the problem. Ironically, women who have been charged criminally for illegal immigration or prostitution are not eligible for refugee status in Canada.

• (1630)

It is my hope that our government will continue the good work of Bill C-49 by introducing a bill which contains provisions similar to those contained in the U.S. Trafficking Victims Protection Act. That act enables victims of trafficking who cooperate with law enforcement efforts to prosecute traffickers to apply for special victim visas and therefore receive refugee benefits including medical coverage, employment programs, cash assistance, counselling and legal assistance.

Honourable senators, I encourage you to support Bill C-49 and to continue the fight against human trafficking.

On motion of Senator Andreychuk, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved second reading of Bill S-42, to amend the Food and Drugs Act (clean drinking water).
—(*Honourable Senator Grafstein*)

He said: Honourable senators, here we go again. Just over four years ago, Canadians awoke one morning to discover a wave of tragic events cascading across Canada, first in Walkerton, Ontario; then North Battleford, Saskatchewan; and then Charlottetown, Prince Edward Island. Clean drinking water became a national hot button item. Suddenly, the national media woke up and began to report local water advisories sprouting up in every region of the country, from Quebec to Newfoundland, Manitoba, Alberta, British Columbia, and the Aboriginal communities across the North and across Canada. Every region of Canada was affected. How could this be?

We were taught in school that Canada inherited and possessed the world's greatest supply of clear, fresh drinking water. Yet, we discovered that Canada's capacious fresh water, this precious resource and common heritage, was not only in danger but pollution was deteriorating our fresh water supply daily.

What to do when faced with a national public health crisis in every region of Canada based on our most precious commodity, drinking water? Just where was the national media? After a careful review, it became clear that this problem of drinking water had escaped national attention as bad water problems were reported locally. Drinking water was a local issue. The national media would rarely aggregate the numerous local drinking water problems, and it only did so after an outrageous incident that scorched public conscience across the country.

Unhealthy drinking water as a national crisis lurked and continues to lurk beneath the national media screen. After all, even though drinking water is the staple of the daily diet of each Canadian, and we are told by medical experts to drink at least eight glasses of clean drinking water a day, the crisis was undetected and uncovered.

National statistics were hard to find and harder to accumulate. The federal and provincial authorities and their many statistical based agencies did not coagulate or aggregate the scope of the drinking water problem or the cost to our public health budgets either municipally, provincially or federally. We could not dig out the information and put it all in one place.

Therefore, at the urging of our Aboriginal colleagues here in the Senate, I set about, as a senator from the region of Ontario, to study the problem. The results I discovered were surprising and of deep concern. In the process, I introduced Bill S-18, which is identical to Bill S-42 which is now before you, honourable senators.

The first reading of Bill S-18 took place back on February 20, 2001. Second reading was given, and the bill was referred to the Standing Senate Committee on Energy, Environment and Natural Resources on April 24, 2001. The committee reported the bill without amendment on May 10, 2001, all to the good. Then, on third reading, the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs on June 13, 2002, and then it died on the Order Paper.

I was told that the government would bring in a dynamic water policy to remedy this situation; that I should keep cool and await this new policy. Regretfully, honourable senators, that has not happened in four years.

As I said, Bill S-18 which was introduced four years ago, was identical to this current bill to amend, Bill S-42. I have reintroduced the amendment, and that is what I am speaking to today.

If honourable senators are interested in the historical background of this amendment, I would direct them to the *Hansard* debate on Bill S-18. They will see how little has changed in four years, except that public health has deteriorated.

The government of that day was against the measure. This was a remedial measure and, in its scope, it was simple and clinical. It was to amend the Food and Drugs Act by adding clean drinking water as an objective so that the federal agency already mandated to regulate drinking water in bottles, ice cubes and soft drinks, would also regulate community drinking systems.

Bill S-18 encountered delays in third reading by supporters of the government who were against the bill. A foremost advocate against the bill was our former colleague, the learned Dr. Morin, who articulately supported the government position, arguing in third reading that, in his medical opinion, since water did not contain nutrients, it could not be considered a food under the Food and Drugs Act. Thus, community drinking water, he argued, was beyond the scope of the Food and Drugs Act.

Shortly before he left the Senate, Senator Morin told me he would now support the bill if it were reintroduced. It was clear to me then, and it is clear to me now, that drinking water contains nutrients. I was so advised by doctors and scientists outside this chamber. Thus, the learned doctor's objection is not based on a scientific fact. Meanwhile, the damage to the health of thousands of Canadians in every region of the country has continued unabated.

The former government raised constitutional objections and, thus, the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs. The present government is also concerned about whether the bill would be considered an incursion into provincial jurisdiction.

It is clear that the federal government has regulatory oversight of water: bottled water, drinking water in National Parks, on planes, on trains and, of course, the water in all of our non-urban Aboriginal communities. In fact, the food and drug authorities, with the cooperation of the provinces, issued a voluntary drinking water guideline that is used by some of the provinces.

Mr. Justice O'Connor of Ontario, in his landmark report respecting the drinking water which was the subject of the Walkerton tragedy, clearly outlined the scope of the federal jurisdiction. No one challenged Mr. Justice O'Connor's constitutional view that the federal government had and has jurisdiction.

The federal government as well has an overriding responsibility under the Constitution to ensure matters of public health affecting the nation as a whole are addressed.

The government further objects that this bill might trigger additional federal costs to infrastructure associated with water treatment. The federal government's recent budgets already designate substantial allocation toward drinking water infrastructure for the provinces.

There is a long list of areas where the federal government makes frequent infrastructure investments in matters traditionally considered within the provincial scope of activities when it affects the health of Canadians or the economy of the country as a whole. The fact that the federal government could save billions in preventive health costs if community drinking water supplies were no longer a threat to the public health and to thousands of Canadians daily, is now, I believe, beyond question.

• (1640)

The government and the Senate did not agree with this measure when it was first introduced. The government's objections to the bill continue. Let me state what those objections are in a little more detail.

The Canadian Food Inspection Agency, CFIA, responsible for the regulatory enforcement of the Food and Drugs Act, would become responsible for inspecting community drinking water systems as defined in the amendment. The government's officials believe, however, that this would be an "incursion" into areas where the provinces and the territories are presently exercising their jurisdiction and that this might be criticized by them. Don't

you love the word “incursion” as an answer to bureaucratic inaction? The adoption of this bill by Parliament, it is argued, would jeopardize longstanding federal-provincial-territorial collaborative relationships in the area of drinking water quality.

The federal government, we are told, already has a water drinking strategy for First Nations. Additional regulations and compliance would be necessary, government officials argue. Of course, I agree. Now we have independent evidence that the current water drinking strategy for First Nations is just not working.

