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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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THE SENATE

Thursday, April 27, 2006

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

Prayers.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, I wish to remind you that the budget speech will be delivered in the other place at 4 p.m. on Tuesday, May 2, 2006. As has been the practice in the past, the section in the gallery in the House of Commons that is reserved for the Senate will be reserved for senators only on a first-come, first-served basis. As space is limited, this is the only way we can ensure that those senators who wish to attend can do so. Unfortunately, because of lack of space, any guests of senators will not be seated.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in the gallery of Commissioner Christine MacMillan, Leader of the Canada and Bermuda Territory of the Salvation Army.

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

SENATORS' STATEMENTS

NATIONAL PHYSICAL THERAPY MONTH

Hon. Pat Carney: Honourable senators, each year National Physical Therapy Month is commemorated between Earth Day and Victoria Day weekend. This year, it runs from April 22 to May 22.

The Canadian Physiotherapy Association estimates there are currently close to 16,000 physical therapists practising in Canada. Demand for their services continues to increase because of our growing and aging population. Physical therapists are vitally important health care providers. They ensure that Canadians remain mobile and achieve optimum physical functioning following an injury or an illness. They work in a variety of settings ranging from hospitals to private and community clinics, and their patients include the very young and the very old.

• (1340)

[English]

The day-to-day work of a physical therapist may involve treating patients suffering from a variety of conditions, such as complications following a stroke, injuries caused by motor vehicle accidents, fractures, sports-related injuries, back care, whiplash, cancer, repetitive strain injury and, in my case, hip surgery — joint replacement.

With their applied knowledge and understanding of the human body in action, physiotherapists work with clients to increase mobility, relieve pain, build strength and improve balance and cardiovascular function. Early access to physiotherapy plays an important role in chronic disease prevention and control, keeping Canadians active and independent, at work or returning to work, and out of hospitals and long-term care facilities. They really are our guardian angels, and we should take a moment to honour their work.

[Translation]

MR. GWYN MORGAN

NOMINATION AS FUTURE PUBLIC APPOINTMENTS COMMISSIONER

Hon. Pierrette Ringuette: Honourable senators, the ghosts of the Reform Party are back to haunt us with the help of the current government.

Yes, honourable senators, a few days ago, Prime Minister Harper appointed one of his good friends, his bagman Gwyn Morgan, to a position that does not yet exist.

[English]

Yes, ghosts from the past are now ghosts of the present and will certainly be ghosts of the future for this government. I do not know Mr. Morgan, but what I know of him is sending very bad vibes to me as a Maritimer and as a senator responsible for regions and minorities. In fact, let me quote excerpts from Mr. Morgan's speech made last December at the Fraser Institute. He said:

Immigration has a social side as well as an economic one. The social side is all too evident with the runaway violence driven mainly by Jamaican immigrants in Toronto, or all too frequent violence between Asian and other ethnic gangs right here in Calgary.

Further, he said:

Immigration groups blame "poverty" or "police discrimination" or "lack of opportunity." Once again, these are symptoms, but not the root cause. Here is the root cause they all know, but don't talk about: the vast majority of violent, lawless immigrants come from countries where the culture is dominated by violence and lawlessness.

Then he said:

It's fair to say that most immigrants who abuse our society have come in as refugee claimants rather than "economic immigrants." This not only means they are more likely to have violent tendencies, but also much less likely to have the skills, training and attitude necessary to contribute to our society.

He went on:

The curse of the Maritimes is perpetual equalization combined with an unemployment insurance system that acts as an unemployment assurance system.

Finally, he stated:

It has been demonstrated time and again that private sector unionization eventually leads to an uncompetitive business.

Honourable senators, how can we accept a person who makes such generalizations and so many character assassinations, as head, eventually, of the Public Appointments Commission? Attacking so many Canadians with such prejudice is unacceptable to me. In fact, if one removes Maritimers, immigrants and members of unions, the pool of "acceptable" Canadians according to this ghost of the Reform Party is, evidently, very restrictive. He probably did not know or did not want to know that in reality there are more seasonal workers in British Columbia alone than in all the Atlantic provinces combined.

For this Reform ghost, receiving oil development tax incentives is not a subsidy and not an assurance system. Of course, immigrants are welcomed and needed on the condition —

The Hon. the Speaker: Order!

Some Hon. Senators: More!

NATIONAL CHILD CARE

Hon. Mira Spivak: Honourable senators, in view of the hot debate on child care today, it is perhaps interesting to review the history of government initiatives in this area, including the Senate.

Twenty years ago, the first and only federal task force on child care delivered its final report. The Katie Cook task force recommended a universal system of child care, co-funded by the provincial governments, a system affordable to parents, with national standards to ensure quality care. It urged a gradual increase in the supply of regulated child care spaces until the year 2001, when it would at last serve all the children of Canada and all the families who needed this fundamental support service.

It is also 18 years ago last month that the Senate formed a subcommittee on child care, which I had the privilege to chair with Senator Lorna Marsden, who served as deputy chair. Your subcommittee set to work while the first concerted effort to create a national child care system was under way.

Federal-provincial negotiations had begun. On the table were a national strategy, a product of the Progressive Conservative administration of the time, and a federal initiative to spend up to \$3 billion during the initial 7-year period and up to \$1 billion a year in subsequent years.

The principal interest of our subcommittee was to learn how parents, caregivers and researchers were responding to the plan. Here is what we learned.

Child care workers received the same wage paid to parking attendants and zookeepers. In addition to adequate federal funding, Canadians wanted the federal government to ensure there were standards for good quality care, that caregivers were properly trained and adequately paid, and that services were owned and managed by those who are interested in children rather than profit.

Of course, in November 2005, the first vestiges of a national program became a reality, with the provinces of Manitoba and Ontario concluding five-year funding agreements with the government to do their part in creating a national early learning and child care system. Seven other provinces have signed agreements based on four principles: quality, universality, accessibility and developmental programming. As Quebec has not signed on to the national program, the federal government has signed a five-year agreement to invest in their provincial system, widely considered to be the best in the country.

Honourable senators, we are facing another turning point — whether to abandon the current program in its infancy and replace it with a \$100 monthly cheque sent to parents to spend as they see fit. This is a decision the government will ask us to make.

THE LATE STEVE STAVRO

Hon. Francis William Mahovlich: Honourable senators, I wish to speak today about a great Torontonion and a personal friend of mine who, sadly, passed away this weekend — Mr. Steve Stavro. He immigrated to Canada as Emmanuel Stavroff Sholdas from Macedonia in 1936 at the age of 7 with his family. The family name was changed to Stavro and his first name to a more common one, Steve.

As a young boy, he worked at his father's small grocery store in Toronto, where he learned his now famous work ethic. His father had taught him to listen to customers and respect them. This approach had a strong impact on Steve, as he grew his business of Knob Hill Farms into a multimillion dollar grocery chain, with locations and food terminals throughout much of southwestern Ontario. He maintained the personal side of business based on hard work, honesty, loyalty, personal connections and a handshake.

Steve also had a tremendous love of sports, particularly of soccer, horse racing and hockey. He helped to found and was the President of the Toronto City Soccer Club. In this role, he was instrumental in bringing a number of British soccer players to help the club, including Sir Stanley Matthews, who became a dear friend of mine. In 2005, Steve was inducted into the Canadian Soccer Hall of Fame as a builder.

• (1350)

Following his departure from the soccer world, he became interested in horse racing and breeding. His farm, Knob Hill Stable, became one of the most successful racing stables in the country, winning many races and awards, including Sovereign Awards for Outstanding Owner and Breeder, as well as Horse of the Year for two of his horses.

Steve Stavro is perhaps most well known from his career with the Toronto Maple Leafs. He was a director of the Toronto Maple Leafs in 1981 and became the owner and chairman of the team 10 years later. During the 11 years he was in this role, the Toronto Maple Leafs missed the playoffs only twice. Like all Leafs fans, he was extremely disappointed the Stanley Cup did not return to the team in those 11 years.

It was under his leadership that a number of changes took place for the Toronto Maple Leafs, including the creation of Maple Leaf Sports and Entertainment Limited, as well as the purchases of the Air Canada Centre and the Toronto Raptors basketball team.

Steve passed away on Sunday evening at the age of 78, leaving behind his wife, Sally, their four daughters and nine grandchildren. He will be greatly missed.

NATIONAL VOLUNTEER WEEK

Hon. Catherine S. Callbeck: April 23 to 29 marks National Volunteer Week. During this time, we celebrate the millions of volunteers across the country who do so much for their fellow Canadians, and we recognize the enormous impact that these volunteers have on Canadian society.

It has often been said that “volunteering is the life blood of Canadian communities.” I would firmly agree. Canadians volunteer more than one billion hours a year. That is equivalent to half a million full-time jobs.

Nowhere in Canada is volunteering better demonstrated than in my home province of Prince Edward Island. Islanders have long been recognized for their dedication and hard work in the volunteer sector, generously giving of themselves to create a better quality of life for everyone.

Prince Edward Island’s Volunteer Recognition Awards were presented earlier this month to seven very dedicated Islanders. These awards celebrate our province’s volunteers, and provide us with an opportunity to pay tribute to them and their good work. This year’s recipients were Eileen Chiasson-Pendergast, Jimmy MacAulay, Gayle MacDonald, Katie McInnis, Dolly Perry, Margie Stewart and Gloria Ellsworth. I would like to offer my warmest congratulations to these fine Islanders who have given so much of themselves to improve their communities, their province and their country.

I would also like to thank volunteers across the country for their tireless efforts and tremendous commitment. You share their time and talents, and our entire society is strengthened by the

sharing. Honourable senators, please join with me in recognizing these exceptional Canadians, and their invaluable contributions to our great country.

HONOURING SOLDIERS WHO DIE IN WAR

Hon. John G. Bryden: Honourable senators, I would like to draw your attention to the opinion of Aileen Mathieson, that was reported by Roy MacGregor in today’s edition of *The Globe and Mail*.

If Aileen Mathieson — a lifelong Conservative from a military family that goes all the way back to Canada’s first overseas action — is representative of Stephen Harper’s natural constituency, he has a problem.

“I voted for him,” the 87-year-old air force widow says, “and I am now ashamed to say so. He becomes more... stupid... every day.”

Mr. MacGregor continues:

Her brother, Tim, lies forever young in a Canadian military grave in Holland.... Her husband’s father was a highly decorated First World War veteran. She lost her husband, George, in the crash of a Royal Canadian Air Force plane.

“The ninth of December, 1959, at 4:30 in the afternoon,” she says.

The article goes on:

“He was here one day. Then he wasn’t. Just that quick. It seemed like a dream to me. I didn’t believe it then, you know. I still don’t believe it sometimes.”

Later, Mr. MacGregor reports:

This past week, when she heard the news from Afghanistan, she sat down and wept. “I cried for the wives,” she says. “For the families. For the children.”

And then, she says, she began to get angry. She was outraged by the decision not to lower the flag, then infuriated by the media ban that kept her and so many others from, in her words, “paying respect” to the young men who came home.

She has heard all the arguments for and against the lowering of the flag, but dismisses the notion that the honour be reserved, as it was in the past, for Remembrance Day.

“This,” she says, “is a different war. This war is in our face, every single day. There’s just no comparison. We turn on the television and it’s right there, right in front of you. Four people killed is like a whole regiment being wiped out, the shock is so great. If you’re a news person, like I am, you watch it all — and the pain that goes through you is just incredible.”

“The very least they can do is lower the flag for these men.”

As for the media accessibility, she says ordinary people do not understand what a comfort it is to feel that others are there and care deeply for you.

When she lost her husband, she says, “There was a sense of the whole country feeling for you.”

Ms. Mathieson is quoted further as saying:

“And if you don’t think it means something, think again. It does.”

The article continues:

The media, she says, would be “absolutely” helpful in being there, so long as the families were comfortable. Such tribute is an honour to the sacrifice of these men. It is not about a “photo op,” as the Prime Minister has suggested, but about shared mourning.

Mr. MacGregor concludes by saying:

What matters most, of course, is the end of short lives, but there may well be a far different cost to Stephen Harper, even if so insignificant by comparison.

“Oh honey,” Aileen Mathieson adds, as she repeats her vow to never again support the man she helped put in office, “I’m just typical. All my friends will tell you exactly the same thing.”

ROUTINE PROCEEDINGS

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Bill Rompkey: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries and Oceans, which deals with expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(*For text of report, see today’s Journals of the Senate, p. 63.*)

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade, and Commerce, which deals with the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(*For text of report, see today’s Journals of the Senate, p. 64.*)

[Senator Bryden]

[*Translation*]

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications, which deals with the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(*For text of report, see today’s Journals of the Senate, p. 65.*)

INTER-PARLIAMENTARY UNION

MEETING OF COMMITTEE ON HUMAN RIGHTS OF PARLIAMENTARIANS, JULY 11-15, 2005— REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian Inter-Parliamentary Union, respecting its participation in the meeting of the IPU Committee on the Human Rights of Parliamentarians, held in Geneva, Switzerland, from July 11 to 15, 2005.

SEMINAR FOR MEMBERS OF PARLIAMENT ON THE IMPLEMENTATION OF LEGISLATION ON INDIGENOUS PEOPLES’ RIGHTS, JULY 25-26, 2005—REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian group of the Inter-Parliamentary Union, respecting its participation at the Seminar for Members of Parliament on the Implementation of Legislation on Indigenous Peoples’ Rights, held in Geneva, Switzerland, on July 25 and 26, 2005.

WORLD CONFERENCE OF SPEAKERS OF PARLIAMENTS, SEPTEMBER 7-9, 2005— REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian group of the Inter-Parliamentary Union, respecting its participation at the World Conference of Speakers of Parliaments, held in New York, U.S.A., from September 7 to 9, 2005.

MEETING OF STEERING COMMITTEE OF TWELVE PLUS GROUP, SEPTEMBER 19, 2005—REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canadian group of the

Inter-Parliamentary Union, respecting its participation at the meeting of the Steering Committee of the Twelve Plus Group of the Inter-Parliamentary Union, held in Ghent, Belgium, on September 19, 2005.

• (1400)

ONE-HUNDRED THIRTEENTH ASSEMBLY,
OCTOBER 14-19, 2005—REPORT Tabled

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canadian group of the Inter-Parliamentary Union, respecting its participation at the 113th IPU Assembly and related meetings, held in Geneva, Switzerland, October 14 to 19, 2005.

ANNUAL PARLIAMENTARY HEARING
AT THE UNITED NATIONS, OCTOBER 31
TO NOVEMBER 1, 2005—REPORT Tabled

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian group of the Inter-parliamentary Union concerning its participation at the Annual Parliamentary Hearing at the United Nations, held in New York, on October 31 and November 1, 2005.

HONG KONG PARLIAMENTARY CONFERENCE
ON WORLD TRADE ORGANIZATION,
DECEMBER 12 AND 15, 2005—REPORT Tabled

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian group of the Inter-Parliamentary Union, respecting its participation at the Hong Kong Parliamentary Conference on the WTO, held from December 12 and 15, 2005.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

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

That the Standing Senate Committee on Transport and Communications 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 bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

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

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON CURRENT STATE
OF CANADIAN MEDIA INDUSTRIES

Hon. Lise Bacon: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that later today I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries, emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than June 30, 2006 and that it retain until July 31, 2006 all powers necessary to publicize its findings; and

That the papers and evidence received and taken and the work accomplished by the Committee on the subject since the Second Session of the Thirty-seventh Parliament be referred to the Committee.

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

Hon. Senators: Agreed.

On motion of Senator Bacon, motion placed on the Orders of the Day for consideration later this day.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE OF DOMESTIC AND
INTERNATIONAL FINANCIAL SYSTEM

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the committee submit its report no later than December 31, 2007.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON CONSUMER ISSUES ARISING
IN FINANCIAL SERVICES SECTOR

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector;
- consumer credit rates and reporting agencies; and
- other related issues;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2006; and

That the Committee retain until July 31, 2006 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON ISSUES DEALING
WITH DEMOGRAPHIC CHANGE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2006.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO STUDY ISSUES DEALING WITH
INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular:

- the interprovincial trade barriers that exist;
- the extent to which interprovincial trade barriers are limiting the growth and profitability of the affected sectors as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and
- measures that could be taken by the federal and provincial governments to facilitate the elimination of such interprovincial trade barriers in order to enhance trade and develop a national economy; and

That the Committee submit its final report no later than October 31, 2006.

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES
TO TABLE REPORTS DURING ADJOURNMENTS
OF THE SENATE

Hon. Michael Kirby: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That during the present session of Parliament, senators be permitted, notwithstanding usual practices, to deposit any

Committee report, except those dealing with bills or estimates, 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.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

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

That the Standing Senate Committee on Fisheries and Oceans be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Fisheries and Oceans 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 bills, subject-matters of bills and estimates as are referred to it.

FUNDING FOR TREATMENT OF AUTISM

NOTICE OF INQUIRY

Hon. Jim Munson: Honourable senators, pursuant to rule 57(2), I give notice:

That on Wednesday next, May 3, 2006, I will call the attention of the Senate to the issue of funding for the treatment of autism.

[Translation]

QUESTION PERIOD

INTERNATIONAL TRADE

UNITED STATES—PROPOSED SOFTWOOD LUMBER AGREEMENT—CONSULTATION WITH PROVINCES

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Media reports say that Canada and the United States have reached a framework agreement on the softwood lumber issue.

[English]

According to Ontario Minister of Natural Resources, David Ramsay, the proposed agreement cheats his province of its traditional fair share of sales in the U.S. Mr. Ramsay added that, unless it is fixed, the pact will lead to more mill closings and job losses in Ontario's hard-hit forest industry. His angry comment was, "We've been short-changed and we won't stand for it."

In Quebec, the President of the Saguenay-Lac-Saint-Jean Independent Sawmills Association, Marc Dubé, refuses to take any comfort from the announcement of this possible agreement. These are typical of comments made by the various stakeholders across the country.

When the Conservative Party of Canada was the official opposition, the party's articulated position was that Canada should insist that the U.S. respect NAFTA rulings favourable to Canada, that the government settle for nothing less than full compliance and that we go as far as to refuse any further negotiation.

Has the Conservative Party's position really changed? If so, why?

• (1410)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the news stories are changing almost by the minute. As a matter of fact, when I read *The Globe and Mail* this morning I got one distinct impression of the softwood lumber agreement, and then when I read the *National Post* there was a completely different set of stories about it.

