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OFFICIAL REPORT  
(HANSARD)

**Tuesday, May 9, 2006**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Tuesday, May 9, 2006

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

• (1410)

Prayers.

### SENATORS' STATEMENTS

#### WORLD HYPERTENSION DAY

**Hon. Wilbert J. Keon:** Honourable senators, May 13 is World Hypertension Day. Hypertension or high blood pressure is a serious condition that can result in heart failure, stroke, confusion, dementia, kidney disease and, tragically, death.

Technically, a person is diagnosed as having hypertension when the blood pressure is greater than 140 over 90. If a person suffers from kidney disease or diabetes the cut-off is 130 over 80.

The cause of hypertension is usually not known and is sometimes referred to as "the silent killer" because people who suffer from it usually have no symptoms. It is often detected only when apparently healthy people are screened for other conditions.

Of the estimated 5 million Canadian adults who suffer from this disease, 43 per cent are not even aware and only 16 per cent of them are being appropriately treated. Of particular interest to many of us in the chamber is that hypertension affects a large number of people over age 60 and, as we know, the average age in the Senate is 64.7 years.

Once it is determined that a person has hypertension, the next step is to take action to control the disease. Statistically, this will help reduce the incidence of heart attack by about 25 per cent, stroke by about 40 per cent and heart failure by about 50 per cent. Following a healthy lifestyle will also help. Taking medication is vital. People must learn how to take their blood pressure, but they must also carry the necessary medication to treat themselves and help keep their blood pressure under control.

I encourage honourable senators to recognize World Hypertension Day by doing all you can do to monitor yourselves from the serious side effects of this serious disease.

#### CENSUS DAY 2006

**Hon. Lorna Milne:** Honourable senators, I want to take this opportunity to remind you that Census Day 2006 is coming soon. In fact, it is scheduled for next Tuesday, May 16.

As anyone who has been in this place over the last seven years knows, the 2006 census marks a special occasion. It will be the first time in the 340 years censuses have been conducted in this land that the respondents will be asked to provide consent for the release of the information they provide.

The release of this information will not occur until 2098, or 92 years after collection, in accordance with the provisions of Bill S-18. Every one of us here today will be gone by then.

Until now, no such consent was required. However, I want to urge honourable senators strongly to answer yes to the release of this information on their census forms. If you do not check the yes box, your information will not be released ever.

Why should you answer yes to the informed consent question on the census? The greatest value of census records to researchers is in their integrity, how complete they are. If significant numbers of respondents answer negatively, or do not answer this question at all, it will destroy the integrity of the records and thus their value to genealogical, medical or historical researchers.

Honourable senators, let me ask you a few questions. Do you want to be remembered? Do you want your descendants to be able to trace who you are or who you were? Do you want historians and social researchers to have an accurate picture of what life was like in Canada while we lived here today? Do you want to assist your future family in settling legal disputes? Do you want to ensure your place in Canadian history? If you answered yes to any of these questions, then ensure your place in the history of Canada. On Census Day, May 16, do your duty and check that yes box to allow your information to be made available to your descendants in 2098. Please encourage everyone you know to do the same.

#### WOMEN'S BRANCH OF INTER-PARLIAMENTARY UNION

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, as some of you know, this week marks the expiration of my term as President of the Women's Branch of the Inter-Parliamentary Union, IPU. Before it expires, I thought I should report on two meetings that I attended in that capacity.

The first was a regional parliamentary seminar on developing a protective framework for children, which was held in Hanoi in February. It was organized jointly by the IPU and UNICEF. It brought together members of Parliament from 13 countries.

It was particularly interesting in terms of the contribution of the stellar experts who attended, in particular, those speaking about child pornography. I had not begun to envisage the scale on which child pornography is spreading. I think we will have to address this issue internationally and nationally sooner than we thought — and also child trafficking, which is a growing plague.

We also had meetings with the Vietnamese minister. Some field visits were organized, notably to a therapeutic centre for disabled children, including the children of people who were affected by Agent Orange during the war in Vietnam.

The second meeting was a one-day parliamentary meeting on the occasion of the fiftieth session of the UN Commission on the Status of Women, which was held in New York at United Nations headquarters on March 1, 2006. I chaired that meeting, and Senator Andreychuk spoke in her capacity as the Canadian delegate. Some 180 participants from 64 countries were at that meeting. Again, we heard from a number of high-level experts and representatives of the United Nations. A particular emphasis was placed on the institution of Parliament, and how parliamentarians are contributing to the goal of reaching gender equality in the overarching goal of equal participation of women and men in decision-making processes.

One of the main mechanisms talked about was the functioning of specialized bodies or committees that deal with gender equality and the status of women in Parliament. I draw to your attention, again, that Canada is falling behind in the international rankings.

On behalf of the IPU, I had the honour of reporting on that meeting later to the fiftieth session of the Commission on the Status of Women. I must say, in closing, that it has been a tremendous privilege for me to serve the IPU — and also, I hope, Canada — in that extraordinary international organization. I wish it well for the future.

#### CHILD CARE SPACES AND PRISON SPACES

**Hon. Pierrette Ringuette:** Honourable senators, I would like to bring your attention to the issue of creating spaces, as this government has outlined in the budget tabled last week. Yes, creating spaces for prisoners and creating spaces for child care; but let us look further than the current spin on this issue.

Creating spaces for child care is only an incentive mechanism — \$250 million in tax credits, not cash, per year for five years to create 125,000 child-care spaces. In real terms it is about \$400 million for five years or, even better, it represents \$3,200 per child-care space in capital costs with no incentive for operating costs.

Let us look at creating prisoner spaces. The Minister of Public Safety, Stockwell Day, indicated that his department will spend \$245 million over the next five years to build more federal prison spaces to accommodate 400 new prisoners. In capital costs, this spending represents \$612,000 per space. As well, the yearly operating cost is \$82,000 per prisoner, times 400 prisoners, to a total of \$32.8 million for life.

This Reform-Conservative government would rather invest \$612,000 for one prisoner space while spending only \$3,200 per child care space. This route is the one these Reform Conservatives are taking. Is this how they view the future of Canadian society? Is this where we should invest? Do you truly believe that Canada will be a better place with more prison spaces than child-care spaces? Do you believe that Canadians' hard-earned money should be spent on the future or on the past? The issue is, we either build for, and invest in, the future for child-care spaces for law-abiding citizens or we invest in the past. Every sociologist, criminologist and economist is up front about saying that Canada must invest in its future and Canada must invest in its children.

[ Senator Fraser ]

This area is not where the Reform Conservative government is investing. Please reflect on this issue. I say, what a shame that you are wasting our dollars like this.

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

#### THE LATE SISTER ROSE THERING

**Hon. Jeremiah S. Grafstein:** Honourable senators, our rabbis teach us to be careful with words. Words can kill. Words can heal.

It is with that in mind that I rise to lament the passing this past Saturday of Sister Rose Thering, a Roman Catholic nun of the Order of St. Dominic and Professor Emeritus of Education at the distinguished Catholic university, Seton Hall in South Orange, New Jersey. Sister Rose was a nun of singular courage and leadership who discovered, to her surprise in her studies in the late fifties, that Catholic teachings from grade school to high school fostered anti-Semitism. It was her pioneering studies that profoundly influenced in 1962 the Vatican Council II, *Nostra Aetate*, to reverse church teachings, and concluded with these crucial words: "The Jews should not be presented as rejected or accursed of God." These words marked a profound reversal in church teachings and attitudes, and marked a historic change. It was these words that elevated the Catholic-Jewish dialogue to a new order of urgency that continues to this very day.

However, Sister Rose Thering did more. She was instrumental in convincing the State of New Jersey to provide Holocaust studies throughout its school system. Regrettably, not one community in Canada does so. It is hoped that the Standing Senate Committee on Human Rights might consider this issue if and when it chooses to deal with the Washington declaration against anti-Semitism, now on the order paper. Indeed, words can kill and words can heal: so taught the late Sister Rose Thering.

[*Translation*]

#### TECHNOLOGY IN THE SENATE

**Hon. Roméo Antonius Dallaire:** Honourable senators, I would like to raise an issue that I feel is important. Last week and the week before, we discussed the use of technology in the Senate. I wonder whether our reluctance to use technology is keeping us from becoming more efficient in carrying out our duties here in the Senate and elsewhere.

• (1420)

I wonder what our fellow senators did in the days before microphones. Did they shout? Did they use ear trumpets? What did they use to make themselves heard? They recognized that a technological device such as a microphone was useful to conducting business in this chamber.

Honourable senators, we are moving beyond microphones to other technology. In this new era, we tend to use new communication technology to maximize our efficiency. Using these tools in the Senate does not hinder debate, nor does it

distract us. On the contrary, we can concentrate on the business at hand instead of continually leaving the chamber. We know that, as part of our job, we must be present at committees and elsewhere to attend to many other affairs.

I am simply commenting on a position that prevents us from assessing all of these technology options and that does not help us. It is hindering our progress.

I would note that the Senate of South Africa, which I visited recently, is technologically advanced. They have access to all these technologies. If they can use them responsibly in such a troubled country, surely we can in such a peaceful and stable one.

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## ROUTINE PROCEEDINGS

### OFFICIAL LANGUAGES COMMISSIONER

#### 2005-06 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the annual report of the Official Languages Commissioner 2005-06, pursuant to section 66 of the Official Languages Act.

[*English*]

### STUDY ON STATE OF HEALTH CARE SYSTEM

#### REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

**Hon. Michael Kirby:** Honourable senators, I have the honour to inform the Senate that, pursuant to the order of reference adopted on April 25, 2006, the Standing Senate Committee on Social Affairs, Science and Technology tabled its second and final report on mental health and mental illness, entitled *Out of the Shadows at Last*, with the Clerk of the Senate on May 8, 2006.

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

[*Translation*]

### THE ESTIMATES, 2006-07

#### FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

**The Honourable Joseph A. Day,** Chair of the Standing Committee on National Finance, presented the following report:

Tuesday, May 9, 2006

The Standing Senate Committee on National Finance has the honour to present its

## SECOND REPORT

Your Committee, to which were referred the 2006-2007 Estimates, has, in obedience to the Order of Reference of Wednesday, April 26, 2006, examined the said Estimates and herewith presents its first interim report.

Respectfully submitted,

JOSEPH A. DAY  
*Chair*

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

On motion of Senator Comeau, notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

(*For text of the budget, see today's Journals of the Senate, Appendix, p. 120.*)

• (1425)

[*English*]

## ANTI-TERRORISM ACT

### REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

**Hon. David P. Smith:** Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Special Senate Committee on the Anti-terrorism Act, which deals with the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(*For text of report, see today's Journals of the Senate, p. 113.*)

[*Translation*]

## THE SENATE

### ROYAL ASSENT—NOTICE OF MOTION TO PERMIT ELECTRONIC COVERAGE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That television cameras be permitted in the Senate Chamber to record the Royal Assent Ceremony on Thursday, May 11, 2006, at 4:30 p.m., with the least possible disruption of the proceedings.

## TRANSPORT AND COMMUNICATIONS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CONTAINERIZED FREIGHT TRAFFIC

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

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on current and potential future containerized freight traffic handled at, and major inbound and outbound markets served by, Canada's

- i) Pacific Gateway container ports;
- ii) east coast container ports;
- iii) central container ports

and current and appropriate future policies relating thereto; and

That the Committee submit its final report no later than March 31, 2007.

[English]

## NATIONAL SECURITY AND DEFENCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

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

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

(a) the services and benefits provided to members of the Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada, in particular examining:

- access to priority beds for veterans in community hospitals;
- availability of alternative housing and enhanced home care;
- standardization of services throughout Canada;
- monitoring and accreditation of long term care facilities;

(b) the commemorative activities undertaken by the Department of Veterans' Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and

(c) the implementation of the recently enacted Veterans Charter;

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

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

## QUESTION PERIOD

### PUBLIC WORKS AND GOVERNMENT SERVICES

#### CONTACTS AS CAMPAIGN CO-CHAIR OF CONSERVATIVE PARTY OF CANADA

**Hon. James S. Cowan:** Honourable senators, my question is directed to the Minister of Public Works and Government Services. Last Thursday I asked a question of him with respect to a March 6 report in the *Ottawa Citizen* that said that in his capacity as national co-chair of the Conservative Party campaign in the last election he received donations on behalf of the Conservative Party from supporters in Quebec.

• (1430)

Despite the fact that Senator Fortier was sitting right beside her, the Leader of the Government in the Senate took the question on his behalf and responded:

...the newspaper article is erroneous. The Minister of Public Works did no such thing.

I sought clarification by asking:

He never received nor solicited contributions. Is that the answer?

**Senator LeBreton:** That is correct.

Imagine my surprise, honourable senators, when, no sooner had I returned to my office after the Senate rose, I received a call from the *Ottawa Citizen* reporter who referred me to a subsequent article, written by him on March 8, headlined, "Fortier admits receiving donations for Tory party."

That article quotes Senator Fortier as confirming that he had indeed accepted financial donations for the party during the recent election campaign.

Will the Leader of the Government in the Senate allow the minister to rise in his place today to clarify the situation? Or, if she will not allow him to speak for himself, will she consult with him before she answers my question?

[Translation]

**Hon. Michael Fortier (Minister of Public Works and Government Services):** Honourable senators, the question asked last week was: did the Minister of Public Works solicit and accept donations on behalf of the Conservative Party?

My first observation is as follows — and everyone knows it here — there is nothing illegal about soliciting and accepting donations for a political party. It is obviously something a number of us have done in recent years.

However, to answer the question more precisely, I did not solicit and, in this sense, I did not accept any donations. What I told a journalist and what I repeat here is that a donor, not knowing whom to give to, contacted my office, which simply “forwarded” his donation to the office of the Conservative Party.

The list of donors to the Conservative Party is posted on a website, as you all know. I would encourage people to use a little more common sense before accusing a person of a conflict of interest.

I state once more that I did not solicit anything whatsoever during the latest election campaign and, in this sense, did not accept any donations following solicitation, but a donation was received in my office from a person who did not know where to send it.

## NATIONAL DEFENCE

### MEDIA ACCESS TO REPATRIATION CEREMONIES OF SOLDIERS KILLED AT WAR

**Hon. Marie-P. Poulin:** Honourable senators, yesterday, before the Standing Senate Committee on National Security and Defence, the Minister of Defence circumvented questions on spending for the Armed Forces by saying it took accountants’ magic to make sense of the mishmash of the government’s military budget.

In addition, he avoided the question on the government’s position on the repatriation of Canadian soldiers killed in service abroad by saying that he did not care if the press had boom cameras watching bodies coming off the aircraft.

This government, which is at odds with the media, realizes that it is running counter to Canadian public opinion. Is it now trying to cover over its mistake and return to the policy of the previous government?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank the honourable senator for her question.

Unlike the previous government, our government is trying to do the right thing, not what is popular or what shows up in a public opinion poll.

**Some Hon. Senators:** Oh, oh!

**Senator LeBreton:** The repatriation of our soldiers from Afghanistan was fully covered by the media when their bodies left the Afghanistan theatre with a full ceremony. When they returned to Trenton, the media were there outside the perimeter. The Minister of National Defence is just trying to establish a policy that respects everyone, those who want media coverage and those who do not.

• (1435)

In the case of the four soldiers killed in Afghanistan, the families had the choice, supported by the Department of National Defence, to have full military honours and coverage of the funerals or the memorials, and that was the procedure that was followed. That procedure is the proper one to respect the wishes of all families, including those who do not want the media present at the moment of repatriation into the country.

[Translation]

**Senator Poulin:** Honourable senators, the Liberals do not need any lessons on respecting Canadian soldiers who die in combat. There was a time when soldiers killed in the line of duty were buried on site. It was under the direction of my colleague, Senator Roméo Dallaire, Force Commander at the time, that the order was given to repatriate bodies whenever possible. Do the Conservatives intend to go against this policy?

[English]

**Senator LeBreton:** Honourable senators, that question almost bears no answering at all; it is highly disrespectful of all Canadians, and mostly those people who valiantly serve our country overseas.

The fact of the matter is that the bodies of soldiers returned to Canada are repatriated now for burial in Canada. As I said in answer to a previous question from Senator Dallaire, there were many soldiers killed overseas in Bosnia, and there was absolutely no notice of their return. They were brought back into Canada with no flags, as I said, and no thanks.

This government is trying to respect the wishes of the families and pay honour to our fallen military in a respectful way. No one on either side of this house and no one in Parliament should be trying to politicize such an unhappy situation.

[Translation]

## INTERNATIONAL TRADE

### SOUTH KOREA—POSSIBLE FREE TRADE AGREEMENT

**Hon. Pierrette Ringuette:** Honourable senators, my question is for the Leader of the Government in the Senate. On Friday, April 28, on Don Newman’s political program, International Trade Minister David Emerson indicated he was in the process of negotiating a free trade agreement with South Korea.

What are the pros and cons of Canada entering into free trade discussions with Korea?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. I obviously will have to take it as notice. I will consult with Minister Emerson, although I think it is fair to say that governments past and present look for trading options all over the world.

**Senator Ringuette:** I will tell the Leader of the Government what such a trading option will mean: It represents the death of the shipbuilding industry in Atlantic Canada and Quebec, and it represents the loss of good jobs for Atlantic Canadians and a loss to the economy of Atlantic Canada; so that again her government can say that we have a culture of defeat.

Will the Leader of the Government table in this house the national and regional impact studies done with regard to a possible free trade agreement with South Korea before her government signs this deal and sets adrift Atlantic Canadians and Quebecers?

**Senator LeBreton:** It is rather brave of the honourable senator to ask this question because the shipbuilding industry in New Brunswick and Saint John thrived under a previous Conservative government and died under the Liberal government. I will take as notice the whole issue of shipbuilding. As I mentioned in my earlier answer, I will endeavour to obtain from Minister Emerson details of any negotiations he may have had or has yet to have with South Korea on the issue of shipbuilding.

• (1440)

**Senator Ringuette:** If I heard correctly, the minister will table in this house national and regional impact studies in regard to these current discussions.

**Senator LeBreton:** I did not say that at all. I said that I would consult with Minister Emerson about the status of any negotiations he may be having or may have in the future. I did not say that I would table impact studies, for I do not know if such studies exist.

## THE ENVIRONMENT

### BUDGET 2006—GREENHOUSE GAS EMISSIONS

**Hon. Grant Mitchell:** Honourable senators, David Schindler, a renowned University of Alberta environmental scientist, said in response to the government's recent budget: "Cutting greenhouse gas programs, there is no kind way to put it: It's stupid." The new budget literally guts the \$10 billion commitment by the previous government to reduce greenhouse gases. It is called the Green Plan, and the new government gutted it because they say it is inefficient.

Ironies of ironies, honourable senators, they then turn around and begin to tout the environmental value of their bus pass tax credit program, which a finance department briefing rightly points out will cost \$2,000 for every tonne of carbon dioxide that is reduced compared to the Green Plan's cost of as low as \$20 per tonne.

Why would the government mislead Canadians that the Green Plan is inefficient when it is as much as 100 times more efficient than the bus pass credit program that they are bringing in to replace it?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I did not see the report from Mr. Schindler. All I can say to my honourable friend is that, unlike the previous government that talked a lot about environmental greenhouse gas emissions, even though they rose

30 per cent above their targets, our government is committed to concrete actions that will deliver real results in Canada.

I read an article again this morning about some plan under the previous government that did not achieve any results. More money was spent on administrative costs than in helping people deal with this serious problem.

**Senator Mitchell:** It is interesting that the minister would say she read in the newspaper an article about inefficiency regarding the previous government's environmental programs because last week she said that she had reports and studies that indicated they were inefficient. Given that contradiction today here in the Senate, will she commit to table in this chamber the studies upon which the government has based its decision to gut the \$10-billion Green Plan brought in by the previous government?

**Senator LeBreton:** Honourable senators, I do not have any contradiction to answer for, although I probably contradict myself sometimes when I say that I do not read a lot of newspapers, which I do, of course. However, I did not read Mr. Schindler's report; that is the truth.

At the appropriate time, when we have developed a more reasonable and achievable environmental plan that will bring results to Canadians, I will be happy to table such documents.

**Senator Mitchell:** Honourable senators, how can the Minister of the Environment in the other place possibly play her role as this year's Kyoto international chair when both she and her government have clearly reneged on our international commitments to Kyoto and do not want to have anything to do with it?

**Senator LeBreton:** I believe the previous government reneged on their commitments when they overshot their targets by 30 per cent. I suggest that if the honourable senator is so concerned about the future political career of the Minister of the Environment, he could always invite her to appear before the Senate committee.

## JUSTICE

### JUDGES' SALARIES

**Hon. Lowell Murray:** Honourable senators, the Honourable Leader of the Government in the Senate may wish to consult with the Minister of Justice on this matter if she does not have an up-to-date report.

My interest is in the government's plans with regard to the salaries of federally-appointed judges. The minister will recall that the Judicial Compensation and Benefits Commission reported in November 2004. The previous government responded to that report when it tabled Bill C-51, which died on the Order Paper at dissolution of Parliament in November 2005.



My question is: What is the position of the government on this matter? It will not have escaped the attention of the minister when the justices of the Supreme Court were present at the Speech from the Throne, that some of them had a lean and hungry look.

**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Murray for his question. The Supreme Court justices are probably following the new Canada Food Guide rules, and are slim from eating proper foods.

This honourable senator is quite right when he says that commission reported in 2004, and the matter sat with the previous government for over a year and died on the Order Paper. This government recognizes that the independent Judicial Compensation and Benefits Commission is constitutionally required to make recommendations on judges' salaries.

These recommendations are being reviewed by the government at present, and we hope to move forward as quickly as possible. Ultimately, it will be for Parliament to consider and decide whether to approve the proposal that the commission presented.

