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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 3, 2006

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

Prayers.

SENATORS' STATEMENTS

ADULT LITERACY SKILLS

Hon. Ethel Cochrane: Honourable senators, last fall former Montreal Canadiens coach Jacques Demers publicly admitted that he has struggled with low literacy skills throughout his life. He said, "For all those years, I always had at the back of my mind that I could be fired; I could be embarrassed; I could be humiliated."

Over the years, he developed strategies to get through daily challenges. Whenever he was asked to read something, he would pat his chest pocket and then say he forgot his glasses and just could not read without them. To sign autographs he learned to write the words "best wishes" and "to my friend."

Throughout the many professional highs Mr. Demers experienced — leading his hometown Montreal Canadiens to the Stanley Cup; coaching five NHL teams; and winning prestigious Coach of the Year awards — he was burdened by his secret. He said, "I thought if anyone found out I would be finished."

While Mr. Demers felt ashamed and alone for many years, the reality is that there are millions of Canadians who share his experience. The latest international Adult Literacy and Skills Survey, which was released last fall, reveals that four in 10 Canadians do not have the literacy skills that experts say are necessary to meet the demands of today's information-based society.

Undoubtedly, each of us knows someone who fits into this 40 per cent category. Recently, for example, I was told the story of a man who took the bus to work every day with a newspaper opened before him. When he arrived, he would drop the paper on a table in the staff room and say to his colleagues, "Help yourself to the paper. I am finished with it." He rose up the ranks at the factory but could not accept a big promotion when he told his boss he could not read or write. His co-workers were flabbergasted.

Then there are stories like the woman from Prince Edward Island who also struggled with low literacy. When she was a middle-aged woman with a family of her own, she decided to go back to school. That was just the stepping stone that she needed to create a new life for herself. She now owns and operates a home for senior citizens in her community of Charlottetown.

Honourable senators, I commend Mr. Demers and others for bravely stepping forward and shining the light on literacy issues. I am in awe of the courage of these Canadians, who recognize the

importance of literacy and choose to develop their literacy skills in their adult years. I believe their experiences and struggles can be powerful tools in encouraging other Canadians.

• (1340)

We need to develop and foster a culture of long learning in this country and to promote opportunities for adult learners. Literacy skills are an absolute necessity in life, even more so today than in the past. I encourage all honourable senators to actively promote literacy in their own lives and in their communities.

ISRAEL

INDEPENDENCE DAY

Hon. Yoine Goldstein: Honourable senators, 58 years ago today, according to the Jewish calendar, the state of Israel was born.

I am particularly proud that Canada played a highly significant role in the discussions and negotiations at the United Nations which led to the resolution calling for the partition of what was then Palestine into a Jewish state and an Arab state.

The Israelis immediately accepted the partition. Over half a dozen Arab countries attacked. That scenario, only somewhat attenuated, continues to exist today. While the attacks do not come from armies, they do come from terrorists, suicide bombers, a Hamas-led government in a neighbouring place and, potentially, from sabre-rattling Iranian extremists who call for the annihilation of Israel.

Canadians continue to have a particular interest in Israel. We share with Israel a commitment to the concepts of a democratic state, free elections, free press, gender equality, an independent judiciary and an earnest desire for peace.

Honourable senators, please join me on behalf of all Canadians in wishing a happy Independence Day to the people of Israel, with whom we, as Canadians, share fundamental and core values. Please join me, honourable senators, as well in praying for peace in this very troubled region.

SUFFERING IN SUDAN

Hon. Mobina S. B. Jaffer: Honourable senators, the situation in Sudan should have a whole-Sudan approach.

Over the past few weeks, there have been rallies, news coverage and a take-note debate in the other place drawing attention to the ongoing conflict and humanitarian disaster in the western Darfur region of Sudan.

For the past four years, I served as Canada's Special Envoy for Peace in Sudan. This raising of awareness among Canadians and Canadian politicians gives me hope that we will continue playing an important role in Sudan over the course of this session of Parliament.

Honourable senators, I have been to many parts of Darfur and I can tell you that the suffering of the Darfurians is heartbreaking. Let me share with you what I go to sleep with every night as result of those visits.

I often visited refugee camps where I would sit with 13- and 14-year-olds who had been gang raped. As they sat in a corner at a rape centre, we stared silently at one another. They had no words to describe what had been done to them, and I could find no words of comfort to offer to those who had suffered such atrocities.

I continue to think about what I thought about then: How can Canadians help to heal their pain? Perhaps now we will.

Honourable senators, on behalf of our country, I have visited eastern Sudan where people are also living in camps. There is fighting in this region as well. I have had displaced mothers take me to the port district of the Port of Sudan and point out all the trucks of food going to Darfur while they and their children starve.

All I thought of then and now is, how can Canadians help feed these people? Perhaps now we can.

Last December I was in southern Sudan in the capital city of Juba. Just outside the city, the Lord's Resistance Army (LRA) had destroyed a village. No one, including the UN, would go to that area. Alan Bones, our chargé d'affaires in Sudan, and Samia Ahmed and myself walked toward the village to find out what had happened.

The LRA's modus operandi is to abduct children aged between nine and 14 to serve as child soldiers and sex slaves. They have also cut the lips, ears and noses of women. To see the women of this village with mutilated faces still showing the pain of losing their children is a fate I do not wish any of my colleagues to share.

All I thought then, as now, is how Canadians can help to protect the southerners who have suffered from 20 years of civil war. Perhaps now we can.

Honourable senators, when we think of Darfur, I urge you to also include other parts of Sudan. People in all parts of Sudan are suffering. Let us work for the whole of Sudan.

Our creator has given us such abundance in this country that perhaps we can help heal, feed and protect our brothers and sisters who suffer. Perhaps now we can.

URBAN TRANSIT TAX CREDITS

Hon. Pierrette Ringuette: Honourable senators, the government announced that it will spend \$900 million on capital costs for urban transit and announced yesterday a tax break for urban transit users to the tune of another \$2 billion over five years funded by all Canadians, both urban and rural. This is nearly \$3 billion over the next few years.

What is the government offering to Canadians who do not have access to urban transit? This is like double-barrelled taxation for Canadians who live in urban areas. What is the government offering to Canadians living in Grand Falls, Edmundston and Woodstock, New Brunswick, who have to pay for a car, maintenance and insurance? What about the government's mantra of "giving people choices"? Rural Canadians have no choice but to have a car, with all of its expenses, if they want to go to work.

There is no money for regional airports that the Conservatives promised in the last campaign. There has actually been a decrease in funding for VIA Rail to maintain current lines, never mind adding to them so other communities can have access to mass transportation.

The Conservative government is willingly contributing to the great social and economic divide between rural and urban Canada. It is willingly giving preferential treatment to urban Canadians to the detriment of rural Canadians. The federal government must give some type of transportation cost tax credit to rural Canadians that will be comparable to both the urban transit capital funding and the tax credit for urban transit users. That is a must!

[Translation]

NATIONAL MENTAL HEALTH WEEK

Hon. Lucie Pépin: Honourable senators, this first week of May is National Mental Health Week. It serves as a reminder to everyone to take care of their mental health as much as their physical health.

Most Canadians are aware of the benefits of regular physical exercise.

However, physical exercise alone is not enough to guarantee good health. The Canadian Mental Health Association reminds us that being in good health also means feeling mentally well. This year's message from that association is, "Take control of your health. Take care of your mind."

During this week, we are encouraged to reflect on ways to maintain our mental fitness. Simple things like taking up a hobby, adding humour to our lives, volunteering, strolling in a park far from our worries and obligations, or even taking time for ourselves every day helps strengthen our mental well-being.

The Canadian Mental Health Association has recently developed a tool to assess our mental fitness and determine what needs to be done to improve it. This self-test is available on the association's website.

I invite you, honourable senators, to adopt a proactive attitude in your everyday lives. Mental health, which is not necessarily the absence of mental illness, is a key element to a person's well-being. It helps us better cope with stress, achieve our full potential and contribute significantly to society.

ROUTINE PROCEEDINGS

[English]

CANADIAN HUMAN RIGHTS COMMISSION

2005 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Canadian Human Rights Commission 2005-06 annual report pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act.

• (1350)

BUDGET 2006

DOCUMENTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, the 2006 budget documents.

FOREIGN AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Hugh Segal: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs. This report outlines 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. 97.)

[English]

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs 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.

[Translation]

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

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

QUESTION PERIOD

FINANCE

BUDGET 2006—PROVISION FOR FISCAL PRUDENCE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question to the Leader of the Government in the Senate is about the budget. We all noted with great interest and surprise that yesterday was a historic day. It was the first time in my lifetime that a federal Conservative government has brought in a balanced budget, the last time being during the tenure of Prime Minister Borden in 1912.

Some Canadians will undoubtedly be concerned about the fiscal prospects for Canada in terms of the intentions of the new government. My first question is with regard to the change in the practice of having a provision for fiscal prudence in the budget. An amount of \$3 billion has been earmarked for debt reduction, as has been the case in recent budgets. However, in contrast to recent budgets, there is no provision for fiscal prudence. In past budgets there has been provision for \$1 billion, which has covered ice storms and other such unbudgeted events. There has been another \$1 billion budgeted for agriculture, about which I am sure you will hear.

Why is there no provision for fiscal prudence in the current budget?

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

It is nice to have a Conservative government deliver a balanced budget. It is nice that the dollars derived from overtaxing Canadians can now be put to good use.

With regard to the honourable senator's question, as the Minister of Finance stated, the present government will not make four or five-year projections but there will be two-year budgeting periods. The government is committed to the \$3 billion deficit reduction and instead of hiding contingency funds, it will be honest about the money it puts aside.

THE SENATE

ABSENCE OF MINISTERS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, while I am on my feet, I will take this opportunity to respond to some questions that were raised yesterday.

My absence from Question Period yesterday, although regrettable, was unavoidable. Question Period is an important part of our parliamentary tradition, and I certainly treat it as such. However, as was the case many times with the former Leader of the Government in the Senate, he was unavoidably absent from time to time. As whip, many times I would prepare

questions, send them to His Honour and then, when we were about to ask questions, we were told that the Leader of the government in the Senate would not be in the chamber for Question Period.