Suffice to say that since the summit in Cancun which was attended by President Fox, President Bush and Prime Minister Harper, the U.S. government and Canadian government officials headed by Ambassador Michael Wilson have been in discussion with the industries on both sides of the border. A tentative framework was agreed upon. The agreement is designed to ensure U.S. market access and to protect Canadian market share, to eliminate punitive duties, to bring stability to the industry and, most significant, to return at least 80 per cent of the duties collected by the United States to the Canadian industry.

If the deal were in place right now, given current lumber prices, Canadian exporters would face no restrictions on their sales into the United States, no volume restrictions and no export charges.

Senator Hays: Honourable senators, on the theme of changing stories, it is my recollection that David Emerson, the former Minister of Industry in the previous government, announced on behalf of an important constituency of his that a similar agreement was turned down. Would the minister comment, if she can, on what has changed in terms of that comment and today's stories in the newspapers?

Senator LeBreton: Honourable senators, I do not think that Minister Emerson made any such announcement. Either during or after the election I saw media speculation to that effect. However, I do not believe there was any announcement by Minister Emerson last fall.

Hon. Jack Austin: Honourable senators, I would like to pursue the issue of softwood lumber and the information, if that is what it is, in the newspapers and on TV with respect to an agreement in principle between Canada and the United States.

During the first round of talks on softwood lumber, in 1983, the portfolio was my responsibility. That was when the so-called fair trade group in the United States began its actions.

I also recall that the Honourable Senator Carney was Minister for International Trade during a subsequent and, I might add, more difficult softwood lumber round. As I am sure she will tell honourable senators, an agreement involving an export tax was entered into at that time.

The problem that both Senator Carney and I faced was that this issue was one of shared jurisdiction. The provinces oversee the forests while the federal government has responsibility for international trade. I believe that during her term as minister, and certainly in mine during the Trudeau and Martin eras, the most difficult aspects of negotiation and balance had to be followed. That is to say, the federal government had to deal with all the provinces to find balance as well as with the industries across the country; it was a triangle. The Canadian triangle then faced a similar triangle in the United States among the administration, the Congress and their industry.

What appears to be the case here is an attempt by the Harper government to create a *fait accompli* in terms of this agreement. The Ontario representative has said they were not consulted. I understand the same is true of other provinces. That is to say, an agreement in principle was initialled and the provinces were not consulted before the initialling. In other words, the Harper government is not playing the federal-provincial game that it says it wants to play. It is not taking the provinces into account in the way it says it intends to take them into account.

I would like the minister to give us the correct version, if there is a different version, on this simple issue: Were the provinces consulted in advance of the initialling of whatever was entered into by the Harper government as an agreement in principle?

Senator LeBreton: Honourable senators, far be it from me to purport to be an expert on this issue when I am dealing with Senator Austin, who is a former minister from British Columbia, and Senator Carney, who certainly worked hard on this file.

With regard to the provinces, we have been consulting with all the provinces involved in the softwood lumber dispute and with all Canadian industries throughout the whole process.

Senator Austin: Can the minister tell us whether what the Ontario representative was quoted in the press today as having said is true, that is, that they were not consulted and it was presented as a *fait accompli*, something I have heard privately with respect to one other province? Does the minister have information on that subject? If she does not, will she undertake to give us that information expeditiously?

Senator LeBreton: Honourable senators, far be it from me to respond to information that appears in the media without checking to ensure its accuracy. I will undertake to do that.

[*Translation*]

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and pertains to the proposed settlement of the softwood lumber dispute.

Can the minister tell us why, out of the \$5.3 billion in countervailing duties — or should I say punitive duties — that the Americans levied on the Canadian industry, only \$4 billion will be returned to Canadian producers? Has the new government accepted a new principle that the party that lost nearly all the international rulings gets to keep the jackpot?

[*English*]

Senator LeBreton: I thank the Honourable Senator Fox for his question. I understand this was part of the negotiated settlement. However, I will endeavour to get the definitive reasoning from those who were doing the negotiating as to why the 80 per cent figure was decided upon.

[*Translation*]

Senator Fox: I have a supplementary question. I would like to ask the Leader of the Government in the Senate, when she provides us with an answer, to tell us whether, in fact, the Americans have seized an amount. I would like the government to explain to us why it decided to subsidize the softwood lumber industry in the United States so that it can modernize using money from the Canadian industry.

[*English*]

Senator LeBreton: Honourable senators, that is absolutely right. As I am not a trade negotiator, I will take notice of the honourable senator's question. I have not been at the table. This situation is evolving as we speak. I will be happy to bring the honourable senator answers to his questions.

Hon. Pat Carney: Honourable senators, I would like to ask a supplementary question on this topic. I wish to establish for the record that when I was Minister Responsible for International Trade my officials and I imposed a 15 per cent export tax. There were no quotas; there was just a tax at the border. Every dime of that tax went back to the provincial treasuries in the form of revenue. That was considered the best of difficult settlements that have been accomplished.

The Leader of the Government in the Senate has muddied the waters somewhat by referring to an agreement in principle and then talking about an agreement that has been concluded. At a briefing this morning we were informed that, in fact, an agreement has not been concluded. Would the minister please tell us exactly what the status of the agreement is? Have the provinces which are the owners of the forest, as Senator Austin said, signed on to this agreement?

Senator LeBreton: Honourable senators, the Honourable Senator Carney was probably at a meeting at which I was not present. Therefore, I will seek to clarify that point.

• (1420)

UNITED STATES—PROPOSED SOFTWOOD LUMBER
AGREEMENT—EFFECT ON NORTH AMERICAN
FREE TRADE AGREEMENT

Hon. Grant Mitchell: Honourable senators, anyone who considers that Prime Minister Harper cannot build a consensus is dead wrong because he has figured out how to get everybody rallying against him on the softwood lumber deal. The situation is all the more galling because the Conservative Party and this Prime Minister have professed a profound belief in free trade, yet they have completely capitulated to the United States by negotiating a softwood lumber deal replete with quotas, export taxes and managed trade. The Prime Minister's party was clear in the past when it said that it wanted free trade on lumber.

Does the government not understand that this agreement represents a complete abandonment of NAFTA and that the agreement sets the precedent that U.S. industry can get NAFTA set aside any time it does not get what it wants under NAFTA?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, my answer to that question is short: I do not accept that premise at all.

[Translation]

UNITED STATES—PROPOSED SOFTWOOD LUMBER
AGREEMENT—INVOLVEMENT
OF MARITIME PROVINCES

Hon. Pierrette Ringuette: My question is for the Leader of the Government in the Senate. I am told that the Atlantic provinces and the Maritime Lumber Bureau were not invited to Washington. Four provinces of this country were not invited, but the others were. Can the minister confirm this information?

[English]

Hon. Marjory LeBreton (Leader of the Government): My understanding, honourable senators, and I shall confirm it for the senator, is that the Atlantic provinces were exempt from this agreement.

Senator Ringuette: Is the government leader confirming that her government will preserve the historic exemption for the Maritime provinces in regard to softwood lumber, on all issues?

Senator LeBreton: Honourable senators, I will not go so far as to say on all issues. That is my understanding — however, I am not a trade negotiator. I shall confirm that answer to the senator at the appropriate time.

[Translation]

THE ENVIRONMENT

CLIMATE CHANGE—EFFECT ON THE ECONOMY

Hon. Madeleine Plamondon: Honourable senators, my question is for the Leader of the Government in the Senate. Climate change has been making headlines daily and has resulted in natural

disasters and drought. One of the proposed experimental solutions deserves our attention in particular. I am talking about weather modification, which creates clouds and generates rain for regions affected by drought or for places like Alberta, which have to deal with hail that can have devastating effects.

My question is the following: Has Canada assessed the impact on the Canadian economy of weather modification, which is currently being practiced in a number of the U.S. states?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the Government of Canada is aware that the U.S. Congress is currently considering legislation on weather modification. Despite the alleged possibilities that were contained in some of the articles that the honourable senator gave me, weather modification is still considered experimental at best and continues to be debated in the scientific community. Given that weather modification remains unproven scientifically, it is difficult to determine the economic impact of such an activity locally, let alone internationally.

CLIMATE CHANGE— NEGOTIATIONS WITH UNITED STATES

Hon. Madeleine Plamondon: Honourable senators, last December, the reputable U.S. Office of Science and Technology Policy listed a host of political and legal issues in a letter to a U.S. senator. The office also warned of international and foreign policy implications, stating that small- and large-scale weather modifications could benefit the U.S. to the detriment of other countries, namely, Canada.

Have there been talks between Canada and the United States about the consequences of weather modifications even with peaceful purposes? In fact, who owns the weather? Does one country own the weather? Could one country or one province, using weather modification, be the subject of litigation for authorizing weather modification to the detriment of another area? Does Canada have a policy?

Hon. Marjory LeBreton (Leader of the Government): There is in Canada a federal Weather Modification Information Act administered by the Minister of the Environment. The Minister of the Environment has expressed concerns to the U.S. environmental people about chemicals in the environment, for instance. There is no licence involved and no authority to stop this activity at the moment.

With respect to the question about who owns the weather, we have been through this before with the acid rain treaty, and we successfully negotiated a treaty with the United States.

This issue is complex. As I mentioned earlier, scientists are still not in total agreement about the impacts on weather. I have read the letter sent to me by the honourable senator. Given that some people in the United States believe they have more jurisdiction over it than perhaps we do, I can say with certainty that our Minister of the Environment is making a very strong case for Canada in this area.

Hon. Daniel Hays (Leader of the Opposition): I have a supplementary question. The government's position is that it does not accept the conclusion of many scientists that greenhouse gases are causing global warming or the greenhouse gas effect. In other words, the position of the government of the day is identical to that of the current Government of the United States.

Do I correctly understand the minister's response to Senator Plamondon's question?

Senator LeBreton: I did not say that at all. I am saying that scientists are not in agreement. The Government of Canada is aware that the U.S. Congress is considering legislation on weather modification, but there is still some debate in the scientific community. I am not saying that we agree with either side of that debate. I personally believe that greenhouse gases have an impact.

Our Minister of the Environment is meeting with U.S. officials. The Mulroney government's record on issues of the environment stands tall. I do not want to leave the impression that this government will not continue to fight for our own environmental concerns.

Senator Hays: Honourable senators, I would ask the minister to bring back to this place a more precise statement on this subject. I am still a little bit uncertain as to whether there is a change in the position of the new government, led by Prime Minister Harper, as compared to the position of the previous government.

I should like to know whether there is a change in the government's position. I would appreciate an official clarification. It seems to be hinted in the government leader's response that there are scientists who disagree with the idea of greenhouse gases causing the global warming phenomenon.

Senator LeBreton: I shall bring back clarification. However, it is clear from events last week and from meetings the Minister of the Environment has had with United States officials that we believe this to be a serious issue.

The previous government has a record that is not to be boasted about or to be proud of, and I will bring back clarification from the Minister of the Environment on our latest negotiations on this front.

• (1430)

Senator Plamondon: I believe there was an agreement around 1978 or 1980 not to use weather modifications for war purposes because it is a very powerful weapon. It can be used to hinder communications. It can be used for many things. The bill being discussed in the United States is important, as it has implications, economic and otherwise, for Canada.

During my research on fresh water, as senators can see in the letter, I learned that weather modifications can affect the availability of water resources.

Before it is too late, I thought it would be wise to have talks with the U.S. government to determine the possible impact of what they are doing. A few states are using weather modification right now: Idaho, Utah, Nevada, California and Colorado. I believe that there could be implications for Canada.

Senator LeBreton: I will take that question as notice. I could not agree more. Weather modification could have serious implications for Canada. I will ask that the appropriate people let us know, from their knowledge, the state of the legislation in the United States.

PUBLIC WORKS AND GOVERNMENT SERVICES

PRIORITY OF ENVIRONMENTAL PROGRAMS— DEPARTMENTAL AND CROWN CORPORATION EXEMPTIONS FROM ALTERNATIVE FUELS ACT

Hon. Tommy Banks: Honourable senators, I will stay for a moment on questions concerning ecology and the environment. I will address my question, if I may, to the Minister of Public Works and Government Services.

The minister responded to a question that I had asked him on April 6 that it would be irresponsible for the government, any government — and I concur with him, given the state of things now — to not think about greening efforts and to not focus on those efforts. I was glad to hear the minister say that, but those efforts are not referred to anywhere in the five priorities of the government, with which we are all familiar. The environment is glaringly absent from those priorities.

First, can the minister tell us where the environment is in the list of priorities, since the government has enumerated its priorities with numbers? Is the environment number 6 or number 15 or number 102?

The second part of my question derives directly from the minister's answer on April 6, in which he said he was pursuing the purchase of hybrid vehicles, for example. This question is of particular interest to senators, since the Alternative Fuels Act, which I believe was authored by Senator Kenny and originated in this place, contains requirements that would oblige the government and Crown corporations to have achieved, by 1997, a 50 per cent use of alternative fuels and a 50 per cent purchase of hybrid vehicles; and, by 1999, a 75 per cent use of alternative fuels and purchase of hybrid vehicles, always where practicable and where it will work. Can the minister tell us how far along we are in reaching those percentages?

That same bill provides that the Treasury Board may, by order, exclude any Crown corporation from the application of that act. Which, if any, Crown corporations have been exempted by the Treasury Board from that act?

The minister may wish to respond later regarding the percentages, but perhaps he can tell us where the environment is on the priority list of the government.

Hon. Michael Fortier (Minister of Public Works and Government Services): As honourable senators know, I have been waiting several weeks for one of these questions, and so I will try to meet the challenge.

With respect to greening, as I indicated to the senator a few weeks ago, the greening policy is within Public Works. It is a policy and a program that makes a lot of sense to me and to everyone here in Ottawa, in the sense that because of the money we spend on procurement generally, we must be much wiser in terms of energy costs in buildings, for example.

Senator Banks refers to automobiles. As we purchase replacement automobiles, the new ones are obviously environmentally friendly in the sense that they are hybrid vehicles.

In terms of the percentage of vehicles that comprise the fleet, I do not have that specific answer. However, I can tell the honourable senator that it is automatic. Every time an automobile is purchased to replace an existing one, it is a hybrid automobile.

There were many parts to the question, and I apologize if I may have missed some.

Senator Banks: I have no additional question, but I will again ask the minister if he could ascertain whether the Treasury Board has exempted any Crown corporations from the application of that act, and whether he is able to tell us what percentage of fuel consumed by government and Crown corporation fleets is now alternative fuels, by which I mean to include 90 per cent ethanol fuel, for example. Almost all automobiles purchased since 1995, of any make, have been able to operate efficiently and effectively on 90 per cent alternative fuels without the slightest change to carburetors. We were aiming at 75 per cent a few years ago, and I would like to know how close we are to that goal.

My first question was this: Since the government has chosen to number its priorities, what number is the environment?

Senator Fortier: I want to reaffirm that with respect to the procurement program at Public Works, the greening initiative is there to remain. Therefore, with respect to Public Works, it is clearly a priority and shall remain so under this government.

I will also address the other issues with respect to Crown corporations and the percentage of fuel, but I will have to get back to the honourable senator because I do not have the specific answers at this moment.

[*Translation*]

VEHICLES OF MINISTERS ON ALTERNATIVE FUELS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would also like the minister to provide us with specific details on the famous exceptions.

This week the media published the list of cars used by cabinet members. I believe that the honourable senator's car is a hybrid vehicle, but if my memory serves me correctly, most of cars used by the ministers are not environmentally friendly.

I do not know whether the mandate of the minister's department applies to cabinet or not, but I would like to know who is in charge of buying these cars and why cabinet members are not setting an example for the country? How can we justify that any minister's car is not environmentally friendly?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I want to thank the honourable senator for her question. First, she no doubt noticed that this article also mentioned the fact that, since the size of cabinet has been reduced considerably, there are 13 fewer vehicles. I think the environment benefits from that. I want to add one very important point.

As for the replacement of vehicles, as I indicated to honourable senators, the vehicle replacement policy is quite clear: the new vehicles that are being bought are hybrids. Thus, the reason why some vehicles are not hybrids is that they still have a useful life, and when it is exceeded, they will be replaced with hybrid vehicles.

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting the delayed answer to a question raised in the Senate on April 6, 2006, by the Honourable Senator Fairbairn regarding the farm income crisis and disaster relief.

AGRICULTURE AND AGRI-FOOD

FARM INCOME CRISIS AND DISASTER RELIEF

(*Response to question raised by Hon. Joyce Fairbairn on April 6, 2006*)

This government provides ongoing programming which will assist producers with their cash-flow needs for spring seeding.

The federal Spring Credit Advance Program provides interest-free loans of up to \$50,000 to provide producers with funding for spring seeding. \$650 million is expected to be loaned to producers under this program in 2006. A first installment of 60 per cent was made available in March based on intended crop insurance acreage and a final installment will be made after a producer's seeded acres are declared.

We have also, as a new government, accelerated payments under the Grains and Oilseeds Payment Program. Cheques began to be mailed to producers on to be February 10 and, as of mid-April, \$470 million has been paid to over 88,100 producers and another \$39 million has been transferred to Quebec for payments to farmers in that province.

CAIS continues to operate for 2006 and payments are currently being made for the 2004 and 2005 program years. Since early January \$440 million has been paid out nationally under the program. Producers may also take advantage of interim payments to get some of their 2006 CAIS payment early. The federal government is also working with stakeholders to replace CAIS with programming that better suits the needs of producers.

Payments are also flowing to producers under Production Insurance, which protects producers against crop losses related to specific perils. Since early January \$320 million in indemnities have been paid to producers for the 2005 crop year.

These are payments which have gone out since early January 2006 and payments under these programs will continue to flow in the coming weeks. I am confident that this money will help producers with their seeding costs this spring.

Finally, in the recent election, this government promised to commit an additional \$500 million annually to support agriculture. Details on the use of these funds will be provided later.

• (1440)

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, two days ago, while Senator Ringuette was giving her speech, numerous electronic interruptions were caused by those devices called BlackBerries. I do not own one, but I know that such devices have been extremely distracting during Senate proceedings in recent years, when our colleagues are speaking. The Speaker *pro tempore* that day, Senator Losier-Cool, indicated that you, Mr. Speaker, had yourself noted this kind of interference during our proceedings and would probably have a statement to make on the matter.