[Translation]

## HUMAN RESOURCES AND SOCIAL DEVELOPMENT

### BUDGET 2006—POST-SECONDARY EDUCATION

**Hon. Claudette Tardif:** Honourable senators, in its budget the government said:

...a good education is the key to a great future for our young Canadians.

It said it is necessary to foster excellence and facilitate access to our colleges and universities. To that end, the government is encouraging young people to enter a trade. It is taking measures to eliminate federal tax on all income from scholarships and bursaries and it is creating a tax credit for textbooks. These are commendable efforts.

At the same time it is expanding eligibility for the Canada Student Loans Program by reducing the parental contribution required.

Greg Allain, President of the Canadian Association of University Teachers, is concerned by the lack of assistance given to students and families who are burdened by the increased cost of post-secondary education.

[English]

In a letter published in the Sunday edition of *The Edmonton Journal*, Samantha Power, President of the University of Alberta Students' Union, reflected:

If the government had instead committed itself to creating more scholarships and bursaries, and reducing students' reliance on loans, then we could praise this budget...

Instead, this budget simply raised the amount of money students could borrow for school, and made more students eligible for student debt.

[Translation]

My question is for the Leader of the Government in the Senate. How will such a measure expand access to post-secondary education? Is it not a measure that will instead encourage students to go further into debt in order to pursue their studies?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for her question. I hope she is not suggesting that students who do not go to university or college are in some way less worthy than those who do.

• (1450)

As the wife or spouse of a blue-collar worker, I think that the efforts of the government to put money into apprenticeship programs and trades is laudable and supportable. Everyone who graduates, whether from a trade school or university, if they are so fortunate, is an equally worthy citizen.

I take the liberty of putting that on the record since Senator Tardif felt that she should make a statement as well.

We provide numerous measures to assist students in post-secondary institutions through a commitment of \$200 million over two years for university-based research and development, and a \$1 billion investment for colleges and universities through post-secondary education and infrastructure trust. We will help students directly through a new textbook tax credit for the cost of textbooks.

**Senator Mercer:** One free book.

**Senator LeBreton:** It is better than no free books, Senator Mercer.

This is in addition to the broad-based tax relief included in the budget. We will also help students in colleges and those studying in apprenticeships through the apprenticeship job creation tax credit and the apprenticeship incentive grant to help them get jobs. There is also a \$500 deduction for tools.

I am proud to say there will be full tax exemption for scholarship and bursary income, something that the Conservative Party has long supported, going back to the former Progressive Conservative Party, when Senator Atkins single-handedly drove this issue in the former party.

Students who receive a financial award based on academic excellence will no longer be penalized for their success. In 2006-07, the Government of Canada will provide approximately \$8 billion in support for post-secondary education, an increase of \$800 million over the previous year. Guess who the government was in the previous year?

[Translation]

**Senator Tardif:** Honourable senators, I will repeat my question, because I think that the Leader of the Government did not really understand it, since she said many things but she did not answer my question.

The question is this: Will Canadian students still have to go deeply into debt in order to attend university? Debt continues to be an issue.

[English]

**Senator LeBreton:** Honourable senators, students have many problems raising money, no doubt. My own family established a scholarship fund at a university here in Ottawa to help fund students.

As a start, this government has gone a long way to address the issues of students and their ability to fund themselves through university. Judging from the reaction to the budget, this measure with regard to students — whether they were in universities, colleges, or in the apprenticeship and trades programs — goes a long way to a positive start on this very serious issue. I thank the honourable senator for her question.

## FOREIGN AFFAIRS

### ARMS TRADE TREATY— ARMS EXPORT CONTROL CRITERIA

**Hon. Romeo Antonius Dallaire:** Honourable senators, when the Cold War ended, around the world, weapons producers continued in many circumstances to produce conventional weapons. In fact, Graça Machel, the wife of Nelson Mandela, has taken on a mantra with regard to child soldiers. She has raised two disturbing statistics that have been accepted by the United Nations.

One statistic is that over the last five years, nearly 2 million children have been killed as child soldiers. Second, the bulk of them were killed using light weapons, because of their availability and the fact that nearly 650 million of these light weapons are available around the world, often irresponsibly distributed.

My question is for the Minister of Foreign Affairs. Canada has been active in proposing and endorsing common, strict transfer principles to promote responsible transfers of small arms and light weapons. Canadian guidelines and practice, however, fall short of some of the emerging international standards to which Canada is committed through multilateral agreements.

Canada is politically and legally bound to follow virtually all elements of the global principles of the arms trade treaty. For example, the first principle of that treaty states, “All international

[ Senator LeBreton ]

transfers of small arms should be authorized by the recognized state and carried out in accordance with national laws and procedures that reflect, as a minimum, state obligations under international law.”

This principle restates section 2, paragraph 11 of the UN program of action with regard to small arms proliferation and the elimination thereof. Canadian political commitment to the UN plan of action requires Canada to ensure that it has those controls on the export of small arms and that they are consistent with this first principle. Similarly, legally binding obligations for treaties to which Canada is a party require the government's adherence to criteria that expressly prohibit states from approving the transfer of weapons. Will the Government of Canada adopt arms export control criteria consistent with the obligations by fully endorsing the principles contained in the arms trade treaty?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for that question as it deals with a serious issue. I will take the question as notice and direct it to the Minister of Foreign Affairs. He, as the senator knows, is in Afghanistan as we speak. I will undertake to provide a detailed response through Delayed Answers.

**Senator Dallaire:** By way of a supplementary question, we have mobilization stocks that are fairly extensive. When light weapons are no longer at the effective level needed by our Canadian Forces, we have looked at selling them to responsible governments, as have other countries. We have done that in the past, the argument being that having spent taxpayer's money on those weapons, we want a possible return given that they are still in good shape. We have a policy of trying to recoup some money rather than destroying the weapons.

The UN will hold a review conference this summer from June 27 to July 7. Will the Government of Canada lead the effort to ensure that the final conference document contains these global principles for small arms transfer based on state obligations under international law?

**Senator LeBreton:** That question is well stated. I take it as not only a question but as a bit of advice. I would be pleased to refer it to the Minister of Foreign Affairs.

## PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I would like to introduce a page who is with us from the House of Commons.

[Translation]

Louis-Philippe Bordeleau-Carignan from Bécancourt, Quebec, is studying in the faculty of social sciences at the University of Ottawa, where he is specializing in international studies and modern languages. I would like to welcome Louis-Philippe to the Senate.

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

- (1500)

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will deal with the items in the following order: consideration of the second report of the Standing Senate Committee on National Finance on the Estimates for the financial year ending March 31, 2007; third reading of Bill C-4, to amend An Act to amend the Canada Elections Act and the Income Tax Act; second reading of Bill C-8, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007; resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act; and resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-ninth Parliament.

[English]

### THE ESTIMATES, 2006-07

#### FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

The Senate proceeded to consideration of the second report (first interim) (*2006-2007 Estimates*) of the Standing Senate Committee on National Finance, presented in the Senate earlier this day.

**Hon. Joseph A. Day** moved the adoption of the report.

He said: Honourable senators, the report has been circulated to you this afternoon. I would like to draw your attention to a few of the highlights of this first interim report, based on the 2006-07 estimates, that our Standing Senate Committee on National Finance had the opportunity to begin to study, pursuant to the referral of the estimates to that committee.

Honourable senators, thus far we have had two meetings on the estimates for 2006-07. These estimates for the various government departments are of expenditures they anticipate they will need or will make during this fiscal year.

Unfortunately, because of the unique circumstances of the election and the new government being formed, we are a little bit out of the normal cycle with respect to finances. The estimates that you have in what we sometimes refer to as the Blue Book are based on the 2005 budget of the previous government.

Subsequent to the new estimates coming out, a budget was filed by the new government. It was presented in the other place on May 2, subsequent to the preparation of these estimates. With

that in mind, honourable senators will appreciate that it is somewhat difficult for your committee to get to the essence of this government's plans with respect to the coming fiscal year; but we will, as time proceeds, have an opportunity to do that.

However, I will go through some of the points that we have highlighted in these particular estimates. The reason, honourable senators, that these estimates had to be filed is because we have standing rules that supply flows from estimates. Even though these estimates are imperfect in the sense that they are not reflective of all this current government's plans, they cover a great deal of the core government expenditures, which are necessary, irrespective of what party is forms the government. We can, from that point of view, deal with a number of the points that appear in the estimates.

Our initial meeting began with two representatives of the Treasury Board Secretariat, both of whom have appeared before us previously. They are becoming well known to us: Mr. David Moloney and Ms. Laura Danagher. All of us on the committee would like to thank them sincerely for their work in helping us through this rather complicated document to understand the government expenditures, department by department.

On the second hearing day, the honourable President of the Treasury Board, John Baird, appeared. I believe that was his first appearance before a parliamentary committee. We were pleased he was able to make himself available as quickly as he was so that we could proceed to complete this report.

The importance of this report is that it forms the basis for the supply bill that will begin second reading later this afternoon. It is our tradition in this place not to refer supply bills to the standing Senate committee, but rather to go from second reading into third reading, having in mind that the estimates are the basis for that supply bill. In fact, the schedule attached to the supply bill appears in the estimates and was part of our preliminary study.

Honourable senators, for your recollection, Part 1 of the estimates outline the government expense plan, and Part 2 includes the Main Estimates. Part 3 consists of a set of two departmental reports, the first being the report on plans and priorities and the second, the departmental performance reports.

In a normal cycle, we would have the departmental plans and priorities now, because they help outline for us where each department is going. However, because of the special circumstances — the change of government and a new fiscal year — the House of Commons order that was adopted there, which we will follow, is that the plans and priorities will not be filed until the fall.

Again, we will have some difficulty in getting a clear understanding, which is our obligation, of government planned expenditures. This cycle has been changed only for one year. We anticipate that we will be back into the normal cycle in the next fiscal year. It is an understandable change that I think all honourable senators, and certainly the senators on our committee, agree was necessary to allow the new government to get its feet under itself.

The Main Estimates are traditionally referred to as the Blue Book. However, as I have pointed out, other items as well as the Main Estimates appear in the Blue Book. The Main Estimates are broken down into budgetary and non-budgetary documents. Let me spend a short while explaining the difference.

It has taken our committee some time to get a clear grasp of these items; but once we did, the Main Estimates and the supplementary estimates that come along were easier to understand.

Budgetary expenditures include the cost of serving the public debt, which will come to about \$34 billion this year. Imagine, honourable senators, if we were able to remove our public debt; if, during these good fiscal times when we have surpluses, we could pay down that public debt even more than we have — over \$70 billion in the past 10 years has been paid down. Imagine if the \$470 billion outstanding public debt were to be removed; then \$34 billion would be available for other government initiatives.

Honourable senators, although we react to many demands on the government and many new programs to meet those demands, we must never lose sight of the fact that we carry a huge public debt. We talk about fiscal imbalance; the public debt of each province is considerably less than the federal public debt, and must not be overlooked when we deal with government surpluses.

• (1510)

I will now speak to the budgetary and non-budgetary figures in the estimates. The non-budgetary figures are loans and advances. While they make a change in the fiscal statement of the government, they are not expenditures. The budgetary figures are expenditures and are divided into two different categories, one of which is statutory, the other is voted. Parliament passes laws that give authority to the government to spend money. Statutory approval does not require a voted appropriation; that will be in the supply bill. However, in the supply bill, statutory items are included for the information of parliamentarians. That is an important step to follow. If we happen not to pass supply, those monies still could be spent because of other laws that we have already passed.

Traditionally, when you look at the Main Estimates, you will find that the statutory expenditures amount for more than the voted appropriations. We put so much authority in the statutes that we pass these days that the percentage is about two to one. Of the items that appear, 64.8 per cent are statutory and, therefore, do not require a vote in the supply. Honourable senators will see the trend in that respect.

The summaries that appear in the Main Estimates are helpful, especially the compilation of figures. As I mentioned, the public debt charges of \$34.395 billion are down from previous years because as our gross domestic product grows, the percentage of the debt payment against that total wealth generation goes down, and that is important. The percentage would go down faster if we were to reduce the accumulated debt. The amount for operating and capital is \$47 billion compared to servicing the public debt, \$34 billion. Where does the rest go? There are many fixed transfers, such as fiscal equalization, \$12 billion; Canada health

and social transfers, \$28 billion; elderly benefits \$30 billion; employment insurance, \$15 billion; payment to Crown corporations \$5 billion; and other transfers, \$26 billion.

Putting this in perspective, the operating and capital figures become a much smaller number and the service on public debt becomes a much larger number. The total of the Main Estimates for this fiscal year is \$205 billion.

Honourable senators, we talked at some length about Governor General's warrants and, with your indulgence, I will speak to the Governor General's special warrants when I deal with the supply bill. There was another Blue Book published with respect to Governor General's special warrants, which are used when Parliament is not sitting by virtue of an election and during the short period of time after Parliament returns. May 15 is the expiry date for the last available Governor General's special warrant for this government under section 30 of the Financial Administration Act. It is important for us to pass the supply bill before the end of this week so that the government can continue to do its business. Over \$15 billion has been used in Governor General's special warrants during this transition period between the call of the election in November 2005 until the return of Parliament on April 3, 2006.

Honourable senators, Treasury Board vote 5 is another area that has taken a great deal of our attention over the years and, I believe, the Senate Finance Committee has brought forward a good deal of success. Regrettably, the success is not as great as we had hoped it would be, and I will explain. Vote 5 is the amount of money for Treasury Board to use for unforeseen expenses. Treasury Board has a fund that can be sent to various departments for either temporary funding to provide for unforeseen expenditures or for permanent funding that could not have been predetermined. Therefore, it is in neither a supply bill cycle nor a statutory bill.

As soon as possible in the next supply bill, Treasury Board will be replenished with the funds that it set out, for which we will receive a full accounting. The committee tried to convince Treasury Board to tighten up that process. Over time, with reports and questions on how they were coming along with respect to that process, they indicated that they had a new set of guidelines, which they were implementing. Unfortunately, an election was called and the process was not completed. We are assured by Treasury Board that they are following the guidelines, even though they have not been fully implemented. It is the intention of this government, the President of Treasury Board and other ministers to implement those guidelines. The committee members look forward to such confirmation and we believe we will be successful in that respect.

Honourable senators, funding for the Vancouver Olympics continues to be cause for concern. I would be pleased to continue, but I am content that the Deputy Chair of the Senate Finance Committee will carry on where I have left off. I respectfully request that honourable senators support this first interim report of the Finance Committee.

**Hon. Anne C. Cools:** Honourable senators, I rise to join in the debate on the First Interim Report of the Senate Finance Committee on the Main Estimates 2006-07. First, I wish to express my appreciation to our chairman, Senator Day, for what I would describe as his comprehensive review of the examination

of the estimates in the two Senate committee meetings as they occurred. I am certain all honourable senators are aware that we find ourselves in a unique situation because the normal supply process was disrupted by the election and the straddling of two fiscal periods. This report, as presented by the chair of the committee, was supported unanimously by the members of the committee. That fact should be recorded in the chamber. I lend my support as well in a highly public way.

Honourable senators, I will be speaking shortly on the bill and I will reserve many of my comments for that purpose. It should be emphasized that the estimates, as does the supply bill represent a great deal of money — \$205 billion, which is a quantum beyond the scope of most Canadians. We need to understand that when we examine and debate these bills in this chamber, they are not then referred to committee for further study. The evidence or grounds on which the bills are based are the actual estimates. This is an interim supply bill and these estimates will stay before the committee for continued examination until the end of this fiscal year, March 31, 2007.

• (1520)

In addition, honourable senators should know that the adoption of this report on the estimates is actually the cue or the order to the House to be able to approve the supply bill itself. There is always a bit of a parliamentary stress in terms of moving the two items together, side by side, in that the adoption of the report should happen and should occur before the bill is adopted; better yet, before the bill receives second reading.

Honourable senators, I want to place on the record that we are now in an era where it would appear the language of Parliament has been lost, the language of supply has been lost. I am one who believes that we must keep restating and reiterating these terms, these names and these principles so as to preserve what I consider to be the great heritage of ministerial responsibility, which is, in the end, what we call control of the public purse, control of public expenditure. If I could beat my own drum on that point, I certainly would like to do so.

The chairman also mentioned a victory in respect of what we call Treasury Board vote 5, “the contingencies vote.” The chairman understated the problem that this committee has had with Treasury Board vote 5 for many years. As a matter of fact, I have served on this committee off and on for about 20 years. The report uses the term “abiding.” That is precisely the word. As a matter of fact, that is my word, “an abiding concern.” However, there have been times within these committee meetings when certain senators have indeed been exercised by the use of Treasury Board vote 5. For years the committee has made recommendations and pleaded for correction. This victory I believe is larger than we see. Therefore, I am prepared right now to give Treasury Board the benefit of the doubt to see how this matter will move forward. I think it was Ms. Danagher who informed us that our recommendations were ready to be adopted, but because of the dissolution of Parliament, things came to a halt and the adoption was postponed. I understood from her remarks that she expected the Treasury Board ministers — the Treasury Board is a group of ministers, really — to adopt these guidelines as their *modus operandi*, as their way of managing affairs.

These issues should be debated more so that other senators do not feel that this information is arcane and cryptic.

In any event, it was a victory for the committee, however small, however large, and this I commend.

Honourable senators, I should like to move on by saying that I shall address in my speech later today the business of the Governor General’s special warrants because this topic has been by far the most dominant fact in the business of supply for the past several months. It is something that I am quite well acquainted with because I served on the committee back in 1989 under the chairmanship of Senator LeBlanc. That particular study of the Governor General’s special warrants continues today to be most instructive reading. I recommend both the testimony and the committee report to honourable senators.

I urge all senators to support this report and to adopt it with the full confidence that in the two meetings the committee held under the able guidance and hand of our chairman, committee members did a good job of examining the estimates with a mind to reporting to the chamber to meet the tight timetable on the supply bill this year. We find ourselves in what I would describe as exceptional supply circumstances.

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

**Senator Day:** Question!

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

Motion agreed to and report adopted.

## CANADA ELECTIONS ACT INCOME TAX ACT

### BILL TO AMEND—THIRD READING

**Hon. Consiglio Di Nino** moved third 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 should like to add a few brief comments in the third reading debate on Bill C-4 regarding party registration.

Bill C-4 is an essential piece of legislation that will ensure that the party registration rules of the Canada Elections Act remain valid after May 15, 2006. The bill removes the sunset clause that was included in Bill C-3 and replaces it with a clause requiring mandatory review of party registration rules by committees of the Senate and the other place within two years. I emphasize “mandatory.”

I should like to thank all honourable senators who participated in debating this issue and for dealing with it in an expeditious manner. In that regard, I should also like to thank the members of the Standing Senate Committee on Legal and Constitutional Affairs. The committee heard from Minister Robert Nicholson, Leader of the Government in the House of Commons and Minister for Democratic Reform, and also heard from

Mr. Jean-Pierre Kingsley, the Chief Electoral Officer. Mr. Kingsley reiterated the importance of removing the sunset clause to ensure that we continue to have viable party registration rules including, most important, the ability to register and deregister parties.

The minister made it very clear that the government is serious about listening to the recommendations produced by the Senate committee. The Senate will therefore play a key role in this important process.

Once again, I should like to thank everyone for being so cooperative on this issue, and I call upon all honourable senators to please support Bill C-4.

**Hon. Lorna Milne:** Honourable senators, Bill C-4 was received by the Standing Senate Committee on Legal and Constitutional Affairs last week. During the committee's review of this proposed legislation, honourable senators agreed that the passage of the bill is urgent and that the mandatory review legislated by this act is a good thing.

However, many questions related to the Canada Elections Act amendments adopted under Bill C-3 from the Thirty-eighth Parliament were raised during the committee's discussion of the bill. If Bill C-4 is adopted, parliamentarians will be mandated to review those amendments in Bill C-3. I hope they welcome this opportunity to thoroughly review the questions raised in debate on this bill and I look forward to taking part in those discussions.

The senators on the committee also understood the urgency of having Bill C-4 passed before the sunset clause in Bill C-3 could take effect. However, the major concern raised by members of the committee was that while the committee review and report were due in two years, Bill C-4 is silent on when legislation might come about reflecting the recommendations raised by parliamentarians. Bill C-4 is open-ended. What will happen if the government itself never gets around to enacting legislation? Would the present unconstitutional situation continue? Will we have to wait until the Supreme Court of Canada once again tells us to get our act in gear?

I am interested to see what occurs once this review process is underway and how the government of the day will react to recommendations made by a Senate committee and a separate committee from the other place charged with reviewing the provisions of the Canada Elections Act that cover political party registrations. What will they do if both committees disagree?

• (1530)

**Hon. Serge Joyal:** Honourable senators, I rise this afternoon to speak on Bill C-4 because I hold the strong conviction that bills that deal with the electoral acts of Canada are of special importance in this chamber.

That may surprise honourable senators because there is a bias on Parliament Hill that non-elected parliamentarians should stay far away from anything relating to electoral acts. I believe that is a grave mistake. It is a grave mistake because the Canada Elections Act and the electoral system in general are important parts of our Constitution. Some of you may know David Smith, a professor

emeritus of political science from Saskatchewan. He has written, in a yet-to-be published book, an interesting chapter on the Canadian parliamentary system. He states that Parliament is a system whose parts embrace Crown, Senate and House as well as political parties and electoral processes.

In other words, the electoral system is an integral part of Parliament. The Senate being one of the three constitutional components of Parliament, we cannot but pay close attention to the electoral processes. This bill deals with the electoral processes in a particular way; it deals with the status of what we call the minority parties.

Until 2003, a minority party was one that ran less than 50 candidates. Until 2003, any party that did not run 50 candidates was not recognized and could not benefit from protection under the Canada Elections Act; that is, benefits under the Income Tax Act and access to publicity on CBC, Radio Canada and so on.

In 2003, the Supreme Court of Canada interpreted section 3 of the Charter of Rights and Freedoms as being consistent with the rights of minority parties to run any number of candidates in an election. Since 2003, a party can run as few as one candidate in an election, and that happened in the election of 2006. That change is a major one in the electoral landscape of Canada.