In the past, we thought it proper not to exploit the government leader's absence for political purposes, but sadly I have to say that ended yesterday. I am concerned about this behaviour.

Some Hon. Senators: Oh, oh!

Senator LeBreton: I am concerned because it serves only to bring the Senate into disrepute and it is the reason why we have such a poor record.

I think the mistake senators opposite are making is in thinking that they will get me angry, and they will not.

My absence yesterday was to attend a special cabinet meeting to brief us on the budget. I take my job of answering for the government very seriously. I expect that honourable senators opposite would have thought that I would be there for the briefing on the budget.

Before I start to answer these questions, I want to thank those honourable senators on the other side of the house who came up to me and said that they did not support the actions of their colleagues.

Some Hon. Senators: Hear, hear!

Senator LeBreton: For those who expressed those sentiments to me, I thank you very much. I felt they were sincerely given. I very strongly suggested that, perhaps, they give that message to their own colleagues.

That is an answer to the question posed by Senator Hays.

AGRICULTURE AND AGRI-FOOD

FARM INCOME AND DISASTER RELIEF

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will not go on as long with my answer as Senator Milne did with her question.

Suffice to say that the honourable senator's question is redundant because the budget answered her question.

To keep this in perspective, in terms of agriculture, I was pleased to read that Gary Doer, the Premier of Manitoba, said that the federal government's agriculture commitment in the budget is good news for his province. I understand the government has also received similar sentiments expressed by both Saskatchewan and Alberta.

PARLIAMENT

FLYING OF PEACE TOWER FLAG AT HALF MAST IN HONOUR OF SOLDIERS WHO DIE IN WAR

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in answer to Senator Cordy's question about the flag, there is no one in this chamber on either side who does not honour the service of our soldiers — no one. The

question of the lowering of the flag, as I said in response to Senator Day when he first asked the question in the Senate, was a decision of the government of the day taken in November 2005. It was the decision of the Minister of Defence who is now the Acting Leader of the Opposition in the other place.

• (1400)

I will quote from Senator Carstairs: There are no points of order during Question Period.

NATIONAL DEFENCE

RESIGNING OF NORTH AMERICAN AEROSPACE DEFENCE AGREEMENT

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in answer to Senator Day's question about the NORAD agreement, the text of the NORAD renewal agreement was signed last week. The signature signalled the end of the negotiation of the agreement. The negotiated agreement makes provision for signature prior to its ratification and entry into force. The agreement will enter into force only after debate in the House of Commons, which is taking place today, and following an exchange of diplomatic roles.

Hon. Joseph A. Day: I have a supplementary question, honourable senators.

Senator LeBreton: I will take it later.

The debate and vote will mark the first time a NORAD renewal has been submitted to Parliament. After the debate takes place tonight, the Minister of Foreign Affairs, Peter MacKay, will sign.

Senator Day: I have a supplementary question.

Senator LeBreton: The honourable senator can ask his supplementary later.

NATURAL RESOURCES

RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY

Hon. Marjory LeBreton (Leader of the Government): With regard to Senator Ringuette's question on the softwood lumber agreement, it is not a choice between free trade and managed trade. It is a choice between either a negotiated resolution that gives market access and security or continued litigation.

Senator Robichaud: This process is an abuse of this house.

Senator Mercer: Order!

Senator LeBreton: The softwood lumber dispute has been the exception in our trading relationship with the United States, not the norm. Ninety-six per cent of Canada-U.S. trade occurs without dispute, and no other industry in Canada has been subjected to the same degree of U.S. trade actions as the lumber industry. The agreement is a fair and durable resolution in the best interests of Canada as a whole.

Senator Ringuette: You are financing the U.S. industry.

Senator LeBreton: This agreement will provide certainty and stability to the government, the industry and to the workers, families and communities whose livelihoods depend on the sector. They have long indicated the desire for a durable resolution, and the new Conservative government delivered.

Senator Ringuette: I am sorry, but the government leader was not here yesterday.

Senator LeBreton: It is good that the honourable senator pays attention. I was here yesterday, actually.

As honourable senators know, the Atlantic provinces were exempted.

Senator Robichaud: This procedure means that the Leader of the Government will only have to answer questions once a week, which is completely out of order.

Senator LeBreton: I would like to add that yesterday's budget contained a commitment from the federal government to develop a broad-based agenda for a more competitive and productive Canada.

Senator Milne: These are delayed answers!

Senator Ringuette: It is a good thing you can read!

Senator Milne: Disrespect of this house.

Senator LeBreton: I will refer to a quote from Winston Churchill that applies to you people. He once said, "There is nothing more exhilarating than to be shot at without result."

INFORMATION COMMISSIONER

PROPOSED FEDERAL ACCOUNTABILITY ACT

Hon. Marjory LeBreton (Leader of the Government): With regard to Senator Munson's question on the Information Commissioner, it is disappointing to read that Mr. Reid, the Information Commissioner, by his own admission, has chosen to disregard the parliamentary process and attack the government through the media. Canada's new government is committed to expanding the Access to Information Act, and Minister Baird met last Monday with Mr. Reid.

Senator Milne: These are delayed answers. This is disrespectful of this chamber.

Senator LeBreton: They had a long discussion.

Senator Ringuette: It is a good thing she can read.

Senator LeBreton: Mr. Reid gave five questions to the President of the Treasury Board, who undertook to respond to them. They were working on an answer, and Mr. Reid went to the media instead. We are committed to a strengthened information and accountability act.

CORRECTIONAL SERVICE

NEW PRISONS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the next answer is with regard to Senator Carstairs' question about prisons.

Senator Mercer: That is a new housing program — more prisons.

Senator LeBreton: I am not willing to prejudge the work of the other place, but I will say that once it has dealt with the safe communities issue, we will then be in a position to determine what will be required in terms of prisons. I want to point out that no new prisons are under construction as of now, and we will await the policies of the government on getting serious about crime.

JUSTICE

ACCESS TO INFORMATION— RIGHT OF PUBLIC TO BE INFORMED

Hon. Marjory LeBreton (Leader of the Government): With regard to Senator Banks' question, honourable senators, I will show you how out of the loop I am. When he said his question was directed to Lamont Cranston, I wrote, "Who in the — is Lamont Cranston?" As Senator Banks would know, any investigation by the RCMP cannot be commented upon.

Senator Mercer: That is why they have this special prosecutor.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

INDIAN RESIDENTIAL SCHOOLS RESOLUTION

Hon. Marjory LeBreton (Leader of the Government): One serious question that we received yesterday was on the residential schools, from Senator Sibbeston. His was a serious, heartfelt question.

Residential schools is a very serious issue. It is one that the previous government was also very concerned about and worked hard to find a resolution. For that, I give them great credit and thank them.

The federal representative, the Honourable Frank Iacobucci, has reached substantive agreement on a final Indian residential schools agreement but is still confirming final details with some of the parties. As Jim Prentice, Minister of Indian Affairs and Northern Development, has stated, legal representatives for the Catholic Church groups involved have given their assurance that they will confirm their written support for the agreement. These discussions are in the final stage. Once we have final confirmation, the government will immediately consider the settlement agreements and advance payments to the elderly, and will deal quickly with the timing of those payments.

In response to Senator Sibbeston's supplementary question, I would like to add that in issuing any payments as part of the agreement, the government will ensure that an appropriate process is in place to make sure that the funds go to valid claims.

THE SENATE

ABSENCE OF MINISTERS

Hon. Marjory LeBreton (Leader of the Government): Finally, in answer to Senator Austin's question about whether my participation at a cabinet meeting yesterday was an indication of the government to provoke the Liberal opposition in the Senate to show that the Senate needs reformation, I say that acts speak louder than words.

Some Hon. Senators: Hear, hear!

FINANCE

BUDGET 2006—PROVISION FOR FISCAL PRUDENCE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, as to the orderliness of our proceedings I will raise the matter at the appropriate time, before Orders of the Day.

To return to the question that I had put to the Leader of the Government. I think there is valid reason for concern about governments, particularly new governments, and how effective they will be in their practice of fiscal prudence. The last Conservative government, coming into office in 1984, took office at a time when the debt was at \$157 billion, and left office in 1993, after adding another \$330 billion of debt, more or less.

Senator Mercer: Outlandish!

Senator Hays: Those of us who were members of the Liberal Party of Canada, currently the official opposition, I think quite properly, take some credit for good fiscal management and being fiscally prudent.

My question, as a supplementary to the first question, is related to the idea of a two-year cycle and setting us straight on how we can take comfort in terms of continued fiscal prudence.

Based on the two years that we have seen, we look forward to revenues for 2007-08 increasing by approximately \$15 billion. Federal spending, we are told, will increase by \$16.7 billion. We know that to meet the obligations of the election platform, there is some \$22.5 billion in savings, or monies coming from somewhere, that are required to remain fiscally prudent.

Honourable senators, I put my question to the Leader of the Government in the Senate: Is there some plan to give us a better indication of what the future holds in terms of these high expenditures that are promised under the current government's budget and particularly in its political platform and the known contingencies of a requirement to generate \$22.5 billion, I believe

in five years, to meet the commitments? The only provision that we see now is a \$1 billion target in savings for the current year and a \$1 billion target for the next fiscal year.

• (1410)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, before I answer that question, I would set the record straight on the comment by the Leader of the Opposition in respect to the situation that the Liberals "inherited" in 1993.

Deficits can only be calculated as a percentage of the GDP. The worst deficit in the history of this country was left by Pierre Trudeau in 1984, when it was 8.6 per cent of the GDP. The Mulroney government reduced that to 4.6 per cent. Bob Rae, former Premier of Ontario, pointed out that the recession was world-wide and had nothing to do with just one level of government. Even at that, when the Mulroney government left office, the Campbell government took over. When the Campbell government was defeated, the deficit was a full 3.0 per cent of the GDP less than it was when we came into office. Every expenditure our government had to make was to pay down the interest on the debt.