Without anticipating your position, if indeed you intend to be speaking on this matter, I would appreciate it. If not, I would ask that you make a statement to the effect that the *Rules of the Senate* will be strictly enforced to ensure that honourable senators who have the floor can have the undivided attention of their colleagues.

[English]

Hon. Terry M. Mercer: On this point, honourable senators, while I appreciate what the good senator is concerned with, we are going at it in the wrong direction. The technology provided for us through our budgets is there to help us to become more effective and efficient as senators and representatives of the regions we are appointed to represent. I would suggest that we be not banned from using BlackBerries in this chamber, but instead that we ask the administration of the Senate to examine the possibility of obtaining the proper filters for the chamber to eliminate the interference with the sound system. If the interference were removed, then the irritant would be eliminated. Senators who are addicted to the use of BlackBerries use them quite frequently.

Honourable senators, during my time in this chamber, I have never seen a report from the Senate administration advising senators whether this is possible. I am told by friends who are more technologically advanced than I am that these devices would create no interruption in the chamber's sound system. At the same time, those senators who choose to operate BlackBerries while in

the Senate would be able to do so. I would appreciate a further examination of the matter by the Speaker of the Senate before a ruling is made.

Hon. Percy Downe: Senator Mercer makes a valid point, but I disagree with him. The *Rules of the Senate* are clear in that no electronic device that produces any sound can be brought into the chamber. Some senators with hearing problems have to listen to the proceedings with the aid of ear plugs. The other day, there were at least six buzzing noises in my ear. A senator was making a speech that was particularly important for those of us from Atlantic Canada, and it was interrupted on a continuous basis. Not only is the interference disruptive, but it is also disrespectful to the person speaking.

Hon. Hugh Segal: Honourable senators, the only representation I would make on this point to the Speaker of the Senate as he sorts his way through this issue is that the Conservative caucus has ruled that those devices are not acceptable in caucus. They are left outside in the reading room with staff who put them in envelopes that can be claimed on the way out. Certainly, should it be the wish of the Senate, Legislative Services could accommodate senators in such a fashion so that the *Rules of the Senate* are maintained and senators may speak without interruption.

Hon. Sharon Carstairs: Honourable senators, like Senator Downe, I have a hearing problem and wear double hearing aids. When that buzzer goes off in my ear, it goes right through my spine. I use my BlackBerry a great deal. My office is in the East Block and some senators' offices are in the Victoria Building. We do not have easy access to our offices. Can we prevent the noise? That is the purpose of the Speaker's ruling. If we cannot have noise in the chamber, then we can all live with it. I have sat in the chair that the Honourable Government Leader is sitting in now and there were times in debate when it was necessary for me to be in contact with my office because handwritten notes do not always work. It would be very handy to continue obtaining up-to-date information on a moment's notice with the use of BlackBerries or computers if we could make them soundless. It is the sound that is annoying, so if that could be eliminated then the problem would be solved. I do not know whether such filters exist but perhaps that could be looked into with a mind to a solution that would make everyone happy.

Hon. George Baker: During Your Honour's investigation into the matter, could you give the house a decision with some specificity as to the meaning of the rule that the Speaker has quoted on occasion prior to this day? It is the understanding of senators that a certain make and kind of BlackBerry is the problem, and not all personal handheld devices. Would Your Honour, in using the standard rules of interpretation, look at the wording in the rules and give us some definitive identification of the kinds of instruments that are not allowed?

Hon. Bill Rompkey: Your Honour, I agree with Senator Carstairs that the instrument is a useful tool for senators in the chamber, particularly when the need arises to contact one's office quickly. I find it extremely useful.

Before Your Honour makes his ruling, I would like you to determine exactly the points that Senator Baker raised as to whether it is the function of the particular kind of instrument. I use the Bell system because Rogers does not work

[Senator Comeau]

in Labrador and when there, I like to receive my email. Without making a pitch for either company, I do not think that Bell causes such a problem, although I may be corrected on that. I would like Your Honour to take that into consideration before making a determination. If honourable senators with a particular BlackBerry are not part of the problem, they should not be penalized.

Hon. Consiglio Di Nino: Would Your Honour consider extending your determination to include committee meetings as well, in particular those held in camera? I understand that the transmission of BlackBerries can pick up the conversation at a meeting. I am not an expert in these matters, but perhaps consideration of the use of these devices in committee, in particular in camera meetings, could be included in Your Honour's determination of the matter.

• (1450)

Hon. Anne C. Cools: Honourable senators, I should like to add a few words to this debate. It seems to me that the question that is being put to His Honour is far more complex than simply the question of disturbance and noise making.

I should like to remind honourable senators that both Houses of Parliament are very jealous of what one might call control over the broadcasting and the recording of proceedings. Once we get into decisions about which devices would be allowed and which ones would not, we would open up a huge can of worms. All the security people tell us that these cell phones, BlackBerries, et cetera, are capable of transmission to the outside. I do not know the language of radio and telecommunications. However, we would put His Honour in a position where he would have to decide that this one device is allowed and that one is not.

For example, Your Honour, I am not very sympathetic to the Senate government leaders, who when being asked questions on the floor of the chamber, wish to have the information and answers piped in to them from their offices or from the minister's office. I find that undesirable and, quite frankly, improper. For that matter, Your Honour, you could be set up with a computer and someone could sit here at the table and type to you what you should be saying. I find that this whole thing is the sort of situation that could get out of hand very quickly. The example Senator Carstairs used from when she was government leader is a BlackBerry. I submit to Your Honour that she could easily make the same argument for the use of a personal computer right here on her desk by which, not only her office, but the Prime Minister's Office or the departmental staff could have typed answers to her that she would have received instantaneously. This is quite a huge matter and far more complex than we are making it out to be.

Honourable senators, I hope that we never see a day where anyone in this house will be receiving information piped in as they are speaking without being able to guarantee that those words are their own. At some time we should have a debate in this house as to at what point is a speech no longer the senator's own speech. We have had situations in this chamber where senators have observed as other senators were speaking, particularly the leadership, that the speeches were identical to those given in the House of Commons.

Your Honour, I think the request is out of order that BlackBerries here should be made a norm, that senators would be capable of receiving information, essentially through the means of telecommunications equipment, while other senators would not be in a position to respond to the new information.

The Brits have rules about the reading of speeches. Honourable senators, a lot of problems would be ruled right out if more members actually had to think carefully and clearly about the speeches they give and, in point of fact, actually wrote their speeches.

What I am trying to say, Your Honour, is that much of this question before us is beyond the particular question of order and discomfort and the disruption caused. Much of this goes to the whole phenomena of a house's control over its own proceedings and the limitation and the control of broadcasts outside of the house.

[*Translation*]

Hon. Jean Lapointe: Honourable senators, I humbly suggest that you consult Senator Plamondon, who explained to me yesterday, as two honourable senators were saying a few moments ago, that there are different types of BlackBerries. Some models do not cause any problems. However, there is one in particular that does. Unfortunately, I do not know the exact make or model.

I myself do not use a BlackBerry. That being said, I fully agree with the honourable senator who said earlier that this tool should be banned in committee rooms.

How many times, when I faithfully attend caucus meetings, have I heard of incidents where certain information had been leaked. As soon as the person or minister left caucus, they were asked a question on what was said in the meeting when that information should have been kept secret.

Accordingly, I suggest that we ban the use of BlackBerries in all committees. Anyone wanting to use this device is free to leave it at their office and check their messages later.

I appreciate that such a tool could be quite useful in the Senate. However, we need to choose the model that best suits our work.

[*English*]

The Hon. the Speaker: Honourable senators, I will be happy to try to be of service to the chamber. I should like to consult with many of the honourable senators. In the meantime, I would urge upon the house that we try to respect the letter of rule 19(4):

No person, nor any Senator, shall bring any electronic device which produces any sound, whether for personal communication or other use into the Senate Chamber, whether on the floor, inside the Bar, outside the Bar or in the galleries...

Honourable senators, until such time that the Rules Committee and the chamber change that rule, that is the rule of the Senate.

I will add a footnote: Having read the Hansard from the other day, Senator Lapointe is quite right. There is one instrument that transmits via satellite, and it overrides everything, including the computer in your own office. Often you will hear, if you are using that system, the static coming on your computer in your own office. It is a reality. It is a problem, and we do have a rule. I think even if one had that type of machine and turned it off, it is still problematic.

There is the rule, honourable senators. Let us try to respect that rule as much as we can.

To be of service to the house, I welcome the opportunity to have a little time so I can consult with as many honourable senators as I can. If anyone would like to send me material so that we might come up with a proposal that we could refer to the Rules Committee, I welcome that.

[Translation]

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

IT WAS ORDERED.—That the Standing Joint Committees be composed of the Members listed below:

Library of Parliament

Members (12): Mike Allen, Gérard Asselin, Colleen Beaumier, Blaine Calkins, Joe Comuzzi, Peter Goldring, Gurbax Malhi, Fabian Manning, Jim Peterson, Louis Plamondon, Denise Savoie, Bruce Stanton

Associate Members: Jim Abbott, Diane Ablonczy, Harold Albrecht, Dean Allison, Rob Anders, David Anderson, Vivian Barbot, Dave Batters, Carolyn Bennett, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooge, Ron Cannan, Colin Carrie, Bill Casey, Rick Casson, John Cummins, Patricia Davidson, Dean Del Mastro, Barry Devolin, Paul Dewar, Norman Doyle, Rick Dykstra, Ken Epp, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Cheryl Gallant, Gary Goodyear, Jacques Gourde, Nina Grewal, Helena Guergis, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Jay Hill, Betty Hinton, Charles Hubbard, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Jason Kenney, Ed Komarnicki, Maka Kotto, Daryl Kramp, Mike Lake, Guy Lauzon, Pierre Lemieux, Tom Lukiwski, James Lunney, Lawrence MacAulay, Dave MacKenzie, Inky Mark, Colin Mayes, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Rick Norlock, Deepak Obhrai, Brian Pallister, Christian Paradis, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gerry Ritz, Gary Schellenberger, Bev Shipley, Joy Smith, Kevin Sorenson, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Garth Turner, Merv Tweed, Dave Van Kesteren, Peter Van Loan, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams, Lynne Yelich

[The Hon. the Speaker]

Scrutiny of Regulations

Members (12): Robert Bouchard, Ron Cannan, Dean Del Mastro, Paul Dewar, Ken Epp, Monique Guay, Derek Lee, Brian Murphy, Rick Norlock, Paul Szabo, Garth Turner, Tom Wappel

Associate Members: Jim Abbott, Diane Ablonczy, Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Dave Batters, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooge, Blaine Calkins, Colin Carrie, Bill Casey, Rick Casson, John Cummins, Patricia Davidson, Barry Devolin, Norman Doyle, Rick Dykstra, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Cheryl Gallant, Peter Goldring, Gary Goodyear, Jacques Gourde, Nina Grewal, Helena Guergis, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Jay Hill, Betty Hinton, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Jason Kenney, Ed Komarnicki, Daryl Kramp, Mario Laframboise, Mike Lake, Guy Lauzon, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Fabian Manning, Inky Mark, Pat Martin, Colin Mayes, Réal Ménard, Serge Ménard, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Deepak Obhrai, Brian Pallister, Christian Paradis, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gerry Ritz, Gary Schellenberger, Judy Sgro, Bev Shipley, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Merv Tweed, Dave Van Kesteren, Peter Van Loan, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Judy Wasylcia-Leis, Jeff Watson, John Williams, Lynne Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

AUDREY O'BRIEN
The Clerk of the House of Commons

ORDERS OF THE DAY

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved that Bill S-3 to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act, be read the second time.

He said: Honourable senators, it is with pleasure that I support, on behalf of the Minister of National Defence, the introduction of the bill to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

The main purpose of this bill is to modify the National Defence Act to apply the registration scheme contained in the Sex Offender Information Registration Act to the military justice system.

The bill will harmonize the military justice system with the Criminal Code and the Sex Offender Information Registration Act, while accommodating the unique nature of the operational requirements of the Canadian Forces, thus allowing this system to continue to operate in accordance with Canadian legal standards.

The bill also makes certain amendments to the Criminal Code and the Sex Offender Information Registration Act to enhance the administration and implementation of the sex offender database.

- (1500)

[English]

Honourable senators, some of you may recall that a bill on this topic was introduced in this chamber during the last session of Parliament. Our Standing Senate Committee on Legal and Constitutional Affairs was reviewing it when Parliament was dissolved.

[Translation]

Although this bill resembles the previous one, it includes certain changes that I would like to share with you today.

First, I think it would be useful, for honourable senators who may not be familiar with the sex offender registration process, to explain how the current civilian system works.

Let us look briefly at the existing registration system under the Sex Offender Information Registration Act.

Both this system and the national sex offender database were established when the Sex Offender Information Registration Act and certain provisions of the Criminal Code came into force on December 15, 2004.

As a brief reminder, the purpose of the national sex offender database is not to penalize offenders twice — and we debated this and took a long look at this facet of the new mechanism when the bill creating the civilian database was implemented — but to provide the police with a new investigative tool that they can use to quickly obtain information on convicted sex offenders. The database helps the police investigate sexual offences by making it easier to identify possible suspects who live in the area where an offence has occurred.

Under this system, a criminal court judge can order convicted sex offenders to report to the police every year and provide specific personal information, which is then entered in the

national database. This procedure can also apply retroactively — another element that our legal and constitutional affairs committee examined at length — to sex offenders who were serving a sentence for a given sexual offence when the Sex Offender Information Registration Act came into force.

This means, honourable senators, that for a year after the act came into force, the authorities could contact individuals who had been convicted and were serving their sentence or even on parole and make sure they complied with the act, and this was done until last December.

I must explain that, after being convicted of a sexual offence, an individual is not automatically required to register in the national database. The registration order is issued only after a special hearing, following the trial, at which the offender has the right to contest the order.

To be relieved of the obligation to register, the offender must prove that the consequences for the offender are highly disproportionate, compared to the public policy objective of protecting society through effective investigation of crimes of a sexual nature.

Furthermore, once the order has been made, the offender is still entitled to appeal the decision. However, once a sexual offender is registered in the database, he is subject to registration requirements under the Sex Offender Information Registration Act for a given duration, unless a termination order is approved. The duration is set according to the type of offence of which the offender was found guilty. The longer the sentence for the offence, the longer the duration of the registration.

Only the police — and this is important and what distinguishes us from the Americans — investigating sexual offences have access to the information in the database on sexual offenders.

There was no question, and our committee was especially vigilant, of setting up a whole system of posters and identification on the Internet. That would not have been the Canadian way. The system is very restrictive and it works.

Let us now examine the amendments to the National Defence Act. As I mentioned at the outset, the idea, now that we have a civilian mechanism, was to adapt the legislative system to include the military.

Honourable senators, when I speak of designated offences, I refer to a series of sexual offences which are included and which cause the legislation to be applied. When military personnel are found guilty of a designated offence, they cannot be ordered to comply with the Sex Offender Information Registration Act. Accordingly, information on them is not recorded in the database and cannot be consulted by police investigators.

Honourable senators, I am sure everyone will agree that it is in the public interest to create a framework under which all offenders, civilian or military, convicted of a designated offence will be registered in the national sexual offender database.

This is what the proposed amendments will permit, while ensuring that the system of military justice continues to meet current Canadian legal standards, standards that are both strict and highly efficacious.

The amendments we are debating today will: make it possible to order individuals found guilty by a court martial of a sexual offence to register in the database; make the obligation ordered by a court martial to register and report to the police similar to the obligation ordered by a civilian court of justice; and finally, make it possible to require individuals already convicted of a sexual offence when the amendments come into force to register as well, as was the case for civilians with the national database.

[English]

Several specific mechanisms are included in the bill to help accommodate the military's unique operational requirements.

[Translation]

For example, the bill grants authorization to set up registration centres for Canadian Forces members in and outside Canada, and provisions to allow reporting to registration centres in Canada from a distance; for example, while on exercise or at sea. It would be difficult for a member of the military to report to a registration centre while at sea, and the legislation would therefore harmonize methods of submitting the information required by law.

Similarly, when operational obligations prevent members of the military from exercising their rights under the Sex Offender Information Registration Act or from fulfilling their obligations in terms of disclosure, the time limits set out in the act to allow them to exercise their rights and fulfill their military duties may be temporarily suspended.

An additional mechanism, which will apply only in very specific circumstances, will prevent certain information from being disclosed or entered into the database, when that information could jeopardize national security, international relations or certain types of operations.

Let us look at changes made to other acts. In addition to the changes to the National Defence Act, this bill includes changes to the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

• (1510)

While a number of changes stemmed from amendments to the National Defence Act, others were made following intense and productive consultations with the federal departments responsible for public safety, justice, the RCMP, the provinces and territories, not to mention the national, provincial and local police, who, since December 2004, have had to apply the new legislation.

Some amendments to the current mechanisms stem from the consultation process in place. For instance, the bill was amended to apply when an offender has to report to the police or when a police official is authorized to consult the national database to verify certain information.

[Senator Nolin]

I explained to you earlier how specific this measure was, so specific in fact that it could have made police investigations inefficient. The bill sets out to extend this restriction to the investigators' consultation process. It also sets out to improve the administration and application of the sex offender database.

It is not for nothing that the Senate introduced this bill. Honourable senators, Bill S-3 includes amendments made to the version tabled during the last Parliament. The most significant changes address the problems raised by the Standing Senate Committee on Legal and Constitutional Affairs. They include, among other things, eliminating the five proposed designated offences and adding the requirement to report to the police when the Chief of the Defence Staff exercises certain powers under the bill.

Amendments were also made in order to clarify the possible repercussions to members of the reserve and to make a number of minor adjustments to the provisions of the Criminal Code and the Sex Offender Information Registration Act.

All these concerns and amendments were taken from comments made at second reading stage, particularly from discussions in the committee where the bill was being examined at the dissolution of the last Parliament.

In closing, honourable senators, I want to stress the fact that the number of members of the military who will be directly affected by the amendments to this bill should be rather low. These amendments will help ensure that information on sex offenders is accessible to the police for the purposes of future investigations into sex offences.

Honourable senators, this legislation deserves the support of the Senate so that the system of military justice may continue to reflect Canadian legal standards. These amendments will ensure that sentences imposed by a court martial for a designated offence are recorded in the national sex offender database.