What has happened since Walkerton, Ontario, in 2002, and North Battleford, Saskatchewan? Let me quickly sum up the current situation.

While provinces have started to move on improving community drinking water by legislation and by investment, not one province, not one community, has fully implemented Mr. Justice O'Connor's 93 recommendations, especially water standards testing with daily right to information about safe drinking water in each of our communities across Canada — not in Ontario, not in any province, not in any territory. Provinces, always stretched for resources and left discretion, too often lag behind, absent public pressure for public health. Because of the lack of current statistics, there is little or no accountability or public pressure points to galvanize provincial action.

There is also no coherent correlation between bad drinking water and the impact on the health budgets in each province or territory. We can guess and put together statistical models, but we just do not know. I ask honourable senators, why have our health officials not correlated these water statistics?

Statistics Canada indicated that in the year 1999-2000, over 2,150 out of 100,000 children reported cases of giardiasis, a water drinking disease. It appears that even those numbers at that time were seriously underestimated.

In Alberta, one-quarter of drinking water contains traces of pesticide. In British Columbia, Sierra Legal recently issued a report entitled “Watering Down” concerning 28 waterborne disease breakouts in October 2003 and estimated that 10 per cent of British Columbia's water systems were under a boil water advisory. In 2002, Manitoba passed a Drinking Water Act. Since then, it was discovered that in the city of Winnipeg, the home of our former leader, there are concentrations of disinfectant by-products —

Senator Rompkey: The home of the Deputy Leader of the Opposition.

Senator Grafstein: Senator Stratton should listen to this. It was discovered that in the Winnipeg drinking water supply there are concentrations of disinfectant by-products considered to be carcinogenic. In Portage la Prairie, lead concentrates exceeded Canada's voluntary guidelines. I wonder sometimes if the increase in cancer in Manitoba, in Winnipeg, is directly related to bad drinking water. We do not know.

In New Brunswick and Quebec, particularly in rural Quebec, and throughout Newfoundland, particularly the outports, there continues to be a lack in maintaining even the minimum federal guidelines in a large number of communities. Many small communities across Canada regularly use boiled water for everyday use. Imagine, as I said in 2001, a woman with seven or eight children living in an outport in Newfoundland who has to boil her water every day to ensure that her children and family are safe and sound — in Canada, in the 21st century.

Regretfully, honourable senators, little has changed since my bill was introduced over four years ago in terms of substantive improvement. Yes, there have been improvements. Yes, the provinces have moved. However, we still have an invisible public health crisis. Canadians continue to drink unhealthy water daily in many communities and in every region across Canada.

The Americans, at least, passed their Clean Water Act back in 1972 to allow federal regulatory oversight of clean drinking water. Even the Americans did that. One positive outcome of the U.S. act is that U.S. citizens, by tapping into the U.S. federal government's website, can obtain the last water advisory in each community in every region across the United States. They can punch in their telephone numbers and regional code and find out the last water advisory in their community.

I believe, honourable senators, as my late mother taught me, that an ounce of prevention is worth a pound of cure. The cost to our public health is far outstripping the cost of prevention. Let us, as senators from each region of Canada, support this rather “septica” solution to one of Canada's greatest and invisible health hazards — bad drinking water.

Finally, honourable senators, let me turn to the evidence of Johanne Gélinas, Commissioner of the Environment and Sustainable Development, before the Standing Senate Committee on Energy, Environment and Natural Resources last week, on October 18, 2005. She is a member of the Auditor General's agency, thus an officer of Parliament. Let me quote some bullet points from her statement to that Senate committee:

One of the essentials of daily life is access to safe drinking water. In a country like ours, we all assume that the water we drink is of high quality.

But the truth is, in some areas where the federal government has responsibilities, not all Canadians can be sure their drinking water is safe. This includes the nearly half million Canadians living in First Nations communities.

The government has known for years that an overwhelming majority of water systems in First Nations communities pose health risks. Between 1995 and 2003, almost \$2 billion was spent to build and operate drinking water and sewage systems on First Nations. Between 2003 and 2008, a further \$1.8 billion will be devoted to these projects.

Unless strong action is taken, it is unlikely that this money, including \$600 million invested in the First Nations Water Management Strategy, will result in safer drinking water in the future.

Those are her words.

The major problems include the lack of laws and regulations on drinking water in First Nations communities and inadequate support given to First Nations for operations and maintenance.

She says no regulations and no operations or maintenance. She continues:

The federal government is also responsible for making sure that drinking water is safe at federal sites, including military bases, national parks and federal facilities.

Guidelines produced by the federal government, in partnership with provinces and territories, set the mandatory standards for drinking water at these sites. Provinces also use these guidelines in different ways, ranging from general guidance to legally required standards.

We have a quilt work of regulatory practice across Canada on drinking water.

Although a sound process is in place to develop guidelines for allowable contaminant levels in drinking water, it takes too long to develop and update these guidelines.

The government has argued that we have voluntary guidelines. The problem is they are not kept up to date and they take too long to develop. Even the voluntary ones are not in place as fully as they should be.

A process that should take two or three years often takes four to eight years.

The question I have for honourable senators is this: What happens in between? Our public health, the health of our children, diminishes.

A backlog of guidelines on water contaminants may take 10 years to work through. This is not helped by a 20 per cent budget cut between 2002 and 2005 affecting the Health Canada unit tasked with developing the guidelines.

We have chopped back on even the budget for that.

Federal responsibility also includes passenger trains, aircraft and cruise ships that travel between provinces or internationally.

Health Canada inspects water on cruise ships and passenger trains, but not on an aircraft. This means that the Canadian travellers do not know for sure that the water used for drinking and food preparation on aircraft is safe.

In my five years as Commissioner of the Environment and Sustainable Development, I have seen uneven performance by the federal government in creating and implementing a sustainable development approach.

• (1650)

In response to her statement, Chief Phil Fontaine concurred and stated that at least 100 reservations had bad drinking water and were under a boil-water advisory.

Last week, another breakout of E. coli hit the province in the Kashechewan reserve in Northern Ontario. The federal government rushed to remedy the situation, shipping 26,000 litres of bottled water. The chief of that reserve is reported to have said that was not enough to reopen schools or even bathe the ill.

Let me quote briefly from yesterday's *The Globe and Mail*, from Dr. Murray Trussler, chief of staff at Weeneebayko General Hospital in Moose Factory, who is responsible for this particular reserve. There is somewhere between 1,200 and 1,900 people on this reserve; I am not sure of the numbers because they jump around.

The article states:

... because of the problems of E. coli, the level of chlorine in the water, which is routinely extremely high, had to be jacked up to "shock levels." This has aggravated skin diseases, which are endemic at Kashechewan.

