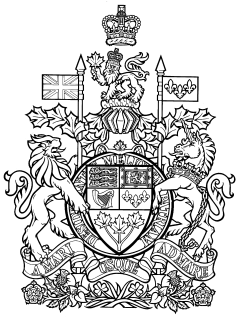

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 18

OFFICIAL REPORT
(HANSARD)

Wednesday, May 31, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 31, 2006

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

Prayers.

SENATORS' STATEMENTS

GOVERNMENT EFFORTS IN SUDAN

Hon. Nancy Ruth: Honourable senators, I rise to speak about Sudan. Our government is committed to doing all that it can to help achieve lasting peace in Sudan. The signing of the Darfur Peace Agreement between the Sudan Liberation Movement and the Sudanese government signalled that it was time for this government to further its efforts.

Our Conservative government has responded. Last week, on May 23, Prime Minister Stephen Harper announced that Canada will increase its funding by another $40 million. Since September 2004, Canada has contributed a total of $218 million in support of diplomatic, humanitarian and African Union-led efforts to end the violence and to bring lasting peace to the people of Darfur.

As you know, Sudan is the sixth-largest African country and has the sixth-largest population in Africa. Its needs are immense. The United Nations estimates that the violence in Darfur has displaced roughly 2 million people and the World Health Organization estimates that there have been 50,000 deaths in Darfur since the beginning of the conflict.

The Conservative government's plan, announced on May 23, will pursue a two-pronged approach to ensure that the immediate needs of the most vulnerable people are met. At the same time, support has also improved for ongoing long-term initiatives. Half of the $40 million most recently pledged by our government will be used for urgent humanitarian needs such as food, water, sanitation, basic health care and assistance to displaced people in Sudan and neighbouring countries.

• (1340)

Canadian support addresses needs identified by the African Union in accordance with the Status of Mission Agreement in place between the AU and the Government of Sudan. Canada is one of the top three contributors to the African Union Mission. We have provided 25 helicopters, two aircraft, 105 armoured personnel carriers, helmets, protective vests, as well as civilian police and military training.

Honourable senators, we should not forget that Canada's commitment to solving Sudan's humanitarian crisis has been ongoing for over 20 years. It is not a problem that will disappear overnight. While momentous, the Darfur Peace Agreement is only the first step in a long journey. Canada's government has demonstrated and will continue to demonstrate leadership among nations that support peace in Africa. Let us continue our efforts to ensure that Canada never becomes complacent when we see atrocities on the global stage.

[*Translation*]

L'ASSOCIATION FRANCOPHONE POUR LE SAVOIR

ANNUAL CONFERENCE

Hon. Claudette Tardif: Honourable senators, on May 18 and 19, I had the opportunity to participate in a symposium on the topic, "Official languages and linguistic duality: structuring research and partnerships". This event was held in Montreal as part of the annual conference of the Association francophone pour le savoir, ACFAS.

The purpose of the symposium, which was organized by the Canadian Francophonie research network, was to enable researchers from universities, communities, governments and elsewhere to present and discuss their work and address the issue of partnerships for research on official languages.

I agreed to open the research symposium because it combined two themes that drive my social and political involvement: linguistic duality and post-secondary education, which goes hand in hand with the dissemination of knowledge through research.

The presentations addressed themes ranging from education, policy and program evaluation, and the vitality and development of official language communities, to justice and community radio.

In spite of many challenges, including a lack of human and financial resources, many community researchers, government, academic and private sector, are conducting interesting, relevant, high-quality research on official languages, linguistic duality, and official language minority communities.

Statistics Canada officials shared some of their ongoing research into community vitality and literacy. Community representatives shared their ideas about research partnerships and the preliminary results of their ongoing consultation processes.

All of the presentations contributed in some way to encouraging participants to think about the possibilities and challenges of partnerships for research on official language minority communities.

Symposium participants agreed that there is a major need, particularly in the wake of recent changes to the Official Languages Act, to encourage and actively support research on official language minority communities.

They also agreed that there is a lot at stake with respect to the issue of horizontal governance in official languages, which will have to be watched closely in light of recent amendments to Part VII of the Official Languages Act, better known as Bill S-3.

Honourable senators, as I have often said, linguistic duality is one of this country's fundamental values. It is important that both the federal government and the provinces support this value, as well as the research being undertaken on the subject.