The government is proposing a number of appropriate mechanisms that will accommodate the military's particular operational requirements. As I indicated earlier, the amendments will provide the Canadian Forces with a flexible registration system that can suspend prescribed time limits so as to protect rights and ensure that members of the Canadian Forces respect their obligations under the Sex Offender Information Registration Act. These amendments also restrict the disclosure of sensitive information.

I believe that these mechanisms will protect the rights of convicted sexual offenders and will enable them to carry out their operational duties with the Canadian Forces pursuant to the National Defence Act, and fulfill their obligations under the Sex Offender Information Registration Act.

I strongly recommend that all my colleagues support the proposed amendments to the National Defence Act and the other acts. I hope that the Standing Committee on Legal and Constitutional Affairs, with its proverbial promptness, will proceed to study this bill efficiently.

[English]

Hon. Tommy Banks: Honourable senators, will the Honourable Senator Nolin entertain what is, perhaps, a naive question?

Senator Nolin: Of course, honourable senators.

Senator Banks: The thrust of this bill is a good one. Since I will not be able to attend the hearings of the committee, I have a curiosity about the proposed section 119.1(2) which would excuse a convicted person from complying with an order such as Senator Nolin has described. It states:

For greater certainty, a lawful command that prevents a person from complying with an order or obligation is a reasonable excuse.

I wonder whether the application of that would be a lawful command which might state, "He cannot go there this Thursday, but he will go the following Tuesday," or is it a command which might preclude the convicted persons ever being part of the registry?

Senator Nolin: That is a valid question. I have asked it of members of the military who gave me a briefing. We will examine those types of very precise excuses in depth in committee.

The law is not there to prevent the military operation. On the one hand we have a responsibility under the Criminal Code, the proposed act known as SOIRA, and the National Defence Act for the delinquent. On the other hand we have the quality of the military operation.

Those are exactly the types of excuses that are built into the bill to ensure that the equilibrium will be maintained.

I hope that satisfies the honourable senator's question. We will look into that type of question in depth in committee, as was the case when we had the previous bill before us.

[Translation]

Hon. Jean Lapointe: Are the Canadian Forces receptive or resistant to the honourable senator's bill? I believe that, if this bill is passed, soldiers will be forced to comply with the law.

Senator Nolin: That is a good question. I believe that the Canadian Forces have not expressed any reservations about the application of this legislation. On the contrary, I think that the Canadian Forces administration supports it.

During the examination of legislation to establish the national DNA databank, the committee realized that military personnel were excluded from the process. So we waited for another piece of legislation to fill in the blank. This time the work is happening in order. When the first civilian act came into force, there was already talk about adapting it to the military environment. But given the unique nature of that environment, the government at the time and the current government recognized that it needed specific legislation that was carefully harmonized without losing sight of its purpose, that is, to give police effective investigation tools.

• (1520)

Hon. Serge Joyal: Honourable senators, I would like to ask the Honourable Senator Nolin a question. Along with several colleagues, I participated in six meetings of the Standing Senate Committee on Legal and Constitutional Affairs, which studied the previous Bill S-39, the forerunner of the bill we are considering today.

At the time, we heard about a statement by then Conservative critic Gordon O'Connor, who is now Minister of National Defence. I quickly reread the bill before us today. If there is no objection, I would like to repeat the statements made by the critic at the time. This is an article from the *National Post* dated October 11, 2005, when the Senate was considering the previous bill.

[English]

But Conservative defence critic Gordon O'Connor said offenders convicted of all but the most minor sexual offences should be ejected from the ranks as a matter of course. "Military people who are found guilty of this...are out, and I don't care if it's war or peace," argued the retired brigadier-general who spent 32 years in the Canadian Forces.

Mr. O'Connor does not accept the rationale that the professional skills or expertise of some sex offenders might be so indispensable that they should be retained.

"I can tell you right now there isn't a skill in the entire armed forces that is that key that we have to have sex offenders," he said. "Nobody is that valuable. The military is set up so that...everyone can be replaced in every operation."

[Translation]

Does this bill include provisions to the effect that, depending on the seriousness of an offence that he or she confesses to or is found guilty of, a member can be ejected from the ranks immediately — to borrow the expression used by the Minister of Defence when he was opposition critic in connection with this issue of sexual offences in the army?

Senator Nolin: That is a good question, and I thank the honourable senator for it. First, we must ensure that our colleagues understand that we are talking about two completely different systems. The civilian system is one thing, and we are all fairly familiar with how it operates.

As for the military system, your committee has already conducted an in-depth review of the entire military justice system. There is the court martial, but there is also a decision procedure they call "administrative," which, in the civilian world, would go against the values we espouse with respect to civilian matters, but that corresponds to the disciplinary regime within the Armed Forces. Please keep this in mind as I answer the question.

This bill — and it can be examined more closely in committee — includes a series of provisions to ensure that we never lose sight of the quality of our military operations and the objectives targeted by the bill, as well as a balance between the two. In order to cover all of that information, the bill is rather lengthy.

The underlying question remains: Does this bill include a provision to the effect that, when a military member is convicted of a sexual offence, no matter what the member does, no matter how important that member is, the member is discharged? There is nothing like that in the bill.

Senator Joyal: My second question is as follows: When we studied the bill last fall — and as I have mentioned several times, the committee held more than six sessions on the predecessor to this bill — one of the most important questions concerned former clause 203.15 of Bill S-39, which is now clause 227.15. On page 14 of Bill S-3, it is clause 227.15, at the top of the page.

[English]

Suspension of time limits, Proceedings and obligations

[Translation]

That is the title. One of our concerns was as follows: the clause specifically states that it is at the sole discretion of the Chief of the Defence Staff to decide whether or not a member of the military convicted of a serious sexual offence will be included in the registry. There was not, in Bill S-39, what we currently call civilian oversight. In other words, the matter remains within the army. Because we are dealing with serious criminal offences, common law offences, when the then minister, his representatives, legal counsel and the Chief of the Defence Staff appeared before us, we specifically questioned this shortcoming. In our opinion — at least in my opinion — when the Chief of the Defence Staff suspends the application of the Criminal Code, the minister responsible should be informed and there must be a means of striking some balance with a decision that may be taken for important strategic reasons. The bill stipulates the circumstances under which the suspension may be made, regardless of what the minister at the time believed. Beyond this particular situation, there is not a balance between civilian control and the prerogative accorded to the Chief of the Defence Staff to suspend the application of the Criminal Code. We considered the possibility of amending the bill in order to re-establish the authority of the minister over that of the Chief of the Defence Staff so that, one way or another, the public would know that there is some sort of system, as you said yourself, an extraordinary one outside of common law.

Did the honourable senator consider the possibility that the Senate could amend this bill to address the concerns we had last fall about this provision?

Senator Nolin: Honourable senators, at the end of my speech, I talked about the amendments that had been made in light of our committee's discussions. If you look at subsection 3 of the same clause, on page 15, you will see a new measure that is intended to provide notification: the Chief of the Defence Staff must inform the minister as soon as a determination has been made.

Is it enough to notify the minister? I understand that the fact that the minister receives notification — the minister has full

[Senator Nolin]

authority — the fact that the minister is informed that a determination will be, has been or is about to be made means that the minister has a full range of options. He can oppose the determination. He can even go so far as to reprimand the person who makes the determination. The minister has a range of options.

The committee's concerns were heard, they were valuable, and that is why the bill reflects the committee's reasons for wanting to amend the bill.

Senator Joyal: Honourable senators, on the issue of notifying the minister, one of the recommendations we were considering at the time — obviously, the committee had to stop its work — was to formally list cases where determinations of the type referred to in clause 227.15 were made in the annual report of the Minister of National Defence, so that Parliament would know that an exemption from the Criminal Code had been granted and not only the minister but Parliament would be notified of the determination that was made.

• (1530)

This is intended to ensure Parliament retains control over exemptions to the common law and, specifically, to the provisions of the Criminal Code, which are so essential to the law and order of a society. Would the honourable senator be prepared to consider that this manner of making the decision more public would not give the greater guarantees sought with this bill?

Senator Nolin: Honourable senators, I fully understand the degree of transparency the honourable senator is attempting to display. This is a measure that could impede operational effectiveness. When the Chief of the Defence Staff decides to use this power and to notify the minister, he does so after considering all other avenues and concluding that it is in the interest of national security or to ensure the effectiveness of military operations. Could the fact of publicizing the decision — which may be 12 months later or the following month — not also put the effectiveness of operational measures at risk? This sort of examination should be done when we meet in committee. Some scenarios that have been suggested to me have led me to conclude that such action should not be taken. The committee will have plenty of time to examine it with the officers who come to testify and explain the reason for the measure.

Senator Joyal: Honourable senators, I simply want to draw to the attention of the honourable senator the fact that, when the committee examined the bill, in a November 21, 2005 document, it had before it the decisions of court martials from 2001 to 2004 involving sexual offences. In the documentation given us, we had detailed information on sentencing in sexual offences in court martials: date, rank, offence and details of the offence. It is possible to have public information. This document was public. It was given to us by the Office of the Judge Advocate General at National Defence headquarters. It was not a document in plain brown wrapping the committee considered, but a public one. Accordingly, there is a way to make the information public without creating a security risk.

I agree with this aspect. I do not share the view of the minister, when he was critic, that an individual convicted of a sexual offence should automatically be ejected from the ranks. I am

satisfied with the response of the honourable senator. Nevertheless, the information can be made public. It should be noted that it can have a dissuasive effect on other personnel as well, even if the name and the circumstances do not need to appear, making it impossible to find out who within the military was convicted of a sexual offence and, thus, put operational security at risk.

Senator Nolin: Honourable senators, in order to clarify the debate we are engaged in, it is important to point out that there are two main requirements under the current system, which this legislation tries to apply to the military. Offenders have to report on a regular basis. They have to report a first time, and then, update specific information annually. The information provided must answer specific questions such as the following: What are your whereabouts? Where do you live? Since when? What are your plans? This would mean that, should the legislation be systematically enforced, members of the military on a special mission, who are caught up in the offender information registration system, would have to report, stating their exact whereabouts and saying how long they have been there and how long they intend to remain there. Can you imagine the kind of difficulties that might arise in this particular situation? The minister would be notified in such cases.

Honourable senators, in addition, Senator Joyal is proposing that the minister publish on a yearly basis the number of times he used this special power that allows him to make exemptions or suspend the act. We all know that, if we put that in a public report, the minister will be asked: Who was involved? Where did it happen? When? Why? We can easily agree on that. Is the standard of military operations being jeopardized, where the minister was allowed to use his power? I think so. We can look into that in committee, but the idea is to maintain the standard of military operations and ensure that, when the Chief of the Defence Staff makes a determination, the minister is notified. That has definitely been identified as important, and that is why the bill contains such an amendment. However, I think that taking the extra step of publishing the information would be opening the door to people going fishing, so to speak, and I do not think that it is in the interest of anyone that this information be made public. We can all easily imagine the kind of situation where members of the military are on assignment, and it is in the interest of no one that this be known outside the military hierarchy.

[English]

Senator Banks: Senator Nolin, I have a saying that is derived from my past practice: Military justice is to justice as military music is to music. The present bill is an attempt to close that gap to some degree.

Upon looking at proposed section 227.01, which says how, in some circumstances, a person convicted — in this case, a person convicted by courts martial as opposed to courts — would be obliged to become a registrant in the system. It says that there is no discretion in the case of a court martial. If I read it correctly, it says that if the prosecutor requests, the court martial “shall” order a person who has either been convicted or found not responsible by virtue of mental disorder to become registered in the program. I am curious as to whether that is consistent within the civil justice system, and whether, in a civil court, a civilian

charged with and having been convicted or found not guilty by virtue of mental instability can be ordered into the program at the request of the prosecutor, and whether, in a civil court, the judge has no discretion, as the court martial here appears to have no discretion. Section 227.01 says the court martial “shall” order that the person be registered.

Senator Nolin: My honourable friend raises a valid point, and we will raise that specific issue. When we discuss section 16 of the Criminal Code, which deals with mental disorder, we move in a direction that must be looked at carefully. It raises the question of *mens rea*.

Again, the honourable senator raises a valid point, in my view, and the committee will look into it. That is the only answer I can give at this time.

• (1540)

[Translation]

Hon. Pierrette Ringuette: Honourable senators, if I recall discussions on the previous bill, in the case of a service member who is accused of a sexual offence or sexual abuse in another country while serving Canada in that country, the bill did not provide, for the charge laid in the country in question, that this person also be listed in the sex offender registry. Does the bill that you are introducing make this correction?

Senator Nolin: This correction already exists under a bill that was adopted seven or eight years ago. If an offence that is recognized as such in Canada is committed in another country, it is as though it were committed in Canada. If a Canadian citizen commits this offence in another country — and all the more so a service member who commits this offence while under the orders of a Canadian military hierarchy — the full force of the law will be applied to this individual.

On motion of Senator Fraser, debate adjourned.

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-Ninth Parliament.—(4th day of resuming debate)

Hon. Jack Austin: Honourable senators, I repeat the congratulations and good wishes I offered at the start of this session to our new Speaker, Senator Noël Kinsella. His role is one of high precedence and calls upon him to represent Canada in diplomatic relations at home and abroad. Of course, he is also our presiding officer and we have confidence that he will execute this role with balance and wisdom.

To Senator Hays, I wish to express thanks for a job well done as our Speaker. In my previous role as Leader of the Government in the Senate, I did not always concur in his rulings, but then I never sought to overturn them.

Senator LeBreton has also received my congratulations on her appointment as Leader of the Government in the Senate and to cabinet. Her role calls upon her to be the Senate's representative in cabinet, bearing in mind the constitutional and institutional responsibilities of the Senate and, at the same time, to be the government's representative in the Senate. To represent the executive on the one hand while on the other to lead the Senate in its responsibility to be a house of review and a check and balance on the executive can be compared to standing on two different galloping horses at the same time while praying constantly that they will not take off in different directions.

To Senator Champagne and to Senator Segal, the mover and second of this debate, I thank them for their comments, on which I shall have something to say shortly. I believe you both will fulfill the contribution to Canada, its social progress and economic prosperity, the Prime Minister who appointed you must have had in mind.

Let me turn to the program and priorities of the Harper government as expressed in the Speech from the Throne. Immediately, two things surprised me, but then I may be easily surprised. First, I found that the five election promises, important in themselves, were the whole of the Harper government's affirmative program for this session, which could last as long as one year or more. Apparently, the Harper government believes that keeping these promises is the key to becoming a majority government, in which case I never, in my 40 years of political life, will have seen the Canadian people so easily satisfied. Second, there is nothing to show Canadians how we will meet the challenges from outside Canada that are critical to our economic and social well-being and to the human safety of Canadians. Where is the recognition of the world beyond our borders and the leadership that Canadians need based on that recognition?

The understatement of the century so far is in the words in the Speech from the Throne that the government "will not try to do all things at once." Perhaps Prime Minister Harper is trying to message that his will not be an interventionist government, but Canada cannot be a hermit nation, not in its own interest and not in the interest of its allies in the democratic world community. From my point of view, the Speech from the Throne portrayed a little Canada and stepped substantially away from the big Canada, the mature and responsible nation that we are and want to remain.

When a government comes into office, it should look not only to the political context of an election campaign where the polls guided the campaigners to set issues and promises that would work magic on the public. Of course, if in office those goals, promises and priorities are found to make the best sense, then they should be acted on, but not if they can be demonstrated to be poor public policy and not well conceived. Canada is not a country where the march of folly should apply. I come from the Province of British Columbia, which admired former Premier W.A.C. Bennett and kept him in office for over 20 years, in part

because he called his government a second-look government. He was never so proud that he wanted to do the wrong thing. If something were proposed that would not work properly, he was prepared to take a second look. This is my most sincere advice to the Harper government: Take a second look, and do it often.

When a new government comes into office, it should do an inventory of the issues of interest and concern to the Canadian people. It should look over the horizon to identify both the risks to be contained and the opportunities to be acted on to advance the net interests of Canadians. If governing "modestly," as Preston Manning argues in *The Globe and Mail* of April 7 last, should be the "geistmotif" of the Harper government, here are some of the domestic issues that the Harper government fails to identify or show any understanding of.

First is the well-being of the Aboriginal community, including the Kelowna agreement and the agreement on residential schools compensation.

The second issue is the Kyoto Protocol and Canada's international responsibilities as well as its domestic needs. Where is the Mulroney commitment to the environment in the Harper government's priorities? Will the Minister of the Environment, who holds an Alberta seat in the House of Commons, address the pollution being caused by the oil sands development and its cost to Canadians?

Third is an economic development and prosperity agenda. Nothing is more critical in a competitive, global economic investment and trade system. Is the Harper government in pretend modesty to leave each province and territory to find its own way in the global business game?

The fourth issue is that of addressing the physical and social challenges in our large cities and smaller communities across Canada. It is commonplace that investment in both new and renewable infrastructure is far behind the need. These cities and communities have commitments from the federal level agreed to by their respective premiers. Are these commitments to be honoured, or is the Harper government in its modesty to play the game of avoid the issue?

The fifth issue is that in global competitiveness and in quality of life, the key is education — what we define as both living to learn and learning to live. In its modesty, is the Harper government to abandon our students, our teachers, our universities and their research capabilities and leave these priorities only to the provinces and the territories?

The sixth issue is that our non-supply managed sector in agriculture is under great stress, in particular the grain and oilseed sector. As well, we have seen the cattle industry suffer high economic losses over the past two years. Is the Harper government to govern modestly in the face of the problems of Canadian agriculture and allow their losses to fall where they may?

Seventh is the issue of British Columbia's ports of Vancouver and Prince Rupert, which are an enormous potential asset to Canada. The flow of goods to and from the Asia Pacific has

grown exponentially over the last three years. This opportunity for Canada requires investment so that these ports can be competitive with any ports in the United States or Mexico, and not only the ports but also all the rail, air and truck links to North American markets. In governing modestly, will the Harper government recognize the opportunity to produce a Pacific gateway strategy, or will it be indifferent to it and let others respond as best they can?

Due to Senate debate time limitation, I have reviewed only a few issues of domestic focus. In the time remaining, I shall question where the Harper government stands in furthering Canada's key international interests. Let us start with the United States. I have no hesitation in approving the words in the Speech from the Throne describing the United States as our best friend. We are alike in our commitment to democratic values, human freedom and the rule of law. Both countries have a written constitution, a bill or charter of rights, and an independent judiciary. Whether the people in the United States know it or not, we are one another's best neighbours, but that does not mean we do not have problems or that Canadians feel our best friend always treats us fairly.