On the issue that the honourable senator raises regarding the budget, the Minister of Finance, Jim Flaherty, spoke to the Treasury Board President about working toward \$1 billion in savings next year and in the following year going to the two-year cycle, unlike the budgets of the previous government. It was not the government that contributed to the paying down of the deficit but rather the taxpayers through overtaxation. Financial figures will tell you that it was much like a hockey stick. Their budgeting was such that suddenly the announcements that were to make Canadians think they would receive tax cuts were really five years down the road. For greater prudence, more honourable efforts and better accountability to Canadians, Minister Flaherty has decided to work on the two-year cycle.

Senator Hays: Honourable senators, I have a further supplementary question. A two-year cycle is all well and good but Canadians are looking further than two years to sustain that comfort. The contributions of Canadians have been responsible for the good fiscal position that we are in today; and the leader is right to call me on that. However, I am right to say that looking ahead two years might be adequate for the current Minister of Finance but the people of Canada wish further comfort.

I have mentioned a few large contingencies. The fiscal situation is very good but the two-year projection is not enough to give us adequate comfort in terms of looking ahead to continued balanced budgets and continued fiscal responsibility on the part of the Government of Canada on behalf of the people of Canada.

Senator LeBreton: Honourable senators, obviously that is the opinion of the honourable senator. The Minister of Finance has another opinion. I will certainly point out to Minister Flaherty that the honourable senator has concerns about the two-year cycle.

The honourable senator seems to be showing a great deal of concern for how Canadians feel today. From all of my reading and listening to the overview of what Canadians are saying,

Canadians are pretty happy with this budget because they have been paying too much tax. I do not think any of us could find someone who does not think they have paid too much tax.

Budget 2006 delivers more tax relief to individuals in one budget than was delivered in the last four federal budgets of the Liberals, including the deathbed repentance financial statement just before they were defeated in the other place.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

BUDGET 2006— COMMITMENT TO ABORIGINAL COMMUNITY

Hon. Jack Austin: Honourable senators, I wonder if the Leader of the Government in the Senate, to whom this question is addressed, was properly briefed on what took place during Question Period in the chamber yesterday?

We certainly were aware that she was not present for Question Period. What goes way beyond the practice in this place is the fact that the deputy leader sat silent and would not take notice of questions. He took the occasional notice but for most of the questions he just sat silent. This is not the kind of respect that, in my view, is due to senators here.

I notice, honourable senators, that Senator LeBreton did not start her answer as she has up to now with the phrase "Thank you for the question." Obviously, in today's demonstration of her deportment during Question Period, we are seeing the proof of my question yesterday afternoon, to the effect that this high level of partisanship and aggressive negativity in this chamber is probably part of a pattern designed to put the majority of senators here on the defensive in order to set a pattern for the pressures that this government feels that it needs to bring in order to get legislation through.

Honourable senators, it is such a departure from our practice of lowering the level of partisanship and the Leader of the Government seeking to work constructively with an opposition.

Honourable senators, I want to express my sincerest disappointment and grief at the way in which the budget is dealing with the Aboriginal community and the Kelowna accord. It must be of deep pain to some on that side who worked very hard with my government to see the Kelowna accord put together then worked with the government to put it together. For example, I should like to tell you about the comment made by then Indian Affairs critic Jim Prentice, now the minister, who said on Aboriginal Peoples Television Network, to outline his party's support for the accord that:

I am the party's spokesman on the Kelowna Accord and let us be perfectly clear. We are supportive of Kelowna we are supportive of the targets and objectives that were set at Kelowna.

Honourable senators, this government's budget has reduced the commitments of the federal government to the Aboriginal community from \$5.1 billion over four years to one quarter for the next four years. That will not address the issues of health, education, housing and commercial development on the part of the Aboriginal community. Needless to say, they are deeply disappointed.

Honourable senators, the question is this: Why is the government, of which the government leader is a member, so callous about the issues of that part of our Canadian citizens, which is the most deprived, which has the longest way to travel to be equal in standing to all Canadians, which has huge issues of adapting to our society? In particular why, in the circumstances where the Aboriginal leadership, the federal government and the provinces signed on to a deal, a high point of consensus which has never been seen before in Aboriginal affairs in this country, why have you let the Aboriginal community down so badly?

Hon. Marjory LeBreton (Leader of the Government): Thank you for that question, Senator Austin.

Senator Mercer: That worked, Senator Austin!

Senator LeBreton: On the preamble to your question about the Kelowna accord, I really do not think anyone on this side has to be lectured by anyone on that side about decorum in this chamber. I think it would do well for either to go into that debate. I do not think it is a debate you will win.

With regard to the Government of Canada and the Kelowna accord, the Government of Canada is committed to meeting the targets agreed upon. You must not have read the budget properly.

Senator Austin: Oh, I read it carefully.

Senator LeBreton: In total Budget 2006 confirms funding of well over \$3 billion in support of Aboriginal Canadians.

• (1420)

This budget supports doing things that count: improving the water supply, Aboriginal housing both on and off the reserve, educational outcomes and social and economic conditions for Aboriginal women, children and families.

No one has more credibility in this area than our own Minister of Indian Affairs and Northern Development, Jim Prentice, who will continue to work with Aboriginal leaders, the provinces and the territories to develop a new and workable approach to these problems in order to meet the established targets from Kelowna.

Senator Austin: Honourable senators, I do not consider that response as an adequate explanation or defence. We will agree to disagree on a number of things, I know. However, with respect to the Aboriginal file, the Premier of Alberta has expressed his disappointment that the government has moved away. The Aboriginal leadership have expressed their disappointment. No matter what words the leader wishes to use, this announcement is actually a retreat from support for the social and economic issues and problems of the Aboriginal community.

As I said earlier in this session, my hope is that this will be a second-look government, one that will look at the mistakes it is making and cure them because it is in the interests of the Canadian people that the issue of Aboriginal well-being be addressed.

Honourable senators, I hail from British Columbia, as does Senator St. Germain. I will not say what I think he thinks because I will not put thoughts in his head here now, but believe me, he will be getting a talking to from the Aboriginal leaders in British Columbia, I promise you.

Senator LeBreton: We have been in government less than 100 days, not 13 years. This is our first budget.

Senator Bryden: You have done all that damage in such a short time, just 100 days? It seems like forever.

Senator LeBreton: Honourable senators, on issues such as this, the only commitment I can make is what I have just said: The government is definitely committed to the targets outlined in the Kelowna accord.

With regard to Premier Klein's comments, I hasten to remind this chamber that he predicted that the Liberals would be re-elected. As far as my colleague Senator St. Germain is concerned, I am quite certain that he can make his views known and defend the actions of the government without any prompting from Senator Austin.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, in light of the unusual circumstances of the day, I would ask for unanimous consent that Question Period continue for another 15 minutes.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted. We will proceed to Orders of the Day.

POINT OF ORDER

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, before we proceed to Orders of the Day, I rise on a point of order. With respect to the matter of Question Period and the orderliness of the way in which it has proceeded, I look to rule 24, which is the relative rule. In particular, I draw the attention of His Honour to subsection (4), which indicates that:

A debate is out of order on an oral question, but brief explanatory remarks may be made by the Senator who asks the question and by the Senator who answers it.

The rules provide elsewhere to whom questions can be put, and I think they are well understood. Rule 24(3) provides that:

If an oral question cannot be answered immediately, the Senator to whom it is addressed may take the question as notice.

I am not sure whether there is a rule that specifically provides for a question to be put to a senator who is also a minister where that person is not present, but my recollection of the practice in this place is that when the Leader of the Government has been absent, the Deputy Leader of the Government has offered to take questions as notice.

I am not sure of the exact wording, but I believe that happened yesterday.

Today in Question Period, the Leader of the Government — and I concede that this is not unprecedented — has taken the time of Question Period to answer questions put on another day.

Senator LeBreton: Senator Austin did it all the time.

Senator Hays: I do not believe that that is in order, honourable senators.

Senator Austin: I tried to, but Senator St. Germain prevented me.

Senator Hays: I believe that a ruling from the Chair in this matter would be helpful in terms of the way in which Question Period proceeds in the future.

Hon. Hugh Segal: Honourable senators, on the same point of order, from our perspective as private senators, all of us share a common desire for the treatment of questions with the highest measure of respect. I had a short period of time on the other side of this chamber and I was always grateful for the respect and courtesy extended to me by the Leader of the Government when I asked questions.

It is my sense, however, on the same point of order, that as long as there is not a specific limit in the rules relative to the amount of time that the government leader might take in answering any specific question — and I do not believe it exists, but I defer to others with greater experience than myself — we are putting His Honour in a difficult circumstance. I did hear the Leader of the Government express her regret at not being here yesterday and I think she took the position that the honourable thing to do was to respond seriatim to the questions that were put in good faith yesterday by members opposite. I recall specifically Honourable Senator Carstairs, for whom I have the greatest affection and regard, standing up and making it clear that yesterday was simply “a question period” and not “an answer period,” thereby, and I think honourably, creating concern that there was no one on this side to answer the questions. To the same point of order, it was my sense that the Honourable Leader of the Government was attempting to reflect that premise and give the answers as best she could in the present context.

Hon. Bill Rompkey: Honourable senators, there is another provision that has been overlooked, and that is Delayed Answers. There is a mechanism for responding to questions and we have all used it. It is a time-honoured practice to bring in delayed answers;

but one does not bring in delayed answers during Question Period. One does not use up the time of those who have the right to ask the government questions. This is a democracy; we have rights and responsibilities in this chamber to bring the government to account. That is our job as the opposition. We were not able to do that yesterday and we are not able to do it today because our time in Question Period has been used by answers that should have been delivered under the Order Paper item of Delayed Answers.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the Leader of the Opposition made several points that should be noted by His Honour when he considers how he will rule on this matter. At one point, I believe the leader said, "I am not sure if there is a rule on this." He actually did use the words, "However, it has been practice." Practice is not necessarily a rule.