[*English*]

WINNIPEG

Hon. Janis G. Johnson: Honourable senators, the City of Winnipeg just wrapped up its first ever city summit. The event, held during the first week in May, brought together over 200 leaders in business, labour, universities, colleges, culture, media, community and youth. Its purpose was simple: It was a call to action, led by Mayor Sam Katz, for governments, local businesses and citizens to develop a plan to revitalize the downtown core of the city.

• (1345)

Over the course of two days, delegates heard from distinguished speakers, such as former New York Mayor Rudy Giuliani; Kansas City, Missouri Mayor Kay Barnes; Joe Berridge of Urban Strategies and *The Globe & Mail*'s John Ibbitson. Discussions focused on urban renewal and growth to make Winnipeg the "City of Opportunity" that it should be.

There are many challenges facing Winnipeg, but the city has much to offer and build upon. We have a very impressive arts and cultural scene which has been long admired across the country: the internationally renowned Royal Winnipeg Ballet and the Winnipeg Art Gallery, home to the world's largest collection of contemporary Inuit art, and the National Screen Institute Film Exchange Canadian Film Festival, an acclaimed symphony orchestra and a lively music and theatre life. This vibrant arts community is also seeing the emergence of a new generation of artists, writers and filmmakers from the Aboriginal community, and their stories are being told and filmed.

Of course, one of the city's impressive distinctions is that it does not simply declare its diversity — Winnipeg lives it. We have a multi-ethnic North End, celebrated for its cultural riches. For example, within the length of a city block we have the Greek Orthodox Church, a community agency for Native Canadians, a Ukrainian perogy restaurant, Vietnamese and Filipino restaurants and a market selling fish from Lake Winnipeg, home to Manitoba's large Icelandic community.

Winnipeg is also known for having the largest and finest array of ethnic restaurants in the country. The cultural diversity of Winnipeg is simply unrivalled anywhere else in our country. We also have the largest Aboriginal population in our city and the largest French-speaking population outside of Quebec.

Historic architecture is another great attribute of Winnipeg. The original core of the city, the Exchange District, was designated a national historic site in 1997. It received this distinction because it illustrates the city's key role as a centre of grain and wholesale trade, finance and manufacturing during two historically important periods in western development: between 1880 and 1900 when Winnipeg became the gateway to Canada's West, and between 1900 and 1913 when the city's growth made it the region's metropolis.

It is true that the road ahead will be filled with challenges, such as fixing decaying infrastructure, dealing with the high rate of Aboriginal unemployment, encouraging entrepreneurs and business development and beautifying the downtown core. In short, we need a plan of action, but we have a solid base from which to work, and we must not undervalue this. This solid downtown base includes the University of Winnipeg, the Red River College campus, the MTS Centre, the new hydro headquarters, the Forks development, the Waterfront Drive condominium development, and we soon will be able to boast about a national human rights museum.

Now that the summit is over, the question becomes: what about the plan? It is vital that we not lose all the goodwill and momentum stemming from this event. We all have a role to play, and I am committed to working with my municipal, provincial and federal counterparts to help Winnipeg realize its full potential. My call to action: Let's identify the priorities, the plan, and get to work! No more talk — action.

[*Translation*]

CANADA-FRANCE FEDERATION

FIFTY-SIXTH INTERNATIONAL CONFERENCE

Hon. Maria Chaput: Honourable senators, as President of the Canada-France Federation, a non-Parliamentary organization, and as a Canadian senator, I was invited to attend the 56th France-Canada International conference in Nice, and to co-chair the event with French Senator Marcel-Pierre Cléach.

I also had the honour of chairing the 55th FCF Conference, which was held in 2005 in St. Boniface, Manitoba, where French and Canadian delegates received a warm welcome from the francophone community in Manitoba. At the conference in Nice, I was able to follow up on some of the partnership initiatives that had been discussed last year.

The theme of the Nice conference was "La Francophonie—Cultural Diversity in Action". Round tables were held to discuss diversity in action in francophone businesses; youth visibility; moving to Canada or moving to France; and, finally, a cultural commission to address "dialogue with others, between cultures, and the contribution of the Francophonie."

Several prominent individuals gave speeches, including the Mayor of Nice, Senator Jacques Peyrat, and His Excellency Claude Laverdure, Canadian Ambassador to France.