• (1550)

In my province of British Columbia, our forest industry is nearly half of our gross provincial product and has been held to ransom over illegal countervail and anti-dumping measures by the United States. The U.S. forest industry talks fair trade but means protectionism. We will keep a close and critical watch on the work of the Harper government on the softwood lumber issue.

Yesterday's news about an agreement in principle is not good news for B.C.'s forest industry, if the story is accurate. I imagine International Trade Minister Emerson has been busy listening to provincial and industry reaction and is not amused.

The WTO Doha negotiation is critical for Canada's non-supply managed agricultural sector, which amounts to 80 per cent of our agricultural economy. Without a level playing field, our producers will be the victims of international price management based on qualitative and quantitative protectionism practiced by the producers of the United States and Europe.

Next, the Martin government accepted Canada's responsibility to contribute with "boots on the ground" in the battle against Islamic terrorism. I am pleased with the Throne Speech words that "The Government stands firmly behind the vital role being played by our troops in Afghanistan today." This is not an easy mission and Canadian lives will be lost, but most Canadians know the fight is for a free and tolerant society against those who believe that our values will destroy their society and its Taliban values of repression and domination of others. Hopefully the fighting will one day end and the talking will begin. We all want to live in a peaceful and mutually respectful world.

The world economic situation has to be our concern every day. For the year 2005, the U.S. current account deficit totalled \$805 billion, or 6.4 per cent of U.S. national income. Most economists believe chronic U.S. deficits are not sustainable. As

one advised, U.S. exports are 10.5 per cent of U.S. GDP, and to eliminate the deficit through trade exports alone, they would have to increase to 70 per cent of GDP. "This clearly is not going to happen. Instead it will require a big dollar depreciation alongside much weaker domestic demand for imports."

Honourable senators, we see predicted a weakening support for the U.S. dollar and consequent strengthening of our currency, which can overall be quite costly to our productive and value-added economy. What has the Harper government to say about this issue?

Briefly, I want to mention Asia Pacific, China, India, Japan, Korea and the ASEAN countries. This is an area with more than half the world's population. Japan is a wealthy country, Korea is gaining everyday and China and India have impressive GDP growth rates. Asia Pacific is where the world's greatest wealth will be created in the 21st century. We need a concerted, whole-of-government and whole-of-business strategy to play our role in the new wealth creation. Our failure to do so will see us much diminished in our economic competitiveness in the long run and living wholly from our natural resource revenues in the short run. The story about the farmer selling his topsoil to keep the farm going very much comes to mind.

Honourable senators, these are only a few of the issues from outside our borders that we must respond to. There is no message in the Speech from the Throne on these key issues, save for Afghanistan. I greatly fear that the Harper government's policy of governing modestly and with limited focus will cause Canadians to believe that dealing with the five points of Prime Minister Harper's agenda will address the issues of government. These points can hardly be described as beginning to govern, and focusing too narrowly on them will mislead Canadians as to the real challenges we face.

I notice Prime Minister Harper's tactic in answering to the critical issues facing the country is to accuse the previous Liberal governments of mismanagement, as if a \$13-billion surplus is mismanagement. If you do not believe he made such an accusation, look, for example, at the House of Commons Hansard for Wednesday, April 5, 2006. I doubt he can fool the Canadian people or satisfy their need for good policy by playing the political noise-making game.

The Liberal governments of Jean Chrétien and Paul Martin turned a Canada in desperate fiscal shape into the strongest economy in the G7. These governments produced an historic eight budget surpluses. As Paul Martin said, "We have given Canada the best economic performance in its history."

In 2005, Canada's economy crossed the U.S. \$1-trillion mark for the first time. In U.S. dollar terms, Canadian GDP is up more than 70 per cent over the past four years. For the first time, Canada's economy is greater than that of the State of New York by 20 per cent. Corporate profits rose 10.7 per cent in 2005 and 18.7 per cent in 2004. In 2005, wages and salaries rose 5.4 per cent, investment in machinery and equipment rose 10.7 per cent and consumer spending rose 4 per cent. The percentage of low income Canadians declined from over 16 per cent in 1993 to 11.2 per cent in 2004. Canada's

unemployment rate fell to a 32-year low of 6.3 per cent in March 2006. Some mismanagement! Prime Minister Harper's political dust-throwing cannot stand up to those facts.

A former finance department official, Don Drummond, now Chief Economist at TD Bank, said in a *National Post* story dated March 1, 2006, that "the new government needs to find \$22.5 billion in additional savings over the next five years to cover the cost of its election commitments." He added that the savings from present programs would need to be "heroic." The budget estimates that we expect to be tabled by the Conservative government will, I am sure, show no sign of that reality. They will signal further growth in spending.

As to the election result on February 6, 2006, I want to record my conviction that the Liberal government of Paul Martin acted too creatively, too far reaching in our social policy goals and in our fiscal management, too independently in our international relations, and too inclusively of all Canadians for the electoral reward the voters of Canada conferred on the Liberal Party and its Prime Minister, Paul Martin. If there is blame, it falls mainly on the Liberal Party itself for its failure to communicate its values and its competence.

All political leaders in Canada — ministers, senators and members of the House of Commons — need to take seriously the critical decline in public trust that we have experienced collectively over the last two decades. We know, as the Gomery report stated, that Canadian politicians, our judiciary and public service are among the least corrupt of any nation. When corruption is exposed, Canadians deal with it harshly, as we should. Why is our collective credibility so low? Perhaps we can start with our excessive partisanship, which so misleads Canadians as to the reality. Perhaps the Senate could be seen as an example of the way politics can be practised with intellectual integrity. Perhaps, as Senator Segal wishes, we could put ourselves on TV and that would do something to restrain excessive partisanship. Let us think, however, how to address this issue, and do not think that it will go away.

Let me end with a quote from an American social philosopher, Woody Allen:

We stand at a fork in the road. One way leads to madness, catastrophe and ruin; the other to disaster, chaos and despair. May God grant us the wisdom and courage to choose the right path.

Hopefully, Harper government will not try every alternative to good public policy before choosing the best way — the way of historic Canadian values, of unity, social justice and prosperity.

God Bless Canada.

The Hon. the Speaker: The time for the honourable senator has expired.

Hon. Lowell Murray: I was wondering if I could put one question to the honourable senator, with leave.

[Senator Austin]

The Hon. the Speaker: The honourable senator asks for an extension. Is leave granted, honourable senators?

Senator Comeau: It is agreed that he be permitted five minutes.

• (1600)

Senator Murray: Honourable senators, I wanted to address Senator Austin's comments about the Canadian dollar. He raised the question of the relatively high value, in terms of recent history, of the Canadian dollar vis-à-vis the U.S. dollar and asked what the government intends to do about it. There seems to be the implication, first, that Senator Austin believes that the Canadian dollar is overvalued, and I would ask him to confirm his opinion on that matter.

More worryingly, there was the implication that the government ought to manipulate the value of the dollar. While I understand that for some exporters a higher dollar creates some problems, the economists, of whom I am not one, would argue that the answer to that lies in improved productivity. In any case, those of us who are consumers, and sometimes travellers, quite like the idea of a dollar that approaches par or even better, as it once did, with the U.S. dollar.

Senator Austin: Honourable senators, I did not reflect on the pros and cons of the level of trading of the Canadian dollar in dealing with the U.S. currency. What I am saying is that we would be wise to take into account the current economic deficit, fiscal deficit and trade deficit in the United States, the fact that it is the world's largest debtor and that its economy is underwritten by the vendor financing of Asian countries.

I illustrated, with a quotation, the point that there is no way that the United States can, by changing its trading patterns, deal with that deficit. In fact, there is no way to deal with that deficit, according to most economists, except by a gradual monetization of the U.S. dollar.

The only issue I raised is how do we deal with that impending circumstance in terms of its impact on the Canadian economy? I agree with the honourable senator's conclusion that we must be competitive, productive and look to growth industries to sustain our standard of living, our quality of life and our economic performance. However, I do not have the middle of that equation to offer. My point is that we need to use the resources of this country, its intellectual resources in government and in the private sector, to deal with that issue.

The honourable senator has given me the opportunity to reflect on another concern. If we see the investment patterns going into the Alberta oil sands, into two northern pipelines and some other major capital projects, the management of the Canadian dollar will be a significant task in order to prevent the downsizing of many Canadian manufacturing and service industries in terms of their capacity to be competitive in the export industry, and it certainly will not serve agriculture either.

The Hon. the Speaker: Honourable senators, I wish to recognize Senator Dawson. I believe that I am correct in drawing to your attention that this will be Senator Dawson's maiden speech.

[*Translation*]

Hon. Dennis Dawson: Honourable senators, I am both very moved and humbled to stand in this august chamber to deliver my first address. I am moved when I think of the fact that I am now pursuing a career that began 29 years ago in the other place, although that career was interrupted by an electoral defeat in 1984. In fact, my first address in the other place was also on the Speech from the Throne.

Despite my absence, I have always had tremendous respect for public life and the people who participate actively in it. Clearly, it is not always easy to be in politics these days, especially since the actions of a few people have brought disgrace to this pursuit in recent years.

[*English*]

I, among many others, share the belief that despite globalization and its effects, the political role of a public representative remains a noble and critical service that is essential to promoting and defending the interests of the population. It is still by our political actions that we can make changes and contribute to a better quality of life for our citizens here in Canada and even outside our borders.

I have a great deal of respect for our parliamentary process and those who work endlessly to ensure its operation day after day. Having said this, I will tirelessly work on getting my point of view across, and I will do this in respect of the different perspectives, while keeping the interests of our constituents, of all Quebecers and all Canadians in mind.

[*Translation*]

I stand before you humbly, for I have come here to learn and to add my modest contribution to the quality of our parliamentary life. At the same time, I am also here to serve my fellow citizens. I am now part of this chamber, said to exist in order to ensure a sober second thought. I fully intend to devote all of my efforts to fulfilling this duty to the best of my ability, with all of my knowledge, experience, abilities and energy.

To begin with, I would like to congratulate my colleagues, appointed by then Prime Minister Paul Martin, who have come to this chamber at the same time as me, including, above all, my friend Senator Fox, with whom I spent many years in the other House, and afterwards, engaging in politics.

I am delighted to be part of such an impressive group of recruits and I wish my entire cohort the very best of luck. I would also like to acknowledge all of my new colleagues of the Senate, which includes many familiar faces, individuals with whom I have worked closely over the years, and in some cases, with whom I worked in Quebec.

I would like to congratulate the Minister of Public Works on his appointment as both a minister and a senator. I wish him good luck as I consider that the greater the number of strong representatives from the Quebec City area, the greater the benefit for the other capital.

I have many friends in the family of the senator and minister, and I am certain that his mother, for one, is very proud and filled with admiration. I certainly cannot criticize the fact that his friend, the Prime Minister — for whom Mr. Fortier worked as a leadership and campaign organizer — has appointed him to the Senate. I am in no position to make such a comment.

That being said, my Prime Minister never said that I had to be elected to get into this chamber. Nevertheless, I would like to reiterate all my words of encouragement and congratulations, although it will probably be the last time that I can do so in this chamber.

I would also like to say a few words about the attitude that I intend to adopt in my relations with federalist Quebecers. Given the distinct nature of the political issues in Quebec between federalists and sovereignists, with the future of the country at stake, I have adopted as a guiding principle to never attempt to attack — starting with their reputation — my federalist political adversaries. By doing this too often, we open the door for sovereignists, and that hurts our cause. I refuse to score political points in the short term on the backs of federalist Quebecers in the other parties.

[*English*]

The reputations of too many sincere federalist Quebecers have been destroyed over the last few years between federalists, and the only ones who win in this type of argument are the sovereignists. I will not give anyone free gain, but I will certainly avoid making personal attacks on my fellow federalist Quebecers.

[*Translation*]

That said, I will carry out my duties with vigilance. I will focus on issues rather than personalities, and I will do everything I can not to provide the sovereignists with grist for their mill.

I would also like to thank my sponsor, Senator Joyal. He has always been a guide and a friend to me, and I have the highest respect for him. He has provided me with very wise counsel, both written and spoken, for a long time, but particularly since I came to the Senate. He helped me greatly to become familiar with the institution, its nature, its duties and also its constraints.

His enthusiasm for the institution is infectious, and I look forward to carrying out my role and responsibilities as a senator.

[*English*]

As I mentioned before, I am joining Senator Joyal in the Senate, as well as numerous others, including Senator Prud'homme, with whom I served in the other place. When the leader at that time, Pierre Elliott Trudeau, sees us from above, as Senator Pépin said a few months ago, he must recognize many familiar faces who sat with him between 1968 and 1984 and that are now here in this place.

• (1610)

I mentioned another name earlier, a name upon which I will probably be concentrating most of my first speech. I return to Paul Martin, my leader until a few weeks ago. I wish to thank him

for having trusted me and for having nominated me to the Senate when he knew that my nomination would certainly not go unnoticed. If I remember well, the present Leader in the Senate at that time accused me of having a past with Paul Martin. Yes, that is a true fact. I am proud of this and of the many years focussed on supporting Paul Martin and his causes that he has defended well in front of his party, in front of his colleagues and in front of all Canadians.

[*Translation*]

History will judge Paul Martin, but I am convinced that even though it was too short, his time as Minister of Finance and Prime Minister will remain etched in memory as an outstanding achievement in Canadian politics. I thank Paul Martin for devoting 15 extraordinarily productive years to the Liberal Party, the Government of Canada and the people of this country.

He gave himself body and soul to his work. He was a key player in the government team that literally saved Canada from bankruptcy, after inheriting an unprecedented deficit of more than \$40 billion from the previous government.

I heard the current Minister of Finance boasting about what good shape the Canadian economy is in on his return from a G8 meeting. He should have thanked Paul Martin, because this amazing turnaround did not happen on its own. People can look at the results from all angles and try to attribute them to favourable conditions, but one constant remains, clear and simple.

Such an economic recovery would be impossible without a firm political will and determination, without a vision based on a simple yet demanding notion: to create a better Canada for future generations and to act now not to undermine their legacy but to make it richer now and for the future.

This is what the Liberal Party and Paul Martin accomplished over the past 13 years and today, all of us, including the new government, are reaping the benefits. Debt that was spiralling out of control and huge budget deficits were paralyzing our ability to compete with other countries. These factors were seriously compromising our future and drastically reducing our ability to allocate necessary resources to new and growing needs.

[*English*]

Our productivity was suffering. Compared to other matters, we were contributing too much of our time to lowering the debt and not enough to these new, urgent needs. We were witnessing the chronic unemployment of our youth as our country was slowly paying a visit to the devil, while being the laughing stock of the G7.

[*Translation*]

The sovereignists, never satisfied, tried everything they could think of with little regard for logic in their efforts to separate because the country was on the brink of bankruptcy. Now they want to separate because the economic picture is prettier and their economic future — Quebec's in particular and Canada's in general — is far brighter.

[Senator Dawson]

In 1993, Canada was considered technically bankrupt. It could no longer control its debt or its deficit. It was seeking its place in a changing world and was foundering because of its pathetic financial situation.

The Liberal government grabbed the bull by the horns and fixed the problem. It was the Canadian people — as Paul Martin often said — guided by a government determined to make the country's financial situation more livable now and in the future, who made it happen.

[*English*]

If the new Minister of Finance next week has the financial liberty to launch his programs and to commit to the five priorities of the Conservative government, it is without a doubt due to those who paved the way during the last few years, and no one was more determined and as engaged as Paul Martin in his fight for improved finances.

[*Translation*]

As Minister of Finance, Paul Martin presented a series of surplus budgets starting in 1997, unheard of in 30 years. The turnaround Mr. Martin represented was spectacular. He convinced Canadians of the urgency of action, and everyone put their shoulder to the wheel.

Mr. Martin is behind the largest tax reduction in the history of Canada, namely \$100 billion over five years. He reformed the Canada Pension Plan so Canadians could be sure there would be enough benefits for the next 75 years at least. He also created the National Child Benefit, which fights the scourge of child poverty. He drew on the example of the Caisse de dépôt du Québec to establish an agency to manage Canadians' retirements.

[*English*]

More recently, the agreement of \$41 billion toward health that Paul Martin put forward enabled the provinces to breathe more easily. This agreement has had an undeniable impact on reducing the waiting times and on improving health care for a rapidly aging population that is always in need of health care in quality as well as in quantity.

Moreover, no one can deny the fact that the relationship between the federal and provincial governments has greatly improved under Paul Martin. This relationship evolved because Paul Martin wanted the federal-provincial relationship to be one of respect as well as one of working towards finding solutions dedicated to a better life for our citizens.

[*Translation*]

He was behind the new deal for cities and communities, a modern instrument that enables municipalities to obtain more resources to meet their needs as front line suppliers to the public.

In Canada, 80 per cent of the population now lives in the cities. The problems of the cities are the problems of the vast majority of Canadians. It was time the federal government got involved in resolving them, in partnership, naturally, with the provinces, which are responsible for local communities.

[English]

I am pleased to have been associated with the contributions of Paul Martin to the Canadian political scene as Minister of Finance, as MP, as Prime Minister and as our party leader. I am also pleased to have been a candidate and supporter under Paul Martin's Liberal banner. He is an exceptional human being and a great Canadian. Nature and history will tell the story of a man who endlessly and selflessly gave back to Canada.

[Translation]

Since this is my first speech, I will be kind to the new government. I do not intend to elaborate on the blunders that marked their beginning just yet.

We must give them the benefit of the doubt. But they had better look sharp because there is quite an impressive bunch turning up for the race to lead the Liberal Party of Canada. The Conservative government might not have enough time to correct its mistakes. I am pleased to take part in the work of this chamber and of the committees to point out the weaknesses of this government.

Honourable senators, before closing, I want to speak briefly about Quebec. The Liberal Party has to take a hard look at its performance in that region and it will have the opportunity to do so during its General Council in the coming days.

Obviously, important matters like the 400th anniversary, the airport and the Port of Quebec have dragged on. And, I must add that the issues surrounding Massif de la Petite-Rivière-Saint-François and the Quebec City bridge have not received enough attention either. I can assure the new government and its ministers of my support in finding quick and effective solutions to these issues.