I wanted to make several points. First, there has been a time-honoured tradition in this place that when the Leader of the Government in the Senate is not here, there is no Question Period. I recall a number of times when we were on the other side that the government leader would not show up. We would be advised quite often. Someone would walk over and say, "By the way, there is no Question Period today." Of course, we grumbled a bit to the messenger, but we did accept the tradition that, on occasion, the Leader of the Government in the Senate could not be present. Whether or not we liked it, it was something that we accepted.

A point was raised by the Leader of the Opposition that I had not taken questions under notice. I would like to read honourable senators a few comments from Hansard yesterday. In response to Senator Banks, I said:

Honourable senators, we advised you before Question Period that the minister responsible would not be present today. Your questions will be noted and passed on to the minister.

• (1430)

On quite a number of occasions throughout Question Period yesterday, whenever a question was directed to the Deputy Leader of the Government, I responded along the same lines, stating that the question would be passed on to the minister.

On some occasions yesterday, some of the speakers said, "I want to address the empty chair" and things to that effect; or some would say, "I want to address my question to the Leader of the Government in the Senate." In those cases, I could not answer for the Leader of the Government because I am not the Leader of the Government in the Senate and she was not here. Obviously, I did not get up on those occasions.

Hon. Lowell Murray: Honourable senators, I was intrigued by one of the citations that the Leader of the Opposition quoted when he raised the point of order. I do not have the text in front of me, but I think I can do justice to it.

He cited the rule that while brief explanatory statements are permitted by the person asking the question and the person answering the question, there is to be no debate during the oral

Question Period. I would ask Your Honour to determine whether it would be the disposition of honourable senators for the chair to enforce that rule specifically and vigorously in the future.

Hon. David Tkachuk: Honourable senators, I wish to respond to a couple of points that were raised by the Leader of the Opposition. It is true that answers to questions were often given as Delayed Answers. Question Period, despite its name, is not just about questions, but also about answers; and it is not just an opportunity to speak at the earliest possible convenience. Due to the seeming urgency of those questions yesterday, I thought that our leader responded. I am sure that all members who asked those questions wanted those answers at the earliest possible time and they received same.

As far as answering questions outside of Delayed Answers, Senator Austin set the bar for that many times in this chamber. Honourable senators will remember— and I am trying to be non-partisan here — that on many occasions Senator Austin would say "and while I am on my feet"; then he would pull a question from three weeks previous and read it into the record for two, three, four or five minutes. It was okay for them.

I am not saying that would be okay for us. However, on this occasion, I am sure that the time that the Leader of the Government in the Senate used to respond to questions from yesterday would not even come close to the time that Senator Austin used while he was the Leader of the Government.

Hon. Jack Austin: Honourable senators, I had not intended to engage in this point of order, but Senator Tkachuk has invited a response.

Let me define the practice when I was Leader of the Government. First, I attempted at one point to give a delayed answer orally when Delayed Answers were called, and Senator St. Germain took exception to that and raised a point of order. It was ruled that I could not so do, so that clears that fact away.

With respect to Senator Tkachuk saying that I often answered questions from three weeks previously or so on, I do not think the honourable senator would find many examples. However, when I did so, it was in an attempt to be helpful to an individual senator, and it was not done with an aggressive and negative tone. If it was not welcome, believe me, I stopped immediately.

Finally, the Leader of the Government in the Senate spoke about my many absences. Actually, I was never absent during Question Period except when I was summoned to attend on Her Majesty the Queen at the Saskatchewan centennial. What took place before my time, I cannot say; but I treated my presence in Question Period as my priority over all other government business.

Hon. John G. Bryden: Honourable senators, I wish to participate in this discussion. I look at Senator Segal and suggest that perhaps yesterday and today would not be a good time to have the TV cameras rolling, either. However, I wish to give my reaction to what happened yesterday that has brought about this controversy.

As honourable senators will know, I was getting ready to make a speech later in the day, so I had my head down patching and gluing things together from old speeches. I noticed that Question Period had not been called and I looked up. When I did so, I saw the Leader of the Government in the Senate and the Minister of Public Works with their backs to me walking up the aisle and out of the chamber. Both of the cabinet ministers — and we have the luxury of having two cabinet ministers — left.

I did not have any idea why they were leaving. If the Leader of the Government in the Senate had given her fellow senators, her colleagues, the courtesy of indicating that unavoidably they would not be able to deal with Question Period — she did not have to apologize, just the courtesy — then we all would have known that something had changed and would have been able to accept it more easily.

Perhaps there is no rule that says one must do that. However, one of the things that has worked in this chamber in the 12 years that I have been here — I know many unfortunate things went on before, maybe I am the reason it has all changed for the better, I do not know — is that even though we have often had heated and tough debates, for the most part they have been respectful and courteous. The tone really has to be set by our leadership, I believe.

I was disappointed yesterday in what triggered what ended up being a not particularly good show on our side, either. It would have been so much easier, and we would not be having this discussion now, if common courtesy had prevailed and the rest of the senators who were here had been informed as to what was happening.

[Translation]

• (1440)

Hon. Eymard G. Corbin: Honourable senators, in the Daily Routine of Business, first we have Senators' Statements then Tabling of Documents. I will bypass all the other items and go directly to item 14, Question Period, which is followed by item 15, Delayed Answers. Today honourable senators were subjected to a reading that should have taken place at the time for Delayed Answers.

I heard several senators raise a point of order. The *Rules of the Senate* do not, of course, permit points of order during Question Period.

However, according to rule 18(1):

The Speaker shall preserve order and decorum in the Senate. In doing so the Speaker may act without a want of order or decorum being brought to his or her attention. Furthermore, the Speaker shall be authorized to act on his or her own initiative to interrupt any debate to restore order or to enforce the *Rules of the Senate*. In the case of grave disorder, the Speaker may suspend the sitting of the Senate for a period not to exceed three hours.

Let us set the last sentence aside and focus on the first ones. To me, order is primarily the order established by the Routine Proceedings as listed in the Order Paper and Notice Paper.

Honourable senators, why was there silence from the principal seat in this chamber?

[English]

Hon. Anne C. Cools: Honourable senators, I submit that the honourable gentlemen on the other side have raised no valid point of order in this circumstance. Rule 18, which Senator Corbin read into the record, contains the limitation on the powers of the Speaker with respect to questions of order.

Honourable senators, unlike the Speaker of the House of Commons, the powers of our Speaker with respect to order and disorder are extremely limited and extremely circumspect.

We are having a little bit of drama, although, fortunately, not high drama.

The only rules that mention questions of order are rules 23(1), 50, and 18(1), (2) and (3).

Honourable senators, perhaps we should try to step out of the situation in which we find ourselves and retreat from the position of inviting a ruling on whether there is a point of order. I would like us, rather, to consider human frolic, human caprice, human frailty, human indulgence and a few other human elements with regard to this problem.

As provided in rule 18(1), the only instance in which His Honour is authorized to act on his own initiative is that of "grave disorder," that is, grievous or serious disorder. It would require a great stretch of imagination to believe that what just happened in this chamber could be characterized as grave disorder.

I wish to rescue His Honour from any feeling of guilt that he did not rise and take the situation into his own hands because, had he done so, I would certainly have objected strenuously, because His Honour would have been out of order, which is not a desirable state.

Honourable senators, I propose that we deal with this matter by considering it to be a joke that went wrong or a caprice that went astray. If there is something different about what Senator LeBreton did today in responding to questions, one must look at the origin, which was yesterday. The situation yesterday was equally odd. Frankly, I thought yesterday that the opposition was making a stab at levity and humour.

The frolic of some opposition members yesterday fell a little short in that it did not anticipate that there would be responses today. They anticipated that today we would have a normal Question Period.

I appeal to all honourable senators to step outside this situation. There is no valid point of order. There is nothing to which His Honour can point to say that something was violated. There has been no injury in any form or fashion.

We must accept that in this house only a minister of the Crown can speak for the government on matters of government policy, which is why the Leader of the Government in this house has to be a minister. Some people believe that the Leader of the Government in this house is the minister for the Senate. He or she is not the minister for the Senate. Under law, the Leader of the Government in the Senate must be a minister. It has historically always been intended that that particular person would occupy two positions, those being Leader of the Government in the Senate and cabinet minister.

[Senator Bryden]

Rather than viewing this situation as a point of order, we should view it as a joke that went astray. Perhaps we can find a better way to deal with bad jokes than raising points of order.

In my view, the His Honour has absolutely no role in this matter. Senators on the other side are asking His Honour to create a false scenario. The fact is that there can be no points of order raised during Question Period. The opposition knew that yesterday, so we just sat and listened, as His Honour had to do today for the same reason.

His Honour cannot be asked retroactively, by raising a point of order a few seconds after Question Period, to rule that there can be points of order during Question Period. That is not in order.

Honourable senators, let us view this as a joke that did not play out in the way in which the opposition had hoped it would. It was a bit of frolic and caprice. Let us leave it there and let it be.

Senator Comeau: Honourable senators, when Senator Bryden said that he did not know that there was to be no Question Period yesterday, I began to think about what happened. When we were looking at the Order Paper yesterday morning, we realized that due to the large number of items prior to Question Period, the Leader of the Government in the Senate and the Minister of Public Works and Government Services would not be able to attend Question Period. We immediately had our staff call the staff from the opposition side to indicate that we wished not to have Question Period. This happened at approximately 12:45 p.m. or 1 p.m. yesterday. We were led to understand that our explanation was acceptable and that the other side would understand.

• (1450)

We seem to be getting mixed signals that at least one senator and possibly others on the other side were not informed, or perhaps the breakdown in communications happened between our staff and the opposition staff. This is a situation where we should see what happened with our communications because, obviously, we did make the call. We were led to believe that the other side, even though its members grumbled a little bit, would understand our situation. Perhaps this is one of the areas that both sides can work on. Communications might have broken down between our people.

Hon. Jim Munson: Honourable senators, I do believe in the point of order, but all this talk and the things that have been going on for the last 25 minutes sometimes reflects why much of the public does not pay attention to some of the things we do here. Today, I wanted to speak to an inquiry on autism. However, because we like to hear ourselves, I guess families who have children with autism can wait for another day. I just think that is not a very good thing.