I gave a speech at the official opening, took part in numerous debates and presented a Canadian flag to the organizing committee. I met Canadian students, including one from Winnipeg, who are there on an exchange program with Nice, and I had the opportunity to speak with them at length.

The most memorable event for me was the anniversary mass to commemorate the consecration of the Nice Cathedral, on May 7, during which the Bishop welcomed the Canadians and reiterated the special ties that we share, particularly our culture and language. At the very end of the anniversary mass, the Canadian national anthem was played in honour of the Canadians who attended the event.

I returned with very fond memories and a strong desire to continue to pursue partnerships with our French friends, our Canadian communities, and particularly, connections between the people of France and the francophone community of Manitoba.

I would like to thank the Senate of Canada for this privilege of continuing to support the community I represent.

• (1350)

[*English*]

ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Hon. Pat Carney: The earthquake in Indonesia earlier this week, and the tragic loss of life and devastation, brings into focus the work of the Asia-Pacific Parliamentarians' Conference on Environment and Development, which met in Whistler during the Easter break. I was one of the nearly 100 delegates from 19 countries who compared notes on national emergencies. At Whistler, parliamentarians discussed how emergencies and natural disasters are on the increase due to urbanization, weather and climate change. We are familiar with the Boxing Day tsunami of 2004, where 260,000 people died in Indonesia alone.

Each country faces different challenges. The Philippines are located on a "typhoon highway" and experiences about 20 cyclones a year. Rising ocean levels affect the 7,100 islands at high tide. There are more islands at low tide.

Tiny Tuvalu, where 8,000 people share nine atolls in the South Pacific, has no technical staff to manage disasters as sea water invades its taro fields. Kiribati, an atoll nation whose highest point is only 13 metres above sea level, faces a similar threat.

Low-lying villages in Fiji are under threat as rising sea levels obliterate the coral reefs that protect the shoreline. Malaysia and Vietnam cope annually with both flash floods and drought. Mountainous Nepal, located in an active seismic zone, suffers damage from lightning, landslides and hailstones, and constant threat of earthquakes.

Korea and Mongolia talked about the "fifth season" of dust and sandstorms which turn the air yellow and is the result of overgrazing, as poverty forces the urban poor back to the land. Canada's country report lists ice storms, flooding and forest fires, and several trends suggest our problems will only get worse.

Disaster response by each nation is divided into mitigation, such as dams and floodways; preparedness, such as emergency plans; response from police, firefighters and medical personnel; and recovery, to rebuild and restore communities.

Delegates agreed on the need for international credentials so volunteers from donor countries can work without threat of legal action. The conference ended with consensus for the *Whistler Declaration of Natural Disasters: Prevention and Response*, whereby parliamentarians resolved to encourage the increase in capacity and resilience of regions affected by natural disaster; the implementation of the Agenda for Humanitarian Action of the International Federation of Red Cross and Red Crescent Societies, which would better facilitate a quick response by the international community to large-scale natural disasters; the development of local emergency management plans based on hazard identification and risk assessments; the development of communications strategies, as well as cooperation in disaster monitoring, warning and response; and the development of strategies to protect victims of natural disasters from human trafficking and the spread of disease.

They may not prevent natural disasters, colleagues, but these measures will help to mitigate and assist the people who have to bear them.

• (1355)

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I rise, with some trepidation, to give notice that, at the next sitting of the Senate, I shall move:

> That the Standing Senate Committee on Agriculture and Forestry have power to sit at 5 p.m., Tuesday, June 6, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO REQUEST GOVERNMENT RESPONSE TO REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput: Honourable senators, I hereby give notice that two days hence I shall move:

> That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report of the Standing Senate Committee on Official Languages, entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*, report tabled in the Senate on June 14, 2005, and adopted on July 18, 2005, during the First Session of the Thirty-Eighth Parliament; and that the Minister of Canadian Heritage, the Minister of Social Development and the minister of Official Languages be identified as Ministers responsible for responding to the report.

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*;
>
> That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament and the First Session of the Thirty-eighth Parliament be referred to the committee; and
>
> That the committee present its report to the Senate no later than June 30, 2007.

[*Translation*]

POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Claudette Tardif: Honourable senators, I hereby give notice that, two days hence:

> I shall call the attention of the Senate to questions concerning post-secondary education in Canada.