Finally, I want to express my commitment to young Olympians. The performance of our athletes in Turin was exceptional despite the fact that help from the government was late in coming. Again, today we have a minister responsible for building roads and stadiums for the 2010 Olympics in Vancouver, but still no minister responsible for the Olympians. Hundreds of millions of dollars will be allocated to building roads and stadiums, but let me remind everyone that it is the athletes who win the medals, not the stadiums.

I want to congratulate the Speaker on his election. I will surely have the opportunity to deliver more speeches in this chamber and I sincerely hope I will be equal to the task.

[English]

Hon. Norman K. Atkins: Honourable senators, I would also like to begin by congratulating the Honourable Senator Kinsella on his new role as Speaker of the Senate. I think members of this chamber would agree that he has a hard act to follow. I do not know if this is the first time it has happened, but it was certainly highly unusual when our present Speaker, who was formerly the Leader of the Opposition, replaced the previous Speaker, the

Honourable Dan Hays, who became the Leader of the Opposition. This is a complete reversal of roles.

I also congratulate the new leadership in the house on both sides and express my sincere hope that as time goes on, for the good of Canadians, negotiations will be amicable and successful.

I also congratulate the new Conservatives for winning the largest number of seats in the House of Commons in the last election and becoming the new government. It is clear that Canadians want a change; however, the question now is how to interpret those changes. Did change occur because Canadians wanted to remove a Liberal government, or did change occur because Canadians were attracted by the platform of the new Conservatives?

• (1620)

The difficulty for the government is to determine to what extent their mandate is, in fact, an endorsement of what Canadians really want and whether it is the best thing for the country. The government must avoid the pitfalls of assuming that Canadians have fully bought into their program and truly examine what Canadians find acceptable. The fact that the new Conservatives could not form a majority government is the best indicator that their mandate should be tempered. This is not 1984 or 1988, when the Progressive Conservatives formed a majority government with a clear mandate.

We now know what the government has in mind with regard to the proposed accountability act. It would appear in some instances that they are, to coin a phrase, "using a hammer to kill a fly." They are currently establishing a whole new layer of bureaucracy such as the director of public prosecutions, we are again seeing a move by the new Conservatives to the Americanization of our Canadian parliamentary system of government. I am not convinced that this type of role is really necessary in view of the present safeguards that we already have in place, and the fact that criminal prosecutions fall mostly under the authority of provincial attorneys general anyway.

One thing that I believe is good about the proposed act is that it expands the role of the Auditor General and, hopefully, will provide the resources to do a more effective job. I believe that the broadening of the Auditor General's mandate to include Crown corporations is the right thing to do. That said, in creating positions such as the director of public prosecutions, we are again seeing a move by the new Conservatives to the Americanization of our Canadian parliamentary system of government. I am not convinced that this type of role is really necessary in view of the present safeguards that we already have in place, and the fact that criminal prosecutions fall mostly under the authority of provincial attorneys general anyway.

We know from experience that our institutions are strong when our parliamentary traditions are respected. Current dissatisfaction has found its root because of individuals who disregarded traditions and a proper code of ethical conduct. Individuals who circumvented the rules failed our institutions; our institutions did not fail Canadians.

It is ironic that over the last year there was a significant amount of debate in this place about the role of the Ethics Commissioner. A principal point was whether the Senate should have its own authority and autonomy. The new act is proposing to combine the two positions under one authority, which once again raises the debate of the role of the Senate in our parliamentary system. I wonder what our Fathers of Confederation would think. The Senate, as outlined in the Constitution, must remain independent of the House of Commons and its executive and act as the chamber of sober second thought.

We have recently seen the outline of what the government's position will be on the question of law and order. I give them full credit for moving in the right direction, but I would urge them not to make changes too quickly. In any case, the three bills promised by the Minister of Justice should be closely studied by our Senate Legal and Constitutional Affairs Committee, where there is a most impressive array of legal experience and talent. The announcement that the government will raise the age of sexual consent from 14 to 16 may seem like a good idea; however, reservations have been expressed by many people, including the Premier of Quebec. This is an example of an issue that will benefit from careful study by our bipartisan committee.

The Prime Minister has given some indication that he is prepared to crack down on crime by rescinding the faint hope clause which allows criminals to apply for parole after 15 years. I understand the desire to review this process and I also support the crackdown on sexual offenders, predators and murderers. I agree with the necessity to expand the present registry of all sex offenders to include everyone convicted of such crimes. However, the committee should study whether it is necessary for this list to be retroactive.

The government must consider the financial and societal implications of a justice system increasingly focused on incarceration. Once again, this is potentially yet another American-style encroachment. If the government focuses on incarceration, the questions must be asked: Will we need new prisons? How much is the true cost of this justice strategy to taxpayers? Can we find a Canadian solution?

As many know, the United States, one of the world's greatest democracies, also, unfortunately, lays claim to one of the highest incarceration rates in the world. I do not believe Canadians want our government to tread this path. Our goal should be to find a truly Canadian justice solution. Perhaps a review of the penalties relative to the seriousness of the crime should be launched so that, for example, someone found guilty of fraud does not receive a sentence similar to someone convicted of murder. This might allow for the punishment to be more in line with the crime and alleviate overcrowding. It might be that these issues will be reviewed under the umbrella of the government's current commitment to stiffen mandatory jail terms. If so, it will go a long way to addressing the problem. I look forward to seeing further details in the creative approach which strengthens our justice system.

Another issue that is being discussed is the gun registry. According to various police organizations and lobby groups, there are undoubtedly some advantages being gained from our

long gun registry. There has been a registry for short guns in Canada since the 1960s. However, the long gun registry has cost the taxpayers of this country more than \$1 billion to date and the experts are at different ends of the spectrum in terms of value for dollar. I remember when the bill was first introduced and indicated that it would cost the taxpayers \$80 million in total. I hope that the government will conduct an overall review of this program to determine which areas are advantageous and which are not working. Perhaps the government can launch a more cohesive and effective program which will work in conjunction with the crackdown on crime and reduce the massive expenditures we are currently witnessing.

To totally scrap the program for political expedience, and not to extract what has been beneficial, would be unwise. The government should not confuse anger at the mismanagement of the gun registry with rejection of the intent of the gun registry. If our police — those whom we rely on to keep our neighbourhoods safe — support the gun registry, then this government should listen.

The next point I should like to address is the issue of wait times within this country's health care system. It is commendable that the government commits to shortening wait periods for medical procedures, but this, unfortunately, is not all in the hands of the federal government. The federal government will have to rely heavily on the provincial governments to implement any programs or incentives. The provinces will only be able to do that if the federal government provides the resources to make it happen.

This brings me to the next area that I would like to comment on, namely, the reduction of the GST. The experts predict that the 1 per cent immediate reduction to which the government is committed will cost in tax dollars somewhere in the range of \$4 billion to \$5 billion annually. Ultimately, a further reduction of 1 per cent will cost an additional \$4 to 5 billion, for a possible total of \$9 billion to \$12 billion annually. The optics of this commitment is obviously popular with the public, but the question really is, is it good economic policy?

• (1630)

The rationale for the reduction in the GST does not seem to anticipate the potential unforeseen demands on the national treasury. What happens if Canada faces an economic downturn, a natural disaster or a health threat?

The Speech from the Throne says this government believes that Canadians pay too much in tax. I am sure not many Canadians would argue that fact, and most appear to applaud the reduction in the goods and services tax.

The problem is, on the one hand, Canadians feel that they are overtaxed; but on the other hand, they are looking for all levels of government to provide the services and programs that are important in our society. I ask the question: Can we have it both ways?

The government is bringing in a new program for child care, which will require several billion dollars to finance. For those who are lucky enough to be able to stay at home with their children,

the \$1,200 per child per year will no doubt be most welcome. However, for those who truly endure the burden of child care expenses, an annual income of \$1,200 per child per year is but a drop in the bucket compared to the actual costs of child care. Also, are sufficient child care spaces being created with this initiative? Indeed, every dollar helps, but if personal income taxes become higher, the program will not be terribly helpful.

The government has announced that they will implement much needed changes in support to our military, which will require significantly more money. These announcements appear to be in line with what Canadians accept as necessary to sustain our role in world affairs and the protection of our country. However, these commitments do not come at bargain prices. We need more personnel, and we must replace antiquated equipment — for example, our helicopters, cargo planes and ships, all of which will need major additional funding.

Health care improvements will need more money if we expect the provinces to sustain the changes, as I have already noted. Our agricultural sector is in desperate need of improved financial support. The government has outlined a sustained economic commitment, which is long overdue and money well spent, but it will cost. There is a great demand for the financing of infrastructure in the transportation sector within our cities, which cannot be ignored.

This country needs long-term sustainable funding for a major commitment to environmental programs that will protect the future for our children. This issue should, in my view, have been one of the top five priorities, or added as a sixth. Even former Prime Minister Mulroney has expressed his worry that this issue is not high enough on the priority list.

There is a critical situation unfolding in relation to students and student debt for post-secondary education. Add to that the fact that our universities need additional money for capital projects, along with increases for research and development, to allow them to remain competitive worldwide and to attract the best and the brightest.

When you add all this up, while the idea of reducing the GST on the surface seems like a good idea and the optics are very appealing, my concern is that, when push comes to shove, the government will have to find other ways to make up the shortfall created by any such reductions.

If all of these initiatives are now perceived and accepted as what Canadians want for this country, then Canadians must be aware that they will have to pay for them. We cannot continue to expect to pay less for more.

We have been told that the previous government was running a large surplus; but we have seen throughout history that a surplus can disappear very quickly by governments that are unable to prioritize their spending against their revenues.

The question is, can the government reduce the GST and not raise personal income taxes or implement other tax measures without destroying the social benefits that exist within this country?

I suggest to the government that, rather than continuing to create costly new layers of government bureaucracy, that they usher in a new way of dealing with a very fine public service. Rather than continue to emphasize that they will eradicate an attitude of entitlement, perhaps they could indicate that while there were a few of that ilk, they will nurture those who display the right character and values and reward them. Perhaps more expansion of oversight and review offices, such as the Auditor General's in consultation with senior bureaucrats, would be more cost-efficient.

The Hon. the Speaker: I regret to inform the honourable senator that his time has expired. Perhaps honourable senators would agree to grant Senator Atkins a five-minute extension? Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Atkins: This leads to the suggestion that I have long made, that there is an opportunity for this government to utilize the Senate much more rather than to continue to criticize and attack it. There is an untapped wealth of knowledge and experience that could be very beneficial in the role of commissions or inquiries and the study of various issues that the government deems important.

Incidentally, a perfect example of my line of reasoning presents itself in a motion recently moved by Senator Segal for television coverage in the Senate. In fact, I would expand his suggestion for coverage. I strongly support this motion and would hope that Senator Fraser would follow through on her suggestion of referring it to committee for discussion and examination.

It will come as no surprise to most members in this chamber that I am opposed to an elected Senate because we run the risk of legislative gridlock similar to that in the United States. I also believe that we cannot reform the Senate without examining all the institutions of government, which may eventually require amendments to the Constitution.

I believe it would be more prudent for the government to re-examine the formula that almost received unanimity with the Meech Lake Accord. This allowed each province to submit a list of five names for consideration for any regional vacancies within the Senate.

A perfect example of where this type of formula would work is evident now. We recently lost the Honourable John Buchanan to retirement, which created a vacancy in Nova Scotia. If the government had not taken the position it has, there would perhaps be an opportunity to have someone like the former premier, John Hamm, with his wealth of knowledge and experience, available to serve all Canadians.

I strongly suggest that the Prime Minister should not relinquish any of his autonomy in relation to the selection of Canadians who might offer their services to the betterment of the country regardless of their political stripe.

This government has focused on five priorities which they believe are not only important, but politically expedient. The question I have is, do these five priorities work to put Canada in a better position in the global market and enhance our position worldwide?

Canada is at a critical crossroad. Whether the country has a minority or a majority government is not of ultimate importance; leadership and good government are. Good government is good politics.

Our Fathers of Confederation rightly founded our nation on the principle of peace, order and good government. To that end, I stand here today, and will stand here tomorrow, proud of the institutions that they created and ready to work to make our Canada stronger.

On motion of Senator Comeau, debate adjourned.

• (1640)

[Translation]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO STUDY THE CANADIAN ENVIRONMENTAL PROTECTION ACT

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

That the Standing Committee on Energy, the Environment and Natural Resources be authorized to undertake a review of the *Canadian Environmental Protection Act* (1999, c.33) pursuant to Section 343(1) of the said Act; and

That the committee submit its final report not later than October 2, 2006.

[English]

Hon. Tommy Banks: Honourable senators, I have the honour to have been elected as the chair of the committee to which reference is being made. I have two questions to put to the honourable senator.

First, does the honourable senator have knowledge of any particular aspect of CEPA the government wishes the committee to address? This bill, as I am sure he is aware, is a tome that touches on many other pieces of legislation. It was the committee's intention, notwithstanding this order, to examine various aspects of the bill, in any case, but is there any interest on the part of the government for a particular part of the bill to be examined?

My second question is this: Is there a specific rationale for the report date of October 2 next?

Senator Comeau: In answer to the first question, I wish to indicate to the honourable senator that no instructions were passed on asking the Senate committee to look at any one aspect

[Senator Atkins]

of the bill. One would assume that the honourable senator's initial thoughts are probably correct, that is, for the committee to look at various aspects of the bill.

In answer to Senator Banks' second question, I am unsure as to why there is a date of October 2, 2006. If the date was not part of the original mandate of the bill, it may have been picked out of the air. The original request may have had a time limit attached to it.

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

Hon. Senators: Question!

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

Motion agreed to.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean Lapointe moved the second reading of Bill S-211, to amend the Criminal Code (lottery schemes).

He said: Honourable senators, as I have done ever since arriving in the Senate, I will try not to waste your time.

Honourable senators, I do not know if the senators who heard my last speech on amending the Canada Criminal Code with respect to video lottery terminals remember my visible emotion following an almost unanimous vote in favour of this bill.

I could not hide my emotion and my gratitude to my colleagues from all parties for their support of the bill when the Speaker at that time announced that the bill was proceeding to the House of Commons. I discovered that the senators had hearts of gold and that, beyond partisanship, just like me, they wanted to ease the human suffering caused by these diabolical video lottery terminals. I entreat you to do the same and send this bill to the other place today so it may be debated as quickly as possible.

For the new senators, I will outline the danger facing eight of our provinces grappling with the scourge of video lottery terminals. In three days, it will be exactly three years since first reading of the bill I am about to introduce for the fourth time. The majority of you have heard me discuss this bill several times already, be it in this chamber, at the Standing Committee on Legal and Constitutional Affairs or in the media.

Honourable senators, I have promised myself and hundreds of our constituents as well that I would fight on against the video lottery terminals which can be found on almost every street corner in the inner cities of these eight provinces, and to do so until this bill is passed. During the last session of Parliament, the Senate approved the report of the committee which considered this bill and even voted in favour of sending it to the House of Commons. Half my promise was fulfilled.

I should not have any trouble convincing you to return the bill to the other place, but I will nonetheless tell you about the harm these diabolical machines do to our fellow citizens, as well as the positive effects the bill will have on our communities.

The purpose of the bill is to relocate VLTs, that is to say take them out of bars and restaurants and have them only in casinos, at race tracks and affiliated sites.

A study from the show, *The Fifth Estate*, indicated that there are currently 38,652 VLTs at 8,309 locations in Canada. When the bill is passed and implemented over a three-year period, there will only be 206 sites across Canada with VLTs, and this, still under the jurisdiction of the provinces. This will be a phenomenal improvement, since these rotten machines will no longer be so accessible to people, which in turn will greatly reduce the number of players.

Honourable senators, the two groups most vulnerable to this scourge are our young people and seniors. Please, let us pass this bill as soon as possible, so that there is a ray of hope and that their distress can finally go away.

By amending the Criminal Code of Canada, we will put a stop to this plague that, all too often, causes countless problems for our fellow citizens. Pathological gaming is compulsive. It has serious social and financial repercussions for individuals, families and society in general, including sadness, suffering, broken homes, deep depression, suicide and crime committed by video lottery addicts. These problems create a heavy burden for the health care system, tie up the courts and end up being very costly for taxpayers.

According to the committee's report, provincial revenues generated by video lottery terminals are a double-edged sword. These revenues are always welcome, but the social costs for gambling addicts and their families add up over time.

According to one witness's statement before the committee, studies show that the social cost of video lottery terminals is three to five times the total revenue they generate.

Honourable senators, by passing this bill, the Government of Canada will help provinces whose VLTs are costing them money, not making money, contrary to the claims of some provincial government officials.

Regarding federal-provincial relations, the federal government signed agreements with the provinces in 1979 and 1985 handing over most of the responsibility for gaming to the provinces.

• (1650)

However, in Part VII of the Criminal Code of Canada, the federal government left itself some room to deal with possible future abuses.

Honourable senators, two facts convince me it is high time the federal government assumed its responsibilities and acted on this matter. The first is the fact that monitoring agencies, which authorize the provinces to issue licences to operate video lottery terminals, report to the provinces. Provincial authorities

accumulate seemingly record profits annually with their video lotteries. A number of studies by university researchers throughout Canada and by provincial governments, private institutions and social workers have established that the social costs of the video lotteries are three to five times higher than the revenues of the provincial governments. It is therefore hard to imagine that they will some day stop accumulating these hidden taxes, because they are blinded by the exorbitant amounts of money brought in by video lotteries.

Furthermore, the federal government, which draws almost none of the gaming revenues, is in a much better position to defend the interests of persons with gambling problems.

The second fact is that the agreements are already a number of years, if not decades, old. When they were concluded, the provincial governments managed no video lotteries. It was impossible, at that point, to foresee the injustices they would heap upon those less well off in our society. So, for those who fear bars and restaurants will resort to using illegal video lottery terminals, I point out that the legalization of video lotteries has not eliminated organized crime. Today, the criminal world is more than ever involved in money laundering and loan sharking to the considerable detriment of compulsive gamblers.

When the bill becomes law, it will be important for the provinces to set up some sort of squad to enforce it. I am sure that can be done, since, in enforcing anti-smoking legislation, the government will have 44 inspectors and 70 building security officers who can ticket offenders. It is therefore very easy to imagine that these 114 people could also check whether the premises they visit have illegal video terminals.