We asked the Chief Electoral Officer how many small parties ran candidates in the last election. The answer was that nine small parties ran candidates. The Animal Alliance Environment Voters Party ran only one candidate and the Christian Heritage Party ran 45 candidates. Nine parties were registered in the last election with less than 50 candidates, and those parties benefited from various provisions of the Canada Elections Act.

Parenthetically, this bill was proposed in this house last fall as Bill C-63. The bill, which the government of the day introduced, had a defect. As some of you will remember, the bill required only a committee of the other place and not a committee of the Senate to review the legislation. That was a major flaw. I have said many times in this chamber that when such bills come before our house, we amend them to re-establish the status of our committees and our role in reviewing government legislation.

The present government has corrected that omission, and it should be commended for that. I cannot resist a somewhat sarcastic comment about the work of the committee in studying this bill last week. No government members were at the committee, including the chair, for the first 20 minutes of the study of the bill. I said in committee that I thought it was unusual.

When the Supreme Court set aside sections of the Elections Act in 2003 at the request of the Communist Party, they cited section 3 of the Charter of Rights and Freedoms, which reads:

Every citizen of Canada has the right to vote in an election of members of the House of Commons —

— the Senate is not included —

— or of a legislative assembly and to be qualified for membership therein.

The Supreme Court did not interpret the right to vote as exclusive of the rights of political parties. The court said that under this section of the Charter, political parties have rights because they are essential in the electoral process stated. In fact, Justice LeBel, in a concurring opinion, stated that the party system is an important component of our democratic form of government.

This element is important because the issue of minority party rights is still an open issue. There is a case in the Ontario Superior Court of Justice in which six small parties, that is, parties with less than 50 candidates, are challenging the electoral financing act that we adopted in the previous Parliament. They are contesting the thresholds of 2 per cent and 5 per cent of votes to be admissible for reimbursement of election expenses, and for the benefit that the new system provides of \$1.75 per vote. Parties that do not reach the 2 per cent threshold of valid votes cast or the 5 per cent threshold in electoral districts in which the party has endorsed a candidate are not eligible for that benefit.

The minority parties are still in court fighting for their minority rights. It is important that we keep that in mind because Bill C-4 has limited terms of reference.

Bill C-4 states that those committees of the Senate and the House of Commons, "shall each undertake a comprehensive review of the amendments made by this Act...."

The "amendments made by this Act" refer to Bill C-3 that was adopted in May 2004. You have to go back to that to understand what we will review at that Senate committee. Essentially, we will review the definition of political party; the status of officers, registered agents, auditors and members of political parties; the registration and deregistration of political parties and, of course, income tax amendments that deal with the status of those small parties.

Bill C-4 has a statutory term of reference to the Standing Senate Committee on Legal and Constitutional Affairs to review only a narrow set of issues in relation to minority parties. Of course, it follows that if this bill is adopted by this house soon and given Royal Assent, we will have two years to do that study.

As Senator Cools said at committee, many things can happen in the next two years. We might have another election in that time. The committee that has started the study may be recomposed. The same thing can happen in the other place, followed by another electoral process.

• (1540)

In other words, there is absolutely no deadline in the bill whereby at a point in time we will have concluded the registration status of a minority party. It is important to understand that, honourable senators. I am always suspicious when we have a bill of only three lines and we are told that it must be adopted quickly, that it is merely a housekeeping matter and that there are no problems with it. When we scratch those three lines we sometimes discover that the questions covered by them are all-encompassing for the electoral process of Canada.

In conclusion, honourable senators, I wish to paraphrase the words of a friend of mine, the Honourable Senator Murray, who,

in his excellent Address in Reply to the Speech from the Throne stated that it happens many times in the other place where they are supposed to be concerned about electoral matters while we in this place should not be concerned about such matters.

Out of curiosity I confirmed last week how the members of the House of Commons dealt with the bill. In the *Journals* of the House of Commons for Thursday, April 27, at 10 a.m., I found the following:

By unanimous consent, it was ordered, — That Bill C-4, An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act, be deemed to have been read a second time and referred to a Committee of the Whole, deemed considered in Committee of the Whole, deemed reported without amendment, deemed concurred in at the report stage and deemed read a third time and passed.

Honourable senators, that procedure took all of 15 seconds.

As honourable senators know, I have been a candidate in various elections. In fact, I am still involved in the political process. As the Supreme Court has said, the political process is a component element of our constitutional order. As senators we must be concerned about the rights of minority parties. It falls on us to ensure that when we adopt legislation, such as Bill C-4, which deals with the rights of minority parties, we do so with proper concern for the rights of each and every citizen in this country to have his or her vote counted in the same way as votes for large national parties are counted.

I will certainly vote in support of this bill. As I said earlier, the proposed legislation is an improvement over the previous bill. We have to do it with the right concern that this question remains open and that we have not dealt conclusively with the rights of minority parties.

**Hon. Anne C. Cools:** Honourable senators, I wish to add a few quick words to the third reading debate on this particular bill.

The nature of my intervention is more of a plea, an entreaty almost. I ask the government not to be doing this sort of thing in a statute too many more times.

A short while back it seemed to be the fashion to put into statutes that the bill in question be referred to a certain committee and so forth. I am hoping it will pass away as most fashions tend to pass.

Senator Milne raised the important point that the bill does not address the issue of when the two Houses come to different conclusions or to opposing conclusions in their respective studies.

The important fact here is that no consideration has been given to what I would describe as the difference in the constitutional position of a study that is called forth by a house and a study which is a command by statute of the Queen in Parliament. Those two committee studies are not in the same position.

I have read somewhat on this subject, not recently but some time back. Perhaps at some time in the future we can begin to look at this issue.

I contend for another set of reasons that once the Queen in Parliament has told, ordered or commanded by her enactment that a committee should do a study, there is a great deal of obligation on Her Majesty's ministers to accept the conclusions of that committee. However, that is not the purpose of my intervention.

The purpose of my intervention is to urge caution and to urge, perhaps, more study on these important constitutional points before we continue the practice of throwing these kinds of references to committees into bills for whatever reason we may be doing that. I do not think it is good for the committee, for the issue or for the government.

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

**Hon. Senators:** Question!

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

Motion agreed to and bill read third time and passed.

### THE HONOURABLE DANIEL HAYS

#### UNVEILING OF PORTRAIT

**The Hon. the Speaker:** Honourable senators, this is a very special day because at 6 p.m. this evening in the Hall of Honour we will be unveiling the portrait of Senator Hays, the former Speaker.

I wish to draw to the attention of all honourable senators the presence in the gallery of Ms. Kathy Hays, members of the Hays family, special friends of the Hays family, including Bill Teur, managing partner of Macleod Dixon, and John Brocke.

On behalf of all honourable senators, welcome to the Senate of Canada on this very special day.

### APPROPRIATION BILL NO. 1, 2006-07

#### SECOND READING

**Hon. Anne C. Cools** moved second reading of Bill C-8, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007.

She said: Honourable senators, the short title of Bill C-8 is Appropriation Act No. 1, 2006-07. It provides for interim supply in the amount of \$43.5 billion for the current fiscal year April 1, 2006, to March 31, 2007. This interim supply bill was preceded by the Main Estimates 2006-07, which were presented in the Senate on April 25 last.

On April 26, the Senate referred these Main Estimates to the Standing Senate Committee on National Finance for examination.

Earlier today, the Senate committee, in the person of its chairman Senator Day, presented the committee's report on these Main Estimates to the Senate.

• (1550)

What is different about the quantum this year is that this \$43.5 billion of interim supply represents not a mere three twelfths or three months, as is the norm in the normal supply process; instead, Bill C-8 is asking for nine twelfths or nine months of the total supply; that is, of the items set out in the Main Estimates, 2006-07, and included in the schedules to Bill C-8.

Honourable senators, that is an important point. Senator Day had alluded to what was unique about the circumstances around this particular supply process. We wish to be crystal clear so that we all know what we are voting for. In its demand to us to vote \$43.5 billion of interim supply, Bill C-8 is asking for nine twelfths or nine months of the total amounts set out in the Main Estimates 2006-07 and included in the schedules to Bill C-8.

Honourable senators, Bill C-8 seeks parliamentary authority in clause 2 in the following words, that:

From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole forty-three billion, four hundred and ninety-four million, six hundred and fifty-eight thousand, four hundred and thirty dollars and fifty-nine cents towards defraying the several charges and expenses of the public service of Canada from April 1, 2006 to March 31, 2007, not otherwise provided for, and being the aggregate of...

(a) nine twelfths of the total of the items set out in the Estimates for the fiscal year ending March 31, 2007 included in Schedules 1.3 and 2... \$30,619,976,223.75.

(b) Eleven twelfths of the total of the items in the Estimates set out in Schedule 1.1... \$6,303,923,163.68.

(c) ten twelfths of the total of the items in the Estimates set out in Schedule 1.2... \$6,570,759,043.16.

Honourable senators, we must be crystal clear. What I attempted to do is let the record show here the unique and peculiar circumstances around supply this year and also to leave very carefully for posterity the fact that this information was put clearly before us all and very clearly on the record.

Honourable senators, Bill C-8, interim supply, will allow the Government of Canada to cover its day-to-day operations and to defray its expenses.

Honourable senators, I shall explain this unusual bill, its unusual demands and its unusual supply process. Undoubtedly, most senators are aware that the supply process this year has been simultaneously accelerated, compressed, delayed and placed on a unique timeline, first in the Commons and now here in the Senate. This is so because the normal supply process, meaning the supply cycle with its supply periods, its examination of the estimates and its supply bills, was interrupted. The normal supply cycle was disrupted by the dissolution of Parliament on November 29, 2005. This dissolution and its corollary election period rendered the Houses of Parliament's adoption of Supplementary Estimates and its appropriation bill impossible.



Further, the general election on January 23, 2006 returned a change in government, being a minority Conservative government, with Prime Minister Stephen Harper and his government in the place of Prime Minister Paul Martin and his government.

Honourable senators, when Parliament is in dissolution, obtaining supply for the government is a ticklish and thorny matter, because it engages the delicate business of securing money or supply without the approval of Parliament; that is, without parliamentary appropriation, because it resorts to Governor General special warrants.

Honourable senators, the matter of special warrants has preoccupied parliamentarians for generations and has occasioned much debate, disagreement and sometimes bitterness. The matter of special warrants goes to the very existence of Parliament as the superintendent of the government in respect of the control of public expenditure. This matter goes to the heart of the constitutional system and to the phenomenon of the proper balance between the Royal Prerogatives in respect of the financial initiatives of the Crown and the powers and privileges of Parliament as a representative institution. It also goes to the very important representative power to vote appropriation, parliamentary authority for expenditure.

The Financial Administration Act, section 30, describes the conditions and terms for the use of these Governor General Special Warrants, stating:

(1) Subject to subsection (1.1), where a payment is urgently required for the public good

(a) at any time that Parliament is not in session from the date of a dissolution until sixty days following the date fixed for the return of the writs at the general election immediately following that dissolution, and

(b) there is no other appropriation pursuant to which the payment be made,

the Governor in Council, on the report of the President of the Treasury Board that there is no appropriation for the payment and the report of the appropriate Minister that the payment is urgently required for the public good, may, by order, direct the preparation of a special warrant to be signed by the Governor General authorizing the payment to be made out of the Consolidated Revenue Fund.

Honourable senators, I wish to continue citing the Financial Administration Act, section 30, but I will insert here that these conclusions as expressed in section 30 embodied much concern expressed by senators and MPs over many years.

I recall a particular time when senators and members were quite exercised over the fact that the government had prorogued the Houses with the intention of using Governor General special warrants to be able to draw on money. There is a long history to section 30.

In any event, section 30(1.1) continues:

The Governor in Council shall not, in the sixty days referred to in subsection (1), direct the preparation of a special warrant referred to in that subsection when Parliament is not in session on any of those days by virtue of the fact that it is prorogued.

Honourable senators, the use of Governor General special warrants is ruled out during prorogation.

Section 30 continues:

(2) A special warrant issued pursuant to this section shall for the purposes of this Act be deemed to be an appropriation for the fiscal year in which the warrant is issued.

(3) Every warrant issued under this section shall be published in the *Canada Gazette* within thirty days after it is issued, and a statement showing all warrants issued under this section and the amounts of those warrants shall be laid by the President of the Treasury Board before the House of Commons within fifteen days after the commencement of the next ensuing session of Parliament.

(4) Where a special warrant has been issued pursuant to this section, the amounts appropriated thereby shall be deemed to be included in and not to be in addition to the amounts appropriated by the Act of Parliament enacted next thereafter for granting to Her Majesty sums of money to defray expenses of the federal public administration for a fiscal year.

• (1600)

Honourable senators, it clear in the text of section 30 that Parliament, in its wisdom, intended that the use of Governor General special warrants would be carefully circumscribed and extremely circumspect.

I have known many older people who had served in different parliaments across the world, and I have always been told that when ministers approached the question of using a Governor General special warrant, they did so in fear and trembling because the consequences used to be quite dire.

In any event, honourable senators, this section 30, as amended in 1997, after years of debate and much effort to change it, circumscribes the use of this instrument by the government and limits its use to dissolutions only, and never during a prorogation. This section is crystal clear that the circumstances for the use must be that Parliament is not in session because of a dissolution and general election, that there must be no other appropriation available from which a payment may be paid and, finally, that the payment must be urgently required for the public good. Over the years, many diligent parliamentarians have paid careful attention to the government's use of these Governor General special warrants. They have understood, as they should, the potential for their abuse. Parliamentarians have recognized the potential for circumventing Parliament, and they have also recognized the constitutional and political consequences thereof.

It is a large issue that commanded a fair amount of the committee's attention and time. In addition, the issue forms the backdrop for the unusual supply process we now find ourselves in. It is an unusual supply process, an unusual supply bill, and an unusual set of circumstances. I would also like to say to honourable senators that the government of Mr. Harper found itself in these unique circumstances and made an attempt to respond to, and even to manage, these unique circumstances.

Honourable senators, during this past dissolution of some weeks ago, both the outgoing government of Prime Minister Paul Martin and the newly elected government of Prime Minister Stephen Harper utilized the Governor General special warrants. From the dissolution of Parliament on November 29, 2005, until now, the Governor General, Her Excellency the Rt. Hon. Michaëlle Jean, issued four special warrants for a total of \$15.6 billion. Honourable senators, that is a stunning amount. That is an enormous amount by any standard, and that is the reason I have taken the time to place the law, the Constitution and the circumstances on the record. As the person sponsoring this bill, I take it seriously: \$15 billion is a sum of money most human beings will never, ever see. It is a huge amount of money, and we should treat it with the dignity and respect that it commands.

Bill C-8 recognizes that and addresses the use of these special warrants. Bill C-8 even asks the Houses of Parliament to vote to confirm these uses. In other words, Bill C-8 will ask both Houses to confirm these acts — not to vote on the quanta, not to appropriate but to make a statement acknowledging that this has happened, and that the Houses have taken note.

Honourable senators, Bill C-8 confirms the actions of Prime Minister Martin's Treasury Board President during the period from dissolution on November 29, 2005 to January 21, 2006, and also Prime Minister Harper's government during the period from February 20, 2006 to May 15, 2006. As Senator Day noted some minutes ago, May 15 marks the day of the expiration of the fourth and final of these Governor General special warrants. It is an important date on our parliamentary calendars.

Honourable senators, Bill C-8 treats these Governor General special warrants payments by dividing them into those made in the fiscal year 2005-06 and those in the fiscal year 2006-07 and then confirms them. Bill C-8 in clause 2.1 confirms the last Governor General special warrant in the amount of about \$11.5 billion as follows, saying:

The payment from and out of the Consolidated Revenue Fund of the sum of \$11,470,229,998.00 for the purposes set forth in the schedule to the special warrant signed by the Governor General pursuant to section 30 of the *Financial Administration Act* and to the order of the Governor in Council of April 1, 2006, (P.C. 2006-185) as published in Volume 140, No. 14 of Part I of the *Canada Gazette* dated April 8, 2006, is hereby confirmed.

If honourable senators look at the bill itself, the wording in the margin is "Confirmation of payment under special warrant for fiscal year 2006-2007." These matters are being put right up front for us.

Honourable senators, remember that I have been saying there were four Governor General special warrants. Bill C-8, clause 2.2, confirms the other three Governor General special warrants in the

amount of about \$4 billion. If you notice, the clauses of the bill lay out the dates, the authority, the Privy Council order and also the publication in the *Canada Gazette*.

Clause 2.2 confirms the other three Governor General special warrants in the amount of \$4 billion saying:

The payment from and out of the Consolidated Revenue Fund of the sum of \$4,177,925,813.00 for the purposes set forth in the schedule to the special warrants signed by the Governor General pursuant to section 30 of the *Financial Administration Act* and to orders of the Governor in Council of December 20, 2005 (P.C. 2005-2337), January 19, 2006 (P.C. 2006-4) and February 16, 2006 (P.C. 2006-106) and published in volume 140, Nos. 3, 7 and 11 of Part I of the *Canada Gazette* dated January 21, 2006, February 18, 2006 and March 18, 2006 respectively, is hereby confirmed.

Honourable senators, we are now in a day where the words "Consolidated Revenue Fund" are no longer widely known, but it was a great event in the history of the public finance and in the development of Parliament when all revenues were combined by government, by the king and treated as a Consolidated Revenue Fund. I have not looked at this for a long time, but I believe it was a process that began under William Pitt on the advice or thinking of Adam Smith.

• (1610)

Honourable senators, throughout this debate, we have continuously referred to Governor General special warrants. I do not wish to be misunderstood. Every time the government draws down on the Consolidated Revenue Fund, the government requires a warrant signed by the Governor General to do so. However, these warrants are different; they are called special warrants. In other words, there is an additional authority, an additional majesty, so to speak, around the question of drawing down on the Consolidated Revenue Fund when Parliament is not in session.

Honourable senators, as Senator Day has stated, a matter of great urgency requiring our attention is that the fourth and final and largest of these Governor General special warrants runs out on Monday, May 15, 2006, hence, the tight and pressing timeline on this particular appropriation bill. Bill C-8, the proposed Appropriation Act No. 1, now asks the Senate and the House of Commons to confirm the sums of money and the actions of the government for a total of \$15.6 billion in payments under the authority of Governor General special warrants.

Honourable senators, in the future, I wish that some of us would undertake further study of the exercise of these intricate prerogative powers. As countries fare, Canada is the most secretive about the actions and activities of the Privy Council, how the Governor General operates, and so on. Many Commonwealth countries are far more open in this process. I have friends in other Commonwealth countries who wonder about this secrecy.

Honourable senators, the recent dissolution election period and the subsequent opening of Parliament on April 3, 2006 straddled the important supply periods of the two fiscal years, being the end of the one and the beginning of the other.

On May 3, 2006, in the Standing Senate Committee on National Finance Senator Murray described the situation aptly when he stated:

What is unusual about the hitches in the present supply cycle is that dissolution covered parts of two fiscal years.

Honourable senators, “hitches” is a catchy word, so I propose to borrow it from Senator Murray. The normal supply process, already disrupted by one hitch, being Parliament’s dissolution, was further complicated by another hitch, being the peculiar fact that this election dissolution period covered parts of the two fiscal years, being the last month of the fiscal year ending March 2006 and the first month, April, of the fiscal year ending March 2007. I submit that that situation alone would present enormous challenges to any ministry, cabinet or government. I also strongly feel that governments should not be so hasty to use these warrants too frequently.

Honourable senators, as part of the very unusual supply process surrounding these estimates and Bill C-8, and for clarification purposes, the Treasury Board provided Parliament with an estimates document entitled, “Statement on the Use of Governor General Special Warrants for the years ending March 31, 2006 and March 31, 2007.” Part of the President of the Treasury Board’s response to the situation was to place this information before Parliament for greater clarification and understanding. This estimates document provided explanation on this difficult subject.

In addition, the President of the Treasury Board included a new table in the Main Estimates, also known as the Blue Book, at pages 1-99 to 1-104. This table provides a reconciliation of the supply and the payment obtained by the Governor General special warrants with both interim and full supply.

Further, on April 4, 2006, the Leader of the Government in the House of Commons, Mr. Nicholson, by motion, asked the House of Commons to accelerate and simultaneously compress the supply process designed to meet these unique circumstances created by the dissolution and its overlap of the two fiscal years.

Honourable senators, I will read the first paragraph of that motion. It was quite extensive and demanding. You may find it in the record of the *House of Commons Debates* at April 4, 2006, page 11, motion No. 2, paragraph 1, and it reads:

Notwithstanding any Standing Order or usual practices of the House, on Wednesday, May 3, 2006, at fifteen minutes before the expiry of the time provided for Government Orders, the Speaker shall interrupt the proceedings then in progress and shall put forthwith and successfully, without debate or amendment, every question necessary to dispose of any motion relating to interim supply and for the passage at all stages of any bill or bills based thereon...

That motion has several other paragraphs. This motion then provided for the following timelines on the business of supply in the House of Commons being, first, that the Main Estimates be introduced on April 25, 2006; second, that the consequent interim supply bill be introduced on May 3, 2006.

**Senator Murray:** No, not “on” — “by.”

**Senator Cools:** I am sorry. The honourable senator is absolutely right; it says “by.”

I will reiterate: That the consequent interim supply bill will be introduced by May 3, 2006; that the subsequent full supply bill and process will be deferred until the fall supply period in December, 2006.

The result of this decision in the Commons was that this interim supply bill, Bill C-8, was designed and drafted to show the net requirements of the government until this December, and would cover the government’s operational requirements from April 1, 2006 until December. That is for nine months out of 12, which is nine twelfths of the total items set out in the Main Estimates and listed in the schedule to Bill C-8.