Hon. Jeremiah S. Grafstein: Honourable senators, I listened with great interest to comments on both sides. A senator asked me if I had ever seen in my experience in the Senate the absence of the Leader of the Government in the Senate being in Parliament at the same time without an adequate excuse or reason, and I had not. In the 21 years that I have been here, I had never seen such a situation where we have the advantage of a capable and experienced senator as the new Leader of the Government in the Senate and now the addition of a new senator who is a cabinet minister as well. From my perspective, not only is it a question of rules, it also is a question of the Constitution and of convention.

I will refer to the Constitution for a moment to perhaps elucidate the issue because this question occurred to me when I saw that the Leader of the Government in the Senate and our newly appointed and welcomed member from Quebec were not here. I will quote from the oath administered during the introduction of new senators. We all signed it. The greeting from Her Majesty the Queen states:

KNOW YOU, that as well for the especial trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the State and Defence of Canada concern, We have thought fit to summon you to the Senate of Canada...

That is our invitation to come forward. Then the command follows:

AND WE do command you, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit.

That is a command under the Constitution. It means that if you come here as a senator, you are here not only in your ordinary role as a senator but — and this is where convention is important — also in your role during Question Period because it is an integral element in our Order Paper. It is part of our practice, convention and rules. The convention is that government and opposition leaders attend to question the government when it is sitting in Parliament.

Honourable senators, I hope that we will look at this question in a broad way, not only as a rule and a privilege. It might affect the privileges of every honourable senator, depriving them of the opportunity to hear the government being questioned by the opposition at the appropriate time. It raises the whole question of the invitation and command.

I say that to new senators because this issue was brought to my attention when I had business outside the Senate, and I satisfied myself that I somehow could conform to my oath while dealing with my public duties as a senator.

Senator Hays: Honourable senators, I did not make more than a reference to the word “brief” in the rules in terms of Senator Segal’s concern about what guidance might be found in the rules. It is a difficult thing to define, but I do remind honourable senators the word “brief” is there in terms of the preamble to question and the answer, and I hope Your Honour will find that word useful.

The Hon. the Speaker: I thank all honourable senators who participated for providing advice on this point of order. I will take it under advisement and provide a written response.

ORDERS OF THE DAY

CANADA ELECTIONS ACT INCOME TAX ACT

BILL TO AMEND—SECOND READING

Hon. Consiglio Di Nino moved second reading of Bill C-4, to amend An Act to amend the Canada Elections Act and the Income Tax Act.

He said: Honourable senators, I am pleased to have the opportunity to participate in the debate on Bill C-4 regarding party registration. The bill refers to new rules for the registration of political parties which were adopted by Parliament in 2004 in Bill C-3. The bill before us today is crucial to ensure that we maintain a valid party registration system beyond May 15 of this year. I will explain the urgency of this statement in my further comments, and it will become apparent why we need to deal with this issue expeditiously.

Honourable senators, new party registration rules were required in 2003 after the Supreme Court of Canada struck down the former rules in the *Figueroa* decision. Those rules required a party to field 50 candidates at an election to become a registered party and have access to certain benefits under the Canada Elections Act. These benefits include the rights to issue tax receipts for contributions received, access to partial reimbursement of the party's election expenses, and access to free and paid guaranteed broadcasting time.

In *Figueroa*, the Supreme Court held that the 50-candidate threshold was contrary to section 3 of the Canadian Charter of Rights and Freedoms. Section 3 guarantees Canadians the rights to vote and be a candidate for election, which includes a right to meaningful participation and representation.

To give Parliament the opportunity to amend the Canada Elections Act, the Supreme Court suspended its decision for one year. Bill C-3 lowered the candidate threshold for a party to become registered to a single candidate. It also made a range of other modifications to the act to ensure that only genuine parties are registered and to prevent abuse of the tax credit and other benefits.

A key aspect of that bill was the inclusion of a definition of political party in the Canada Elections Act, which required the party to have as a fundamental purpose participation in public affairs by endorsing one or more candidates. In assessing the eligibility of a party for registration, the Chief Electoral Officer must be satisfied that the party meets this definition. That bill also increased the required number of party members from 100 to 250 and included new anti-abuse measures and penalties.

Bill C-3 was eventually adopted within the one-year suspension of the Supreme Court's decision in *Figueroa* and therefore ensured that valid registration rules remained in effect at all times.

However, concerns about the new rules were expressed during the course of parliamentary consideration. For example, some maintained that a threshold of a single candidate would be too low to discourage opportunistic groups from pretending to be political parties in order to gain access to public funding. Some

honourable senators expressed a view that other thresholds in the Canada Elections Act could ultimately be affected by the *Figueroa* decision, such as the requirement that parties receive the support of 2 percent of the vote nationally or 5 per cent of the vote in ridings where the party fielded candidates in order to receive party allowance and partial reimbursement of party election expenses.

• (1500)

However, because of the need to act quickly within the one-year suspension of the decision of the Supreme Court, it was not possible to properly deal with all of these issues at that time. As a compromise, a two-year sunset clause was added, with the agreement of all parties, to allow for a comprehensive review of the new rules at a later date.

Honourable senators, Bill C-3 came into force on May 15, 2004. The two-year sunset clause will come into operation on May 15 of this year if the bill before us now does not pass.

As the Chief Electoral Officer warned, the result would be a legal void in the Canada Elections Act. The registration and deregistration of political parties would be impossible. We would effectively have a closed-party system which would clearly not meet the requirements of section 3 of the Charter. Canadians would no longer be able to create or support new political parties that reflect their political views and aspirations.

It is important, therefore, for Parliament to take immediate steps to ensure that this scenario does not occur and that valid registration rules remain continuously in effect.

It is unfortunate that we are put in the position of having to make such a quick decision on this important issue. The previous government had plenty of time to complete the review of party registration rules in the previous Parliament but that government delayed taking action, and then it was too late to pass legislation prior to the election. However, we do find ourselves in this situation, and this bill will enable us to uphold the integrity of the Canada Elections Act.

I note that the other place recognized the urgency of dealing quickly with this matter. The bill's passage was expedited with the support of all parties.

Honourable senators, in addition to repealing the sunset clause, Bill C-4 will provide for a mandatory review of the new registration rules by committees of both the other place and this chamber within the next two years. Accordingly, Bill C-4 will ensure that there is a comprehensive review of concerns that were raised about the new registration rules when Bill C-3 was passed. It is important to note that the Senate will have a role to play in the mandatory review.

Honourable senators, this is not a complex bill. It contains only one clause — it is important. Bill C-4 will ensure that our electoral system will continue to thrive and remain a model for the world over. To allow registration rules to lapse and become inoperable due to the action of the sunset clause would be to eliminate a crucial element of our democratic infrastructure. To allow such a scenario would be inexcusable. I therefore urge all honourable senators to support Bill C-4.

Hon. Lorna Milne: Honourable senators, I am pleased to join the debate today on Bill C-4, to amend an act to amend the Canada Elections Act and the Income Tax Act.

Senator Di Nino has pointed out that Bill C-4 represents the latest link in a legislative chain that goes back to a Supreme Court of Canada decision in 2003, *Figueroa v. Canada (Attorney General)*.

In that decision, the Supreme Court of Canada held that the 50-candidate threshold contained in the Canada Elections Act was in violation of section 3 of the Canadian Charter of Rights and Freedoms.

Section 3, honourable senators, guarantees to Canadians the right to vote and to be a candidate for election, as well as the right to meaningful participation and representation.

The Supreme Court also held that the declaration of unconstitutionality would be suspended for 12 months. This was to allow Parliament the opportunity to implement an alternative to the existing party registration regime. That alternative, honourable senators, came in the Third Session of the Thirty-seventh Parliament in the form of Bill C-3, which was passed within the 12-month time frame given by the Supreme Court. This ensured that valid party registration rules remained in effect from the time the *Figueroa* case was handed down and Bill C-3 was passed.

Bill C-3 has also made a variety of other modifications to the Canada Elections Act to prevent the abuse of the tax credit and other benefits. Senator Di Nino has spelled out those modifications.

Bill C-3 also added a purpose-based definition of “political party” and required the party’s leader to make a declaration that one of the party’s fundamental purposes is the same as that described in the definition. Entities seeking to register as political parties must also satisfy the requirements of the definition, both at registration and on an ongoing basis. If those requirements are not met, the Commissioner of Canada Elections may apply for judicial deregistration of the entity in question.

Honourable senators may recall that during our consideration of Bill C-3, some parliamentarians raised concerns in regard to the provisions included in the legislation. Some senators questioned the notion of a one-candidate threshold, contending that it is simply too low and has the potential to damage the effective operation of our electoral system. Other concerns involve possible future Charter challenges based on voter-support threshold for election expenses, reimbursement, as well as for the annual financial allowance.

In an attempt to address these concerns, a two-year sunset clause was added to Bill C-3 with the consent of all parties. Since this bill came into force on May 15, 2004, we are nearing the end of that two-year sunset clause.

The previous government attempted to resolve this matter during the last session of Parliament and formulated a plan to review the provisions in Bills C-3 and C-24, the political financing bill, at the same time. However, that plan was disrupted by the recent general election. That is where Bill C-4 comes before us.

Bill C-4 will repeal the sunset provision found within Bill C-3 and replace it with a requirement for a mandatory review. A committee of the other place and a committee of the Senate will be charged with completing a review of the provisions in Bill C-3 within two years and submitting reports of their findings.

Without the passage of this bill, the registration and deregistration of political parties would not be allowed, as the sunset clause takes effect on May 15. This could also call into question the legitimacy of any future election.

If passed in time, the bill before us will present all honourable senators with the opportunity to review the rules as they are set out in Bill C-3. It will also allow us to provide and debate a comprehensive report on how to approach issues regarding the future registration and deregistration of political parties in Canada.

I encourage honourable senators to support this legislation and to allow this review to take place over the next two years.