Honourable senators, recent surveys have shown that the public is fed up with these bloody machines — pardon the expression. Léger Marketing, in partnership with the *Journal de Montréal*, revealed last week that more than 68 per cent of Quebecers were in favour of such a bill, while only 10 per cent opposed it. Furthermore, in another survey, the Canada West Foundation found that more than 71 per cent of the Canadian population was in favour of legislation to restrict video lottery terminals to casinos and raceways.

The time has come for the federal government to protect Canadians against the worst plague to afflict our society since the Spanish flu. Honourable senators, the federal government must act. I therefore appeal to all of my colleagues to support this bill and to immediately proceed to third reading, if only to relieve human misery.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move that this debate be adjourned.

The Hon. the Speaker: The Honourable Senator Comeau, seconded by the Honourable Senator Forrestall, moves that the remainder of the debate be deferred to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Senator Lapointe: I have a question for the Honourable Senator Comeau. May I?

The Hon. the Speaker: Is it a point of order or a question?

Senator Lapointe: It is a question for Senator Comeau.

The Hon. the Speaker: Yes, go ahead.

Senator Lapointe: Does the honourable senator have an approximate idea as to when he will speak following the adjournment of this debate?

Senator Comeau: Honourable senators, we will consult our colleagues from the government side to determine who intends to speak on the bill. We will then have a better idea of how much time will be needed. At this time, however, it is impossible for me to specify the exact date on which the honourable senator's bill will be sent to committee.

Senator Lapointe: Honourable senators, I would like it to be referred back to the House of Commons, not to the committee.

On motion of Senator Comeau, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON CURRENT STATE OF CANADIAN MEDIA INDUSTRIES

Hon. Fernand Robichaud, for Senator Bacon, with leave of the Senate and notwithstanding rule 58(1)(i), moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries, emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than June 30, 2006 and that it retain until July 31, 2006 all powers necessary to publicise its findings; and

That the papers and evidence received and taken and the work accomplished by the Committee on the subject since the Second Session of the Thirty-Seventh Parliament be referred to the Committee.

Motion agreed to.

• (1700)

THE SENATE

MOTION TO URGE GOVERNMENT TO STUDY IMPACT OF LEGISLATION ON REGIONS AND MINORITIES—DEBATE ADJOURNED

Hon. Pierrette Ringuette, pursuant to notice of April 6, 2006, moved:

That the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.

She said: Honourable senators, I would first like to thank Senator Oliver for being the only person in his party to applaud my motion. I was truly touched. This motion is quite reasonable and logical when we consider our role as senators and the impact that legislation stemming from government policies has on regions and minorities.

For some time it has seemed to me that, in this chamber and its committees, we lack the analytical ability that would truly fulfill the mandate given to us on behalf of our respective regions and the minorities concerned. We are missing a key element we need to perform as effectively as we should and fulfill the role we have been given.

Some misinformed or mean-spirited individuals go so far as to say that we are not effective and not accountable. In the parliamentary process, and especially in the decision-making process of the executive branch, are there not a wide range of analyses used when legislation, policies and programs are studied?

Are there not infinite hours of work and substantial amounts of public funding invested to provide these analyses in the decision-making process?

In a democratic, open and respectful process, is it not advantageous to provide the impact analyses that led to a decision and a particular piece of legislation?

In our senatorial responsibilities, has there not been in the past a variety of legislation and programs that had a devastating effect on one region or another or on a minority group?

Honourable senators, what I am proposing today is necessary, in order to enhance our effectiveness in the performance of our historic responsibilities. As you know, in 1864, at the Quebec Conference, the Fathers of Confederation laid the foundation for what would become a few years later the Parliament of Canada. They used the British model and adapted it to the Canadian reality. They gave Parliament the power to legislate in the spirit of peace, order and good government.

In 1867, Canada's founders sought to build a nation by uniting a collection of small communities, scattered over vast distances and divided by differences in economy, language, religion, law and education. Canada needed a Parliament that would represent the wishes of the Canadian majority, while protecting regional and minority interests.

The Senate was created under the Constitution Act, 1867, to protect regional interests and also to provide minorities with what George-Étienne Cartier called a "power of resistance to oppose the democratic element."

The House of Commons was elected based on representation by population. In 1867, Ontario was the most populous province and its growth was the strongest, but the importance of Quebec and the Maritimes in the national economy outweighed their population size, while their interests were totally different from those of Ontario. Daring not leave matters relating to tariffs,

taxation and railways in the sole hands of a House of Commons dominated by Ontario, Quebec and the Maritimes insisted on regional representation, equal to that in the Upper House, otherwise there would have been no Confederation.

As you probably know, our Parliament is comprised of three parts: the sovereign, that is the Queen or the Governor General; the Senate, whose members are appointed; and the House of Commons, whose members are elected. Together, they provide the instruments we need to govern ourselves.

The Fathers of Confederation anticipated that Parliament would need a mechanism that would reflect the wishes of the majority, while at the same time protecting the interests of regions and minorities. This mechanism was and still is the Senate. In this respect, George Brown said that the Senate was the key to Confederation, the very essence of our compact. He said:

Our Lower Canadian friends have agreed to give us representation by population in the Lower House, on the express condition that they would have equality in the Upper House. On no other condition could we have advanced a step.

This principle of equality also underlies the very *raison d'être* of the Senate. John A. MacDonald stated in this respect, and I quote:

In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.

[English]

That is why the Fathers of Confederation expected the Senate to play two key roles. The first was to provide a counterbalance to the democratically elected House of Commons. The second was to protect regional interests and minorities. That is why the role of protecting and representing regional interests is reflected in the structure of the Senate.

An equal voice was given to each region, originally three and later expanded to four, not considering the size of its population. This measure intended that both the less populous provinces and the predominantly French-speaking province of Quebec were to be given some protection by the Senate against the wishes of the majority of Canada's population expressed in the decisions of the House of Commons.

There are now 413 seats in Parliament of which about three quarters are in the House of Commons and one quarter in the Senate. Their distribution respects the democratic principle. The population based in central Canada has 55 per cent of all parliamentarians' seats and elects about 60 per cent of the members of the House of Commons. However, the distribution of seats also respects the regional principle — the people who live in the less populated parts of the country enjoy a majority of 54 per cent of the seats in the Senate.

[Translation]

The 105 members of today's Senate come from various backgrounds and represent all of the provinces and territories. The Senate has one third as many members as the House of Commons, and its operating budget is one fifth of the other place's.

The Senate reflects Canada's regional and cultural mosaic. It represents all of Canada's regions and provinces, and more than half of the senators represent the country's least populated regions. All three of Canada's founding peoples — Aboriginal Peoples, the English and the French — are represented in the Senate, as are several of the country's ethnic communities.

More than 30 per cent of senators are women, a much higher percentage than in other upper chambers around the world.

But representation in the Senate is not limited to geographic constituencies. Some senators speak on behalf of veterans, prisoners, the elderly, seasonal workers, the poor and the young.

During the first half of the 20th century, the Senate was dominated almost exclusively by men from three sectors: law, business and agriculture. About forty years ago, well-known Canadian journalist Grattan O'Leary was appointed to the Senate. His appointment started an important tradition: the upper chamber should always include at least one well-known journalist.

Since the appointment of Senator James Gladstone, also about 40 years ago, the Senate has always included Aboriginal senators.

• (1710)

In fact, the Senate today probably represents our country's population better than do most of the upper houses in the G7 countries. Among our senators, we have a union leader, a hockey player, a musician, an actor, teachers, doctors, farmers, engineers and even a fashion designer.

This is why the Senate has given itself the task of protecting the rights and interests of Canadians from all regions, especially minority groups and individuals who do not often have the opportunity to make their opinion known to Parliament. The make-up of the Senate has changed considerably over time and positively so for the public. We must have the instruments we need to do our job.

In 1980, in its *Report on Certain Aspects of the Canadian Constitution*, the Standing Senate Committee on Legal and Constitutional Affairs identified four roles for the Senate, all complementary to functions of the House of Commons. They were: a revising legislative role; an investigative role; a regional representative role and a protector of linguistic and other minorities role. These are roles that the Senate has historically played.

Senators must accord greater importance to the regional impact of laws and policies. They are in regular contact with individuals and representatives of business, universities, schools, community groups and interest groups in their region. They are therefore in a position to ensure the interests of their regions are taken into account when government policy is formulated.

In the context of policy formulation, it is common practice for each government department to try to measure the impact of these policies not only on the public at large, but on regions and minorities, in particular. We know, then, that such studies anticipating the effects of proposed policies and legislation already exist.

It is my opinion that senators must have access to them in order to know not only the objectives of the government, but, primarily, to know the potential positive impact of a bill presented as the government in office hopes and, if possible, in situations where there is a negative impact, to be able to propose constructive measures to mitigate the negative effects.

Each of us has an example of legislation and programs that have had a negative impact on our regions or minorities, since Confederation or even more recently.

[*English*]

For Atlantic Canada, I can enumerate many examples of a national policy that has had a devastating economic impact, where tariffs were imposed and disrupted our trade pattern. One example is the building of the St. Lawrence Seaway, which removed traffic from Halifax port and the surrounding financial services. More recent examples include the change from unemployment insurance to Employment Insurance, the removal transportation subsidies for agricultural and forest products, and the issuance of work visas for foreign workers instead of helping Canadians to acquire those jobs.

What about the National Energy Program and its impact in the West? What about the impact of various regional economic programs, from tax incentives in the 1960s to FRED, the Fund for Rural Economic Development, in 1966? Then we moved on in 1969 to the Regional Development Incentives Act, in 1973 to the general development agreements, called ERDAs, then called cooperative agreements, in 1982 to DRIE, the Department of Regional Industrial Expansion, and then in 1988 to regional agencies.

Yes, all of the above were brought in by different-striped governments. Some of these issues have been resolved with time, but others are still looming in the regions. Did the Senate do the right job at the right time for the regions on those issues?

I do not want to judge the past, but I certainly want to influence the way we proceed in the future. I will not support a government bill that is not accompanied by an impact study for the regions and for the minorities. This is the minimum that the government can do to respect our responsibilities. Proceeding without an impact study would have been like asking Dr. Keon to operate without a scalpel, or asking Tommy Banks to perform without a piano.

Honourable senators, because of our jobs, because of our historic responsibility, because of today's technology and because we know that impact studies are already conducted on legislation, it is our responsibility to ask for and obtain the tools necessary to increase our efficiency. Give us not only the tool box, but put the tools in the box.

[Senator Ringuette]

Someone recently told me that the most effective changes to an organization are those that are done from within. Senator Segal has a motion to televise the proceedings of the Senate, and I certainly agree with that. Not all Canadians understand the work that we do.

Similarly, there are changes that we need to implement in regards to the rules. It is absolutely inefficient to adjourn this motion today and receive another senator's position in 15 sitting days. The rules should be changed to five sitting days. However, we will talk about that in a later motion to review our rules. Adopting my motion is a good start.

[*Translation*]

This motion therefore expresses the wish that the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities. The Senate has a historical and constitutional obligation, in accordance with the role of the Senate, to represent and protect minorities and regions.

On motion of Senator Comeau, debate adjourned.

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO CONTINUE STUDY ON NATIONAL SECURITY POLICY—ADOPTED

Hon. Colin Kenny, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure.

That the papers and evidence received and taken during the Thirty-seventh and Thirty-eighth Parliaments be referred to the Committee; and

That the Committee report to the Senate no later than March 31, 2007 and that the Committee retain all powers necessary to publicize the findings of the Committee until May 31, 2007.

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

Hon. Senators: Question!

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

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

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

Hon. Senators: Question!

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

Motion agreed to.

• (1720)

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights 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 bills, subject-matters of bills and estimates as are referred to it.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken on the subject during the First, Second and Third Sessions of the Thirty-seventh Parliament and the first session of the Thirty-eighth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than March 31, 2007, and that the Committee retain until May 31, 2007 all powers necessary to publicize its findings.

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

Hon. Joan Fraser (Deputy Leader of the Opposition): I understand from this motion that this is simply for the continuance of a study already discussed and authorized by the Senate. Am I correct in that assumption?

Senator Andreychuk: It was in the previous sessions. We also have produced a report. This motion is needed so that we can continue the work we have started. The report is awaiting a government response, so we want the opportunity to receive that.

Hon. Eymard G. Corbin: I have a question as to the government's response. Is the current government obligated to respond to requests put under the previous regime?

Senator Andreychuk: It is a good question to which I do not have the answer. Perhaps the leadership does. However, it is our purpose to provide this report to the new government and treat it no differently than we treated the other government. Therefore, we want a response and we may want to call a minister.

Hon. Sharon Carstairs: As the deputy chair of the committee, it would not be asking the government to respond to a request of the previous government. They will be asked their own question and asked to respond to it.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003;

That the papers and evidence received and taken on the subject during the First, Second and Third Sessions of the Thirty-seventh Parliament and the first session of the Thirty-eighth Parliament be referred to the Committee; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than March 31, 2007.

She said: Honourable senators, we have, in the Senate, taken this issue seriously. We have filed two reports. Governments continue to say that they are working on this matter and we continue to ask for action. As Senator Carstairs and I have said, we will renew a request to this government to proceed with no more studies, action for Aboriginal women.

Hon. Joan Fraser (Deputy Leader of the Opposition): Although I am not a member of this committee or its steering committee, which sets its agenda, if it wanted to move to this subject before anything else, I think that would be a very great service.

The Hon. the Speaker: Debate?

Some Hon. Senators: Question!

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

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY
ON CASES OF ALLEGED DISCRIMINATION
IN HIRING AND PROMOTION PRACTICES
AND EMPLOYMENT EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights be authorized to invite from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament be referred to the Committee; and

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than March 31, 2007.

She said: Honourable senators, to anticipate Senator Fraser's question, the Human Rights Committee has in the past followed studies of the Public Service Commission concerning discrimination, and we intend, from time to time, to monitor its work.

Hon. Anne C. Cools: I just took a peek at that motion, and I was curious as to why one needs a motion to ask the Senate if the committee may invite the President of the Treasury Board and the President of the Public Service Commission. Certainly, every committee has the constitutional authority to invite whomever it wishes. Why is the honourable senator asking for a vote of the Senate that this be done?

Senator Andreychuk: When we started, we wanted to alert both Houses that this committee would undertake this study. We wanted the Public Service Commission and the Treasury Board to be ready for us, as we see our role in an ongoing way. I fully appreciate we can call them, but we wanted this motion passed as a formal alert that we will do it from time to time.

Senator Cools: It seems to me that such alerts can be made to the ministry and to the members of the ministry without a conclusion of this chamber. I am just curious. For example, when Senator Day made his motion for the National Finance Committee, he did not ask that the President of the Treasury Board should come before the committee from time to time. I am not sure that it is a desirable feature in this motion, and I do not think it is a good thing for us to be doing. When one comes to the chamber to ask for authority to call a minister, it usually is a signal that the minister has been invited many times and has been delinquent, errant or reluctant.

When one asks the house by virtue of a motion to apply a bit of muscle to a minister or to apply some strength, we should be vigilant about that. Senator Andreychuk's motion would be just as effective without identifying those ministers.

Senator Andreychuk: We could delete those words, but if Senator Cools would be in agreement, I undertake to take the motion back to the committee with her concerns so that all committee members will have a chance to talk. We will come back with the amendment.

The Hon. the Speaker: What is the intent?

Senator Cools: The honourable senator has to take these concerns to the committee, so she needs a motion to adjourn the debate.

The Hon. the Speaker: We have a motion before us. It is available to an honourable senator to take the adjournment of the debate, but I wish to recognize Senator Fraser first.

Hon. Joan Fraser (Deputy Leader of the Opposition): I will be pleased to move the adjournment in a moment. While the committee is considering a modification of this term of reference, I was concerned about the possibly vague and alarming language "for the purpose of examining cases of alleged discrimination in the hiring and promotion practices." Obviously, if such practices occur, it is the Senate's duty to inquire into them, but as this motion is phrased, it sounds as if there is a great deal of discrimination being alleged now. I know nothing about these allegations. It would be appropriate for the motion either to be more specific or to be rephrased to focus on equity, fairness and non-discriminatory treatment, or some such phrase. As it stands now, when I first read it, I interpreted it as casting an enormous

slur on the Public Service of Canada without specifying the slur. If the chair of committee could take those comments into consideration when she returns to the committee, it might be appropriate. If she wants to respond, that is fine; if not, I will move the adjournment.

Senator Andreychuk: I would appreciate it if this motion could be passed, and then the committee could take it up. This is the third time that the committee has been before the Senate asking for this motion. We were at a point where we could prepare a report to question whether there is alleged discrimination.

I must say that the Public Service Commission and the official from the Privy Council indicated that there is unfairness in the practice. The motion is here because we would like to come back, report and perhaps ask for a renewed mandate on a more specific basis. It is not to impede our work because it is not a cost factor. It is to complete the work we have done, and it will take the resources that we have. I understood that Senator Cools would allow the motion to be passed with my undertaking that we would review the mandate and determine whether we would change it.

• (1730)

I would ask the leadership if they would also take that position. However, if it is the wish of the honourable senator to take the adjournment, I will yield to that wisdom.

Senator Fraser: I did not understand the initial commitment of Senator Andreychuk. My object, particularly since this motion was previously before the Senate, is not to delay the work. My object is to simply have the record show whether we are talking about a large series of specific allegations about specific cases of discrimination.

Senator Andreychuk: Therefore, I renew my request that the motion be passed. We will then be in the position to expeditiously file a report that would answer these questions.

Senator Cools: Honourable senators, I am a little lost in the process. Is Senator Andreychuk asking that this motion be adjourned today so that she can discuss in the committee that which has been debated here, or is she asking that this motion be referred back to the committee? It is not clear because separate issues have been raised.

This debate goes to the scripting of mixed motions. Motions are not meant to be combinations of different, distinct propositions. A senator should be able to vote on one issue without voting on another contrary proposition. I want this committee to continue to do its good work. However, I do not want the notion to be created or reinforced that in order for a committee to call a minister it needs to have a motion to that effect passed in this chamber. That is the danger of doing this sort of thing. I would be eager to have the identification of the ministers deleted from the motion.

Senator Andreychuk said that she would take these concerns back to the committee but then she immediately said that she wants the motion passed as is. I do not quite understand. I have difficulty with that. She is either prepared to amend it or she wants it passed as is.