Dr. Trussler is quoted as saying that high chlorine

just irritates and dries the skin further, so there is more itching and scratching, which just spreads things like scabies and impetigo.

Further, the article stated:

He said that he had examined children who, for more than a year, have had impetigo, a bacterial skin disease that can cause the formation of pustules and a thick yellow crust on skin, commonly on the face.

He also said that he had seen cases of gastroenteritis, probably due to E. coli, but this cannot be confirmed until testing is completed.

In Dr. Trussler's words:

We ran across a lady who reportedly had hepatitis A. This is a virus. We don't normally screen for that. When we do a water sample, we look at E. coli and coliform counts, but we don't look for viruses.

The article continues:

He said that when he asked about protecting people from hepatitis A, Ontario offered to provide 100,000 doses of a vaccine against it, but the federal government turned it down, saying there was no hepatitis A problem in Northern Canada.

The doctor responded:

This is absolute rubbish. There's 100 native communities in Canada currently under a boil-water advisory. Any time you are under a boil-water advisory, there's probability you are going to run into hepatitis A sooner or later.

Apparently, the reserve and many others have had boil-water advisories for over two years. Imagine — boil-water advisories on federal reserves for over two years.

Honourable senators will recall I gave this example of the Grassy Narrows reserve in Northern Ontario four years ago when I spoke up there. I discovered that women who lived on that reserve who wanted to have healthy babies decided they had to leave the reserve in Ontario in the 21st century because they were concerned that if they did not cleanse their wombs over a two- or three-year period, they would not have healthy babies.

I urge honourable senators to support this amendment on second reading to allow a Senate committee to examine the details, the cost benefits of a remedial measure, as soon as possible. The health of thousands of children and Canadians depends upon it.

I am delighted that the chair of the Standing Senate Committee on Energy, Environment and Natural Resources — our great colleague, Senator Banks — has already invited witnesses on the state of drinking water in Canada.

Honourable senators, is it not ironic that we can transport clean drinking water systems to stricken areas around the world but we still have not been able to solve the problem of bad drinking water across all regions of Canada, particularly in our own First Nation reserves? Is that not ironic?

I am indebted, honourable senators, to Sierra Legal Defence Fund, and the program on water issues at the Munk Centre for International Studies, Trinity College, University of Toronto and the Library of Parliament for their assistance in clarifying these issues for me. All the conclusions that I have stated in this speech are, of course, my own.

Honourable senators, I hope I have been able to convince you that there is a health crisis in each region of the country that each senator in this chamber represents. The onus, I believe, is now on officials of the government to disprove these startling statements of fact. Let us refer the bill to a Senate committee as soon as possible so we have an opportunity to get at the facts and, if we can, defuse this national health time bomb.

Let us get on with the job. I ask for your support in speedily approving this amendment on second reading, honourable senators.

Hon. Madeleine Plamondon: I would like to ask a question.

The Hon. the Speaker: Will you take a question, Senator Grafstein?

[*Translation*]

Senator Plamondon: Honourable senators, does Senator Grafstein believe that Canada should recognize safe drinking water as a human right, and not a commodity, that is something that must not be paid for? Should Canada recognize this as a human right?

[*English*]

Senator Grafstein: I thank the honourable senator for her question, if that is the question.

Senator Plamondon: That is the question. Do you recognize that Canada should say it is a human right instead of a commodity?

The Hon. the Speaker: I will give the senator the floor to respond.

Senator Grafstein: Honourable senator, I have been here for over 20 years now and I have been involved in one of the great constitutional debates of all time on the Charter of Human Rights. Frankly, it was an arduous and difficult decision to amend our Constitution to deal with rights. I am concerned at this time about remediating our existing law to clean up what I consider to be a serious health problem.

Yes, I believe that drinking water is a human right. Yes, I do not believe that drinking water is merely a commodity because we require it every day. Every Canadian requires eight glasses of clean drinking water every day to be healthy.

Having said all that, yes, I believe it is a human right. Yes, I do not believe it is a commodity. Our problem, honourable senators, is to convince the federal government and the provinces to address this problem in a quick, astute and cost-effective way.

We worry so much about the burgeoning health costs, but we increase them by not paying proper attention to preventing bad health. To my mind, this prevention would save money and, in those terms, make every Canadian entitled to what I consider to be their right, which is eight glasses of clean drinking water each and every day.

Senator Plamondon: I am glad that the honourable senator recognizes that clean drinking water is a human right, because Canada has not recognized it on the international scene.

Does the honourable senator think there should be an inquiry into the bottled water industry, which is owned by four major companies — Nestle, Pepsi Cola, Coke and Danone? Do you think it is appropriate for Canadians to buy water from a bottle when bottled water makes so much money for these companies?

Senator Grafstein: We are now getting into deep economics. The honourable senator is right. I find it amusing that we import bottled drinking water from Fiji.

I was at an event a couple of nights ago and there it was, Fiji water on the tables in Toronto — and Toronto drinking water is better than that water. We have good drinking water in Toronto.

The reason the bottled water industry has accelerated so quickly in Canada is precisely because of these boil-water advisories. Honourable senators will recall that 30 years ago we took pride in the fact that we could drink water from our taps, while in Europe we had to drink bottled water. Today when we go to a restaurant, the first thing a server provides is a bottle of water, not a bottle of wine or a glass of scotch. The reason for growth in the bottled water industry has nothing to do with them but has everything to do with the lack of our right to protect our precious commodity.

• (1700)

Senator Plamondon: Is one goal of the bill to ensure fresh, potable tap water, or is the goal to expand the bottled water industry and export water to the Americans?

Senator Grafstein: Clearly, the amendment is to amend the Food and Drugs Act to include community drinking water under the definition provided under the Food and Drugs Act so that the federal regulatory authority will have regulatory oversight of community drinking water. This is not an attempt, either directly or indirectly, to invite provinces or municipalities to charge anything that they would normally do for water. This is not an attempt to help the bottled water industry; it is quite the opposite. When people turn on their taps at home in Newfoundland, Northern Quebec, Northern Ontario, Manitoba or British Columbia, they should have clean drinking water. That is a common right of Canadians.

Hon. Terry Stratton (Deputy Leader of the Opposition): Briefly, to clarify one point, the implication I hear is that Winnipeg does not have safe drinking water. I would dispute that and say that it does have safe drinking water. I drink Winnipeg tap water all the time, not bottled water. Winnipeg has safe drinking water.

Senator Grafstein: Let us refer that to committee for determination.

On motion of Senator LeBreton, debate adjourned.

INEQUITIES OF VETERANS INDEPENDENCE PROGRAM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the present inequities of the Veterans Independence Program.
—(Honourable Senator Di Nino)

Hon. Consiglio Di Nino: Honourable senators, the inquiry of the Honourable Senator Callbeck has a great deal of merit. I have been talking to her about this issue over the past two to three weeks.