[*English*]

QUESTION PERIOD

GOVERNOR GENERAL

REQUEST TO VISIT TROOPS IN AFGHANISTAN

Hon. Jim Munson: Honourable senators, I am rising, as John Ivison would describe in the *National Post*, in a sloth-like motion to ask the Leader of the Government in the Senate a question. In fact, speaking of John Ivison and the *National Post*, the "Conservative *Times*," or the Conservative's favourite newspaper reports that Her Excellency the Governor General has asked twice to visit troops in Afghanistan, and from the *National Post's* report, she has been denied twice. The *Post* talked about security conditions to make the exact same trip taken by the Prime Minister and the Minister of Foreign Affairs. Let us get serious, for Pete's sake. The Governor General is our Commander-in-Chief of the Canadian Armed Forces. She is held in high regard by the Armed Forces, as was the former Governor General, Adrienne Clarkson, and a visit by her would boost the morale of the troops.

Could the Leader of the Government in the Senate tell me if this story is accurate? If it is accurate, is the government prepared to change its position?

• (1400)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Certainly, the Governor General is held in high esteem by all Canadians and she does an outstanding job.

The information that I have is that the Chief of Defence Staff, General Rick Hillier, did invite the Governor General to visit soldiers in Afghanistan a few months ago. However, at that time, her schedule did not permit her to make the trip.

Due to the security environment, the Chief of Defence Staff has recommended that a visit at this time would not make the most of the Governor General's presence because she could not have met with humanitarian workers outside of the base or with troops who are currently involved in operations away from the Kandahar airfield.

My understanding, and I can clarify this if the honourable senator wishes, is that in view of the recommendations made to her, the Governor General has decided not to proceed with her trip at the present time.

Senator Munson: I am curious. Is the Prime Minister trying to send a message to his Minister of Foreign Affairs that it is okay for him to go even though it is very dangerous for all people to go? I am concerned.

I just want to be clear. The Governor General will be allowed to go — the government says she can go — when the situation becomes more normal, because this is a very tough place to be. Reporters have been there. Former Prime Minister Jean Chrétien was there during a pretty tough time. I know that the people from National Defence will always say you cannot go now because of security reasons.

When Mr. Chrétien was there, he was rushed to the airport and put on a Hercules plane to get out of there just in time. There was a lot of gunfire over the air base and the field in Kabul.

Just as a clarification, can the Commander-in-Chief of the Armed Forces go when she wishes to go, or does she simply have to listen always to recommendations from the government?

Senator LeBreton: Thank you, Senator Munson. There is no doubt that the situation on the ground in Afghanistan is very dangerous. I think that all of the good humanitarian work is being done because we have troops there who are working to secure the safety of all of the other people there.

The Governor General is the Commander-in-Chief of the Armed Forces My understanding is that on the advice of the Chief of Defence Staff, she made a decision not to go at the present time. However, as soon as the Governor General's time permits and the Chief of Defence Staff advises her that it is safe to go, I am quite certain that she will go.

Senator Munson: Perhaps when she gets there, she could wear one of the Prime Minister's stylish flak jackets to help her along the way.

I am worried about the control aspect of this; you are controlling what is happening to the Governor General. It seems to me the Commander-in-Chief, no matter what time, should be on the front lines, even if it is for 30 minutes. It is an important message to state. The idea of what is happening in terms of controlling bothers me.

There was controlling of photo ops at the Trenton air base; there is controlling of the National Press Gallery. What is next, mind or thought control? I am not sure.

Senator LeBreton: Honourable senators, I think the situation in Afghanistan and the peril that our troops face are not something to be joked about nor the subjects of cheap shots.

• (1405)

As a Canadian citizen, I personally hope that the Governor General, as our Commander-in-Chief, will be able to make a trip to Afghanistan. Coming from the developing country of Haiti, she would make a great contribution to the situation in that she would be able to strongly profile the humanitarian and human rights efforts being made in Afghanistan. For example, young girls are finally able to go to school and women are now allowed to teach and to open up businesses. I do not think it is a question of flak jackets. The Governor General will make a decision, and I would urge all parliamentarians to encourage the Governor General to go to Afghanistan as soon as possible.

[*Translation*]

THE ENVIRONMENT

KYOTO PROTOCOL—POSITION OF QUEBEC

Hon. Dennis Dawson: Honourable senators, I too am inspired by the media, specifically the article headlined "Quebec cranks up rhetoric with Ottawa" appearing in *La Presse*, not the *National Post*, as in my colleague's case.