• (1620)

Honourable senators, by Bill C-8 it was provided that Part III of the estimate documents, called the Departmental Expenditure Plans, which include the Reports on Plans and Priorities and the Departmental Performance Reports, would be deferred; at least, their consideration and introduction would be deferred until the fall. This time delay would permit ministers and their departments to have the opportunity to recast their planning documents and estimates, thereby to align them with the new government’s plans and priorities, as the government would outline in its first budget on May 2, 2006.

In addition, by this motion, both Houses, the Senate and the House of Commons, and their committees, would later have sufficient time to properly examine the Main Estimates and to report back to their respective Houses by late November, coincident with the government’s introduction of the supplementary estimates in the House of Commons. This would be the new government’s first opportunity to place its own spending estimates, reflecting its own detailed plans and priorities, before both Houses of Parliament.

Honourable senators, it is understandable, important and necessary that senators continue to be concerned, and sometimes even exercised, about the government’s use of Governor General special warrants. I believe that the notion we call “control of the public purse” demands that we must be ever vigilant and attentive to the thorny question of a government’s conduct in meeting its financial obligations during an election period when Parliament is dissolved, and also a government’s conduct to engage Governor General special warrants to draw down on the Consolidated Revenue Fund.

Honourable senators, the dissolution that created these challenges was occasioned by the defeat of Prime Minister Paul Martin’s government on a question of confidence, an unforeseen event. That the consequent dissolution covered two fiscal years was the real challenge.

The principle must always be that parliamentary appropriations are necessary for payments out of the Consolidated Revenue Fund. The third report of the National Finance Committee, May 17, 1989, said that:

The Senate invites the House of Commons to join it in affirming that, subject to the *Constitution Acts, 1867 to 1982*, and except to meet unforeseen urgent requirements touching the public good, no payment shall be made out of the Consolidated Revenue Fund without appropriation by Parliament.

I was a member of the committee that produced that report. I believed that then and I believe it now.

Honourable senators, the newly appointed President of the Treasury Board, John Baird, appeared before the Standing Senate Committee on National Finance on May 3, 2006 to explain and defend the Main Estimates 2006-2007. He was joined by the officials from the Treasury Board Secretariat, being Mr. David Moloney, the Assistant Secretary of the Expenditure Management Sector; and Ms. Laura Danagher, Executive Director of Expenditure Operations and Estimates Directorate. Mr. Moloney and Ms. Danagher also appeared before the committee the day before, on May 2, 2006.

President John Baird was well received by senators. He was most affable. In fact, some fine humour was exchanged between him and Senator Art Eggleton, also a former Treasury Board President.

The president and the secretariat officials gave an explanation of the Main Estimates. All of this is fully described in the committee report that was presented here earlier.

Honourable senators, the Main Estimates 2006-2007 are the government's proposed expenditures for the fiscal year. These estimates reflect total budgetary spending of \$198.6 billion and non-budgetary spending of \$1.1 billion, for a total of \$199.2 billion. Of this amount, \$17 billion are voted appropriations, that is, voted by Parliament in interim-supply and full-supply bills.

The remaining two thirds, as Senator Day has said, are statutory spending. It would appear that this ratio is growing. Perhaps our committee should look at that some time, Senator Day. The remaining two thirds, about \$128 billion, are statutory spending. These amounts are presented in the Main Estimates for information purposes only, since they have already been approved by Parliament in other legislation.

Honourable senators, Treasury Board President John Baird was clear that the Main Estimates now before us represented the decisions made by the previous government but that future estimates later this fall will reflect the decisions of his government. Undoubtedly, this particular and unique supply process for this year is for 2006 only, and within short order the supply process will resume its normal cycle.

Honourable senators, this supply process and supply bill was designed — maybe not as good a response as many would like — but it was designed to meet unique circumstances and it represents the government's response to certain challenges and to certain difficulties that it had to respond to and manage.

Having said that, honourable senators, I urge you to support Bill C-8, the Appropriation Act No. 1, for 2006-07.

In closing, honourable senators, I would like to take the opportunity to thank the Senate committee chairman, Senator Day, for his work on these important matters of supply and estimates.

I would also like to thank all the other members of this committee. Looking around, I can see Senator Stratton, but I thank all the others whom my eye does not reach right now. I especially would like to thank Liberal senators for accepting the position of this government, sandwiched, as it was, between a dissolution election period and the difficult situation of the two fiscal years.

I would also like to thank the committee staff for their work on behalf of the committee. Finally, honourable senators, I would like to thank the President of the Treasury Board, John Baird, and the Treasury Board Secretariat officials, Mr. David Moloney and Ms. Laura Danagher, for their work on behalf of the government.

Honourable senators, I saved my final comment for the end because I was trying to separate it from the business of supply. I would like to take the opportunity, since this is my first fulsome speech, to congratulate the new leadership in the Senate, namely, Senator LeBreton, Senator Comeau and Senator Stratton, who have ascended to the positions of government leaders in the Senate.

I would also like to congratulate, on the side of the opposition, Senator Dan Hays, Senator Joan Fraser and Senator Joan Cook, on their elevation to these difficult and important roles of opposition leadership in this place. I would also take the opportunity to thank the outgoing leadership on both sides for their efforts and travails, and for enduring the vicissitudes of life as they visited them.

Finally, I would like to congratulate the new and the great senator. In the United Kingdom, the Lord Chancellor was known as "the great lord." This language has disappeared. The Speaker is not in the chair, I know, but I am looking towards the chair in the anticipation that he may appear momentarily. In any event, these are high offices. They were called "the high and great offices." The Honourable Noël Kinsella is now "the great senator." I would like to take this opportunity to congratulate him on his elevation.

I would also like to say that Senator Kinsella is an extremely gifted man. He enjoys a gift that I admire greatly, a gift in languages. Part of the role of the Speaker of the Senate of Canada, as the Queen's representative here in the chamber, is to travel abroad in place of Her Majesty's representative on some occasions.

I congratulate Senator Kinsella and all of my colleagues in the Senate. I wish you the very best in the coming year. Even when I disagree with you, I will still wish you the very best.

• (1630)

Having said that, I invite all honourable senators to adopt Bill C-8.

**Hon. Joseph A. Day:** Honourable senators, rather than thanking the same list of people, let me join with the Deputy Chair of our National Finance Committee in thanking everyone for their help in moving this important work of the Senate along. In particular, I would like to thank the Honourable Senator Cools for her support of me, as chair, and for acting as deputy chair in helping to do the important work of this committee.

Honourable senators, I had intended to spend some time talking about and trying to help us all understand the process of Governor General special warrants, but that has been so ably and thoroughly demonstrated by my honourable friend that it is not necessary for me to go into any detail. I agree wholeheartedly with Senator Cools when she points out that the expenditure of \$15.6 billion is indeed an important matter that needs to be given attention and consideration, with \$11.5 billion of that being in this fiscal year. As mentioned earlier, that runs out on May 15 and, therefore, there is some degree of urgency that the government be given supply to carry on after May 15.

Senator Cools has been pointed out that \$11.5 billion is referred to in this supply bill. The total amount of \$43 billion is inclusive of that \$11.5 billion and, again, takes the government to May 15. Conceptually, we can look at the Governor General special warrants for the period of April 1 to May 15 as a type of interim supply. In the normal fiscal cycle we would have interim supply from the first of the fiscal year to the end of June. Then we would have done full supply that would take us through the rest of the period. In the fall we would have supplementary estimates, if necessary.

In this instance, we had Governor General special warrants, and now we have what we call interim supply that will take us through to November and December. Then there will be full supply. We already know that we will be dealing with a substantial and significant Supplementary Estimates (A) and supplementary supply in the fall to reflect what we have already seen, and perhaps some other items in the budget of May 2. None of that, other than some department changes that the government announced, is reflected. Some funds have been moved from one department to another because the minister of that particular department has certain responsibilities. Apart from that, the significant government policy changes are not reflected in these documents.

During its review of the Main Estimates, the committee studied the proposed draft schedule to the supply bill. The first thing I did when I received the supply bill, Bill C-8, was to check that the schedule on the back of the bill was the same schedule we have been reviewing for the past several weeks as part of the estimates. I can assure honourable senators that it is.

That, in part, explains why we do not spend as much time dealing with the supply bill as such. The Senate has a process of dealing with supply usually within a week. The supply bill came to us on Thursday. There was two days' notice for second reading — we are dealing with second reading today — and presumably if we adopt the bill at second reading today, we will deal with third

reading tomorrow. This, as opposed to the normal process of sending the bill to committee, the committee studying it and then reporting back to the chamber. We have already studied the content through the Main Estimates. I still believe that it is important to follow the normal steps.

Honourable senators, I do have some concerns. Senator Cools read out the order adopted in the House of Commons where they dealt with this bill so quickly. They dealt with billions and billions of taxpayers' money in a matter of minutes. It is important that we spend some time reviewing these proposed expenditures, even though we have not seen the entire outlay of expenditure from the point of view of this government. We can still see a lot of the core expenses.

Honourable senators, in a recent article, the figure of \$200 billion appears in relation to the estimates. That is all inclusive. The budget, without the supplementary expenditures we might see in the fall, already outlines expenditures of \$223 billion. What we are voting on now is based on \$200 billion versus the \$223 billion announced on May 2. There is some work to be done, but we generally know the direction we are going.

During our discussions with the President of the Treasury Board, we asked about the cost of the new government's accountability initiatives. We were told that the budget provides \$57 million for the federal accountability action plan, with an additional \$16 million for internal audit functions.

One of the promises that we hope is forthcoming is that a parliamentary budget officer be established. Bill C-2, the federal accountability bill, provides for a parliamentary budget officer who will work with the Library of Parliament. This officer has explicit responsibility for analysis related to parliamentary consideration of budgets and will work with the committees.

One of the complaints or concerns that we have had is not only how quickly this front end of government expenditure is dealt with, but our lack of resources to do the job properly. I compliment the government on this initiative, which will help our committees, both in the House of Commons and the Senate, do their work.

I have a slight concern that this parliamentary budget officer may be focused more on the House of Commons than the Senate, and we will hope that this concern is not borne out.

Honourable senators, officers of Parliament are there to help parliamentarians. The House of Commons and the Senate do their job to hold the government and government ministers to account, to understand what they are doing and to question them. We need the resources to do that job. However, our committee has for some time pointed out that there is a conflict of interest when the government sets the budgets and the salary for members, officers and individuals who are supposed to be working for and providing information to parliamentarians so they can hold the government to account.

• (1640)

In an attempt to alleviate that concern, an advisory panel was created. This advisory panel, through the funding of officers of Parliament, was established in the fall. The President of the Treasury Board indicated that he will continue this advisory panel for a year.

The advisory panel makes recommendations to the President of the Treasury Board with respect to budgets for various officers of Parliament — the Information Commissioner, the Commissioner of Official Languages, the Auditor General and all of those groups and departments we have created to help us do our work. This advisory panel will advise the President of the Treasury Board as to what it feels will be appropriate.

The problem is that there are no senators on that advisory panel. The Senate has not been included, but we are the people who do most of the front-end analysis of proposed government expenditures. In the other place, a lot of attention is given to the after-the-fact Public Accounts — what has been spent and how it has been spent. We try to look at it from the front end, and we need assistance in that regard. We should be part of that advisory group. I am hopeful that the honourable Leader of the Government in the Senate will take that suggestion to heart. It is reflective of a mentality that perhaps the talent, willingness and anxiousness of individuals in this chamber to work for the betterment of the government are not recognized or appreciated when various committees and advisory groups debate certain issues.

In fact, a debate with respect to NORAD just took place in the other place. We have wonderful people in the Senate who have a focus on that type of issue, yet the government did not see fit to ask for any direction from this chamber. I make that point in passing because I see it, again, with respect to this Treasury Board advisory panel.

Honourable senators, your committee will continue to look at expenditures and proposed expenditures in a number of different areas. We are trying to encourage horizontal reporting. Because funds from a number of different departments are expended on a concept or initiative, we have asked for horizontal financial reporting so we can be apprised of the global cost.

It was your committee that first discovered there were concerns in relation to a number of past activities, and we want to continue to be on top of expenditures.

With respect to the Vancouver Olympics, we are all supportive of the concept, but we do not want expenses to run away without any constraints. That is why we asked for horizontal reporting. Where are all the expenditures?

For example, the first estimate for the Vancouver Olympics was \$310 million for capital and legacy costs. Then we heard it was up to \$497 million. We are now expecting a further funding request of \$235 million. That is without horizontal accounting. We do not know how much is tucked away in immigration or in security. We are hoping to see results from this new approach.

Honourable senators, the Deputy Chair of the Standing Senate Committee on National Finance has gone through the bill. She has talked about the fact that this bill is asking approval for the expenditure of \$43 billion to, in most instances, November/December and, in some instances, beyond because it is not a

straight-line expenditure for certain departments. Some, such as tourism, may spend more in the summer. Agriculture may need more money in the spring or the fall. Different departments have made greater requests in 10 or 11 months out of the 12 months. I fully expect that in the fall we will see a significant supplementary request and supply bill.

Honourable senators, it is important to keep in mind that this \$43 billion includes the \$11 billion interim supply to May 15 that was given to the government under the Financial Administration Act by virtue of an election and the return from that election in the form of Governor General special warrants.

On balance, honourable senators, this is a reasonable bill for us to support at second reading. I believe that other senators wish to speak on this bill. I anticipate that if we have the opportunity to adopt this bill at second reading today, we will move on to third reading debate tomorrow.

**Hon. Lowell Murray:** Honourable senators, in an earlier debate this afternoon, Senator Joyal regaled us with an account of the 15-second legislative history of Bill C-4 in the House of Commons. My purpose in rising now is to provide a necessarily brief account of the brief legislative history of Bill C-8 in the House of Commons.

Senator Cools has made much of the extraordinary, if not unique, circumstances under which this interim supply bill is before us. Dissolution straddled two fiscal years and it was necessary to resort to Governor General warrants.

Further, it was quite understandable that the House of Commons and the government passed a motion on April 4 to ensure that an interim supply bill would be disposed of by the House of Commons by the end of the sitting day on May 3. With all of that, I have no difficulty.

However, passing that motion on April 4 gave the House of Commons one month in which to debate, if anyone wanted to debate, or to raise questions, about the interim supply bill. One would have thought that some brief affirmation of the power of the purse, however perfunctory, would have been in order, given that we are talking about \$43.5 billion of taxpayers' money — but no. They opened debate on this bill at 6:15 on the afternoon of May 3. They went through first, second and third reading in a matter of seconds. In the Committee of the Whole, they approved seven clauses and four schedules, gave third reading to the bill and that was it. There was not a single question raised of any substance nor a single point of debate, and the bill was through and on its way to the Senate.

I would have thought that someone would have asked about the \$15 billion in Governor General warrants that had been approved by the outgoing Martin government and the incoming Harper government during the period of dissolution. Perhaps someone might even have raised a question about the increase of

\$266 million in the estimates of the Department of Canadian Heritage — most of that money destined for the 2010 Vancouver Olympics. There are other examples that I could raise. However, there were no questions raised and there was no debate on any of those matters.

Let me say for the record again, as we have seen in the report of the Standing Senate Committee on National Finance that we adopted earlier today, all those questions and others were canvassed quite thoroughly — given the stage we find ourselves in — by our committee in the presence, first, of officials from the Treasury Board Secretariat and, at a second meeting, with the Honourable President of the Treasury Board, Mr. Baird, present to reply to our questions. He did so, quite satisfactorily. These estimates are before us and we will keep them before us until March 31, 2007. We will continue to do the job that the House of Commons seems unable to do in critiquing and examining the government's spending plans.

• (1650)

I find it a bit ironic that honourable members in the other place take it upon themselves so often to criticize the Senate and to hold themselves up as such vigilant and diligent protectors of the public purse and public interest, while unseen and unsung the Senate is continuing to do the work that the Fathers of Confederation intended we do.

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

**Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

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

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

### SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-Ninth Parliament.—(8th day of resuming debate)

**Hon. Mobina S. B. Jaffer:** Honourable senators, the Speech from the Throne offers a chance for the government to set out its priorities and plans for the coming session of government. The statement is read to parliamentarians by Her Excellency the

Governor General to tell Parliamentarians what they should expect over the coming months — initiatives and priorities that we will be asked to discuss, support and ultimately approve or reject.

Even though the Speech from the Throne is steeped in parliamentary tradition, it is intended for the people of Canada, especially when it is the first time that a new government has the opportunity to speak to Canadians in that capacity. Canadians want to know not only what the government intends to do with the mandate it has been given but also to get a feel for how they will govern, the character of the government and the vision they hold for Canada. What will our Canada be? What will our quality of life be?

One particular area of concern in the Speech from the Throne, which has been pointed out by a number of honourable senators in this place, is the government's plan for child care, or a plan for no-choice child care.

As a mother who has struggled with child care for my two children, and now a new grandmother of my grandson, Ayaan, and as a former President of the YWCA of Canada, I have great concern about this area of the throne speech. I will speak to honourable senators about the realities of caring for our children.

The Speech from the Throne and budgetary plan presented give me great concerns about the future of child care in Canada. When we talk about the care and development of our children, we must have a balanced approach that ensures individual choice and equality of opportunity for all Canadians. This can only be accomplished in the context of an integrated and responsive national program that ensures availability and quality of child care for all, regardless of their economic status. Overall, any national child care strategy must create a spirit of community in which new parents feel they have the support and choice they need to give their children the best start in life. Child care is not just daycare; it is the development of our children and the future of the Canadians who will help to support us. It is our responsibility to provide opportunities for early learning to prepare our children for the structured school system.

One of the first things we need to do as a country is get away from the idea that our child care policies should be about finding a place to deposit our children for the day until we have finished work. Parents will tell us that true child care is about child development that encompasses a holistic approach to developing a child's social, emotional and intellectual needs.

Honourable senators, child care has many facets. It could be a family living on reserve; it could be a single mother working night shifts; it could be a family in Vancouver that needs two incomes to get by; or it could be a stay-at-home mother in Toronto who wants quality professional support to give her children the best start in life.

Many in this place have spoken about priorities. Obviously, the government has chosen its priorities, but it must remember that each of the 30 million people in this country will have their own priorities. While some may match those of the government, others will not. Canada is a complex country that demands complex, well-thought-out policies for all people, not just for a select few. In order to develop our future leaders, an integrated child care program needs to be the priority of the government as it is for Canadians.

Honourable senators, I have a permanent image, forever carved in my mind, of the Minister of Finance reading Budget 2006 in the other place. He received a standing ovation when he announced that the government would invest in creating more jail spaces and hiring of 1,000 more police officers. While public safety is important, I believe it is more important to ensure that every child in Canada has its best start. In this way, we may not need as many prison spaces in the future.

Honourable senators, we must invest in our children now, otherwise we will have to continue building more prison cells in the future. That is not the Canada that Canadians want. Therefore, it is tremendously important that our child care strategy includes an integrated early learning and child care program.

Many honourable senators have drawn attention to the findings of the recent YWCA study on early learning and child care. They have called on parliamentarians to stand up and protect what they call a “burgeoning national program.” I could not agree more. That is why I am dismayed by what has been laid out in the Speech from the Throne and Budget 2006 in the other place. What has been outlined is not a child care program; rather, it is a program that gives parents a small amount of money to continue to compete within the status quo.

The YWCA project revealed what parents are currently facing. They are struggling to find quality child care, often forced on to long waiting lists for spaces to become available or forced to seek child care well below the standards they want for their children.

Allow me to share with honourable senators some of the challenges that parents face. I believe they will help us identify the realities and challenges involved in caring for our children.

This is the story of one woman I spoke to recently in Toronto, in her own words:

I began my search for daycare in October 2005 when I was two months pregnant. One would assume this is sufficient notice to secure a spot in a daycare, but sadly it is not. I am on waiting lists at every daycare that I visited and some of these lists are 1.5 to 3 years long. I was told by one daycare supervisor that 80 per cent of the folks on the waiting list don't get in.

• (1700)

My question back to her was why have a waiting list where each person has paid a “waiting list fee?” The big picture question is why is there a waiting list for every daycare that I've approached? Clearly the number of women who would like to or need to go back to work and the daycare spots are inversely proportional.

Unfortunately \$1200 a year is not going to resolve this situation. I should have the option to go back to work and have quality child care available to me. Without a vacancy at a daycare, that option is being taken away from me.

Quality care is another issue. Why is there a gap between child care providers on food quality, educational programs and facilities? I've seen some fantastic places and then some

not-so fantastic places. I will not send my daughter to a place where I question the type of care she is receiving.

But some families do not have this choice and that is really unfortunate.

Honourable senators, an integrated child care policy is about giving parents not only choice, but ensuring that they have options to make the choices they want. We have to strike a balance between the needs of individuals and a desire to have national standards that allow all Canadians to access quality early learning and child development programs.

The government's policy does not strike a balance between the pressing needs of individuals and the need for national standards that will ensure all children have the best care. Instead, while we are claiming to offer parents choice, it takes away the options that parents want for their children.

Honourable senators, allowing the care of our children to be dictated by the fickle hand of the market will not ensure national standards and will not create the desperately needed spaces. Again, this does not give parents a choice. It takes choices away.

Honourable senators, I know that all of us here would agree that this is not how we want to raise our children. The YWCA, the second-largest provider of early learning and child care services in the country, recognized in their findings that it is the government's responsibility to fund early learning and child care services. The YWCA called on us to enact legislation to ensure high-quality early learning and child care that is accessible to all, regardless of socio-economic status. None of this is before us today.

The YWCA has called for coherence in services, incentives to provinces and territories to encourage them to integrate their systems within a publicly funded, not-for-profit system. This is not before us today.

The YWCA recommended that governments at all levels focus on creating a coherent public policy — one that supports the development of qualified early learning and child care professionals. This is not before us today.

Instead, existing agreements with the provinces have been cast aside. In fact, nothing before us today seeks to create an integrated national child care program.