Last week, when I was unable to be in the house due to travelling with the Foreign Affairs committee, there was some confusion about whether a senator on this side was to speak to Senator Callbeck's inquiry. Apparently the item was not spoken to. However, I should like to speak to it, although I am not

[Senator Grafstein]

prepared to do so today. Therefore, if it pleases the house, I would ask to rewind the clock so that the item is not dropped from the *Order Paper*. I will be prepared to speak to it next week.

Hon. Senators: Agreed.

On motion of Senator Di Nino, debate adjourned.

BUSINESS OF THE SENATE

Hon. Eymard G. Corbin: Honourable senators, the house has stood Item Nos. 17 and 26. They have both reached their fifteenth day so they are dropped from the *Order Paper*. Is that correct?

Hon. Bill Rompkey (Deputy Leader of the Government): Yes.

[Translation]

ROLE OF PUBLIC BROADCASTING

INQUIRY—DEBATE ADJOURNED

Hon. Marie-P. Poulin rose pursuant to notice of October 18, 2005:

That she will call the attention of the Senate to the issue of public broadcasting in Canada, with a view to initiating discussion on its role as a public trust.

She said: Honourable senators, I would like to draw to your attention the need for Canada to have a national public broadcasting system that is strong, vigorous, diversified and self-sufficient. In the aftermath of the CBC labour dispute, I feel this is an opportune time to discuss the future of the public radio and television networks — this is nothing new. Since CBC/Radio-Canada was created 70 years ago, public broadcasting has undergone more than one cycle of introspection. Changes have taken place. New policies have been adopted. Amendments were even made in the enabling legislation in 1991 to redefine our public broadcaster, but none of this occurred in a media context as exceptional as we see today.

• (1710)

We live in a time of the Internet, fibre optics, advanced technology, multiple channels and a vast industry of information and entertainment that is fundamentally changing culture as we know it.

My comments today do not appear out of the blue. These thoughts have been brewing for a number of years, and the recent labour dispute at CBC crystallized them in the minds of Canadians. During this seven-week labour dispute, most Canadians in Ontario and in the western provinces could turn to private sector broadcasters, but some regions were kept in total silence, like the Arctic region, which depends entirely on the public radio and television network.

The dispute inspired a public relations professional from Calgary to write to me. He asked me a very important question, and I will read it as it was sent to me:

[English]

Do you think the CBC will ever finally find its true place in the Canadian sun or just wither away in the glare of the growing multi-channel universe?

[Translation]

That is the question a good many Canadians are asking.

Let us look at the facts. Broadcasting has played a prominent role in Canada's history. The very first transatlantic wireless telegraphic signal from Cornwall, England, was received in Newfoundland in 1901. The following year, the first radio telegraphy station was set up in Glace Bay, Nova Scotia. In the 1920s, CN began providing a railway radio service and, under the CN Radio banner, produced the first national broadcast on July 1, 1927, for the diamond jubilee of Confederation. From these humble beginnings CBC/Radio-Canada was born and became a Crown corporation in 1936. Over the years, the corporation has carved out an impressive journalistic, cultural and technological path.

Today, CBC/Radio-Canada brings Canadians together through its regional radio and television stations from Vancouver to St. John's to Iqaluit, and through its affiliates, its eight national radio and television networks and its full-service websites.

CBC/Radio-Canada has formed alliances with other public broadcasters and provides specialized private services. For example, Radio-Canada is part of a consortium of public broadcasters providing French programming to the international Francophonie. This consortium is called TV5, as you may know.

CBC/Radio-Canada has therefore become an international communications giant, which is very good, because Canada is a vast country. We are the second largest country in the world, in terms of area, but we have a small population; of the approximately 32 million inhabitants, most live in the major urban centres and the rest are scattered over nearly 10 million square kilometres.

To put things in perspective, Canada has a population density of about three people per square kilometre, compared to 29 in the United States and an amazing 387 in the Netherlands. So it is absolutely essential for Canadians to have a national public broadcasting system, if only to stay in touch with their own country, whether they live in Vancouver, Calgary, Sudbury, Chicoutimi, Moncton, Toronto or Montreal, and its existence in no way diminishes the role of private broadcasters and cable broadcasters operating in their own niche markets. They add variety to programming, but without duplicating the services provided by public broadcasters. They do not have the same mandate as CBC/Radio-Canada, nor can they provide the full range of daily television and radio information shows that must take into consideration regional, provincial, Canadian and international perspectives.

While 60 per cent of Canadian households subscribe to cable television, many do not, whether by choice, because of the cost, or because they live outside the areas serviced by cable providers. In other words, these people rely on traditional broadcast technology and, for the most part, the only television stations they can receive are the CBC and Radio-Canada.

Fortunately, CBC/Radio-Canada has, over the years, put in place a telecommunications structure of hundreds, if not thousands, of transmitters to reach the Canadian population with radio and television programming in French, English and eight Aboriginal languages.

Honourable senators, in a world where many of us can access radio and television with a little gadget that fits into the palm of our hand, the question is: Does Canada need a public broadcasting system?

Solid social arguments have been used to justify its *raison d'être* since its inception in 1936. The public broadcasting system is the thread that links Canadians day in and day out. It provides an essential service to communities where private broadcasters would never survive, be it an anglophone community in the Gaspé or a francophone one in Edmonton.

This is a public service providing programming and journalism of the highest quality. The enabling legislation, the Broadcasting Act, sets this out clearly. It defines the very essence of the CBC/Radio-Canada: information, enlightenment and entertainment.

More specifically, one of the basic objectives required of CBC/Radio-Canada in its enabling legislation is to reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions. That is the key objective that must never be lost sight of.

There are other essential aspects of the mandate of CBC/Radio-Canada included in its enabling legislation: to actively contribute to the flow and exchange of cultural expression and to contribute to shared national consciousness and identity.

Honourable senators, I feel that, in this era of globalization, it is more important than ever to value those objectives, to preserve those principles, and to translate them into quality radio and television programming in English and in French, thereby providing an essential public service to Canada.

Canada is at a turning point in its history, one where we need to be firmly anchored, knowing who we are, where we have been, and where we are going. Last week, Carole Taylor, former chair of the board of directors of CBC/Radio-Canada and now Minister of Finance in British Columbia, wrote the following in *The Globe and Mail*:

• (1720)

A public broadcaster must be relevant. It must be involved. It must not compete for ratings, it must compete for ideas. It must not get comfortable or self-satisfied. It must test, push, ask and listen to the voices of Canada. CBC/Radio-Canada must take risks and not be afraid of controversy.