My question is for the minister responsible for Quebec in the Senate. At a time of encouraging speeches about Canada-Quebec cooperation, can the minister explain the utter lack of dialogue with Quebec on greenhouse gases and her government's lack of support for the target set by the Government of Quebec, which wants to honour the previous government's commitments to fund a greenhouse gas reduction program so that the province can meet its Kyoto targets?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

The Minister of the Environment attended the meetings in Bonn and acquitted herself and represented the government's position extremely well, so much so that most industrialized countries and the United Nations have now accepted and agreed that the Kyoto targets are impossible to meet. I believe the Bonn conference ended with great acceptance and support for Canada's honesty and position.

With regard to the media reports, I am always hesitant to respond to issues raised in the media, but suffice it to say that the Prime Minister, the government and the Minister of the Environment encourage all provinces and premiers to work seriously on the whole issue of climate change.

[*Translation*]

Senator Dawson: My supplementary question is for the Minister of Public Works and Government Services. The new Minister of the Environment has torn up last year's historic Montreal agreement, which clarified each government's commitments for the coming years.

The Quebec environment minister has called on your government to support Quebecers and their government in their efforts, outlined by Premier Charest, to meet the Kyoto targets. I quote Minister Béchard:

> If the federal government should decide not to contribute, we will make it very clear where the responsibility lies and why we have not meet the Kyoto targets.

Why not honour the commitments made by past governments, Mr. Minister?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, the senator from Quebec City addressed me as the minister responsible for Quebec. He is well aware that I represent a much smaller area than that. However, since he has asked a serious question, I will tell him that — as mentioned by the Leader of the Government in the Senate — our government, through the Minister of the Environment, Ms. Ambrose, has clearly indicated in recent months that our objectives differ from those established by the previous government.

Quebec may object to this policy or others. The fact that two governments differ in their views on a subject is hardly earth-shattering. I believe it is healthy in a democracy. Quebec puts forth its views on the environment and the federal government does the same, and I think that is just fine.

Senator Dawson: Along the same lines, with the child care agreement ripped up, the agreement on greenhouse gas emissions ripped up, and Quebec cranking up the rhetoric, does he not think that is the time to wonder if fiscal balance will be achieved at the expense of past agreements?

We must also wonder if the government will take money out of one pocket and put it in the other and then declare that it is giving money to Quebec. Will his government respect the historic agreements signed by previous governments?

• (1410)

Senator Fortier: First, I want to correct the honourable senator on the child care issue; it was not the agreements that were torn up, it was the press releases of the previous government, which created thousands and thousands of child care spaces through its press releases. That is the first thing I want to say. Let us be honest.

Once again I want to state my conflict of interest since I have two children under the age of six. When I talk to parents of children under six, they are very pleased with this policy, very pleased that we trust them with the care of their children and that we respect their choice. In Quebec in particular there has been a great wave in favour of the Conservative government's policies since February 6.

INTERGOVERNMENTAL AFFAIRS

MANITOBA—RECOGNITION OF AGREEMENTS WITH PREVIOUS GOVERNMENT

Hon. Maria Chaput: Honourable senators, I wish to ask a supplementary question. With all due respect, Mr. Minister, in Manitoba it was agreements signed between Manitoba and the federal government. The francophone community that I represent here in the Senate met with me last week during break week and it is very worried that the agreements will not be renewed on April 1.

I do not have the relevant documents with me today because I was not expecting to speak. I could bring the minister the documents describing the cuts in French Manitoba because these agreements will not be renewed.

[*English*]

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

As I said yesterday, I think it is clear that the Canadian electorate did not elect a new Conservative government to implement a patchwork of failed programs of the previous government.

Some Hon. Senators: Oh, oh.

Senator LeBreton: During the election campaign, we made our position on child care very clear and it included our intentions with the patchwork agreements that had been signed with some provinces. It is a fact that there was not one single daycare space provided.

With regard to Senator Chaput's question about the list of programs she feels would be cut, I am interested in seeing that list. I would like to provide an opportunity for the minister responsible for child care to respond definitively to the honourable senator's concerns.

THE ENVIRONMENT

KYOTO PROTOCOL—POLICY ON CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, earlier I described the lack of leadership in environmental policy on the part of our Environment Minister as bewildering. After weeks of watching her, I find I have to upgrade the description to breathtaking.