I would again like to share with senators a personal story; this time one that I believe helps to demonstrate the substantial impacts that the type of quality child care we should be pursuing can have for parents in this country.

Recently, a grade 7 teacher and mother of three shared her own story. She spoke not only of how important it has been for the development of her own children to have quality child care professionals helping her along the way, but also for how important it has been to her personally to continue to teach other Canadian children in her professional life. Unfortunately, this



mother had to fight to ensure her children had access to the child care she wanted for them. She experienced Canada's shortage of quality child care first hand, especially where her youngest son was concerned. She said:

In early fall 2001, we were number 60 on one child care centre's list for September 2002 registration. How unbelievably hopeless we felt. At one point we went from spot 11 to spot 7 on one excellent centre's list. I remember this was getting closer to crunch time. However, must have been what, March? April? We then found a centre which was geographically close to home in a lovely, serene setting with fabulous teachers on whose list we were placed third.

We had almost, but not quite, hit the jack pot. I remember visiting the centre. I was on my very, very, very best behaviour. I was so worried that I wouldn't make a good impression. Given how often I called to remind them of my existence I am truly surprised that we were indeed fortunate enough to have garnered a space in their centre. And right from the start I knew it was going to be good. And it was.

The care my children received was fabulous. I really did like both of our sitters. But the care at the centre was different. The teachers were trained professionals. Not only did they have a wealth of knowledge about the developmental needs of my children, but they also had a wealth of experience in reassuring me each and every day that I was not a bad person for choosing an additional occupation to motherhood.

Regardless of my choice, there were days when tears would burn in my eyes as I left my babies, who themselves would sometimes be tearful — particularly my daughter who had been with me more than not. I would call the centre minutes after I began my drive to school only to find out that my child had stopped crying the minute I walked out the door and was happily playing on the computer with other "friends." And when they heard the tears of guilt in my voice, those wonderful teachers would always validate my choice — they never made me feel I was shirking the responsibility of motherhood.

Honourable senators, these are the types of choices we should be facilitating for Canadian parents. Our child care deserves nothing but the best. From the continent from which I come, there is an African saying: It takes a village to raise a child. I believe that is the spirit we should encourage when we look to create a child care policy.

Parents are the most important people in a child's life, but I know few Canadians who would like to face the challenge of parenting without the support of a caring community of friends and family. I know that I would not be standing here in front of you today if I had not had the support to raise my children without the help of a caring community of family and friends, and I know that my son and his wife will want to raise my grandson, Ayaan, with the help of a caring community of family and friends as well. I hope that they will be able to do so.

Honourable senators, my son and his wife are on a waiting list for a daycare.

**Senator Stratton:** How long?

**Senator Jaffer:** They put their name on a daycare waiting list one month —

**The Hon. the Speaker:** Perhaps if the honourable senator were to ask permission to continue, she might find consent in the house.

**Senator Comeau:** Five minutes, maximum.

**Senator Robichaud:** Ten minutes. It is a good speech!

**Senator Jaffer:** Honourable senators, my son and his wife are on a waiting list for a daycare space.

**Senator Stratton:** How long?

**Senator Jaffer:** They put their names on many daycare lists when my daughter-in-law was one month pregnant. She will need a space in May 2007 and has been told by eight daycare centres that her chances of getting a place are slim.

Canada is a large, global country. We are comprised of people of all generations and all origins. Our goals have become more diverse as well, and the lengths to which we go to achieve these goals have also grown. New parents must sometimes move to find the best jobs and they cannot always count on families to be close at hand when a child comes into this world. Therefore, parents must know that there is a spirit of community in child development. They need to feel that they have qualified and caring people who will support them. Parents must have access to these resources. Parents need to raise their children in a Canadian village.

A national child care strategy must take this into account. What we have before us today does not even come close. The plan that has been initiated in the Speech from the Throne does not strike a balance that meets the needs of individuals. It does not ensure access to intended spaces and support for parents throughout this country, and it does not offer an opportunity for the holistic development of our children.

• (1710)

The parents in the stories I have shared with you today will not have the options because of the plan that is before us today. As a Canadian and a recent grandmother, I appeal to our government to make the right choices and choose the right priorities for the sake our children, because we can either pay now or pay later by having more prison cells.

Build on agreements that have already been put in place and consensus that exists between various levels of government. We must have the courage to build an integrated child-care program that addresses the needs of individuals, creates quality spaces with strong integrated standards and builds a spirit of community in which our children are assured the best start they can possibly have.

Honourable senators, I have carved in my mind an image of when the Minister of Finance stood up and announced that there would be more prison cells. I watched as the Minister of Finance announced that he would be investing in hiring 1,000 police officers and building more jails. He received a standing ovation from his caucus. Honourable senators, I dream of a day when the Minister of Finance will announce not only a child-care program but an integrated early-learning and child development program. I believe that both sides in the House of Commons as well as those of us here in the Senate and parents across Canada will give him a standing ovation on that day, because that will contribute to building a healthy community for us all.

Honourable senators, we owe this to our children. They are not our loved ones; they are our future. They will continue to build our great country.

**Hon. Jane Cordy:** May I ask the honourable senator a question?

**The Hon. the Speaker:** There is one minute remaining in the allotted time.

**Senator Cordy:** I thank the honourable senator for her excellent speech. As a mother who worked outside the home, I identify strongly with the child-care issue. I agree that the so-called child-care program of this government is not a child-care program but a rejuvenation of the old family allowance program with which the Mulroney government did away, I assume, because it was not helping those who needed it.

The minister responsible for child care spoke about choices, as did the senator in her speech today. I can agree with choices for those who have good incomes. In that situation, one parent can choose to stay at home and \$100 a month would be beneficial. However, what child-care choices are there for \$100 a month before taxes —

**The Hon. the Speaker:** The extra time allotted has expired.

[*Translation*]

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, I am delighted to have this opportunity to participate in this debate in reply to the Speech from the Throne. As some have pointed out, this is the first time in 13 years that a Conservative government has been in a position to offer an action plan like this one. Senators on this side of the chamber look forward to offering the government advice, comments and, of course, criticism, to ensure that it fulfills its commitments, stays on the straight and narrow, and takes into account the best interest, wishes and well-being of all Canadians.

I would first like to congratulate Senator LeBreton on her appointment as Leader of the Government in the Senate. She is an approachable and effective colleague for whom I have a great deal of respect. Even though our respective roles dictate that we must sometimes cross swords, I hope that we will be able to resolve many of our disagreements as we work toward compromises and agreements that are in the best interest of all Canadians.

[*English*]

I again congratulate Senator Comeau and Senator Stratton on their appointments. I have worked with them in the past and look forward to doing so in the future.

[ Senator Jaffer ]

I also wish, particularly for the benefit of my Conservative family, to congratulate my member of Parliament, the Right Honourable Stephen Harper, on his election victory. This is the first time that Calgary Southwest has been represented by a Prime Minister. Although I am bound to carry out my role of Leader of the Opposition in the Senate, I share the admiration of Calgarians at his success.

I wish to express congratulations and thanks as well to the mover and seconder of the Address in Reply to the Speech from the Throne on their speeches given before the Easter break. I congratulate them for launching our debate in such a fine manner. Senator Segal and Senator Champagne do honour to this chamber through their passion, eloquence, intelligence and experience.

Though we, on this side, will often disagree with them on matters of policy, strategy and approach, we nonetheless hold them in high regard, value their contributions and commend them on their dedication to public service to this country.

Honourable senators, I wish to thank my colleagues in the Liberal caucus for placing their trust in me by asking that I serve as their leader in opposition. I know that I follow in the footsteps of Senator Allan MacEachen and the late Senator Royce Frith, who led the opposition in my time as a senator. They are two of the finest parliamentarians and Liberals with whom I have had the pleasure to work. I also extend my thanks to those who have led the government during my time in government for their important and invaluable contribution.

I am deeply moved by the confidence placed in me. I will endeavour to be worthy of that trust and pledge to defend the values, ideals and philosophy that unite us as a party and that have helped build our country. Moreover, I take pride in my association with the Liberal Party, not only for the outstanding leadership it has provided our country over the years, not only for being the most successful political organization since Confederation, but also for laying so much of the groundwork that has made Canada one of the most progressive, tolerant, free and enlightened societies in the world. From health care to old age pensions, from unemployment insurance to the Official Languages Act, from student loans to the Charter of Rights and Freedoms and fiscal responsibility, the Liberal Party has designed and implemented measures and programs that are now inextricably woven into the fabric of our nation.

The Liberal Party has always been the party of reform and progress, the party that has seen our country's potential and has done more than any other to unleash, nurture and encourage it. It remains the party of those committed to eradicating injustice, exploring new horizons and developing new opportunities.

I salute and commend those Liberal prime ministers with whom I have had the privilege to serve — those being Pierre Trudeau, John Turner, Jean Chrétien and Paul Martin — for contributing so much.

Although we are now in opposition, we remain proud of our accomplishments, dedicated to Liberal principles and inspired by Liberal ideals. We will continue to draw on them as we review the new government's programs and legislation, as we remind it of its commitments and as we urge it to action while we hold it to account.

[*Translation*]

The part we intend to play on this side of the house, honourable senators, will focus on striking a balance between our duty to oppose the government, propose amendments and suggest alternatives, and the governing party's duty to govern.

In the Senate, the Liberal majority has an important responsibility to carry out its duties while taking into account the will of the people who gave the Conservatives a plurality — not a majority — of the seats in the House of Commons.

That said, Conservatives in the Senate must face the fact that they are in the minority. As my predecessor, Allan MacEachern, put it:

In our system, all legislative assemblies function according to the majority principle, and the Senate is no exception.

We will strive to avoid confrontation — and its opposite, complacency — as we carry out our duty to protect, vigilantly and attentively, the interests and well-being of all Canadians.

• (1720)

[*English*]

Honourable senators, over a month ago the Speech from the Throne was delivered in this chamber, offering an outline of the new Conservative government's agenda for the next Parliament, an agenda committed to providing an accountability act, GST reductions, a child-care allowance, tougher crime sanctions and patient wait-time guarantees, while making passing reference to parliamentary reform, national unity and strengthening our influence in the world.

While we believe the speech contains some positive proposals, we remain concerned about its numerous shortcomings and various oversights. My colleagues who have spoken on this order have outlined them well.

We realize the government has undertaken, in its own words, to turn over a new leaf, to change the way things are done, stand up for Canada and distance itself from the previous government. However, we note that in turning over the new leaf it has at times opened its book onto a sparsely written page.

Moreover, we note that eminent political commentators have expressed strong reservations about the five measures contained in the Speech from the Throne. Some even go so far as to qualify them as "substantively dubious."

Throughout the election campaign, Canadians heard the leader of the Conservative Party say how much governments and politicians had to be reined in, made more accountable and made to submit to stricter ethical guidelines. I remind my colleagues opposite that it was a Liberal government that took the necessary steps to ensure that those who did wrong in the sponsorship scandal faced full public scrutiny and that they will bear the legal consequences of their actions.

In the Prime Minister's response to the Speech from the Throne, I noted that he made comments that went further, in my opinion, than he should have when he attempted to make all Liberals guilty by association for the actions of a small group of individuals.

The vehicle the Conservatives have chosen to bring about this change is the government's five-point plan, a commitment to enact accountability legislation to empower the independent officers of Parliament, have more open government, eliminate insider lobbying and establish better controls over the financing of political parties. The overarching objective of this measure is to restore the credibility of government and the public's confidence in it.

Honourable senators, we on this side support many of the measures proposed by the government, especially where they seek to improve services to Canadians and enhance the trust they place in their government. However, we also believe the key to earning the trust of Canadians involves the first step of striving to improve government accountability by matching promises with action.

The government argued forcefully on certain issues during the campaign, but we note the inconsistencies between what was preached and what is practised. In particular, we note the government's commitments on electing senators. We also underline the Prime Minister's comments on lobbyists during his time in opposition and in the election campaign, which we believe are inconsistent with the appointment of a defence lobbyist as Minister of National Defence.

The chapter on accountability in the Speech from the Throne contains a provision of particular note, namely, the section dealing with commitments to strengthen access to information legislation. During the election, the Conservatives promised to provide the Information Commissioner with the legal authority to compel the release of public records, expand the scope of his authority to cover nearly all public organizations and ensure that public officials create the records needed to document their actions and decisions. However, in a special report tabled on April 28 following the introduction of the Federal Accountability Act, Information Commissioner John Reid voiced serious concerns saying that no previous government since the Access to Information Act came into force in 1983 has put forward a more retrograde and dangerous set of proposals. He stated that the Conservatives told Canadians one thing in opposition and during the election campaign, and are delivering something different now that they are in office.

Besides accountability, another page in the Speech from the Throne and in the Conservative government's five-point plan is a commitment to cut the Goods and Services Tax by 1 per cent. We on this side believe that taxes should be reduced. Indeed, the previous government took serious steps to do so while in government, implementing a \$100-billion tax cut, the largest in Canadian history, as was noted by the Leader of the Opposition in the other place. However, we believe such cuts should follow sound economic policy.

[Translation]

As officials with the Department of Finance have pointed out, reducing the GST is the least effective tax break, while reducing income tax is three times more effective in terms of Canadians' prosperity and well-being.

The Canadian Tax Foundation estimates that reducing income tax would benefit the middle class twice as much as cutting the GST.

Honourable senators, I will note at this point that the Harper government will offset this reduction in the GST by eliminating measures introduced by the previous government, including the \$500 increase in the personal income tax exemption.

The government will also cancel the reduction in personal income tax rates, a measure that had decreased the lowest tax rate from 16 to 15 per cent.

In the budget, this rate has been set at 15.5 per cent, which will increase taxes.

Moreover, reducing in the GST will have little impact on our economy other than to stimulate consumer spending, at a time when economists agree that investment and saving would be more beneficial. It will help wealthier families at the expense of low and middle income earners.

In short, this tax reduction is not in the economic interests of all Canadians. Rather, it is a measure that attempts to deceive Canadians, a measure introduced in order to keep an ill-conceived election promise, a measure that does not make for either good social policy or good economic policy.

[English]

The next leaf in the Conservative's five-point portfolio, and perhaps the most controversial one as we have heard today, is the child-care policy, providing every family with \$1,200 in taxable benefits for each child under six years of age. The new government's proposal includes credits designed as well to encourage business to create child-care spaces in the workplace and community.

To set up this system, Conservatives have committed themselves to ending the national daycare program our Liberal government had built in cooperation with each of the 10 provinces. This program was based on a nationally shared consensus pertaining to early learning and child care. It had established clear principles, measurable goals and ensured cooperation among provincial governments in terms of sharing knowledge and best practices.

Conservatives, however, viewed this national program as an unwarranted intrusion into family life. It has given notice that it will cancel the agreements.

Although providing a \$1,200 cheque may be popular, a closer look at the numbers reveals this program does little to provide proper daycare services. Worth repeating here is that the Caledon Institute of Social Policy estimates that a couple where both people work and earn \$36,000, just above the poverty level, will

see only \$420 of the \$1,200 after their social benefits have been taxed back. To put it more simply, their child-care allowance would work out to only \$1.60 a day. Even if that amount were \$4 a day in the case of a two-earner couple, where the lowest earner makes \$40,000, that amount would not nearly cover the cost of adequate daycare.

It was noted in *The Globe and Mail* last month that you cannot claim that \$1.60 to \$4.00 per day per child is a plan, or even part of a plan, for something called child care.

Honourable senators, although we on this side disagree fundamentally with the government's approach to child care, we do, however, welcome and support its proposals to improve our health-care system by providing guaranteed wait times to patients.

• (1730)

Moreover, we take special pride in the government's commitment to pursuing a policy initiated by the previous government and designed to ensure that provinces work together to establish wait time guarantees.

That being said, we still have serious concerns about the government's commitment to the principle and practice of universality in health care, and we will be watching with great care.

The final page in the government's five-point plan pertains to law and order. Honourable senators, all of us support safe streets and secure communities. The government proposes to deal with this problem by imposing heavier sentences, putting more law enforcement officers on the street, placing greater limits on parole, accompanied, we are informed, by implementation of the long-standing commitment of the Reform-Alliance, and now Conservative Party, to eliminate the gun registry, on which point the Conservatives have chosen to act against the advice and wishes of law enforcement officials from across the country.

However, the government's fixation on law and order must be looked at in context. In fact, crime rates have fallen by 12 per cent over the last 10 years, something we believe attributable to substantial investments made by the Liberal government in programs such as the National Crime Prevention Strategy and the Youth Employment Strategy.

Moreover, according to Statistics Canada, violent crime dropped considerably between 2001 and 2004. The rates for attempted murder, sexual assault, robbery and property crime have dropped. Thus, it seems that the government's approach to reforming the justice system needs more work before it corresponds to the genuine needs of Canadians. Perhaps, at the very least, the new government needs to make a more convincing case that justifies its action on this file.

Honourable senators, besides the five priorities, the government's Throne Speech included various other leaves to be turned over, including Senate reform. However, the government's new leaf of Senate reform was vague and sketchy, saying only that it wanted to ensure that the institution better reflect "both the democratic values of Canadians and the needs of Canada's regions."

[ Senator Hays ]

Honourable senators know the Conservative government wishes to elect senators. There is, however, no discussion of its plan on how to implement this change. How would the government bind itself to summon only properly elected nominees?

Senate reform has been a controversial issue since the earliest days of our nationhood. Much has been said and debated about it, with opinions expressed on everything from abolition to maintenance of the status quo. Some 28 major proposals for Senate reform have been made over the last 40 years, none of which have succeeded because no consensus existed on any of them among the various political actors who have authority over such matters, most notably among the prime minister of Canada and the premiers of the day.

It is increasingly understood that we cannot elect senators in a vacuum. We need to address other issues, such as whether elected senators would exercise more of the considerable powers the constitution gives us. We also need to understand how senators would be elected, as well as discuss the distribution of seats among provinces and territories. In short, we need to understand the full ramifications of this initiative.

As an Albertan, I am no stranger to the issue of Senate reform, and I am among those who believe our institution can and should continue to modernize. However, I also believe that changing the selection mechanism for senators from appointments by the Prime Minister to election by the people or a provincial legislature will be very difficult to do without amending the constitution.

I remind honourable senators that the federal government referred two questions to the Supreme Court of Canada in 1979, one of which asked whether Parliament had authority to unilaterally change the method by which senators were selected. The court answered that Parliament did not have that authority, saying:

... it is our opinion that while section 91(1) [of the Constitution] would permit some changes to be made by Parliament in respect of the Senate as now constituted, it is not open to Parliament to make alterations which would affect the fundamental features, or essential characteristics, given to the Senate as a means of ensuring regional and provincial representation in the federal legislative process... In our opinion, its fundamental character cannot be altered by unilateral action by the Parliament of Canada and section 91(1) does not give it that power.

The election of senators cannot be implemented in a vacuum. Additional or corresponding reform to the structure of our institution would need to be considered and possibly implemented if the reform exercise is to benefit our political system. There needs to be some way as well for the people of Canada to directly participate in the debate that must take place on the government's proposal. We might give consideration to referring this subject to a Senate committee to update the work done by the Beaudoin Dobbie Committee in 1992, which dealt extensively with this;

by the Molgat-Cosgrove Committee in 1984, which dealt exclusively with this matter; by the Goldenberg Committee in 1980; and, in particular, by the Lamontagne Subcommittee, which also dealt exclusively with this subject.

As the government considers this proposed reform, moreover, it should keep in mind that any fundamental change to the Senate should heed lessons from the past by carefully examining the nature of the various proposals made, the context surrounding them, and the reasons for their failure. The government must ensure that any such changes reinforce and complement our democratic institutions, that they better define and improve the Senate's representational role and efficiency as a legislature, and that they are not made merely for short-term political considerations.

Honourable senators, I could delve more deeply into other issues, particularly as they concern First Nations, agriculture, our country's commitments abroad, the environment, the government's fixation on security and other subjects, but I will leave those matters for other occasions.

For the moment, I conclude by saying that we will examine closely the government's five-point plan to govern. We have noted inconsistencies in light of past Conservative commitments and we have pointed to shortcomings. Though we agree with the government on several aspects of the Throne Speech, our duty is to oppose measures we disagree with, and oppose is what we will do where need be.

If Parliament is to be preserved as a living institution, if the freedoms of Canadians are to be ensured, the opposition must fearlessly and resolutely perform its duties, as was done by those opposite when they were on this side of the aisle.

As the late Right Honourable John Diefenbaker said, the opposition's duty is:

... to uphold the rights of minorities against majorities. It must be vigilant against oppression and...unjust invasions of people's rights. It must supervise all expenditures. It must find fault; suggest amendments; ask questions and elicit information. It arouses, educates and moulds public opinion by voice and vote. It must scrutinize every government action to prevent shortcuts through democratic procedure.

In short, public interest demands that the policies, programs and actions of the government be submitted to the rigours of methodical doubt, careful analysis and diligent opposition. That is our challenge and responsibility, and that is what we intend to do.

As I have explained, though there is much that we agree with in the Speech from the Throne, there is, nonetheless, much that is lacking.

Consequently, honourable senators, I, as was done in the other place, move the following amendment to the Address in Reply.

[Translation]

MOTION IN AMENDMENT

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, I move, seconded by Senator Fraser:

That the motion be amended by deleting the period at the end and adding the following:

and, while this House acknowledges the broader agenda mentioned en passant in the Speech, it particularly looks forward to early and meaningful action on such promises as those respecting Aboriginal Canadians, new immigrants, greater security for seniors, improvements in the environment, and increased supports for farm families; and, given the strong economic and fiscal situation which the Government inherited, this House sees no reason for tax increases or a decrease in anticipated early learning and child care spaces in Canada.

**Hon. Wilbert J. Keon:** Honourable senators, I am very pleased to share with you my reaction to the recent Speech from the Throne.