Honourable senators, let us think about the key role CBC/Radio-Canada must play for future Canadians, immigrants who want to learn about their adopted country, about our history, customs, regional differences, sports, music, singers, our current events, political life, and so on.

Public radio must reflect the very essence of our identity. CBC/Radio-Canada must not only present our opinions and our values, but also make our voices heard in the international community.

Canadians deserve to be heard. We must make an effort to listen to them and find out what they think and what they do in their respective regions. CBC/Radio-Canada must do everything it can to promote the talent of our authors, performers and producers so that they can contribute fully to writing the history of Canada.

We must go back to a golden age when children's programming was so dearly appreciated. Our future prime ministers, ministers, politicians, doctors and teachers were glued to those shows.

I am pleased to see that in the funds granted this year by the government, \$60 million is allocated expressly for this purpose and that the emphasis is on dramas, documentaries, and cultural and artistic programs.

However, we must consider new alliances with agencies such as the National Film Board, the National Arts Centre, our concert halls and our theatres throughout the country.

I am certain that Canadians will gladly welcome such initiatives even if it costs them a few extra dollars a year.

Honourable senators, the question is not whether we can afford CBC/Radio Canada, but whether we can afford to live without it.

Some Hon. Senators: Bravo!

Senator Poulin: This brings us to the question of the amount of funding required. In 2004-05, advertising and program sales brought in \$332 million, equal to about one-third of parliamentary appropriations or totalling \$996 million, with the rest of CBC/Radio Canada's nearly \$1.4 billion coming from other sources.

Given my experience in both the private and public broadcasting sectors, I think there is a contradiction between the concept of being a public broadcaster and the fact that a large part of its revenue comes from commercial advertising. One possible solution would be the increased appropriation of public funds recommended by the House of Commons finance committee. I say this because the supporters of public broadcasting feel it is not merely a matter of money, or to put it another way, that the issue goes far beyond the \$30 that CBC/Radio Canada costs every Canadian annually.

It is interesting to revisit the results of a survey carried out in the spring of 2004 by the Friends of Public Broadcasting. It reports that 71 per cent of Canadians feel that the CBC is making good use of the taxpayers' money. As well, 85 per cent feel that CBC/Radio-Canada helps distinguish Canada from the United States and that its regional role everywhere in the country should be broadened.

[Senator Poulin]

The federal government's responsibility to CBC/Radio-Canada is to provide a legislative framework for its activities through enabling legislation and to allocate funds to it. The corporation's board has the responsibility for developing the strategy that will enable it to meet the objectives set out in that enabling legislation.

The key stakeholders, however, are the people of Canada. It is their tax dollars that permit the very existence of a national public broadcasting system.

I would also point out that its national network of transmitters, stations and staff is what enables CBC/Radio-Canada to play its pivotal role as far as national security and civil preparedness are concerned. The public broadcaster's signals are received even in the most remote reaches of Canada, and can therefore be used to alert and guide Canadians in the event of a disaster.

Honourable senators, CBC/Radio-Canada is a public body which, throughout most of the 20th century, reigned as a symbol of our country. It reflected the dreams and ambitions of a growing nation.

Honourable senators, our country deserves to have a revitalized, strong and independent CBC/Radio-Canada.

Hon. Senators: Hear, hear!

[English]

The Hon. the Speaker: Some senators are rising to put questions. Will you take questions, Senator Poulin?

Senator Poulin: I will.

The Hon. the Speaker: Are you requesting more time? You have one minute left.

Senator Poulin: Would my colleagues allow more time?

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

Hon. Senators: Agreed.

Senator Rompkey: Five minutes.

Senator Kinsella: Six minutes.

[Translation]

Hon. Roméo Antonius Dallaire: Millions of Canadians work and travel outside our borders.

For many years, I was one such example, and, often, we feel isolated from Canada because of a lack of communication by the media. I remember feeling cut off from Canada during my year at Harvard, in Boston. Communication from Canada, whether by satellite, cable or the newspapers, was non-existent.

As an entity, Radio Canada International plays a key role in keeping people travelling outside Canada informed about what is happening in Canada.

Should Radio Canada International have a very specific role, namely to operate in the context of this public instrument of the Canadian government?

Senator Poulin: You are quite correct, Senator Dallaire. Currently, Radio Canada International broadcasts in over 25 languages around the world to bring Canada not only to Canadians living abroad but also to people who want to learn about Canada.

I briefly mentioned TV5. It would be wonderful if CBC could form a consortium in order to create an international English-language television station similar to TV5.

You are correct when you say that Radio Canada International plays a key role around the world.

• (1730)

Hon. Jean Lapointe: Honourable senators, I must say that I quite enjoyed Senator Poulin's speech. If I understand correctly, she is in favour of increasing the budgets for CBC/Radio-Canada. I must say that I am totally against it.

As far as the CBC is concerned, I totally agree. However, for Radio-Canada, the honourable senator said she is prepared to increase the budgets, but Radio-Canada and RDI keep badgering us on a daily basis.

Take for example three or four of their shows, or the show *Tout le monde en parle*, where the two hosts are declared separatists and inveterate — or invertebrate, to use another term — indépendantistes. Try to find three Radio-Canada or RDI hosts who are not indépendantiste. If you can manage, then I will applaud you and agree with you, but I challenge you to name at least three.

There are very few federalists there, and the indépendantistes do not hide their convictions, except for Mr. Maisonneuve. We know he has indépendantiste leanings, but he does not broadcast it. However, the court jester and his boss make no bones about it and invite like-minded guests.

If the honourable senator is prepared to give budgets and subsidies so that they can spit on Ottawa, on the Liberal Party in particular, and others — they are anti-federalist through and through — I am sorry, but I am totally against it.

I know we in the Senate do not have the authority to increase budgets, but I think we have the means to decrease them and that is what I will aim to do.

Senator Poulin: I thank Senator Lapointe for his question. I think it is extraordinary that he has just showed us through his speech that we will be having a very interesting debate on the issue of public broadcasting. I cited the enabling legislation many times to remind us of the corporation's mandate and to remind the board of directors of its responsibility.

Hon. Pierrette Ringuette: Honourable senators, Senator Lapointe has raised a good point about the mandate. Employees must comply with this mandate.

The mandate reads: "contribute to shared national consciousness and identity." That is the mandate. We must note, however, that this mandate was amended in the 1980s. I think that Senator Poulin is an expert in public broadcasting and that she can no doubt explain the changes to the mandate and how they relate to Senator Lapointe's question.

Senator Poulin: Honourable senators, when I was preparing my remarks today, I researched the enabling statutes. I noted that there had been an evolution or a change in the wording used in legislation. You are correct in saying that, since 1991, section 3(m)(x) reads: "contribute to shared national consciousness and identity," whereas in the enabling statute of 1985, prior to being amended, section 3(g)(iv) read: "contribute to the development of national unity and provide for a continuing expression of Canadian identity."