She began by telling us we were out of Kyoto. Then she said that she still wants to chair the international Kyoto committee, but she only wants to do it for one day and not 14 days. She cancelled our program for the reduction of greenhouse gases, which could have been done at $20 per ton. Minister Ambrose cancelled the program on the basis that it was inefficient, yet she replaced it with her transit bus pass program that will reduce greenhouse gases at $2,000 per ton.

Talk about patchwork, she was going to have a made-in-Canada environmental program, yet we learned yesterday that she is talking about allowing companies to trade credits in Europe. It is sort of like the weather that changes every 15 minutes.

Is there any kind of plan at all, or does the Minister of the Environment simply make up her policy based on the last person she spoke to?

• (1415)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will not comment on the tone of that question dealing with our young, intelligent, female Minister of the Environment.

Senator Tkachuk: Who is from the province of Alberta.

Senator Mercer: No policies; just talk about frills.

Senator Tkachuk: These are the press release boys.

Senator LeBreton: And they want this place televised. There is a person closer to television than Senator Segal who seems to want the chamber televised even more. He is sitting in the back row.

As I have stated previously, I am confident that it is quite well understood that the Kyoto Protocol commitments were not working, were not going to work and could not have been met. As I have said, emissions rose by 26 per cent since the protocol was signed.

Minister Ambrose represented her department and the government very well in Bonn. There was agreement by industrialized nations that the Kyoto Protocol was not realistic, and it is very encouraging that those industrialized nations, supported by the United Nations, are now reassessing the goals set in Kyoto.

As I have said in previous answers, the government is working on a made-in-Canada climate change program. Minister Ambrose is consulting, as she should, with people around the world, because this is a global problem, even though we want a made-in-Canada solution to deal with the problem.

Naturally, being the open, honest and smart minister that she is, Minister Ambrose comments on the presentations made to her in an open and honest way.

Senator Mitchell: It is breathtaking how defeatist this government is. Do the government and the minister not understand that, if you give capable and energetic Canadian people leadership and objectives as challenging and important as Kyoto, it is guaranteed that they will meet and exceed those objectives?

What kind of leadership is the government providing? It is providing no leadership.

Senator LeBreton: That is incredible. The Liberals were in power for 13 years. Where was their leadership? An Ipsos-Reid poll showed that 68 per cent of people do not know what the Kyoto Protocol means.

The honourable senator talks about leadership and inspiring Canadians. That is exactly what Minister Ambrose and the government will do. Furthermore, Canadians will not be confused about what we are going to do. We will present our plan in an open and honest way.

It is obvious that the previous government did not explain what Kyoto means, because 68 per cent of people do not understand the protocol.

Senator Mitchell: I can tell you about some people who do know what it means. There are major energy corporations in Calgary that are already on track to meet their Kyoto obligations. That 32 per cent understands the Kyoto Protocol.

What kind of leadership is this government providing to groups and people who have a lot to lose if they do not do it properly? What leadership is it providing to help them achieve these objectives, which they know they can achieve?

Have you forgotten about those guys?

• (1420)

Senator LeBreton: We were not the ones who forgot about "those guys", as the honourable senator says. We will work with "those guys" to ensure we meet our climate change targets.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM— COMMENTS BY LEADER OF THE GOVERNMENT

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I think I felt my hair bristle, and I certainly became angry, when I heard the leader say "child care advocates aside" — just gone, into the garbage or whatever, just out. The honourable leader then proclaimed that "parents are the best child care experts in the country." I think that was a first. All along we have heard the new government say that parents are the experts on their own children. Most of us can accept that. However, now the leader is saying that "parents are the best child care experts in the country."

Why has this new government decided to further denigrate the women and men who dedicate their lives to early childhood development and quality child care?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, when I said, "...parents are the best child care experts..." I meant that parents know what is best for their children. I suppose we could be splitting hairs as to what the interpretation is.

The intent of the government is to put money directly in the hands of parents and to work with industry to provide child care spaces, which the previous government did not do. They talked about it for 13 years, but they did not do it. The intent is to put money into the hands of parents to make the choices that they wish to make and not to pass hard earned taxpayer dollars from government to government, or from government to some advocacy group. That is all I was saying.

Senator Trenholme Counsell: I have a supplementary question.