MOTION IN AMENDMENT

Hon. Sharon Carstairs: For purposes of clarification, I wish to move the following amendment to this motion:

That the motion be amended in the first paragraph by deleting after the word "invite" the words "from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other".

In other words, we would delete the phrase, "from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other..." That would give the committee the authority to invite whomever it wishes to invite.

The Hon. the Speaker: Honourable senators, we have an amendment to the motion. It is moved by Senator Carstairs, seconded by Senator Cools, to strike the words after the word "invite" in the second line to and including the word "other."

Hon. Tommy Banks: Would the mover of the amendment consider an amendment to the amendment?

Senator Cools is exactly right. This would imply, even with the deletion that Senator Carstairs has suggested, that in order to conduct a study a committee must come to the Senate to ask for permission to call witnesses. I would suggest that the motion read:

That the Standing Senate Committee on Human Rights be authorized to examine the hiring and promotion practices of the Federal Public Service...

That wording would achieve the desired end and obviate the suggestion that Senate committees need to come to the chamber for permission to call witnesses, which they do not.

Senator Carstairs: I consider that a friendly amendment and would accept that wording. I understand that the motion would now read:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices —

Hon. Joan Fraser (Deputy Leader of the Opposition): Not "cases of alleged cases of discrimination."

Senator Carstairs: I did not hear Senator Banks remove "alleged cases of discrimination." The reality is that the public service has set targets and has not met them. That has been proven to us by witnesses on at least two occasions in two different sessions of Parliament.

I would ask for further clarification from Senator Banks.

Senator Banks: For clarification, I will read the entire proposed motion. It is a friendly amendment. The motion is that Motion No. 20 be amended to read:

That the Standing Senate Committee on Human Rights be authorized to examine the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

The next paragraphs should remain as they are.

Hon. Percy Downe: I disagree with the amendment proposed by Senator Banks. Alleged discrimination is not a finding of discrimination. Senator Carstairs has made the point quite clearly.

I would also refer Senator Andreychuk and the other members of the committee to the speech given in the last session by our colleague Senator Oliver, who has done detailed work on this file. As I recall, he referenced a number of examples of alleged discrimination. I think it is a matter the committee should study. The government has targets; they have failed to meet those targets. We have heard excuses year after year for why they cannot be met. There is a problem. The protection of minorities is one of the major mandates of this chamber and we should follow that up in the committee.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move the adjournment of the debate.

Senator Fraser: May I speak briefly before adjournment is moved?

I very much like the subamendment of Senator Banks and would speak in support of it. It is obviously one of the core functions of this chamber to inquire into any possible abuse of minority rights. My difficulty with the original wording of this motion was that it seemed to me to be raising questions not of systemic discrimination but of specific individual discrimination. There is an important difference.

• (1740)

I understand that the committee members do not want to reveal their report before the report is done, but my sense of what they have been looking into comes more under the category of systemic discrimination. I am perfectly willing to believe that there is a great deal of it, and it did not take Senator Oliver's speech, wonderful though it was, to persuade me of that. I think it is a fine topic for inquiry, but I was concerned at the suggestion that there were many individual racists tucked away in the public service doing nefarious work there. If there are, I assume the report would tell us. Until such time as there are, I would prefer the language in Senator Banks' sub-amendment because it seems to me it covers precisely the area. It covers all the possible needs of this inquiry without leaving aspersions on the record that may or may not be borne out in time.

The Hon. the Speaker: The chair will try to be helpful. Procedurally, we have a motion that has been moved, seconded and put before the house, and an amendment has been moved,

seconded and put before the house. At this stage, all that is before the house is the main motion and the amendment of Senator Carstairs. If there is to be another sub-amendment, that procedure is available to us.

Senator Comeau has indicated that he is interested in adjourning the debate. However, our practice here is to try to allow all points to be heard before that is done.

If there are no further amendments, we are on the debate of Senator Carstairs' motion that has been duly put before us and seconded. She has spoken, and she has the right to speak now.

Senator Carstairs: Honourable senators, I would reiterate for you that we are in the midst of a study that is based on the wording in this motion. I do not disagree with Senator Cools' statement that there is no particular need to mention individuals in the motion, but if we amend it further, we are changing the study that we are in the midst of conducting. That may be a good idea, but it will be a brand new study; it will not be the study on which we have had two references from this chamber and ongoing discussions through two sessions of Parliament. With the greatest respect, I have no difficulty with Senator Cools' amendment, which makes no material difference to the motion, but I have serious problems with material changes to the motion that would have the Human Rights Committee actually studying something different.

MOTION IN AMENDMENT MODIFIED

Hon. Anne C. Cools: Honourable senators, if I could add a few words to this debate, I think Senator Banks was making a good point to the extent that he was trying to say that the committee does not have to come here to ask if it can hear witnesses.

In response to Senator Carstairs, it seems to me that the original integrity of the study will be maintained if the motion was to read as follows:

That the motion be amended in the first paragraph by deleting after the words "authorized to" the words "invite from time to time the President of the Treasury Board, the President of the Public Service Commission, their officials, as well as other witnesses to appear before the Committee for the purpose of examining", and adding the word "examine" before the words "cases of alleged."

It is exactly the same study. Nothing would be altered in the character of the study. No material change would be made. The only thing the motion does not do is to ask the Senate, first, for authority to bring the ministers and, second, to bring witnesses, which two authorities the committee has anyway. If I could offer this as a sub-amendment, then I think the motion could be put and carried today.

Hon. Sharon Carstairs: Senator Banks was going further than that. What Senator Cools has suggested is within the spirit of what we have been studying, and I do not think we would have any difficulty with that.

The Hon. the Speaker: I take it Senator Carstairs is accepting that last comment as another friendly amendment.

The motion as amended by the amendment made by Senator Carstairs is to the effect:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

That is the amendment that we are voting on. Are honourable senators ready for the question?

Hon. Senators: Question!

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

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure to adopt the motion as amended?

Motion, as amended, agreed to.

COMMITTEE AUTHORIZED TO STUDY
INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children.

In particular, the Committee shall be authorized to examine:

- Our obligations under the United Nations Convention on the Rights of the Child; and
- Whether Canada's legislation as it applies to children meets our obligations under this Convention.

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament be referred to the Committee; and

That the Committee present its final report to the Senate no later than December 31, 2006 and that the Committee retain until March 31, 2007 all powers necessary to publicize its findings.

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

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO CONTINUE STUDY
ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS,
DIRECTIVES AND REPORTS

Hon. Maria Chaput, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages, as well as any other material concerning official languages generally;

That papers and evidence received and taken during the Thirty-eighth Parliament be referred to the Committee;

That the Committee report from time to time to the Senate but no later than June 30, 2007.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I would like the Senate to have a little idea of what this is about.

Senator Chaput: Honourable senators, this is a motion traditionally put forward in the Senate by the Standing Committee on Official Languages. It deals with the work undertaken during the year by this committee and allows the committee to chart its future business on the basis of the reports and documents received from the four departments mentioned in the motion, as well as papers and evidence received.

It is from this evidence and these reports, studies and analyses that we draw our recommendations.

Senator Fraser: Has the honourable senator selected a department as a priority, or is this yet to be determined?

Senator Chaput: Honourable senators, the committee will meet to determine what its future business will be. It will establish priorities in terms of the departments, the reports for consideration and the ministers with whom it should meet. That will be part of the consideration of future business.

[English]

Hon. Anne C. Cools: Are these documents produced by those individuals themselves, or are these departmental papers and documents?

Senator Chaput: They are departmental.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, it seems to me that this motion is perfectly in order, as the *Rules of the Senate of Canada* state:

The Standing Committee on Official Languages, composed of nine members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to official languages generally.

I do not see the problem. The request is totally in keeping with what the *Rules of the Senate of Canada* state.

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

Hon. Senators: Question!

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

Motion agreed to.

• (1750)

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Maria Chaput, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Official Languages 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 bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Maria Chaput, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on Official Languages be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[English]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joseph A. Day, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on National Finance 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 bills, subject-matters of bills and estimates as are referred to it.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Joseph A. Day, pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on National Finance be authorised to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

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

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Catherine S. Callbeck, for Senator Fairbairn, pursuant to notice of April 26, 2006, moved:

That Standing Senate Committee on Agriculture and Forestry 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 bills, subject matters of bills and estimates as are referred to it.

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

Motion agreed to.

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES**

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, pursuant to notice of April 26, 2006, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, pursuant to notice of April 26, 2006, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources 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 bills, subject-matters of bills and estimates as are referred to it.

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

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Catherine S. Callbeck, for Senator Fairbairn, pursuant to notice of April 26, 2006, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

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

Motion agreed to.

[*Translation*]

ADJOURNMENT

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

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

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

Hon. Senators: Agreed.

Motion agreed to.

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

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 39th Parliament)

Thursday, April 27, 2006

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25							
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

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

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05							
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25							
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26							
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							

PRIVATE BILLS

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

CONTENTS

Thursday, April 27, 2006

	PAGE		PAGE
Budget Speech		Hong Kong Parliamentary Conference on World Trade Organization, December 12-15, 2005—Report Tabled.	
Accommodation for Senators in Commons Gallery.		Hon. Gerald J. Comeau	113
The Hon. the Speaker	109		
Visitor in the Gallery		Transport and Communications	
The Hon. the Speaker	109	Notice of Motion to Authorize Committee to Engage Services.	
		Hon. Lise Bacon	113
		Notice of Motion to Authorize Committee to Permit Electronic Coverage.	
		Hon. Lise Bacon	113
		Notice of Motion to Authorize Committee to Continue Study on Current State of Canadian Media Industries.	
		Hon. Lise Bacon	113
SENATORS' STATEMENTS		Banking, Trade and Commerce	
National Physical Therapy Month	109	Notice of Motion to Authorize Committee to Study Present State of Domestic and International Financial System.	
Hon. Pat Carney	109	Hon. Jerahmiel S. Grafstein	113
Mr. Gwyn Morgan		Notice of Motion to Authorize Committee to Engage Services.	
Nomination as Future Public Appointments Commissioner.		Hon. Jerahmiel S. Grafstein	114
Hon. Pierrette Ringuette	109	Notice of Motion to Authorize Committee to Permit Electronic Coverage.	
National Child Care		Hon. Jerahmiel S. Grafstein	114
Hon. Mira Spivak	110	Notice of Motion to Authorize Committee to Continue Study on Consumer Issues Arising in Financial Services Sector.	
The Late Steve Stavro		Hon. Jerahmiel S. Grafstein	114
Hon. Francis William Mahovlich	110	Notice of Motion to Authorize Committee to Continue Study on Issues Dealing with Demographic Change.	
National Volunteer Month		Hon. Jerahmiel S. Grafstein	114
Hon. Catherine S. Callbeck	111	Notice of Motion to Authorize Committee to Continue Study on Issues Dealing with Interprovincial Barriers to Trade.	
Honouring Soldiers Who Die in War		Hon. Jerahmiel S. Grafstein	114
Hon. John G. Bryden	111		
		Business of the Senate	
		Notice of Motion to Authorize Committees to Table Reports During Adjournments of the Senate.	
		Hon. Michael Kirby	114
ROUTINE PROCEEDINGS		Fisheries and Oceans	
Fisheries and Oceans		Notice of Motion to Authorize Committee to Permit Electronic Coverage.	
Report Pursuant to Rule 104 Tabled.		Hon. Bill Rompkey	115
Hon. Bill Rompkey	112	Notice of Motion to Authorize Committee to Engage Services.	
Banking, Trade and Commerce		Hon. Bill Rompkey	115
Report Pursuant to Rule 104 Tabled.			
Hon. Jerahmiel S. Grafstein	112	Funding for Treatment of Autism	
Transport and Communications		Notice of Inquiry.	
Report Pursuant to Rule 104 Tabled.		Hon. Jim Munson	115
Hon. Lise Bacon	112		
Inter-Parliamentary Union		QUESTION PERIOD	
Meeting of Committee on Human Rights of Parliamentarians, July 11-15, 2005—Report Tabled.		International Trade	
Hon. Gerald J. Comeau	112	United States—Proposed Softwood Lumber Agreement— Consultation with Provinces.	
Seminar for Members of Parliament on the Implementation of Legislation on Indigenous Peoples' Rights, July 25-26, 2005— Report Tabled.		Hon. Dan Hays	115
Hon. Gerald J. Comeau	112	Hon. Marjory LeBreton	115
World Conference of Speakers of Parliaments, September 7-9, 2005—Report Tabled.		Hon. Jack Austin	116
Hon. Gerald J. Comeau	112	Hon. Francis Fox	116
Meeting of Steering Committee of Twelve Plus Group, September 19, 2005—Report Tabled.		Hon. Pat Carney	116
Hon. Gerald J. Comeau	112	United States—Proposed Softwood Lumber Agreement— Effect on North American Free Trade Agreement.	
One-hundred Thirteenth Assembly, October 14-19, 2005— Report Tabled.		Hon. Grant Mitchell	117
Hon. Gerald J. Comeau	113	Hon. Marjory LeBreton	117
Annual Parliamentary Hearing at the United Nations, October 31 to November 1, 2005—Report Tabled.		United States—Proposed Softwood Lumber Agreement— Involvement of Maritime Provinces.	
Hon. Gerald J. Comeau	113	Hon. Pierrette Ringuette	117
		Hon. Marjory LeBreton	117

The Environment

Climate Change—Effect on the Economy.	
Hon. Madeleine Plamondon	117
Hon. Marjory LeBreton	117
Climate Change—Negotiations with United States.	
Hon. Madeleine Plamondon	117
Hon. Marjory LeBreton	117
Hon. Daniel Hays	118

Public Works and Government Services

Priority of Environmental Programs—Departmental and Crown Corporation Exemptions from Alternative Fuels Act.	
Hon. Tommy Banks	118
Hon. Michael Fortier	118
Vehicles of Ministers on Alternative Fuels.	
Hon. Joan Fraser	119
Hon. Michael Fortier	119

Delayed Answer to Oral Question

Hon. Gerald J. Comeau	119
---------------------------------	-----

Agriculture and Agri-Food

Farm Income Crisis and Disaster Relief. Question by Senator Fairbairn.	
Hon. Gerald J. Comeau (Delayed Answer)	119

Point of Order

Hon. Eymard G. Corbin	120
Hon. Terry M. Mercer	120
Hon. Percy Downe	120
Hon. Hugh Segal	120
Hon. Sharon Carstairs	120
Hon. George Baker	120
Hon. Bill Rompkey	120
Hon. Consiglio Di Nino	121
Hon. Anne C. Cools	121
Hon. Jean Lapointe	121
The Hon. the Speaker	121

Library of Parliament**Scrutiny of Regulations**

Membership of Joint Committees—Message from Commons.	
The Hon. the Speaker	122

ORDERS OF THE DAY**National Defence Act****Criminal Code****Sex Offender Information Registration Act****Criminal Records Act (Bill S-3)**

Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Pierre Claude Nolin	122
Hon. Tommy Banks	125
Hon. Jean Lapointe	125
Hon. Serge Joyal	125
Hon. Pierrette Ringuette	127

Speech from the Throne

Motion for Address in Reply—Debate Continued.	
Hon. Jack Austin	127
Hon. Lowell Murray	130
Hon. Dennis Dawson	131
Hon. Norman K. Atkins	133

Energy, the Environment and Natural Resources

Committee Authorized to Study the Canadian Environmental Protection Act.	
Hon. Gerald J. Comeau	136
Hon. Tommy Banks	136

Criminal Code (Bill S-211)

Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Jean Lapointe	136
Hon. Gerald J. Comeau	137
Hon. Jean Lapointe	137

Transport and Communications

Committee Authorized to Continue Study on Current State of Canadian Media Industries.	
Hon. Ferdinand Robichaud	138

The Senate

Motion to Urge Government to Study Impact of Legislation on Regions and Minorities—Debate Adjourned.	
Hon. Pierrette Ringuette	138

National Security and Defence

Motion to Continue Study on National Security Policy—Adopted.	
Hon. Colin Kenny	140

Human Rights

Committee Authorized to Permit Electronic Coverage.	
Hon. A. Raynell Andreychuk	141
Committee Authorized to Engage Services.	
Hon. A. Raynell Andreychuk	141
Committee Authorized to Continue Study on Issues Related to National and International Human Rights Obligations.	
Hon. A. Raynell Andreychuk	141
Hon. Joan Fraser	141
Hon. Eymard G. Corbin	141
Hon. Sharon Carstairs	141
Committee Authorized to Continue Study on Legal Issues Affecting On-reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship.	
Hon. A. Raynell Andreychuk	141
Hon. Joan Fraser	142
Committee Authorized to Continue Study on Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service.	
Hon. A. Raynell Andreychuk	142
Hon. Anne C. Cools	142
Hon. Joan Fraser	142
Motion in Amendment.	
Hon. Sharon Carstairs	143
Hon. Tommy Banks	143
Hon. Joan Fraser	143
Hon. Percy Downe	144
Hon. Gerald J. Comeau	144
Motion in Amendment Modified.	
Hon. Anne C. Cools	144
Hon. Sharon Carstairs	144
Committee Authorized to Study International Obligations Regarding Children's Rights and Freedoms.	
Hon. A. Raynell Andreychuk	145

Official Languages

Committee Authorized to Continue Study on Operation of Official Languages Act and Relevant Regulations, Directives and Reports.	
Hon. Maria Chaput	145
Hon. Joan Fraser	145
Hon. Maria Chaput	145

	PAGE
Hon. Anne C. Cools	146
Hon. Eymard G. Corbin	146
Committee Authorized to Engage Services.	
Hon. Maria Chaput	146
Committee Authorized to Permit Electronic Coverage.	
Hon. Maria Chaput	146
National Finance	
Committee Authorized to Engage Services.	
Hon. Joseph A. Day	146
Committee Authorized to Permit Electronic Coverage.	
Hon. Joseph A. Day	146
Agriculture and Forestry	
Committee Authorized to Engage Services.	
Hon. Catherine S. Callbeck	146

	PAGE
Energy, the Environment and Natural Resources	
Committee Authorized to Permit Electronic Coverage.	
Hon. Tommy Banks	147
Committee Authorized to Engage Services.	
Hon. Tommy Banks	147
Agriculture and Forestry	
Committee Authorized to Permit Electronic Coverage.	
Hon. Catherine S. Callbeck	147
Adjournment	
Hon. Gerald G. Comeau	147
Progress of Legislation	i



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