Honourable senators, we would have to know what the intentions were when the changes to the legislation were introduced. This would require a reading of the speeches given in the House of Commons and in the Senate, as well as some thorough research in order to understand properly. It is, however, still the responsibility of CBC/Radio-Canada and its board of directors to meet these objectives, which are so clearly set out in the enabling legislation of 1991.

The Hon. the Speaker: I am sorry, Senator Poulin, but your time has expired.

On motion of Senator LeBreton, debate adjourned.

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO ALLEVIATE HIGH FUEL COSTS—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Leader of the Opposition), pursuant to notice of September 28, 2005, moved:

That the Senate urge the government to implement assistance through the tax system to ensure that excessive fuel costs are not an impediment for Canadians travelling to and from their place of employment, including a personal travel tax exemption of \$1,000;

That the Senate urge the government to take measures to ensure that rising residential heating costs do not unduly burden low and modest income earners this winter and in winters to come;

That the Senate urge the government to encourage the use of public transit through the introduction of a tax deduction for monthly or annual transit passes; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

He said: Honourable senators, I moved this motion standing in my name at a previous sitting. I would like to canvass the house on support for this motion. If I see support for this motion from the house, it would not be necessary for me to use the 45 minutes to which I am entitled. We would have to not see the clock. Therefore, in the spirit of the last debate on the other item, I would be happy to call the question. However, I do not want to risk the opportunity of sharing with honourable senators some thoughts of explication as to why this motion is a solid motion that all senators ought to embrace. In the motion, the Senate is inviting the government to do three things.

Honourable senators, we all know what has happened with energy prices over the past little while. Energy prices represent a real hardship to many Canadians, notwithstanding their economic situation. Throughout much of our nation, service stations were already asking \$1 per litre in the days before Hurricane Katrina struck. Late last spring, the cost of furnace oil was already 27 per cent higher than the previous year.

The government's response has been far from adequate. The Minister of Finance, unfortunately, is content to collect tens of millions of dollars in GST each time gasoline prices go up by a cent but is reluctant to ease the financial pain that many are suffering.

It was interesting for senators who have been on parliamentary delegations to notice the price of gasoline per litre on the continent in Europe. There used to be a large spread between what we pay for a litre in Canada and what we considered to be the high price paid for a litre of gas in Europe. Now that spread has narrowed and, unsatisfactorily, we are paying almost the same amount.

In this motion, the Senate urges the government to do three things. First, implement assistance through the tax system to ensure that excessive fuel costs are not an impediment for Canadians travelling to and from their place of employment, including a personal travel tax exemption of \$1,000. I would have brought in a bill, but of course that would have required a Royal Recommendation because it would have been a money bill.

• (1740)

Therefore, we have to bring forward a motion calling upon the government to introduce a bill that would give a \$1,000 exemption in addition to our basic personal exemption. The reason for doing that is to compensate the increased costs of people travelling to and from work. All honourable senators know of Canadians who do not live close to their place of work. Often the place of work is in urban centres but the cost of living in urban centres is too expensive for people who are earning near or slightly above minimum wage levels. Therefore, if they have to travel farther to work and they are making marginal wages, their need for assistance to get to work in their car is absolutely critical. It would have the effect of using the Income Tax Act to provide some compensation for this increase in fuel costs.

The second element is to take measures to ensure that rising residential heating costs do not unduly burden low- and modest-income earners this winter and in winters to come.

The third element of the motion is that we are calling upon the government to encourage the use of public transit through the introduction of a tax deduction for monthly or annual transit passes.

The motion also calls for a message to be sent to the House of Commons requesting that the House unite with the Senate for that purpose.

I moved this motion because in the past several months we have witnessed sharply rising energy costs that are having a real impact on individual Canadians as they go about their daily business of living, working and raising a family in a northern country where 32 million people populate the world's second largest land mass.

As to a response, the government recently announced its own package — a package without vision that falls far short of providing meaningful relief from high heating costs, offsetting the impact of gasoline prices on working Canadians and their families, or encouraging Canadians to make greater use of public transit. The government's response boils down to three communication bullets.

The first is assistance to low-income earners that, unfortunately, benefits far too few, excludes some of the poorest among us and offers nothing to modest-income Canadians.

The second concerns assistance to make homes more energy efficient and fast-tracking money already announced for public transit. The program to make homes energy efficient comes with a catch, of course. Many Canadians, especially those with low and modest incomes, may not be able to afford a new energy efficient furnace, even with a government grant, after they finish paying off this year's heating bill.

Is the government asking Parliament, through Bill C-66, to appropriate a five-year block of funds for this program because a great rush of people is not expected to use it this winter?

Part of the solution, honourable senators, is to encourage more Canadians to use public transit, and a tax credit for public transit would be a positive way to encourage more Canadians to use that service. I will speak to this shortly.

However, honourable senators may wish to take note of one indirect result of the announcement that the money set aside for transit in the NDP budget would be advanced. The government will now be in a position to make a string of announcements this March without waiting to see if the surplus conditions of Bill C-48 have been met. Would I be cynical to wonder if the real goal is not to advance the development of public transit but to speed up the development of photo opportunities in the pre-writ period?

Third, there are measures that the government describes as "enhancing market transparency and accountability" — a wonderful phrase. I will resist the temptation to spend the next 20 minutes reminding the chamber of this government's complete aversion to transparency and accountability. This transparency and accountability media bullet boils down to beefing up fines under the Competition Act, even though there has never been a

successful prosecution under that law, and setting up a government agency to monitor prices and profit margins. This new agency is already being widely criticized as being somewhat toothless.

I will not hold my breath waiting for any of these measures to reduce prices, and I doubt that anyone on the government side will either. Exactly how will this new agency deal with the two main factors that have driven up gasoline prices in the past year?

First, the world price of crude will not fall because some Canadian government agency is monitoring prices at the pump. Second, this new monitoring office will do nothing to address the lack of refinery capacity, the major cause of the sharp spike following Katrina. Simply, gas prices will not fall because some government agency posts them on a website. If you want to regulate the industry and accept the costs that come with regulation, that is fine. Go out and do it, but good luck getting the provinces onside, and good luck avoiding the kind of meltdown that followed the National Energy Program, the very mention of which still makes the blood of Western Canadians boil, a quarter of a century later. Moreover, this new agency will not reduce the federal government's take at the pump, which is currently about 17 cents per litre, or end the practice of imposing a tax on the tax.

If the objective of this agency is somehow to shame the oil companies into lowering their prices, perhaps it could publish regular figures on the government's fear of the price at the pump and shame the government itself into helping modest-income Canadians cope.