Hon. Serge Joyal: Honourable senators, I participated in the debate on Bill C-3 when it came to this chamber several years ago, especially when it was introduced after the decision of the Supreme Court of Canada in 2003.

I wish to draw to the attention of the Honourable Senator Di Nino, the sponsor of that bill, the fact that if we follow the course of what we have now, it would mean that the decision was given in 2003 by the Supreme Court of Canada, and the Supreme Court of Canada gave a year to implement the changes that were included in the decision, and the senator is agreeing to that reading. Then we adopted Bill C-3, which postponed it for two years. We are now at the point of two years and 10 days. We are debating a bill that will postpone those changes for another two years, bringing us to 2008. However, the final decision will not come in 2008; rather, at this time, only the report on the changes to the Canada Elections Act will have to be tabled. Once the report is tabled, we know what happens: it must be included in the legislation of the government. Honourable senators know the length of the legislative process in the best two years. That means that there would have been a decision by the Supreme Court of Canada in 2003 and seven years later the implementation of the changes recommended by the Supreme Court of Canada would have been legislated.

• (1510)

As the dictum states God proposes and men and women dispose, but the Supreme Court of Canada decision tried to right a wrong in 2003, and it would have taken seven years to make that change if everything were to remain as stated in this bill. I wish to draw the attention of honourable senators to that.

The bill seems innocuous enough in that it merely tries to right a wrong, but it would have taken seven years to implement a recommendation of the Supreme Court of Canada that should take only one year. Certainly, we must question how much attention we pay to a decision of the Supreme Court of Canada based on section 3 of the Charter. Honourable senators, in this case we are not dealing with fiscal measures or a measure of an administrative nature. Rather, we are dealing with the voting

rights of Canadians. That was the pith and substance of the Supreme Court decision in 2003. This is a serious issue. I am speaking today to draw the attention of honourable senators today to this situation. I am not opposed to Bill C-4, but we must be conscious of the consequences when we postpone, year after year, solutions to a fundamental issue that the Supreme Court has identified as being disrespectful of the rights included in section 3 of the Charter of Rights and Freedoms.

I wish to consider the bill at the Standing Senate Committee on Legal and Constitutional Affairs for further study, if it goes there. However, honourable senators must determine how quickly we should give effect to a decision of the Supreme Court of Canada that deals with the rights of Canadians.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time, honourable senators?

On motion of Senator Di Nino, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill S-2, to amend the Hazardous Materials Information Review Act.

She said: Honourable senators may recall that the Senate first considered this bill in the last session as Bill S-40. After the bill received second reading, it was referred to the Standing Senate Committee on Social Affairs, Science and Technology. The committee held hearings on the bill and reported it without amendment on September 29, 2005. The bill received third reading in the Senate on October 20, 2005. The bill received first reading in the other place, but was not considered further before Parliament was dissolved.

Before addressing the provisions of Bill S-2, I wish to take a few minutes to refresh the memories of honourable senators in regard to the Hazardous Materials Information Review Commission. The Hazardous Materials Information Review Act, which is the subject of the bill that I am re-introducing, is the authority under which the Hazardous Materials Information Review Commission operates. The commission is an independent, quasi-judicial agency of government that plays an essential role in the protection of workers' health and safety and in the protection of industry trade secrets.

The commission is one element of the Workplace Hazardous Materials Information System, WHMIS. This information system is a joint undertaking of labour, industry and the federal, provincial and territorial governments. Under the authority of the federal Hazardous Products Act, WHMIS ensures that the

health and safety information needed to safely handle hazardous products is disclosed to the workers using those products. The information is provided on product labels or material safety data sheets. It identifies the hazardous ingredients in a product; the specific risks to the health and safety of those using the product; the precautions that must be taken in handling the material; and the appropriate first aid measures to follow if a worker is exposed to the hazardous ingredient.

As WHMIS was being set up, industry noted that there were situations in which the full disclosure of information on hazardous materials could betray product trade secrets to the benefit of a company's market competitors. For example, a company might find a new application for a hazardous ingredient in a manufacturing process. If the full chemical identity of that ingredient was made available to workers, it would also be made available to that company's competitors, and the company would lose the competitive advantage it had gained through the discovery. This is where the Hazardous Materials Information Review Commission fits in. The commission's mandate is to review and adjudicate claims for exemption of disclosure of bona fide product trade secrets. It is also responsible for ensuring that the documentation on the safe use of hazardous products provided to workers is absolutely accurate.

The Hazardous Materials Information Review Act has been incorporated by reference into the occupational health and safety legislation of the provinces and the territories. The mandate of the commission is, therefore, to balance the right of employers and workers to complete information on the use of hazardous materials with the right of industry to protect trade secrets, not only on behalf of the federal government, but also on behalf of the provincial and territorial governments.

When a business that supplies hazardous materials to industry in Canada wants to protect information that it considers a trade secret, it makes application to the commission for an exemption from disclosure. That application includes the required health and safety documentation. This differs from a situation in which there is no trade secret involved. In such a case, the health and safety documentation is subject to inspection by the federal, provincial or territorial government agency responsible for occupational health and safety in the industry in which the business operates.

On receipt of an application, the commission reviews the economic documentation in support of the claim for exemption from disclosure to determine whether the information meets the regulatory criteria for a trade secret. The commission also determines whether the accompanying material safety data sheet or product label is in compliance with federal, provincial and territorial requirements.

If the information being provided to workers is not in compliance with the relevant federal, provincial or territorial health and safety regulations, the commission orders the claimant to make the necessary corrections and to provide the commission with a copy of the corrected material safety data sheet. The decisions and orders of the commission are published in the *Canada Gazette* so that all affected parties have full information on the corrections that the claimant has been required to make. If the corrections are not made within the specified time period, remedial measures are at the commission's disposal, including steps leading to the prohibition of the sale of the product in Canada.

The protection offered to workers' health and safety is not trivial. I have been provided with information showing that since the commission was established in 1988, roughly 95 per cent of the material safety data sheets reviewed by the commission have been found to be non-compliant with legislation. The figures show that in recent years there have been, on the average, eight to nine corrections required for each claim.

• (1520)

Many of these shortcomings pose a potential threat to the health and safety of workers. Typical violations include failure to identify the effects of acute or chronic exposure to a product; failure to identify that a hazardous ingredient in a product is a known carcinogen; failure to identify hazardous combustion products, and failure to provide adequate information on appropriate measures if a worker is accidentally exposed to hazardous material.

It is the commission's responsibility to ensure that the material safety data sheets and product labels related to trade secret claims are complete and accurate. Workers will then know the risks they face and will be able to use hazardous materials in ways that will not endanger their health and safety.

The trade secret facet of the commission's role in balance with the protection of workers' health and safety is of substantial financial benefit to the businesses whose trade secrets are protected. Those seeking an exemption from disclosure of confidential business information must provide the commission with the best actual or potential value of that information to their businesses or to their competitors. Based on claims processed by the commission in 2005-06, this value was estimated to be in the order of \$624 million.

The commission's tripartite council of governors is key to its governance. The governors represent industry, organized labour, the federal government and all provincial and territorial governments. The council acts as an advisory body to the commission and provides strategic advice and guidance. It is through the council that the concerns of stakeholders are expressed and appropriate means of resolving these concerns are identified.

With the full support of the council of governors, the commission undertook a comprehensive renewal program to modernize and streamline its operations and to address stakeholder concerns. Through the renewal process, a number of improvements in the operations of the commission were identified along with mechanisms to deal with stakeholder concerns. The changes identified have already been implemented except for three that require legislative amendments.

First, the act is to be amended to allow claimants to declare, with a minimum of supporting information, that the information for which they are seeking an exemption from disclosure is confidential business information. The act now requires claimants to provide detailed documentation on the steps they have taken to protect confidentiality and on the potential financial implications of disclosure.

This is an administrative burden on claimants and on the commission. The reality is that most changes for exemption are valid. Only four of the over 2,400 claims reviewed by the

commission have been denied. The commission will still, however, require full documentation when an affected party challenges a claim or when a claim is selected through measures set up to discourage false or frivolous claims.

The amendments will also permit the voluntary correction of materials safety data sheets and product labels when the commission finds them to be non-compliant. At present, the commission must issue formal correction orders even if the claimant is fully prepared to voluntarily make the necessary corrections.

Claimants feel that these orders imply reluctance on their part to fulfil their responsibilities for workplace safety. These orders are published in the *Canada Gazette* but do not become binding until 75 days after publication. Allowing corrections to be made without issuing an order will expedite the process of getting accurate safety information into the hands of workers.

Finally, the amendments would improve the appeals process by allowing the commission to provide factual clarifications to appeal boards as needed to facilitate this process.

Appeals of orders and decisions of the commission are heard by independent boards with three members drawn from labour, industry and government. Most appeals heard to date would have benefited from additional explanatory information from the commission, but this is not permitted under the current legislation.

When we first considered these amendments in the last session, there were reservations about the required length of time to bring the amendments forward. There were concerns that this might indicate some division among stakeholders about the appropriateness of the proposed changes. These concerns were put to rest in the hearings of the Standing Senate Committee on Social Affairs, Science and Technology where representatives of industry, labour, as well as the provinces and territories appeared as witnesses and strongly voiced their unanimous support for the proposed amendments.

In summary, the amendments set out in this bill are very positive for workplace health and safety. They will simplify and streamline our administrative processes and they have the full and unanimous support of all stakeholders.

On motion of Senator Cowan, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Leave having been given to proceed to Order Nos. 51 and 52:

Hon. Lorna Milne, pursuant to notice of May 2, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lorna Milne, pursuant to notice of May 2, 2006, moved:

That the Standing Committee on Legal and Constitutional Affairs 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.

Motion agreed to.

[Translation]

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 at the opening of the First Session of the Thirty-ninth Parliament.—(6th day of resuming debate)

Hon. Céline Hervieux-Payette: Honourable senators, allow me to share with you my analysis of and thoughts about the Throne Speech. It seems to me that the Prime Minister is betting all his money on an electoral platform aimed at an unsophisticated electorate, which demonstrates his condescending attitude towards Canadians.