• (1740)

[English]

Allow me also to add my congratulations to you, Mr. Speaker, on your appointment. I heard that you would be our Speaker in church about a month before there were any formal announcements. While it is the custom of the Prime Minister to appoint the Speaker, this was divine intervention.

Allow me also to congratulate the leaders on both sides of the chamber. There is excellent leadership on both sides, and I am sure that we will have a productive session.

There is one special person I must say something about. I have had the pleasure of walking a lady down the aisle twice in my life. The first time was with my wife some 45 years ago, and the second time was with Senator LeBreton when I walked her down the aisle of the Senate. If I am a little partisan, you can understand.

The desire for change recently expressed by Canadians will naturally have an impact on the future of our health-care system. I believe that change as it relates to health care does not have to be feared. There are enormous opportunities before us to build on the many encouraging initiatives that have been gathering steam over the past decade or so as the various levels of government have started to work effectively together to address the many problems of our health-care system.

I would like to focus my remarks today on a specific pledge in the Speech from the Throne, namely, the Patient Wait Times Guarantee. As the Governor General said in the speech, Canadians are paying through their taxes for health care that has often been slow in coming. Our new government intends to do something about that through the guarantee. This pledge has its roots in the Senate, and that is something we can all be proud of.

The Patient Wait Times Guarantee is unquestionably the centrepiece of the Conservative government's health-care plans. Canadians have consistently identified the inability to access care and excessive waiting times as being among their most serious concerns regarding the health-care system. The facts have borne out these anxieties. Figures from the Fraser Institute tell us that the average time between a referral from a general practitioner to treatment by a specialist almost doubled between 1993 and 2004.

I would like to begin by reminding all honourable senators of the work done by the Standing Senate Committee on Social Affairs, Science, and Technology, known as the Kirby committee and ably chaired by Senator Kirby, which had a direct impact on the new Conservative government's plans for a guarantee.

In October of 2002, the Standing Senate Committee on Social Affairs, Science, and Technology issued a comprehensive report entitled *The Health of Canadians*, which looked at the federal role in Canada's health-care system. The report proved to be prescient as it argued that waiting lists and delayed access to health care meant that the system would be open to legal challenge with respect to section 7 of the Charter of Rights and Freedoms, which states the following:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Last June, the Supreme Court ruled that individuals in our country have suffered and, in some cases, have died because of their inability to access timely health care. The thrust of the *Chaoulli* decision can be summarized in Chief Justice Beverley McLachlin's succinct words, "Access to a waiting list is not access to health care."

As you may know, when the Supreme Court struck down the Quebec provincial legislation banning private medical insurance, it stated that the prohibition violated section 7 of the Canadian Charter of Rights and Freedoms and section 1 of the Quebec Charter. Although the Supreme Court ruling applied only to Quebec, it is not hard to extrapolate the consequences of its message beyond that particular province. Government should not prevent people living in an open, democratic society such as ours from obtaining health services at their personal expense if the publicly funded system does not provide timely access.

While the judgments from the high court have provided some clarity, it is also true that the *Chaoulli* decision has led to a good deal of uncertainty as to how we move forward from this point. The court did not prescribe any solution to be followed, and, indeed, it should not have done so. As a result, we have witnessed an ongoing debate in this country on how governments and service providers should respond to the ruling. One thing is certain: Our health care system cannot continue on the same path for much longer.

I recognize that others have taken an opposite view of the importance of the Supreme Court decision, and perhaps there are many in this chamber who would disagree with me. However, it is my strong belief that the ramifications of this ruling will be with us for a long time. There could even be similar judgments ahead. We cannot say with absolute certainty what the future holds, but I am convinced that the *Chaoulli* decision has presented us with an opportunity for change that we must promptly seize.

In its report, the Social Affairs committee devised a response to the long wait list, which we perceived to be primarily administrative in its nature. Our proposal did not claim to solve directly the problems related to wait times. Instead, the report should serve as an incentive for governments and service providers to deal with underlying problems in the system that manifest themselves in long wait times. Wait times in and of themselves are not the central issue here. They are an easily identifiable sign and symptom of a health-care system in need of reform.

The committee viewed timely access as the provision of services consistent with clinical guidelines to ensure that a patient's health is not negatively affected while the patient waits. We felt it was important to give timely access a specific definition, as opposed to basing it on patients' fears and apprehension about their well-being.

We recommended a health-care guarantee that would assure timely access to high-quality care. This guarantee would legally oblige governments to provide patient care within clinically determined times. If care is not provided within the specific time, the government would be obliged to pay for the patients to receive that care in a different jurisdiction, whether in another city, province or country.

The rationale behind this idea is simple. As a monopoly supplier of health care under the medicare system, the government must accept the responsibilities that go along with that role. Those responsibilities include a requirement to meet certain service standards defined by the use of maximum waiting times.

I am pleased to say that the core of this idea was adopted by the Conservative Party of Canada as a patient wait time guarantee became a key element of the party's platform. In fact, this particular pledge was identified by Prime Minister Harper during the election campaign as one of the five top priorities of the new Conservative government.

Since the election, the federal government has repeated this vow, and in the Throne Speech the government has committed itself to working closely in conjunction with the provinces and territories to develop the guarantee.

Honourable senators, similar examples already exist. The Saskatchewan Surgical Care Network uses clinical guidelines to set maximum surgical wait times for all patients. Patients are assessed using a common set of criteria, and they are given an urgency score that places them on one of six priority levels, each level having a targeted time frame for surgery. This was the first province-wide, comprehensive system of its kind in Canada, and I think it has proven to be beneficial.

Last fall, the Saskatchewan provincial government announced that the number of patients waiting more than 18 months for surgery had dropped by a third over the last year. Although Saskatchewan's guidelines for care are not legally binding, the initiative demonstrates that this approach for dealing with long wait lists is feasible. We have also witnessed similar success in the

Cardiac Care Network of Ontario, in which I played a leading role as chairman of the committee twenty years ago. The framework behind these experiences is one that can be translated into a legal commitment right across the country, which is what the Patient Wait Times Guarantee provides.

• (1750)

Some may say that setting targets for timely care is all that can be realistically done to address the wait-list problem. However, simply establishing targets evades the need to put in place incentives for government and providers to meet the standards they devise. Nothing in the 2004 First Ministers Health Accord would bring change and accountability as much as a legal commitment to timely care that forces governments to make substantial changes to the health care system or to pay a penalty. In this case, the penalty would be the cost of paying for their citizens to receive services elsewhere. This possibility will work as a great motivator.

The Patient Wait Times Guarantee is a positive step forward and responds to the Supreme Court's ruling in the *Chaoulli* case by dealing with the root of the wait-list problem. It also serves to protect our system while complying with the principles of the Canada Health Act, which is of tremendous importance.

In February, the Quebec government released its response to the Supreme Court decision. That response proposed that a patient in need of hip or knee replacement or cataract surgery who did not receive treatment within six months would be sent to a public facility elsewhere in the province or to a private facility in the province. As Senator Kirby and I wrote in a published opinion piece in February, the Quebec discussion paper was the first serious attempt in our country to give practical, detailed content to the care guarantee.

I recognize that there has been criticism of Quebec's plans insofar as the province's guarantee will only apply to a limited number of procedures. This may frustrate some who believe a broader selection of procedures should have been considered, but I believe it is an important first step.

Quebec is not alone in putting forward its ideas. The Provinces of British Columbia and Alberta have also indicated in recent months that they understand their obligation to provide patients with timely service. Much has been said in the media about Alberta's plans, in particular, but a significant amount of this has been speculation, as we have not seen much in the way of details at this point.

Honourable senators, change in our health care system does not have to be feared. Too often, change has been equated with potential for violating the principles of the Canada Health Act. While the government stated that a timely health care system will require innovation, the Throne Speech also clearly told Canadians that these new approaches to health care delivery will be consistent with the principles of the Act.

Although it was not released with great fanfare or intense media attention, I am pleased to say that the 2002 report of the Standing Senate Committee on Social Affairs, Science and Technology contributed greatly to this entire area.

A greater focus on health care reform from a public that is better informed — through our report, as well as the Romanow Commission report — is incredibly positive. Public notice places more pressure on those in charge to fix problems and to be accountable for whatever action they take.

Along with the encouragement of the public, the support of the provinces and territories will be critical as the federal government moves towards its plans for a guarantee. I cannot emphasize this enough. The Minister of Health, Tony Clement, has said that he believes the provinces are in favour of the guarantee and that progress has already been made in discussions. Indeed, the benchmarks are progressing extremely well. This is encouraging news.

Honourable senators are aware that a minority government presents obvious challenges, no matter which party holds power. I am optimistic that the new government's health care plan will gain broad support in Parliament, and I feel this is a realistic expectation. Although their platform's version of the patient guarantee was slightly different — that is, the wait-time guarantee as opposed to a care guarantee — I believe this is a very wise first step.

A wait-time guarantee for defined procedures and situations should be achievable with reasonable expediency through benchmarking initiatives and the progress with the benchmarking initiatives has been far better than anyone could have hoped for. The broader issue of the care guarantee could subsequently be addressed incrementally once benchmarking initiatives have been achieved. The positive bonus here is the tremendous improvement in quality of care as standard benchmarks are implemented.

**The Hon. the Speaker:** Has the honourable senator sought permission from the house for another period of time?

**Senator Fraser:** Five minutes.

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

**Hon. Senators:** Agreed.

**Senator Keon:** I thank honourable senators for their indulgence.

Honourable senators, we have seen tremendous quality improvement in the level of cardiac care in Ontario since the Cardiac Care Network has been implemented.

Canadians expect politicians at all levels to work together in their best interests, especially when it comes to ensuring that they have timely access to the best possible health care system. Canadians want their government to provide effective, high quality and efficient publicly-funded health care to everyone in accordance with the principles of the Canada Health Act.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I rise to respond to our government's Speech from the Throne. I begin by congratulating Senator Hays in his new role as Leader of the Opposition in the Senate. Senator Hays will be celebrated later today when his official portrait as Speaker of the Senate is unveiled.

Senator Hays is a skilled and respected parliamentarian. I look forward to working with him as we go forward in this most unique, but not unusual position of a government which is heavily outnumbered by the opposition in the Senate. It is hoped that we can work in a spirit of cooperation and friendliness.

Honourable senators will know that the Speaker of the Senate ranks fourth in the order of precedence after the Governor General, the Prime Minister and the Chief Justice. There is no position in our parliamentary system of government that symbolizes a higher standard than the position of Speaker of the Senate. Therefore, the choice of Senator Kinsella is most fitting and marks another chapter of an already illustrious career. It is an honour to work with him, and I wish him all the best.

I also wish to extend congratulations to my seat mate, Senator Comeau, the Deputy Leader of the Government in Senate, and Senator Stratton, the Government Whip in the Senate. I know that they will carry out their duties with the same competence and integrity that has characterized their service in the Senate thus far, and I thank them both sincerely on my behalf and on behalf of the Prime Minister for agreeing to take on these onerous tasks. Most of all, I value their friendship and advice.

My friend sitting behind me, Senator Tkachuk, manages to keep control of the agenda as Chair of our Senate Caucus and Vice Chair of the Conservative National Caucus. I thank him sincerely for his friendship over the past 32 years of working together.

I wish to point out that I was only marched down the aisle twice in my life: Once by my husband, and once by Senator Keon when he escorted me into this place with the then Leader of the Government in the Senate, Senator Lowell Murray.

Senators Champagne and Segal, the mover and seconder of the address, are two of our most recent additions to our Senate caucus. I am certain that I speak for most, if not all, senators when I say that we have already benefited immeasurably from the richness of their contributions and deliberations in this chamber.

I also wish to welcome Senator Nancy Ruth, who now sits in the Senate as a member of the government. She is a terrific addition to our caucus, and she has already fully immersed herself in committee work and caucus activities.

Last but not least, I wish to acknowledge and welcome our newest addition to this chamber, our colleague the Honourable Senator Michael Fortier, Minister of Public Works and Government Services, who brings great skill and integrity to his new responsibilities. We are fortunate that people of his calibre make the decision to serve. On behalf of us all, I would like to welcome Senator Fortier.

Honourable senators, the response to the Speech from the Throne is a valued and time-honoured parliamentary tradition. Debate on the address in reply to the Speech from the Throne is wide-ranging. The subject matter is unlimited. As we have already heard, senators bring forward issues relevant to their particular regions, to Canada as a whole and even beyond our borders to the world at large.



I wish to use my opportunity to speak today to address the issues outlined in the Speech from the Throne that I believe are most important to Canadians. I will conclude my remarks with some reflections on the continued role of the Senate as part of our parliamentary system. I will address how I hope this chamber will function and evolve in the course of this session and in parliaments to come.

• (1800)

Honourable senators, on January 23, 2006, Canadians voted for change. The message I heard from Canadians on the campaign trail, over and over again, as I personally accompanied the then Leader of the Opposition, now Prime Minister, is that they are tired of excessive partisan games, political grandstanding and empty rhetoric. They want Parliament to get to work. They want our work to be done ethically, accountably and transparently. They want to be able to respect their parliamentary institutions and their members of Parliament, whether they are sitting in the House of Commons or in the Senate.

Our Conservative government is ready to take up that challenge and lead the change that Canadians are demanding. “Turning a New Leaf,” the title of the Speech from the Throne delivered by Her Excellency the Governor General on April 4, exemplifies this new direction.

The priorities of our government laid out in the Speech from the Throne for this, its First Session of Parliament, are crystal clear. I want to emphasize “this First Session of Parliament” because when I listen to the opposition in this chamber and to the opposition in the other place, all of the misdeeds and all of the actions of the past 13 years which we addressed in the campaign cannot be addressed in the first Speech from the Throne in the First Session of Parliament. I think that most Canadians know and appreciate that fact.

Our government began its work with the introduction in the other place of the government’s first bill, C-2, the Federal Accountability Act, just as we promised. This act will strengthen the way that government does business, which will respect our country’s laws, rules and institutions and will provide more transparency and accountability.

To quote from the Speech from the Throne:

No aspect of responsible government is more fundamental than having the trust of citizens. Canadians’ faith in the institutions and practices of government has been eroded. This new government trusts in the Canadian people, and its goal is that Canadians will once again trust in their government. It is time for accountability.

Honourable senators, accountability is what Canadians expect from their government; it is what they deserve; it is what we must deliver. Bill C-2 will change the way that politics and government are conducted in this country, and it will change for the better.

Second, our government promised and will provide tax relief to Canadians, beginning with a reduction in the Goods and Services Tax. Canadians will see the first reduction from 7 per cent to 6 per cent, which was in our government’s first budget presented on May 2. A further reduction to 5 per cent is planned over the next five years.

It is not without a touch of irony, honourable senators, that one remembers, when the GST was first introduced by a Conservative government, that the Liberal senators of the day engaged in what can only be diplomatically described as unsenatorial behaviour in their efforts to prevent the GST from being introduced at all. Now they are taking up the charge against even a 1 per cent reduction. Back then, in 1990, Paul Martin described the GST as a “regressive and unfair tax on living which will harm the economy...creating an administrative nightmare for small businesses.”

In 1993, Jean Chrétien called the GST “the worst tax in Canadian history,” and I need not remind colleagues opposite how often his government promised to scrap the GST or eliminate the tax.

**The Hon. the Speaker:** Honourable senators, it now is six o’clock. Pursuant to rule 13(1), I am obliged to leave the chair until eight o’clock, when we will resume.

The Senate adjourned during pleasure.

• (2000)

The sitting was resumed.

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY AS AMENDED ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-ninth Parliament.—(8th day of resuming debate)

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I was speaking to the GST. I ended by saying that I will not remind those Liberal senators who are present to recall how often their government promised to eliminate or scrap the GST.

Our government, the new Conservative government under Prime Minister Stephen Harper, will reduce the GST as part of our plan to grant an across-the-board tax relief to Canadians. This government will also take steps to make our streets and communities safer. We will start by addressing gun crime in our cities and communities. We only have to think back to this past weekend to know there is a huge problem. We read in the newspapers about a young police officer and father who was

gunned down in his neighbourhood in Windsor, Ontario. We also read about an elderly gentleman in Ottawa who was bound and gagged in his home, the victim of a home invasion.

Our government will introduce mandatory prison sentences for serious drug trafficking offences, weapons offences and crimes committed while on parole. We will also strengthen our border security, particularly at ports and airports, and consolidate security services under a new national security commissioner.

More police officers will be trained and put on our streets. This will be done following negotiations with the provinces to create new cost-shared programs. New money will be invested in youth-at-risk programs to ensure that fewer young Canadians fall into a life of crime. Our government will also provide real support to Canadian families through our universal child care plan.

Honourable senators, there has been much comment about the child care plan of the previous government and, as we all know, the child care plan was actually completed with only three provinces. The financial commitment to the child care program was for one year of a five-year program. The Prime Minister at the time extended the program to 10 years in the midst of the election campaign. To know how late in the day this child care plan was brought in, or not brought in, one need only turn to a key person in the Liberal party, and I quote from CanWest news services on March 27, 2006, the man the Liberals have assigned to assemble their blueprint for party renewal says the defeated government's national daycare program was "a death bed repentance," the gun registry was "an administrative disaster," and the response to the sponsorship scandal was bizarre.

I am quoting Tom Axworthy, a former aide to Pierre Elliott Trudeau, who teaches at Queen's University. He also said that the former government's Kyoto policy was not only difficult to understand, it was not real anyway.

Our universal child care plan is twofold. We will provide parents with \$1,200 a year for each child under the age of six and we will work with businesses and community groups through our Community Childcare Investment Program to create 25,000 new child care spaces annually.

• (2010)

Honourable senators, when I was travelling on the election campaign, I had an opportunity to visit a child-care facility located at a major plastics manufacturing company in Bolton, Ontario, north of Toronto. It is a tremendous child-care facility right on the premises where the parents work. I have seen many child-care facilities in my lifetime but I have never seen one so well run and so well equipped. The kind of child-care facility that works in cooperation with business and community groups is the kind that we are aiming to develop.

I know that some have incorrectly categorized our plan as taking away child-care spaces that were created by the previous government. This is a fallacy. The truth is that this government cannot take away what was never given in the first place. We firmly believe that the best people to make decisions concerning their children's needs are the parents. They work hard to give their children the best possible life. They should not be

criticized or patronized for the decisions they make in the best interest of the family. Former Minister of Social Development, Ken Dryden, who negotiated these so-called agreements, was on an Ottawa radio station before the election was called, on November 18, 2005. He dismissed the idea of helping stay-at-home parents by comparing them to parents who try to treat their children at home rather than take them to a doctor or a hospital. That is shocking and should not have been overlooked by the then government.

Parents should not be patronized or criticized for decisions they make in the best interests of their children because parents ultimately are the ones — not governments, not bureaucracies and not child advocacy or special interest groups — who should have the decision here. In total, honourable senators, our government will invest \$3.7 billion over two years to help parents with the cost of raising their children. With respect to the child-care issue and the Speech from the Throne, it comes down to what that issue is — \$1200 per child per year in Budget 2006. That is what we will be asked to vote on.

One of our priorities, but no less important, is the commitment of this government to work with the provinces to establish patient wait time guarantees. Honourable senators will recall that this policy initiative is based on a recommendation made in 2002 by the Standing Senate Committee on Social Affairs, Science and Technology chaired by Senator Michael Kirby, and of which I was honoured to be deputy chair. Senator Keon raised this issue in debate and focused almost exclusively on it, which he is well qualified to do. The Senate Social Affairs Committee concluded that patients must be able to count on and receive treatment in a medically accepted time for publicly insured service. If this treatment is not available in the patient's jurisdiction, they must be given the option of receiving treatment in another hospital or clinic, even if it is out of province.

I will quote from section 6.5 of the Social Committee's final report entitled *The Health of Canadians — The Federal Role*, from which the patient wait times guarantee is drawn:

...governments must be made to bear the responsibility for their decisions. ...the blame for the waiting list problem should be placed where it belongs — on the shoulders of governments for not funding the system adequately.... governments must pay for the remedy, namely, patient treatment in another jurisdiction, while waiting list management systems are being developed and put in place.

#### Patient wait times

is an issue to be resolved between governments and the institutions and the physicians that they fund. Patients should not be affected. Their sole concern should be to get needed treatments in a timely fashion and have them paid for publicly. Therefore, ... governments, as the patient's insurer should have the responsibility of meeting the health care guarantee.

This decision by then Leader of the Opposition, now Prime Minister Harper, to make this announcement in the riding of Steven Fletcher, our then health care critic, in Winnipeg, was a

particularly rewarding day for me on the campaign. I was able to call Senator Kirby to tell him that we were about to announce this. Mr. Harper suggested it would be only fitting that Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, be informed of the coming announcement.

The Social Committee's conclusions were validated by a decision of the Supreme Court of Canada in the well-known *Chaoulli* case. Canadians believe our health care system is one of our most valued public services. In his speech, Senator Hays correctly listed our national health-care system as one of the proud achievements of a former Liberal government. I hasten to add that the forerunner to that policy, the Royal Commission on Health Services, known as the Hall Commission, was established under former Prime Minister John Diefenbaker. It had been completed under Mr. Diefenbaker but he was defeated before he had a chance to implement the policy. It was implemented shortly afterwards by his successor.

Our government, as promised, will move forward on a patient wait times guarantee, such as was proposed by the Standing Senate Committee on Social Affairs, Science and Technology. We will work to ensure that Canadians receive essential medical treatment within clinically acceptable waiting times, and we will do so in accordance with the provisions of the Canada Health Act.

Honourable senators, the above was a brief synopsis of our government's first five priorities. They are ambitious, far-reaching and bold. I am excited and honoured to participate in, and deliver on, this agenda and offer Canadians a sound, efficient and accountable government that they expect and most surely deserve. I will conclude my remarks today with a few words on the future of the Senate as an institution and its constitutional role within a parliamentary government. Dating back to Confederation, the Senate and its role within our federal system has been widely debated and scrutinized. I was once given a book by Senator Macquarrie that was written in 1916 and it talked about serious Senate reform. I still have the book. It is as relevant today as it was then. The Senate was a deal breaker at the time of Confederation. Six of the 14 days spent by the Fathers of Confederation at the Quebec Conference dealt with the Senate and its role in our federal system. According to historian Christopher Moore, author of *How the Fathers Made A Deal*, the argument over the Senate was the longest at the Charlottetown Conference and the one which brought it closest to breakdown.