Against the background of the government's sudden urge to monitor fuel prices, we have seen its own members setting out a vision, not of energy prices that are affordable to low- and modest-income Canadians but of even higher prices. The *Calgary Herald* of August 24, 2005, has Environment Minister Stéphane Dion saying that high gas prices are actually good for Canada in the medium and long term. From the August 17 *Hamilton Spectator* we have a quote by then Natural Resources Minister John Efford saying that people have to become accustomed to the high cost of fuel.

This vision of rising energy prices comes from the government side, and it extends to the back benches. From the *Toronto Sun* of September 11 we have the Ajax Pickering Member of Parliament Mr. Holland saying:

This has had a major impact on people, but we have to realize the days of cheap oil, for the most part, are a thing of the past... A lot of analysts say gas at a \$1.50 a litre is well within sight.

Honourable senators, what is my case for proposing income tax relief? The Toronto-area cabinet minister John Godfrey was quoted by the *National Post* of September 8, 2005, as saying that the solution to soaring gas prices is more public transit.

More public transit is part of the solution, and I will make the case for a tax credit for transit passes shortly. However, I will not pretend for one minute that public transit will fill the fuel tanks of

the independent truckers who haul lumber from the B.C. interior to Vancouver, or auto parts from Brampton to Oshawa, and milk from the dairies in the Eastern Townships to grocery stores in Montreal. I will not pretend it will help prairie farmers fuel their combines this fall and bring their grain to market. I will not pretend for one minute that it will get Mary MacDonald from her farm near Skinner's Pond to her medical appointment in Charlottetown.

Does this government care one iota about the damage that soaring fuel prices are inflicting on truckers and rural Canadians? In *The Toronto Star* of September 24, we have the same Mr. Godfrey stating:

The only way we're going to get ahead of the curve is a combination of offering people decent public transit and encouraging them to live in developed places which are close to that transit in a much more compact form.

• (1750)

Is that the government's answer to rural Canadians who have no transportation choices other than their car; move to Toronto and live in a more compact form? I would hope not.

Honourable senators, the impact on ordinary Canadians is real. Not all Canadians live in Toronto or want to live in Toronto. Even those who live in larger cities rely heavily upon their cars as they go about their daily business of raising a family.

Consider for a moment Joe LeBlanc, who lives about 30 kilometres outside of Moncton, New Brunswick. He used to be a full-time farmer, but he could not make ends meet, so he continues every day to work in Moncton and does his best to farm on the weekend with a bit of help from his spouse. Public transit is not now and never will be an option for Joe, for the same reason as it is not an option for most rural residents. There will never be enough passengers to cover the tiniest fraction of the costs of servicing areas where houses are half a mile apart.

We will not talk about the fuel Joe uses on his farm, but it is also costing him considerably more than in the past. Joe puts 60 kilometres on his car per day driving to work each day, every day. His employer is open until 6 p.m. to service customers, so Joe's hours of work do not give him the option of carpooling with neighbours who finish work an hour earlier.

Sixty kilometres per day is 300 kilometres per week. He burns about 10 litres of gas every 100 kilometres, or 30 litres per week. Joe is paying about 20 cents a litre more for gas than he did a few years ago. That translates into an extra \$6 a week. If Joe works 48 weeks, that extra \$6 a week will cost him an extra \$288 per year. At a dollar a litre, Joe is spending \$1,440 a year in gas to get to and from work.

This scenario does not even begin to include all of the other driving that is done when you live in a rural community. The local Sobeys or Co-op is probably 10 miles away. You may have to go to more than one town to get everything on your list. Your teenagers cannot bus to the mall; you have to drive them. If your child becomes ill at school, it may be a 30-minute drive to get her.

The LeBlanc family probably does as much driving after work and on weekends as Mr. LeBlanc does driving into work. An extra 20 cents a litre in gas prices will probably cost them at least \$500 per year, part of an overall gas bill that is likely to exceed \$3,000. My friend Joe is being squeezed by an uncaring government that has no concern for modest income working families in rural Canada.

This may come as a shock to the Minister of Infrastructure and to the Minister of the Environment, but even those living in urban areas with access to public transit still need to use their car. It is not uncommon for a commuter to get off a bus at the end of the work day and then spend their evening and weekends using their cars to go about the business of being responsible parents.

Consider the example of the Smith family here in Ottawa, the nation's fourth largest urban centre and a city that is better served by public transit than many smaller communities. Let us suppose that the Smiths begin to take the bus to their jobs in downtown Ottawa.

Honourable senators, busing to work during rush hour is one thing; getting the Smith children to Guides, Scouts, piano lessons and hockey practice on evenings and weekends is another matter entirely. You need a car because you cannot be in two places at the same time. They need a car if the Smith children want to have a sit-down supper with the family or get to bed at a decent hour on activity nights because there are not enough hours in an evening to do it any other way.

Mr. Smith drives his daughter to skating lessons because if he did not it would be impossible to pick up his son from a hockey practice scheduled for the same time five miles away in a different direction.

On weekends, the Smiths drive to their place of worship, which is several miles away. I do not think that even the Minister of Infrastructure would expect the Smiths to convert to another faith so that their place of worship aligns with the local bus service.

Mr. Smith is finishing the basement so that the Smith children can have their own space in the house, and that means trips to Home Depot or Rona for building materials, and you need a car to carry them home. Drywall does not travel particularly well by bus.

It is not terribly practical to transport a week's worth of groceries for a family of four by bus. Once a week Ms. Smith has a ladies' night out with her friends, and like many women, she does not feel comfortable about waiting for a bus at midnight. I do not blame her.

Ms. Smith's mother lives outside the city and is in failing health, so she drives a fair bit each week to see her and do what she can to help.

The bottom line, honourable senators, is that even though they take the bus to work, the Smith family still puts another 20,000 kilometres on the family vehicle each year, every year. They burn about 10 litres of gasoline for every 100 kilometres and

2,000 litres per year. Assuming that gas settles in the range of a dollar a litre, that is \$2,000 per year in fuel costs. An extra 20 cents at the pump translates into an extra \$400 per year for this modest income family even though they bus to work.

The federal government has no problem taxing gasoline but has serious problems when asked to reduce those taxes or to at least stop the practice of putting a tax on a tax or to provide income tax relief to offset those higher prices.

Honourable senators, higher energy costs are crushing modest income Canadians, the very people on whose backs the government built its string of surpluses. They have more than paid their dues to a government that has no desire to help them cope with rising fuel costs and that evaluates proposals in the context of how many photo opportunities it may generate.

Canadians are already hard-pressed and falling deeper into debt. The growing cost of gasoline, the growing cost of heating their homes and the expected hike in mortgage rates will combine to deal a major blow to many modest income Canadian families.