This Speech from the Throne can be summed up as follows: establish whistle-blowing or informing as a tool of governance; increase criminal sentences, which would place Canada second among democratic countries in terms of imprisonment; send cheques to Ralph Klein for family allowances, which are taxable by the way, using the budgetary surpluses accumulated under the good management of the Liberals; cut the GST, which benefits people who are better off; and cut hospital wait times even though the federal government runs only one hospital, the veterans facility in Sainte-Anne-de-Bellevue.

The Prime Minister's leadership is limited to an election platform that could have been put together by a high school student. In fact, the Forum for Young Canadians, who came to see us last week, probably could have done better. These young people would have included a few words on education and the need to prepare to be the best in a competitive world. But there was nothing on this — not a word.

The student from Beauce with whom I had a discussion could have explained to the Prime Minister that child care is not just a parking lot for children; it is place that prepares children for increasingly sophisticated learning.

In his speech, the Prime Minister did not elaborate much on Canada's role on the international scene. He merely paraded about to bolster his image with the Canadian soldiers based in Afghanistan.

• (1530)

But what about the mission in Haiti? What about the misery in Darfur? What about the important role the Prime Minister could play with the leaders of the Americas to reduce tensions with Chavez and company, or in a dialogue to improve the lives of people on our continent and strengthen the democratic process that my colleagues and I at the Inter-Parliamentary Forum of the Americas, which I have chaired for five years, dearly want to see happen?

What is most striking about the Prime Minister's message is the contradiction between what he says and what he does. What is striking is how he manipulates language in order to manipulate minds.

Take transparency, for example. Has he not just changed the rules governing media access to Parliament Hill and military bases? When the visuals are at odds with the government's message, it pulls the plug, hides things or covers them up. That is transparency, Harper-style. Some journalists are describing the Prime Minister's strategy of controlling messages at all costs as censorship. And did he not receive René Préval in secrecy, as *Le Devoir* reported yesterday? Hélène Buzetti of the newspaper *Le Devoir* wrote this:

This aura of secrecy surrounding Mr. Préval's visit is at odds with ceremonial welcome protocol used under the previous government...

— and all of the previous government's efforts to help welcome Haiti into the family of democratic nations.

This leads us to revisit the Prime Minister's favourite theme: ethics. This word, whose roots are Greek and Latin, is about morals. The first definition for "ethics" in the French dictionary *Petit Robert* states:

Feminine noun, philosophical in nature; the science of morals; rules of conduct.

Through this noble, exalted word, the Prime Minister has managed to enact legislation that will lead us to the lowest possible human impulse, namely, informing, which has become entrenched in our system of government under the guise of morals. I would like to take a closer look at the word "délation," informing, which my dictionary defines as follows:

Denunciation, slander, maligning; betray, sell.

I would like to conclude my definition with a quotation from Duhamel, who is cited on page 480 of the *Petit Robert*:

Develop, as do all dictatorships, a foul spirit of informing and discord.

Honourable senators, whether newly arrived, descended from many generations or of Aboriginal origin, Canadians do not want to live in a country of informers. I am saddened and deeply distraught by this audacity of proposing, in the name of ethics, legislation on informing that would reward informers, similar to certain American laws.

I would like to remind you of the fundamental principle of our democratic system, which recognizes that sovereignty belongs to all citizens. Canadians did not elect the Conservative government to put the future of our country in the hands of informers.

Since his election, the Prime Minister has repeatedly proven that he has mastered a third language: George Orwell's beloved Newspeak. Soon, it will be in the name of world peace and global stability that our army will be sent to take over Iran.

Honourable senators, the government must treat each and every one of us with respect, meaning that it must believe that every Canadian is a positive part of our society and that a leader can rely on the people, most of whom are upright, honest and capable of doing great things for their country and family. This democratic system has evolved over centuries and cost the lives of millions of people who were deprived of their freedom and even executed after being informed on. And now the government is proposing to create a system based on informing, the most hateful weapon of totalitarian regimes.

Honourable senators, the Prime Minister is not serious. The society he is proposing is a society based on fear and suspicion, a society where official propaganda is issued by the ministry of truth.

In his course on moral theology, Professor Michel Labourdette, OP, had this to say about informing:

Informing ... is not a legitimate government tool and cannot be used without baseness.

I ask you, honourable senators, can a person be competent, dedicated and generous and be an informer? To quote further:

Individuals in positions of authority are often tempted, it is true, by the idea of taking an unsuspecting person by surprise with the help of people connected to them acting under cover. It is easy, and what is easy is always tempting.

On April 4, 2005, French philosopher André Comte-Sponville discussed this issue in *l'Express*, a European weekly. He said informing is wrong because it is motivated not by a love of justice or a desire to protect victims or the weak, but by personal interest. For him, informing is contemptible regardless of any positive results it may sometimes produce.

Such measures also arouse the indignation of the media. In an article published in *Le Devoir*, Chantal Hébert described a previous bill, for which I did not vote, as a witch hunt.

During my research on this issue, which is of concern in many countries, I found that the leading model is the American one. Since 1978, our neighbours to the south have built informing into their governance structure. President Bush, the undisputed master

of Newspeak who seems to have inspired our own Prime Minister, constantly refers to the virtues of democracy while encouraging the spread of a sophisticated version of informing in the private sector under the Sarbanes-Oxley law. Several other American laws touch on the issue, including the Ethics in Government Act and the Whistleblower Protection Act.

In his criminal law dictionary, Professor Jean-Paul Doucet states that, in a liberal democracy, the duty to denounce an offence must be reserved for especially serious cases. Only totalitarian leaders would have the masses live in a climate of denunciation. It goes without saying that all the measures attendant on our legal system entrusted to experts are the only ones we can accept as respecting the key words of the Canadian Constitution: peace, order and good government. We cannot have two legal systems — one for ordinary citizens and another for public servants. If we wish to paralyze the public service, promoting a system of denunciation is the best way to do so. This legislation will promote an attitude that cannot be changed by re-labelling it "accountability".

Honourable senators, the world of Harper and Bush, the world of "Big Brother is watching you" will never be the world of Canada.

Yesterday, in his budget, the Prime Minister chose to ignore the pleas of the provinces and parents and gave Canadian families a taxable family allowance.

Honourable senators, we must not be fooled. This is a backward measure in 2006. This sort of measure had its origins in the 1950s, when my mother received \$6 a month until her child reached the age of 16 — and it was not taxable. This money went to mothers, 80 per cent of whom stayed at home. However, a recent study by the C.D. Howe Institute in British Columbia showed clearly that, since the inception of the program of subsidized day care in Quebec, the number of women in the labour force has risen by 21 per cent. Very recent statistics show that much fewer people are on welfare in Quebec, less than half the rate in the other provinces. Parents in Quebec pay \$140 a month per child, whereas parents in British Columbia have to pay \$1,100 a month. Does Mr. Harper think he has found a solution by paying Canadians \$80 a month after taxes?

How can the Conservatives, the Bloc and the NDP support such a decision in 2006, when it is a flagrant infringement of provincial powers? Just remember the 1971 Victoria conference. The whole debate began with the issue of family allowances. The conference foundered on the issue of family allowances because Quebec and its minister, Mr. Castonguay, a former Conservative senator, called for the total amount to be transferred to the province, since family policy is a provincial matter.

The Chrétien and Martin governments transferred directly to the provincial government, whether Parti québécois or Liberal, over \$1 billion, so that the child benefit would be distributed according to Quebec family policy and that the Parti québécois previously with substantial funds could start up a dynamic day care program to ensure to preschool children in Quebec could receive an appropriate preliminary education in early childhood centres, be they public or private, or in a family setting — lots of choice for the parents.

This is the policy, entrenched for decades in most OECD countries, that the Liberal Government of Canada put forward with the provincial premiers, who wanted to support working women with young children.

• (1540)

Did you know that, today, 77 per cent of young Canadian women need child care services? Why then adopt a single-minded support policy that sets us back 50 years?

If we look at the full fiscal impact of this new regime, the biggest losers will be children. The child care program is not a luxury for Quebec households; it is an essential service. Only half of Quebec's children have a seven-dollar place in the current system and this \$120 a month will do nothing to restore equality among all the parents nor will it give parents a choice.

Honourable senators, I ask you to examine this measure that goes against the interests of Canada, which must prepare its young people to compete with the entire world.

According to OECD and Canadian economists, reducing the GST provides no tangible benefit except to those who buy consumer goods. We must ask ourselves, will really benefit from this reduced consumption tax? Certainly not low-income families, who have limited buying power.

As a Radio-Canada commentator said, do you think theatres will cut the price of a movie ticket from \$12.00 to \$11.88?

It is worth noting that cutting the GST will cost small- and medium-sized businesses an average of \$575 to adjust their bookkeeping and their cash registers, according to yesterday's edition of the *Journal de Montréal*.

Obviously, wealthier families will benefit from the GST cut because they have more buying power, whereas reducing income tax would have helped all families more fairly.

Regarding access to medical services, given that the federal government has only one hospital, a veterans' hospital, at Sainte-Anne-de-Bellevue, will the provinces foot the bill and be reimbursed by the Harper government? And will the provinces now choose the easy option of sending patients out of the country to shorten waiting lists, or will they make private clinics a possibility?

I have also noticed great concern among artists with respect to the priorities the new Prime Minister announced in the Speech from the Throne. Currently, a dancer with the Grands Ballets Canadiens earns less than \$30,000 per year for a job she will only keep for about 15 years. This Speech from the Throne leaves out our artists, even though culture is the soul of our country and creativity its future.

In conclusion, honourable senators, the Speech from the Throne is an outline rather than an agenda for Parliament. The Conservatives have had 13 years to ponder policies that are in the best interest of Canadians. I am therefore both disappointed and surprised to find that their preparation to govern our country

seems so improvised. They do not have well-thought-out policies on culture, sport, agriculture, the environment, transportation, Aboriginals, linguistic duality, innovation and education, topics we were prepared to discuss as parliamentarians.