As honourable senators know, the Fathers of Confederation eventually reached a compromise that was satisfactory to all. Canada would have an appointed Senate, which would act as check on the elected lower house to protect minorities, while representing regional and sectional interests.

At the present time our chamber is one of great diversity. We have farmers, physicians, lawyers and even a heart surgeon. We have constitutional experts, decorated generals, not to mention bankers and great advocates for racial minorities, consumer rights and the arts. About 33 per cent of senators are women and there are seven vacancies. Canadians consistently place Senate reform

near the top of their agenda when it comes to reforming our democratic institutions. A March 2003 Environics poll showed that 73 per cent of Canadians identify Senate reform as very or somewhat important in future talks about the Constitution.

In his 2004 Fraser Institute study entitled *Challenges in Senate Reform: Conflicts of Interest, Unintended Consequences, New Possibilities*, Gordon Gibson said,

...we have inherited the constitutional concept of the Senate that the Fathers of Confederation wanted: a Canadian analogue to the House of Lords, a trading point in the original confederal deal, a place of some pomp and circumstance, and a place of potential authority. That it has worked out as a convenient locus of patronage and a place of little real power, comes back to the flaw of the appointment process.

• (2020)

Honourable senators, I think it is fair to say that the appointments process for senators accounts for much of Canadians' dissatisfaction with the Senate as it exists today. They question is how, in the year 2006, a legislative body can be put in place without the participation of the public they claim to serve. In the early days of the 21st century, this government will ensure that those who want to sit in the Parliament of a democratic state have a mandate from Canadians.

Honourable senators, previous Liberal governments talked endlessly about ending our country's democratic deficit but did nothing. Previous Liberal Prime Ministers talked about Senate reform but did not act. We must start now. We need to get on with modernizing the upper chamber.

As set out in the Speech from the Throne, this government will take the necessary steps to ensure that the Senate better reflects the democratic values of Canadians and the needs of Canada's regions. This government is committed to a two-stage process of Senate reform.

First, we will begin reform of the Senate by creating a national process for electing senators in every province and territory in time for the next federal general election; and, second, we will engage the provinces and Canadians to build consensus on further reforms to make the Senate an effective, independent and democratically elected body that equitably represents all regions.

Honourable senators, I will quote from the Prime Minister's remarks that were printed in the *National Post* on March 2 of this year. He said that our government:

...has not set time lines, but it is something I would like to get on with sooner rather than later. I would expect that no later than the next federal election we will have a senatorial election set in place. The Prime Minister can choose to create an electoral process and he can choose to do so at the federal level, particularly if you were to hold Senate elections at the same time of the federal election. And while I would like to see the cooperation of the provinces, if our government chooses to have Senate elections, then that is something we believe we can do federally from Ottawa.

Honourable senators, our government continues to consult the provinces on their views. However, the Prime Minister is prepared to move forward and show strong federal leadership — the qualities Canadians deserve in their Prime Minister — should there be no consensus.

During the course of this Thirty-ninth Parliament, our government will begin to work on Senate reform and on the election of senators. Change is coming and change is necessary as we reassess our democracy in the 21st century. As senators, we should not fear these reforms. Our chamber will maintain the constitutional integrity it has always had as Canada's chamber of sober second thought. We will continue to be the chamber of great diversity to which I referred earlier. We will continue to engage in debate on the tough public policy issues that affect Canadians, and we will continue to work diligently in committees.

Honourable senators, as I mentioned a few times in this speech, I had the privilege of travelling with the Prime Minister during the election campaign. The issue of Senate reform was raised everywhere in the country. This is not a Western issue and it is not an Eastern issue. It is an issue all over the country. As I have told my colleagues on this side, and some on that side when I have chatted to them about it, one of the strongest applause lines the Prime Minister — then the leader of the party — received was when he talked about the need for Senate reform. Therefore, it would behoove all of us to acknowledge that out there in the real world, in the country, they want Senate reform.

Honourable senators, in the coming weeks and months, I expect all senators will engage in a spirited debate on the matters I have mentioned here today and many others that will arise in the course of this Thirty-ninth Parliament. I fully expect that the tone of the debate will be characteristic of the largely collegial tone of debate in this chamber dating back to Confederation. There have been a few unfortunate instances where that was not the case, but by and large the debates have been collegial.

I want to assure the Honourable Leader of the Opposition, and those sitting on the other side of the chamber and those on this side as well, that I will work with everyone and attempt to engage all senators, regardless of party allegiance, to make this Thirty-ninth Parliament work effectively and efficiently on behalf of all Canadians.

I have received indications from many colleagues opposite that it is their intention to be responsible as we approach all matters before us; one which respects the constitutional role of the Senate and one which takes into account the expressed views of the elected members of the other place and, indeed, the wishes of the voting public.

That being said, I fully expect and even welcome in the course of this Parliament any constructive suggestions senators may wish to make in the spirit of sober second thought that has defined the Senate since Confederation. Both chambers of Parliament function effectively only with a vigorous and constructive opposition. It may not be possible to agree on everything, and

past experience makes me certain that we will not, but I think it is possible to uphold the dignity of this chamber and work together to serve Canadians. Let us all remember at all times that governments exist to serve the public. Our government will strive to do nothing less.

As Leader of the Government in the Senate, I will never lose sight of the ultimate higher good which we strive to achieve, and I am confident that all here assembled share in that desire.

With that, I wish to conclude by thanking and congratulating Her Excellency on the Speech from the Throne.

[*Translation*]

**Hon. Michael Fortier (Minister of Public Works and Government Services):** Honourable senators, I am pleased to speak this evening during the debate on the Speech from the Throne and to deliver, as you know, my first address in this chamber.

I would like to start by saying that I was very honoured last February when Prime Minister Harper asked me to join his cabinet, as Minister of Public Works and Government Services, as well as the minister responsible for the greater Montreal area. In order to be accountable to Parliament, the Prime Minister appointed me to the Senate.

Honourable senators, as you know, I will run for a seat in the House of Commons during the next election. My current duties will therefore end when that election is called. Naturally, I will be very sad to leave the Senate.

As you know, the Speech from the Throne confirms the priorities set out by the Prime Minister during the election campaign. He has reiterated these priorities several times since forming his government last February and they should not be surprising to anyone. We have made promises to Canadians and we intend to keep those promises. Our priorities are clear and deserve to be repeated once again here today.

[*English*]

We are committed to cleaning up government. The Speech from the Throne confirmed that the first piece of legislation introduced by our government would be the federal accountability act, and we have already acted on that pledge. Bill C-2 was tabled on April 11, and I am looking forward to a lively and informed debate when it reaches this chamber. I will obviously be a strong proponent of the legislation.

Accountability is an issue of particular importance to me as Minister of Public Works and Government Services, given the central role my department plays in federal contracting, of which I will have more to say in a few minutes.

The Speech from the Throne also underscored our commitment to reduce the GST as a first step in cutting taxes for hard-working Canadians. The Minister of Finance's budget confirmed our intent to reduce the GST. The GST cut and the other tax measures announced in the budget will put more money in the pockets of every Canadian consumer, regardless of age or income,

and will stimulate spending across the economy. I can assure honourable senators that this is only a first step. Reducing Canadians' tax burden will continue to be a plank of this government.

I know honourable senators will want to support the government's effort to protect Canadian families and communities by strengthening the justice system, the third priority identified in the Speech from the Throne. As a husband and father of five, this is an issue of special importance to me. All of us want our children and grandchildren to grow up in safe communities just as we did, and just as I did in Quebec City. We want Canada to be recognized as a country that treats people fairly under the law, and not a country that is soft on crime or that puts criminals ahead of victims.

As a parent, I also strongly endorse the Prime Minister's decision to allow Canadian parents to make their own choices when it comes to child care. I will admit to a slight conflict of interest, with two of my children being under the age of six. The Speech from the Throne affirmed not only our government's commitment to provide parents with welcome financial support for preschool children, but also its intention to create 125,000 new child care spaces over the next five years by providing tax credits to employers and similar support to non-profit associations.

• (2030)

Our fifth but by no means least important priority is to deliver the health care Canadians need when they need it. Universal health care is something we take great pride in as a nation, but for too long there has been more talk than action to reduce waiting times and provide other fixes for the health-care system. The government will take action by addressing the fiscal imbalance and establishing a patient wait times guarantee with the provinces.

Honourable senators, while the Speech from the Throne confirmed that these priorities would be our main focus of attention, we will also deliver on other commitments. We will create jobs and grow Canada's economy. We will invest in research and development and support Canada's traditional industries. We will secure Canada's borders and make large-scale investments in Canada's military. Our government will increase support for students and families. We will improve Canada's national infrastructure, build a cleaner, healthier environment, and provide real opportunities for Aboriginal people to improve their lives and their communities.

[Translation]

The reading of the Speech from the Throne was an important step for our government, but now we must make good on the promises we made to Canadians. My department will have an important role to play in this regard.

As Receiver General of Canada, my department will play an important role in support of the Universal Child Care Benefit by making monthly payments to eligible families.

My department will be on the front line when it comes to accountability and increased transparency. That is why I have a keen interest in the federal accountability act. This act will have a significant and positive impact on my department.

Honourable senators, the Prime Minister promised Canadians a detailed and credible plan to clean up government. This act has provisions to reform federal political party financing by introducing a number of new restrictions and by extending the period for prosecuting offences under the Canada Elections Act. Furthermore — and fortunately — secret donations to political candidates will be banned.

The act will also strengthen restrictive measures on lobbying and will make the Registrar of Lobbyists an independent officer of Parliament with a mandate and the necessary resources for investigating alleged violations.

The Office of the Auditor General will receive additional resources and a broader mandate under the act. New penalties will be created under the Criminal Code for the fraudulent use of taxpayers' money.

The act will also strengthen the role of the Ethics Commissioner, who will have the power to impose a penalty on those who violate the act and to conduct investigations into complaints made by the public and not just by politicians.

Officers of Parliament will no longer be simply appointed by the Prime Minister. They will instead be appointed in consultation with all the political parties.

Whistleblowers will be provided with real protection, and auditing and accountability activities in the departments will be enhanced.

An independent office, which will be an integral part of the Library of Parliament, will be established to inform Parliament directly on the national financial situation and national economic trends.

**Some Hon. Senators: Bravo!**

[English]

**Senator Fortier:** Two elements of the federal accountability act are of particular note to my department. The first relates to cleaning up federal contracting. As the main procurement arm for federal departments and agencies, Public Works and Government Services Canada, PWGSC, negotiates thousands of contract arrangements each year and is central to the business of government. Regrettably, the process has been the subject of well-publicized problems. My objective is to bring this situation to an end in the relatively near future. The Federal Accountability Act permits us to appoint a procurement auditor to ensure that all procurement is fair, open and transparent. This office will have a mandate to review procurement practices across government, make recommendations for improvements and address complaints from contractors, including by managing an affordable and quick alternative dispute resolution process. The auditor will submit an annual report to the minister on its activities and outcomes, and this report will be tabled in Parliament.

We will also promote fairness, openness and transparency in the bidding process by implementing a code of conduct for procurement that will apply to both suppliers and the public service.

Honourable senators, a few weeks ago, I announced the establishment of six new offices of small- and medium-sized enterprises, SMEs. They will help suppliers from the SME world compete for government business by reducing barriers to competition and by promoting a fair, open and transparent procurement process.

The act also provides for significant reforms in the management of polling and advertising. Among the changes, the government will be obligated to automatically publish public opinion research within six months of the completion of the project. Verbal-only reports will be prohibited. An independent adviser will be appointed for a six-month period to review, assess and report on government public opinion research procurement practices discussed in chapter 5 of the Auditor General's November 2003 report. Reporting directly to me, as Minister of Public Works, this individual will recommend whether further action or inquiry is required and provide advice with respect to future use of such research by governments.

[*Translation*]

Let me tell you, honourable senators, these changes do not mean that the public servants who oversee government contracts as well as advertising and public opinion research are not doing a good job. I have full confidence in the professionalism and the abilities of my department's employees. As the Gomery commission clearly indicated, the problems of the past that tarnished the department's reputation were political in origin.

The business transformation initiative, underway at the Department of Public Works and Government Services, shows that the department's employees and managers have a sole objective: to serve the interests of the public in the best possible manner by making good business decisions on behalf of Canadians.

For example, representatives of my department are working on developing an accommodation management strategy that is the most efficient, the most effective and the most economical for the Government of Canada. I wholeheartedly support this work and will continue to do so as long as I am minister.

I also supported the procurement reform underway in my department. Every year, as many of you know, the Government of Canada purchases over \$20 billion in goods and services, much of it through Public Works and Government Services Canada. By optimizing the purchasing power of the government as a whole, we will achieve a better price-quality ratio for Canadians.

Honourable senators, all this will be done while ensuring that small and medium-sized enterprises have access to government markets. These enterprises are the cornerstone of our economy and the main source of jobs.

[ Senator Fortier ]

In closing, I would ask you to support the Throne Speech. Canadians have given the Harper government a mandate to implement these priorities, and we must all do our best to deliver on that mandate.

• (2040)

**Hon. Francis Fox:** Honourable senators, to start with, I would like to congratulate Senator Fortier on his maiden speech. It was one of considerable substance. I would like to ask him a question on his responsibilities.

Senator Fortier will no doubt recall that, to ensure greater fairness in the distribution of government jobs and buildings in the National Capital Region, especially on the Hull-Gatineau side, the Liberal government, in 1980, and I think subsequent governments, established a rule to aim for a 75/25 ratio in the distribution of government jobs and buildings.

Can the minister tell us if he intends to continue this policy and, if possible, improve the 75/25 ratio?

**Senator Fortier:** I thank the honourable senator for his question. It is entirely relevant, since, as the honourable senator mentioned, there is a Crown portfolio distribution policy of 75/25 in the National Capital Region.

When I took up my duties, senators will note I inherited a 77/23 ratio. So I intend to do my best to bring it up to the objective of 75/25, which I support. However, it must be understood that several hundred thousand square feet have to move from one side of the river to the other, in order to move these few percentage points, unless new buildings are constructed on the Gatineau side. These solutions are currently being considered in my department, and I hope that by the end of my time at Public Works, I will have succeeded in shrinking the current gap.

**Hon. Marcel Prud'homme:** Honourable senators, I am here as a matter of duty and of pleasure, to hear the new minister's maiden speech. You will recall, on November 25, 2005, during his farewell speech, that Senator Austin said he would miss the Question Period on this side.

So I rose in my own name, since I could not do so on behalf of the ten unaligned senators at the time and said: "Not too fast. You know arrogance is dangerous, and you could find yourself on this side." I spoke these words on November 25. I had already announced how I would vote, and everyone knows that, for the first time in my life, I voted for the Conservative Party in the latest election.

I will even be pleased to support the minister, who has told us he will be a candidate in the next election. If he asks me to, I will support him in the next election.

That said, I do not have the pleasure of knowing the honourable Senator Fortier, nor, I think, does he have the pleasure of knowing me. This is the first time I have spoken directly to him in front of everyone, which I like to do.

There is a disturbing tendency within the new government to delegate responsibility to others for appointments to boards of directors and the Supreme Court. I do not like this tendency. I think that we have to be able to blame somebody directly, and in a democracy, the ones who should take the blame are cabinet, the Prime Minister or the minister who makes or fails to make a good or bad appointment.

I must say, honourable senators, that after 42 years in Parliament, I am very uncomfortable with this new tendency to delegate. In English, the following expression would be used.

[*English*]

In English, we would say, "Pass the buck to a committee to appoint people." I want someone who is directly responsible. The only people who can answer to the Canadian public are those who are elected, such as the minister, the Prime Minister or other members of the cabinet.

I want to be on the record saying that I am very ill at ease with this new tendency that we have to pass the buck to a committee of citizens, or to some other committee. I was not consulted by these people. I did not vote for citizens to choose our judges.

If the Minister of Justice makes a bad nomination, then he should pay. If the Prime Minister and his cabinet make a bad nomination, then we should be in a position to do something about it.

Would the minister be kind enough to comment?

[*Translation*]

**The Hon. the Speaker:** Honourable senators, I regret to inform Senator Fortier that his 15 minutes have elapsed. Does he seek leave of the Senate to continue for five additional minutes?

**Senator Fortier:** I request just a few additional minutes. Thank you, honourable senator, for your question and comments. In my speech, I referred to a procurement auditor. I would say that this appointment is vital, especially for those of you who know how large the Department of Public Works is. Its responsibilities are very important as it manages billions of dollars that come essentially from the taxes paid by Canadians.

It was essential to me, to the Prime Minister and to cabinet, that there be someone within Public Works who is more impartial, who can allow those working for this department every day to have a better perspective on the rules currently in force.

I will be candid, and this will not come as a surprise to anyone, and say that some of these rules are much too complicated. The situation has become difficult for some suppliers, and especially for the smaller ones who cannot afford to employ someone just to handle Public Works. These individuals are unfortunately dealing with an administrative bureaucracy that they find very complicated.

My hope is that a procurement auditor will guide us as we establish simpler, more transparent and clearer rules which, over

the years, will make procurement much easier both for government as a client and for suppliers.

I understand your question. However, I believe that we must appoint a third party as the procurement auditor, since this individual must be, to some extent, an ombudsman within Public Works in order to ensure that the objectives I have just outlined are met.

**Hon. Dennis Dawson:** Honourable senators, first I would like to congratulate the honourable senator on his appointment to cabinet and to the Senate. I am always proud to welcome to this august chamber someone from the Quebec City area, and a minister for the Montreal area.

Since the Leader of the Government in the Senate has sung the praises of an elected Senate, I would like to ask the minister the following question: How is it that you are announcing this evening that you will stand for election not to the Senate but to the other place? I have no doubt that the idea is a good one, even though it does present certain problems.

Unlike Senator Prud'homme, I cannot guarantee you my support. However, if the idea is as good as all that, I can assure you that if you stand for election as a senator, you will be seen to be following your government's logic.

**Senator Fortier:** I thank the honourable senator, a fellow Quebecer whom I greatly admired when I was younger and he was the member for the riding of Louis-Hébert. I watched him when I was in elementary school, and I felt he did a very good job in the House of Commons, but I would remind him that he himself stood for election to the other place.

In answer to his question, which is very apt, I will say that it is a choice I made freely. Following discussions with the Prime Minister of Canada, I told him that I wanted to stand for election to the House of Commons. It is not because I do not respect the upper chamber; it is a personal choice. I am convinced that, when the amendments or new measures apply to this chamber, a number of distinguished people will want to stand for election to the upper house.

[*English*]

**Hon. Jeremiah S. Grafstein:** Honourable senators, I too want to thank the honourable senator for his comprehensive address.

I apologize; I lost the first few moments. I was detained at another meeting.

• (2050)

I was delighted to hear that this government could think, walk and chew gum at the same time. There are not just the five priorities; there is a larger agenda. I was delighted to hear that, and the topics the minister addressed. However, I was curious about one thing, which perhaps he might amplify briefly; that is, the government's objective of securing the border or a secure border. Could the minister tell us what the government means by securing the border or having a secure border?

**Senator Fortier:** Minister Day has had several meetings, as the honourable senator knows, with his U.S. counterparts in discussing North American security issues. We have had, as a government — and it was also in our platform — issues with respect to having our officers at the border stations armed in order to offer them better protection.

My reference to securing borders was with respect to the fact that Mr. Day has had these discussions with his counterpart in the U.S. and the fact we are trying to equip our border officers properly so that they can do their jobs and feel that they are secure while doing them.

**The Hon. the Speaker:** I am afraid the Honourable Senator Fortier's extra time has been exhausted as well.

Honourable senators, it would be for me at this time, unless I see other honourable senators rising, to put the question.

Are honourable senators ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker:** Pursuant to the order adopted April 26 that the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne, addressed to both Houses of Parliament, be concluded on the eighth sitting day on which the order is debated, and no other senator wishing to rise, it is my duty to inform honourable senators that debate is now concluded.

The question now is on the motion in amendment of the Honourable Senator Hays, seconded by Senator Fraser, that the motion be amended by deleting the period at the end and adding the following:

and, while this House acknowledges the broader agenda mentioned en passant in the Speech, it particularly looks forward to early and meaningful action on such promises as those respecting Aboriginal Canadians, new immigrants, greater security for seniors, improvements in the environment, and increased supports for farm families; and, given the strong economic and fiscal situation which the Government inherited, this House sees no reason for tax increases, or a decrease in anticipated early learning and child care spaces in Canada.

Honourable senators, is it your pleasure to adopt the motion in amendment?

Motion in amendment agreed to.

**The Hon. the Speaker:** The question is now on the motion as amended by the Honourable Senator Champagne, seconded by the Honourable Senator Segal.

Honourable senators, shall I dispense?

**Hon. Senators:** Dispense.

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

Is it your pleasure, honourable senators, to adopt the motion as amended?

Motion, as amended, agreed to and Address in reply to the Speech from the Throne adopted.

On motion of the Honourable Senator Comeau, ordered that the Address, as amended, be engrossed and presented to Her Excellency the Governor General by the Honourable the Speaker.

## CRIMINAL CODE

### BILL TO AMEND—DECLARATION OF PRIVATE INTEREST

**The Hon. the Speaker:** Honourable senators, before we proceed to the next item, I wish to advise that the Honourable Senator Di Nino has made a declaration of private interest regarding Bill S-211, and in accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

## NATIONAL PHILANTHROPY DAY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein** moved second reading of Bill S-204, respecting a National Philanthropy Day.