Indeed, the Conference Board of Canada reported last month that soaring energy prices and interest rate fears were already rattling consumer confidence. Faced with the challenge of meeting these costs, many Canadians will spend less on other things and postpone major purchases.

Too many low and modest income Canadians are already stretched too thin. We cannot do anything about the world price of oil, but we can help to offset this by using tax relief to restore lost purchasing power.

There is a case to be made for heating cost relief, and I am sure that other honourable senators who participate in this debate will speak to that issue.

The case for public transit passes is an easy one to make, particularly for the major urban areas.

Honourable senators, the motion before this chamber is a very reasonable request. We are proposing that this honourable house ask the government to deal in an upfront way with the crisis we are experiencing as a result of increased gas prices.

In conclusion, honourable senators, the current government has been in office for a dozen years but has yet to provide a comprehensive Canadian energy framework. It has become very clear that it does not care about modest income Canadians as they struggle to cope with rising energy costs. The best this government can offer is an ad hoc approach based more on an eye for media relations than on any real desire to find solutions. It is time to stand up for the interests of modest income Canadians as they face the increased cost of higher heating and gasoline bills.

In fact, when the average Canadian consumer of oil, the person who uses it to fill their gas tank to drive to work and to heat their home during the winter, pays excessive prices at the pump, it is because this government's policy of gouging them is allowed to continue.

Canada's Kyoto Protocol commitment, without a workable plan that outlines clear initiatives to find cheaper and cleaner forms of fuel that would replace the millions of barrels of oil that we use daily to run our cars, heat our houses and create electricity, needs to be ratcheted up.

• (1800)

The government has earmarked money, allowing it to boast about how much it plans to spend over the next few years on the environment. It has yet to map out a strategy —

[*Translation*]

The Hon. the Acting Speaker: Honourable senators, I can see that it is now 6 p.m. Unless there is agreement for the Speaker not to see the clock, I must leave the chair and come back at 8 p.m. Is there agreement?

[*English*]

Hon. Bill Rompkey (Deputy Leader of the Government): There is agreement not to see the clock, Your Honour.

Senator Kinsella: Honourable senators, I urge the Senate to support this motion. It would send a clear message that this chamber believes in tax relief to help Canadian families cope with higher energy costs and in adequate measures to ensure that

Canadians can afford to heat their homes, not just this winter but in winters to come. The motion also states that this chamber believes that positive incentives such as tax credits for transit passes ought to be used to encourage greater use of public transit.

On motion of Senator Rompkey, debate adjourned.

CONFLICT OF INTEREST FOR SENATORS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Serge Joyal, pursuant to notice of October 20, 2005, moved:

That the Standing Senate Committee on Conflict of Interest for Senators have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the *Conflict of Interest Code for Senators*.

Motion agreed to.

The Senate adjourned until Wednesday, October 26, 2005, at 1:30 p.m.

CANADIAN BROADCASTING CORPORATION

President (Full-time)

Rabinovitch, Robert

Start Date	End Date	Gender	Province	Language	Term
Appointed by the GIC for a period not exceeding five years; during good behaviour; eligible for reappointment.					
22-Nov-2004	21-Nov-2007	Male	Ont.	English	2
(15-Nov-1999)	(21-Nov-2004)				

Board of Directors**1 President + 1 Chairperson + 10 Other Members = 12 Total Members****Quorum: Majority of current members**President (Full-time)

Rabinovitch, Robert

Start Date	End Date	Gender	Province	Language	Term
Appointed by the GIC for a period not exceeding five years; during good behaviour; eligible for reappointment.					
22-Nov-2004	21-Nov-2007	Male	Ont.	English	2
(15-Nov-1999)	(21-Nov-2004)				

Chairperson (Part-time)

Fournier, Guy

Appointed by the GIC, during good behaviour; for a period not exceeding five years; eligible for reappointment.

Start Date	End Date	Gender	Province	Language	Term
04-Oct-2005	03-Oct-2010	Male	Que.	French	1

Members (Part-time)

Brunet, Johanne

Appointed by the GIC, during good behaviour; for a period not exceeding five years; eligible to hold office for two consecutive terms.

Start Date	End Date	Gender	Province	Language	Term
21-Apr-2005	20-Apr-2008	Female	Que.	French	1

Christmas, Bernd

Start Date	End Date	Gender	Province	Language	Term
10-Feb-2005	09-Feb-2008	Male	N.S.	English	1

Fortin, H  l  ne F.

Start Date	End Date	Gender	Province	Language	Term
25-Feb-2003	24-Feb-2008	Female	Que.	French	1

Herrndorf, Peter

Start Date	End Date	Gender	Province	Language	Term
10-Feb-2005	09-Feb-2010	Male	Ont.	English	1

Jivraj, Yasmin

Start Date	End Date	Gender	Province	Language	Term
21-Apr-2005	20-Apr-2008	Female	Alb.	English	1

Khosrowshahi, Nezhat

Start Date	End Date	Gender	Province	Language	Term
10-Feb-2005	09-Feb-2008	Female	B.C.	English	1

+ McNutt, Howard

Start Date	End Date	Gender	Province	Language	Term
24-Sep-2002	23-Sep-2005	Male	N.S.	English	1

McQueen, Trina

Start Date	End Date	Gender	Province	Language	Term
10-Feb-2005	09-Feb-2010	Female	Ont.	English	1

Sahi, K. (Rai)

Start Date	End Date	Gender	Province	Language	Term
21-Apr-2005	20-Apr-2008	Male	Ont.	English	1

VACANT

CURRENT VACANCIES: 1*** UPCOMING VACANCIES IN THE NEXT SIX MONTHS: 0****+ POSITIONS TO FILL TO REPLACE TRUSTEES WHO SERVE AFTER EXPIRY OF TERM: 1***If a director is not appointed to take office on the expiration of the term of an incumbent director, the incumbent director continues in office until a successor is appointed.*

Appendix
(see page 1971)

CANADIAN BROADCASTING CORPORATION

Previous Mandates

Name	Previous Position	Start Date	End Date
Fournier, Guy	Member (Part-time)	17-Feb-2005	03-Oct-2005

Profile:

Total of Current Members: 11

<u>Gender:</u>	Males: 6	55%	<u>Region:</u>	North/West: 2	18%	<u>Language:</u>	Anglophones: 8	73%
	Females: 5	45%		Ontario: 4	36%		Francophones: 3	27%
				Quebec: 3	27%			
				Atlantic: 2	18%			

Profile of Canadian Population:

Population: 31,747,670

	Males: 49.5 %	30.2 %	Anglophones:	59 %
	Females: 50.5 %	38.7 %	Francophones:	23 %
		23.7 %	Allophones:	18 %
		7.4 %		

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