In short, this Speech from the Throne deserves a failing grade. It might get an F from high school students.

Honourable senators, I suggest the Prime Minister go back to the drawing board to flesh out his mini-Throne Speech.

[English]

Hon. Lowell Murray: Honourable senators, let me congratulate the mover and seconder of the Address in Reply to the Speech from the Throne, Senator Champagne and Senator Segal, first, on having been chosen for this honour and, second, for having set such a good tone for the rest of the debate with their interesting and thoughtful speeches.

I congratulate His Honour as warmly as I welcome his appointment to that high office. His Honour, as you know, is a New Brunswicker educated in Rome, and by the Dominicans. He must, therefore, have an appreciation of fine food and wine. We all look forward to getting our knees under his dining room table as often as his modest budget will allow.

I join with His Honour in paying our respects to his predecessor, Senator Hays, who, with his wife Kathy Hays, always made us proud in representing the Senate, Parliament and Canada, whether at home or abroad.

I wish to say a word of thanks and farewell to those who are leaving positions of leadership in this place, in connection with which I should acknowledge the courtesy, cooperation and thoughtfulness that was always shown to me and to us in this little corner by Senator Austin and Senator Rompkey.

I wish also to say a word of congratulations and welcome to those who are arriving at positions of leadership here. The Senate will understand if, in the light of a friendship of more than 40 years, I single out the Honourable Leader of the Government in the Senate. Senator LeBreton brings to the Harper ministry experience, background, temperament, talent and other fine qualities that I am sure will make her a considerable resource and asset to that government. I congratulate her and wish her well.

I also welcome the new Minister of Public Works and Government Services. Honourable senators should rejoice at his presence among us, for so long as he is here we can be sure that the needs of the Senate will receive priority attention from officials in the Department of Public Works and Government Services.

The first legislative initiative that was mentioned in the Speech from the Throne, and in fact the first government bill tabled in the other place, was the Federal Accountability Act. I look forward, as I am sure all honourable senators do, to following the debate on that matter when the bill arrives here.

I want to dwell for a minute or two on something many honourable senators have said in the past. In our system of government the essence of accountability is the accountability of the government to Parliament and, in particular, to the House of Commons. I found it a little ironic that only minutes after the Speech from the Throne was delivered here, members of the House of Commons returned to their chamber to pass immediately, unanimously and without debate a motion to fast-track the supply process to May 3 and to continue into the fiscal year 2006-07 the same travesty of an estimates process that we have had in this country for 40 years.

The estimates were deemed “to have been sent to the appropriate committees by April 25 and will be deemed” to have been returned by those committees to the House by November 10, whether or not any committee has ever cracked the book or examined a single vote in those estimates. Thus, the most ancient prerogative of Parliament, the power of the purse and how it is exercised in our time.

I know that there are special circumstances this year due to the fact that the supply cycle is somewhat out of whack, and that there are, even in normal times, “allotted days” on which the opposition can move votes of non-confidence and on which they can contest certain items in the estimates, but the power of the purse has become almost a dead letter in the House of Commons and in Parliament in general.

In all the millions of words that have been spoken and written about the sponsorship scandal the one question that has seldom been asked, and never answered in my observation, is: Where was the House of Commons when all this was going on? Where were the opposition parties? Where was the estimates process?

It is well and good for the Public Accounts Committee of the House of Commons to take it on after the money has flown out the window and the Auditor General of Canada has reported. I contend that a serious and credible estimates process would have set some alarm bells ringing much earlier, and we probably would have avoided some of the excesses and extremes that occurred later. I believe it is a very sad thing that the supply process, the estimates process, the power of the purse, has become a shell in the other place.

• (1550)

One of the interesting things about all this is that in a minority House of Commons, the opposition parties have it within their power to change the rules and to restore a meaningful estimates and supply process. Will they do it? They will not. Why will they not do it? They will not because that place over there is programmed as tightly as any computer program could be to the convenience not just of the executive government but to that of members of Parliament generally. They need to know when a debate will be held, when a vote will be held and when they can go home. These are understandable human concerns but, the tension has gone entirely out of the system, and the result has made a sham of accountability and of the power of the purse in the other place.

[Translation]

Senators Champagne and Segal both sang the praises of Prime Minister Harper's new approach to federal-provincial relations. I am inclined, or nearly inclined, to share their enthusiasm. The Speech from the Throne alluded to Quebec's “unique place”

within our Confederation and to the fiscal arrangements that affect all provinces as well as the federal government. These allusions were also made by Mr. Harper in a remarkable speech that he gave in Quebec City on December 19, 2005, during the election campaign and, more recently, in Montreal on April 20. These issues piqued my interest, given my experience at both the federal and provincial levels.

I am somewhat encouraged by Mr. Harper's assurance of “open federalism”. He promises to respect federal and provincial jurisdictions as they are set out in the Constitution, to allow provincial governments to play a greater role concerning international issues that fall under their jurisdiction, to work to eliminate the fiscal imbalance, to monitor the federal spending power, and to cooperate with the Council of the Federation in order to improve the operation of our federal system.

This agenda appears so promising of a new federal era that I am sorry that I have to point out a blatant inconsistency between the federal policy and the child care program. I would remind you that the previous government had signed agreements with each of the 10 provinces. According to those agreements, the provincial governments promised to respect certain standards and guidelines, and federal funding in the order of \$5 billion over five years had already begun to be paid to the provinces.

The Conservative Party took a completely different approach to the issue during the election campaign and the new government decided to unilaterally repeal the agreements signed by the previous government, although this was a matter of provincial jurisdiction, using federal spending power to send a new child care allowance directly to parents of children under six.

The merits of the Liberal and Conservative party platforms on these issues do not concern me at the moment. There will no doubt be other occasions to debate these matters. However, in terms of federal-provincial relations, it is clear that the current government is preparing to commit the same abuse of federal spending power Liberal governments were always criticized for in the past.

In the spirit of his speech in Quebec City on December 19, in the spirit of the Speech from the Throne, in the spirit of his speech in Montreal on April 20, Mr. Harper and his government should not impose their new policies on the provinces without their consent.

Honourable senators, here we are for the third time since 1984 in a situation where there are many more senators in opposition than there are senators who are members of the government caucus. I had this experience on the government side during the two terms of the Mulroney government and on the opposition side during the early years of the Chrétien government. I have quite often expressed my view of how the Senate should behave, regardless of the political circumstances or the conditions in Parliament, and I have not changed my position.

First, the Senate is not the place for the kind of excessive partisanship that leads to needless confrontation. I might add that the more we resemble the House of Commons, the lower our credibility with the public.

Second, and I agree with the comments by Senator Segal in this regard, we have to recognize that any initiative coming to us from the House of Commons in the near future will have had the approval of at least two political parties there.

I also wish to echo the comments by Honourable Senator McCoy in her excellent speech yesterday. I would be the last to claim that bilateralism in the House of Commons, or even unanimity there, must be automatically accepted here in the Senate. We have always looked with scepticism — and rightly so — on their too frequent cooperation on issues involving the electoral map in which everyone in that House is in a position of conflict of interest. Still, I will say that particular respect must be given any initiative that appears to be the product of an honourable compromise between two, three or four political parties.

Third, in my humble opinion, continually delaying the legislative process is only justifiable in the most extreme circumstances.

Would I be right in thinking that my time is up?

[English]

The Hon. the Speaker: We have six minutes before I must put the adjournment motion, and Senator Murray has five minutes to continue.

Senator Murray: I can do this in far less time than that, honourable senators.

[Translation]

I cannot resist the temptation to talk briefly about electing senators.

We have heard that Mr. Harper intends to hold Senate elections when the next federal election is held. I will simply say that by giving up his right to appoint new Conservative senators, Mr. Harper is depriving himself of the opportunity to achieve a better balance in this chamber. I find it unhealthy in any parliamentary assembly that one political party should outnumber another three or four to one. This is unhealthy, and it is not conducive to the smooth running of our institution. The Prime Minister is depriving himself of the opportunity to create the critical mass he currently does not have in the Senate. In my opinion, Mr. Harper should fill the seven vacant seats in this chamber and any other seats that become vacant during his first mandate.

• (1600)

[English]

I take honourable senators at their word that the support for an elected Senate in the Conservative Party is virtually unanimous

across the country among all its supporters. Nevertheless, I am sure if they look really hard, they may be able to find in Newfoundland and Labrador one Conservative, in Prince Edward Island another, in New Brunswick and Nova Scotia one each, one in Quebec and two in Ontario who would be willing to place their principles in abeyance for the greater good and make the sacrifice and accept appointment to this place.

If — for example, in Ontario — you cannot find two, go to Nova Scotia. You may be able to find someone willing to invest \$4,000 in the property qualification to sit proudly as a senator from Ontario.

Hon. Leonard J. Gustafson: Would the honourable senator accept a question?

Senator Murray: Certainly.

Senator Gustafson: What about regional representation? I think it was Peter Lougheed who said that it was not only important to have an elected Senate but to look at this business of regional representation.

There are some provinces that have the population, or less population, than the City of Regina, but they have four representatives.

Senator Murray: My friend has given me a great opportunity to express a point of view, which I think I have done before, that the worst thing about the Senate is not the fact that its members are appointed; it is the gross under-representation of Western Canada, especially British Columbia. Without going into a lot of background, I have consulted privately with various senators and am quite willing, at an early date, to bring in a motion to get the sense of the Senate or even a resolution to amend the Constitution to provide, first, that British Columbia be constitutionally recognized as a region for senatorial purposes, as it was recognized by Parliament at the Chrétien government's initiative in the regional vetoes bill; and, second, that the three Prairie provinces then be recognized as a region.

The implications of that will be clear to my honourable friend. It will be a rather major increase in the representation of British Columbia. I see no principled reason why that should not be done. I think we ought to have a debate either in the sense of a Senate motion, which I would be glad to introduce, or in a resolution to amend the Constitution to that effect.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Thursday, May 4, 2006, at 1:30 p.m.

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