He said: Honourable senators will recall that this bill was introduced as Bill S-46 on November 3, 2005, and died on the Order Paper. I am now moving second reading of Bill S-204, an identical bill, respecting a National Philanthropy Day.

Honourable senators, I will try to be brief; you have heard this argument before. I believe the sentiments are shared by members on both sides.

National Philanthropy Day occurs annually on November 15 as a special day for those people active in the philanthropic community. National Philanthropy Day events are already held in every province and region in Canada involving thousands of people. Initiated at the grassroots level, it continues to grow each year as led by individual charities and organizations such as the Association of Fundraising Professionals.

Canada would lead the world if Parliament formally recognized National Philanthropy Day. Parliament can have a tremendous influence on public behaviour. The creation of a day recognized by Parliament would send a powerful message to all Canadians that charitable giving and volunteering are critical to our society and a crucial element in all aspects of Canadian life. Such a day would provide a forum for all charities and volunteers across the country to gather together in our villages, towns and cities to share their stories and celebrate their successes, large and small.

It is established that celebrating these success stories and identifying the ongoing need for support is one of the most effective ways to inspire others to give of themselves and their



resources. For instance, a powerful story is that of Terry Fox, celebrated in a monument near Parliament Hill, to demonstrate the effect that one person's actions can have on the public's desire to support great and good causes.

Parliament's recognition of this day is important for a number of reasons, but I will briefly describe only four.

• (2100)

First, it encourages giving. Support for the charitable sector must come from a variety of sources. Direct government funding remains the primary and essential source for most organizations. However, in an era of shrinking budgets and expanding needs, philanthropy is becoming an ever increasingly important part of the solution.

Second, it builds communities and civic society. Giving encourages greater citizen participation and greater respect for civic society. When people give, they invest a part of themselves in their community and create a stake in the future of our society. Giving can bring people together who might normally have nothing to do with one other only by focusing on a common goal.

Third, recognition of this day would further strengthen the growing partnership between the federal government and the volunteer sector. The federal government began a partnership in the year 2000 and provided \$94 million to fund the jointly administered Voluntary Sector Initiative. The VSI resulted in a number of outcomes that were jointly recommended by government and the sector itself, including the largest regulatory reform of the charitable sector in more than a generation.

Finally, recognition of National Philanthropy Day is a grassroots non-partisan issue, something that the Canadian public has strongly and consistently supported by voice and by deeds. Studies report that 90 per cent of all Canadians believe that non-profits are becoming of increasing importance to all Canadians, in all segments of society. In addition, 59 per cent of Canadians believe that non-profits serve on the front lines of hundreds of issues facing the country, from social services to health care, the environment, and the arts and beyond.

Canada, honourable senators, is a land of choices. Canadians can commit their time or spend their money in countless ways, but for volunteers and donors, philanthropy is not just another choice. It is a statement that goes to the meaning of their very life. Each senator in this chamber I know devotes time as a volunteer to numerous charities. We know what we are talking about when we support this particular bill.

Already, more and more Canadians are coming to rely on programs and services provided by non-profit organizations. The volunteer sector has made an indelible impact on all of Canadian society. There are 81,000 registered non-profits in Canada receiving approximately \$10 billion in contributions annually, according to Statistics Canada, but the impact of the volunteer sector goes well beyond philanthropic programs and services.

According to the recent *Cornerstones of Community: Highlights from the National Survey of Nonprofit and Voluntary Organizations* study, the sector posted \$112 billion in revenues

in 2003 and employed more than 2 million people. In addition, these organizations draw on 2 billion volunteer hours each and every year, the equivalent of 1 million full-time jobs. Each and every Canadian has been touched by the work of our volunteer sector in some way. Each senator, as I said, is deeply involved in the volunteer sector in their regions.

The non-profit sector has had an impact on the financial health of the economy. The economic contribution of the non-profit sector is larger than many major industries in Canada and amounted to 6.8 per cent of the gross domestic product in 1999, according to Statistics Canada. The non-profit sector's GDP is 11 times more than that of the motor industry and more than four times that of the agriculture sector.

National Philanthropy Day has the support of many volunteer organizations, including Imagine Canada, Philanthropic Voluntary Sector Forum, Canadian Association of Gift Planners and the Canadian Bar Association, which represents thousands of non-profit organizations in the country.

Again, honourable senators, I urge you to formally recognize the special date by adopting this bill. Should we not take one day every year to honour their efforts and the efforts of all Canadians and organizations across Canada and support them?

Honourable senators, at the core of each faith is the eternal question: Is it more blessed to give than to receive? National Philanthropic Day is Parliament's answer to that question in the strong affirmative. I urge honourable senators to pass this bill speedily, this magnificent parliamentary gesture to Canadians in the voluntary sector. Perhaps, with agreement on both sides, we might refer it to a Committee of the Whole as this bill is non-partisan in pith and substance, and we could accelerate its speedy passage through Parliament.

On motion of Senator Champagne, debate adjourned.

## ABORIGINAL PEOPLES

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

**Hon. Gerry St. Germain**, pursuant to notice of May 2, 2006, moved:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)q of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters;

That the papers and evidence received and taken during the First Session of the Thirty-eight Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, but no later than June 30, 2007 and that the Committee retain until September 1, 2007, all powers necessary to publicize its findings.

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

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, before we vote on this motion, I wonder if the honourable senator would give the Senate an explanation of what this order of reference involves.

**Senator St. Germain:** Honourable senators, this study was commenced under the previous administration, under the chairmanship of Senator Sibbeston in the committee of the day, which I was part of as deputy chair. The study encompasses why certain Aboriginal communities have been successful in economic development whereas others have not. We are trying to find out whether there is a recipe for success. First Nations like Westbank or Osoyoos, to name a couple in my province, and the Musqueam and the Squamish bands are tremendously successful economically. However, right next door we have Aboriginal nations that are struggling immensely just trying to subsist from a daily point of view. Those were the reasons for the study.

• (2110)

A lot of the study, in fact over half, has been done. We would like to complete the study because we are finding out some salient points. One is that governance, the ability to control themselves and their own destiny and to separate themselves from the paternalistic umbrella of DIAND, has emerged as being truly critical. These are some of the things we are finding out. We wish to continue in that spirit, and we ask the Senate for the support to continue with these studies.

**Hon. Serge Joyal:** Will the honourable senator entertain a question?

**Senator St. Germain:** Yes.

**Senator Joyal:** I have absolutely no objection to the terms of reference, Senator St. Germain, but in answer to the question posed by Senator Fraser, you stated that, in your opinion, you have already done half the work. Upon reading the motion, I note that you request terms of reference no later than June 30, which is more than a year from now. Will it take that much time to complete the other half of what you want to do?

**Senator Prud'homme:** Absolutely!

**Senator St. Germain:** I thank you for your question, Senator Joyal. Hopefully, it will not, but we want to be safe. For the information of the Senate, we are meeting with the Minister of Indian Affairs and Northern Development this week. One Liberal

senator has already met with the minister in a private meeting to discuss terms of reference that he may want to proceed with because we have issues such as land claims that are strongly impacting our nation. Caledonia is one example.

We wanted enough money in the event that we have to pursue another agenda. We may return to the Senate on another issue that is imminent and may require attention. Land claims is one of them. As you know, land claims settlements have bogged down. It takes 20 to 30 years for these land claims to be settled, incurring horrific legal costs, considerable lost time and lost generations of our Aboriginal peoples.

I also look forward to the prospect of a review of the department. The department has a \$6.1 billion budget, and in the past, it has not mattered whether Conservatives or Liberals were in government. We cannot even provide safe, clean drinking water to our Aboriginal people. This is not rocket science. These are some problems that I strongly feel require urgent attention.

What we are doing now is being substantiated by other studies on Aboriginal issues that have been done south of the border with regard to governance. We want to be on the safe side in the event that we may have to postpone a portion of this study to deal with a more substantial Aboriginal issue. That is why we have asked for this time.

**Hon. Jeremiah S. Grafstein:** My interest was piqued when I looked at Senator St. Germain's terms of reference. I have been attempting to address the issue of clean drinking water on Aboriginal lands for five years with little support from this chamber. As part of Senator St. Germain's terms of reference, does he intend to examine this issue and hold the government accountable for its failure to provide clean drinking water to the Aboriginal communities?

**Senator St. Germain:** I thank Senator Grafstein, as well, for the question. It will be part of it. I wish to look at why the department cannot serve its constituency properly. Water stands out in the forefront. I have been here as you have addressed this issue in the past, and you should be complimented on your work. Water will definitely be the focus of why we go in. Possibly, it may be one of the reasons why we go in. I do not want to speak for the whole committee. I must first consult my committee, but I am speaking as Senator St. Germain, who has had an interest in Aboriginal issues for a considerable period of time. I have spoken to Senator Gill and Senator Segal, who have voiced considerable interest.

If we do not approach these problems from a different angle, we will always get what we always got. I feel it is time that we follow the honorable senator's lead, for example, on water.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, I think that Senator Grafstein talked only about drinking water. Nonetheless, I want to commend him on the fact that his bill is not just for Aboriginals.

If I understood Bill S-208 correctly, the idea is for the environment to be for everyone because it is not just the First Nations that are having drinking water problems. I think I understood correctly that your Bill S-208 has a broad scope and does not target Aboriginals in particular.

[ Senator St. Germain ]

I agree with the honourable senator that there is a greater problem with respect to the First Nations and I wish him good luck. I intend to be there when he discusses it.

[English]

**Senator St. Germain:** The honourable senator has pointed it out clearly, but I think Senator Grafstein has not. He happened to mention the Aboriginal issues, but he has clearly stated that his concern is about potable water ...

[Translation]

Drinking water is for all Canadians, not just for Aboriginals.

[English]

**Senator Grafstein:** Honourable senators, it is a question of quality treatment of drinking water for every person in every region, no matter where he, she or they come from.

**Senator Prud'homme:** That is what I said.

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

Motion agreed to.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON MATTERS RELATING TO AFRICA

**Hon. Hugh Segal,** pursuant to notice of May 4, 2006, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters;

That the papers and evidence received and taken during the First Session of the Thirty-eighth Parliament be referred to the committee;

That the Committee shall present its final report no later than October 31, 2006, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until November 30, 2006.

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

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, may we have a brief explanation of what this is about?

**Senator Segal:** I thank Senator Fraser for that question. The reference listed under Item No. 56 dealing with Africa represents a continuation of a tremendous amount of work done by the Senate committee under the distinguished chairmanship of Senator Stollery and the co-chairmanship of Senator Di Nino.

This work involved extensive work with respect to meeting people from Africa and specialists on Africa, coupled with visits to Africa. The committee itself travelled to Ethiopia, Democratic Republic of the Congo, Nigeria and Mali, having met, amongst others, the Chair of the African Union Commission, the Prime Minister of Mali and Ethiopia, Economic Community of West African States, ECOWAS, and other leadership.

They also met and dealt with members of the United Nations and various organizations focused on Africa. That work was not completed because of the dissolution of the previous Parliament. It was the hope of the committee that it would be granted a reference by the Senate to continue that work, and to report as quickly as possible with specific recommendations relative to Africa in a constructive fashion that reflects our partnership with our fellow human beings, who, as Senator Dallaire has pointed out on so many occasions, are going through a period of suffering. We, as Canadians and members of this committee, request an order of reference to continue our work in support of the great work done by others before I arrived in this place, in support of that broad overall effort.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I wish to ask Senator Segal a question.

[Translation]

Honourable senators, I was able to consult only part of the work done in the past and that had to do with regional security and stability in these problem areas. I am talking about the fact that there are so many nations that are imploding, often because of abuse or lack of availability of responsible military troops from democratic governments.

[English]

There is also the African Standby Force, to which some countries have provided support. We know that in Darfur they have responded even before the UN, although that force is still at least five to ten years away.

**Senator Stratton:** Question, please.

**Senator Dallaire:** Will the security dimension be more specifically looked at with regard to giving capacity to Africa to respond, in the first instance, to crises that are of a security nature that often end up in catastrophic humanitarian disasters?

**Senator Segal:** I thank Senator Dallaire for that question. I note that in his previous role before becoming a member of this chamber, he appeared before the committee and gave testimony that I have had the privilege of reading and benefiting from. I have no reason to believe that my colleagues on the committee would, nor would I, want to exclude the security dimension and any recommendations or reflections that we might offer to this chamber for its consideration upon the completion of our work.

**Senator Stratton:** Question!

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES  
RELATED TO FOREIGN RELATIONS

**Hon. Hugh Segal,** pursuant to notice of May 4, 2006, moved:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and

That the committee report to the Senate no later than March 31, 2008.

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Segal, seconded by the Honourable Senator Di Nino, that the Standing Senate Committee on Foreign Affairs — shall I dispense?

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, this is as broadly phrased an order of reference as I remember seeing in my time in this place. As I said, half jesting, in reference to another order of reference, it could theoretically encompass interplanetary travel.

Could the chair of the committee explain to us what on earth he proposes to do with this order of reference?

**Hon. Terry Stratton:** Honourable senators, if I may, my suggestion is that this proposed study has to come before the Internal Economy Committee for a budget. If it is too extraordinary, as will happen with Senator Banks' proposal on studying the environment, we will have to monitor, check, balance and cut back, if necessary.

**Senator Fraser:** I have infinite respect for the work of the Internal Economy Committee. However, since this is an order of reference that the Senate is being asked to approve, the Senate is entitled to an explanation, and then the Internal Economy Committee will undoubtedly do its rigorous refining after that.

**Senator Segal:** Honourable senators, I want to thank Senator Fraser for that question.

The purpose of this particular order of reference and the request therefor is so that the committee is able, whenever possible, here in Ottawa, to accommodate foreign dignitaries and delegations which express the desire to meet officially with the committee. The committee is mainly focused on its legislative and special duties with relationship, for example, to Africa, and thus uses this order of reference very sensibly, I am told, and with great restraint. The goal is not to get a blanket motion but, rather, to react intelligently and diplomatically to unforeseen but important requests and issues.

As honourable senators will know, in the past, this order of reference enabled the committee — and this is the same order that was given in the past — to meet with a group of Iraqi women, a visit organized by DFAIT for a two-week program on human rights and gender equality in Ottawa, as well as the Ukrainian ambassador, to discuss the presidential election in December 2004. I make no assumptions in making this request to the Senate as to what the Internal Economy Committee would choose to do with our budgetary submission when it comes forward in the fullness of time.

**Senator Fraser:** I thank Senator Segal for that response and I note with great interest his reference to proceedings here in Ottawa in terms of this order of reference. I was glad to hear that.

**Hon. Serge Joyal:** Honourable senators, on reading rule 86(1)(h) of the *Rules of the Senate*, I wonder if we are not, with no ill intention, subverting the rules that define the terms of reference of the various standing committees of the Senate. Let me paraphrase such a motion with regard to any of the standing committees of the Senate; for instance, that the Standing Senate Committee on Legal and Constitutional Affairs, in accordance with rule 86(1), be authorized to examine such issues as may arise from time to time relating to legal and constitutional affairs in Canada. Any committee could request such broad terms of reference and do whatever it sees fit and proper.

Again, I continue with the example I just gave regarding the Standing Senate Committee on Legal and Constitutional Affairs. The members of the committee, two times in a row, received a reference from this house to study the non-derogation clause in relation to Aboriginal people. I see that my friend and colleague, Senator St. Germain, was interested in that. Now we are prevented from continuing that study unless we come to the Senate and request, through a motion, that term of reference so that we are empowered to study that specific question.

I wonder if we should not have introduced such a motion with the same labelling as the one we are currently discussing so that any committee could decide, *proprio motu*, to study whatever the committee saw fit. I am not opposed to foreign visitors being in Canada or the president of a country coming to meet with senators. I would be the last one to vote against such visits.

However, perhaps unintentionally we are not respecting the substance of the terms of reference of standing committees. We could change the terms of reference of any committee to reflect the broad wording of this motion and we would have a totally different set of terms of reference for the committees of the Senate.

To allow committees such a broad mandate was not the original intention. The only committee that has such a broad mandate is the Internal Economy Committee, and it has a statutory existence in the Parliament of Canada Act.

That is why I feel that there might be an uneasiness to accept the motion without understanding what can happen with all the other committees.

For instance, Senator Corbin has a motion that deals with Aboriginal languages. We have studied that, and Senator Di Nino was part of a subcommittee, as was I. If we put to that committee anything that pertains to this house, any committee could do whatever it saw fit. The reason this rule is in the *Rules of the Senate* is because the Senate wants to be aware of what committees are doing so that senators know what to expect from them. It is not to control the committees; it is to ensure that senators are participating.

**Senator Stratton:** Question, please.

**Senator Joyal:** Did the honourable senator consider that element when he introduced his motion?

**Senator Segal:** I wish to thank the honourable senator for that question and the edification about rule 86(1)(h). I would be misleading every member of this chamber if I left even the slightest impression that I had given that profound consideration to the broader implication of the specific reference.

The specific reference was one that has been used before for this committee in this house, and I am told — and it is my sense from having read the committee records — that the committee dealt with it by administering great discipline, responsibility and focus. I therefore submitted it for senators' consideration so that we could have the same authority going forward as had been the case in the past, with all the appropriate constraints suggested by Senator Fraser. It was in that context that it was submitted.

It may very well be that the Rules Committee should be asked to take a broader look at the application of rule 86(1)(h) and the risk of unwittingly creating broader mandates than the Senate would want to give without having some frame of reference. In that regard, I have no difficulty with that consideration.

I would ask honourable senators to allow us to get on with our work at the committee, because we are already beginning to receive requests from foreign dignitaries who would like to appear before us. I would like to ensure that we have the appropriate order of reference from this place to allow us to accommodate those visits as the committee may appropriately decide.

• (2130)

**Hon. Joseph A. Day:** On the motion, honourable senators, I note that rule 86(1)(h) reads "if there is a motion to that effect." Obviously one comes to the Senate to consider those points and to consider the powers the committee is seeking.

I had the privilege of serving on the Internal Economy Committee and the subcommittee on budgets, and I have heard chairs of committees ask why, although the Senate has given them a mandate, would Internal Economy try to restrict spending?

I think the way out of this is for Senator Segal to restrict his motion to what he has indicated he would restrict it to, and that is operating in Ottawa to receive delegations from time to time as it may request.

**Senator Segal:** Beyond perhaps one Commonwealth conference in Africa, it is not my expectation that there would be any request to the Internal Economy Committee for specific travel funds on the African reference already disposed of by this chamber.

With respect to the general reference and any specific requirements beyond considerations in Ottawa, as Senator Fraser was kind enough to confirm, we would return with a specific request to the Internal Economy Committee — I am delighted to put that on the record — for consideration, as my colleagues on the committee may think appropriate. We certainly would not assume that the Africa reference gives us any authority beyond what it actually provides or the general reference.

**Hon. Marcel Prud'homme:** Honourable senators, I waited nine years to be on the Committee of Foreign Affairs for all kinds of reasons that I prefer not to mention today. I ended up on the Banking Committee where I knew nothing so I did not want to stay except that I voted against bank mergers and I am glad that the government of the day still opposes that, for the time being anyway.

When I went back to Foreign Affairs, I was very active on the question of Africa. Thanks to the generosity of some people, I am now a full member of Internal Economy.

Honourable senators will have all of my sympathy if others try to limit their own requests. For instance, with all due respect, the National Defence Committee has asked for a significant amount of money. If a committee has a reference, that committee should have the money for that reference; if honourable senators do not want a committee to have a mandate, they should not make such a request. The honourable senator is a very able chairman for whom I have the greatest esteem. I have told him that privately and I make that statement publicly. I have the highest of esteem for his brightness, intelligence, *savoir faire* and diplomacy. I think he will do a very good job as chair of the Foreign Affairs Committee. However, we cannot make him the chairman of a *je ne sais quoi* kind of committee with an I do not know what kind of mandate.

The committee of which the honourable senator is chair was given a mandate in the past government and the committee is only continuing with it. The honourable senator is doing a good job so far. I did not go to Africa for health reasons, as some did. I voluntarily withdrew from going to Africa so it would be less difficult for people to be chosen.

All I ask is that the honourable senator and his colleagues work with somewhat more passion. I would suggest that once in a while the committee should go outside of their mandate to have a special committee as we used to do in the old days with the House of Commons and the Senate, under the very able chairmanship of Senator van Roggen, a good Liberal, whose office I occupy with great respect. Senator van Roggen was a fabulous chairman of Foreign Affairs. He was a Liberal from Vancouver.

I hope that the honourable senator will get what he wants and funds should not be limited to him and with an unlimited amount to others.

## MOTION MODIFIED

**Hon. Wilfred P. Moore:** Honourable senators, I do not know whether or not the Notice Paper has a typo. Item No. 57 indicates that the committee should report to the Senate no later than March 31, 2008 — 2008 is two years out. Should the reference not read to the end of next fiscal year, 2007?

**Hon. Hugh Segal:** I do not think there was any particular intent around using the date of 2008 other than to have a covering reference for us to do our work. If colleagues feel more comfortable with 2007, I would be comfortable with that as well.

**The Hon. the Speaker *pro tempore*:** It is moved by Senator Segal that this motion be adopted —

**Senator Moore:** As amended?

**The Hon. the Speaker *pro tempore*:** Is the honourable senator moving an amendment?

**Senator Segal:** If it is amended 2007, I have no difficulty at all.

**The Hon. the Speaker *pro tempore*:** Is it agreed, honourable senators, that the date be amended to 2007?

**Hon. Senators:** Agreed.

**Hon. John G. Bryden:** As a member of that committee and the steering committee, I have no objection.

**The Hon. the Speaker *pro tempore*:** Is it agreed that we modify the reference according to rule?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is it agreed that the motion, as amended, be adopted?

**Hon. Senators:** Agreed.

Motion, as modified, agreed to.

The Senate adjourned until Wednesday, May 10, 2006, at 1:30 p.m.

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