I will repeat again from the *Debates of the Senate* yesterday, at page 368. The leader said:

> As has been said many times, parents are the best child care experts in the country.

Maybe the comment was not well-phrased, but I believe that child care professionals and child care advocates deserve our respect.

I wish to remind the honourable leader that the 2004-05 system of quality child care, based on the finest principles of early childhood development accepted by all provinces and taking firm roots in fertile soil from coast to coast to coast and signed agreements in nine provinces — I am sure of that; I have the copies — promise to value —

An Hon. Senator: Signed agreements!

Senator Trenholme Counsell: Yes, signed agreements; not press releases. Of course, the honourable senator has not had much experience in government, but maybe he will learn. As I was saying, it is a promise to value those who care for our children when parents must work, and that is 70 per cent of all parents. We also promised to provide additional training, professional development and improved workplaces, and we would hope improved pay, for all child care workers, many of whom are parents.

Will the Leader of the Government in the Senate apologize to all child care advocates, child care professionals and all those who work in daycares, family resource centres and in government for her derogatory and dismissive remarks of May 30, 2006?

Senator LeBreton: I thank the honourable senator for her question. I stand by my comments that "parents are the best child care experts in the country." As a parent, I think I was in the best position to decide what to do with my children and not have some so-called other expert tell me how to handle them.

FINANCE

REFERRAL OF BANKRUPTCY AND INSOLVENCY LEGISLATION TO BANKING, TRADE AND COMMERCE COMMITTEE

Hon. Yoine Goldstein: Honourable senators will recall that in the dying moments of the Thirty-eighth Parliament, four bills were presented to this chamber, one of which was an act to amend the bankruptcy and insolvency legislation of the country. Those four bills were passed in circumstances that we all recall, against the specific understanding that the bankruptcy and insolvency legislation would not be proclaimed until at least the end of June and that the government, upon the reconvening of a new Parliament, would immediately refer bankruptcy and insolvency legislation to the Standing Senate Committee on Banking, Trade and Commerce in order to have it acted upon and pursued.

Honourable senators will also recall that in 2003 the Banking Committee of this chamber produced an excellent report with respect to bankruptcy and insolvency legislation in Canada pointing to certain areas which required immediate remediation.

Bankruptcy legislation is framework legislation. It must necessarily be updated to keep pace with changing times and circumstances. It is fundamental to the proper operation of commercial Canada; it is equally fundamental to the proper protection of individuals who get into trouble as a result of the misuse, abuse or inability to deal with the credit system.

• (1425)

Bill C-55 was to have been referred to committee. It is fundamental legislation. Admittedly, it is not very electorally significant legislation but it is significant legislation for Canadians.

My question is: When will this government deal with bankruptcy and insolvency legislation? We have heard that it has been postponed until the fall, at the earliest. With respect, that is outrageous. Can the honourable leader tell the house anything about that?

Hon. Marjory LeBreton (Leader of the Government): I am almost tempted to ask the Chair of the Standing Senate Committee on Banking, Trade and Commerce to answer this question. However, I will take the question as notice because there have been discussions with the Chair and the Deputy Chair of the Banking Committee and the ministers. I do not have at hand the information for the honourable senator, although I know that some work has been done on this matter.

Senator Goldstein: Honourable senators, I have a supplementary question. The proposed legislation also contained measures to protect employees whose employer had gone bankrupt and permit them to recover monies — partially at the cost of secured creditors and partially at the cost of the Financial Institutions Supervisory Committee, FISC — of which they had been deprived because of the bankruptcy and insolvency of their employer. That protects Canadians and Canadian workers. I would ask the Honourable Leader of the Government, when will this government act to protect Canadian workers?

Senator LeBreton: If my memory serves me correctly, that was the portion of the bill that everyone was anxious to see pass, so that Canadian workers would be protected. I will take the honourable senator's question as notice and give him a full response tomorrow.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT— CONSULTATION WITH INDUSTRY

Hon. Pierrette Ringuette: Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian forest industry is extremely negative about the current softwood lumber agreement because of the loss of jobs, money and hope for the future. The Alberta Forest Products Association told the House of Commons Standing Committee on Natural Resources on Monday that their association had not been consulted in this respect. Yet, yesterday, the honourable leader told this chamber that industry and the provinces are being consulted. Honourable senators, the honourable leader has misled us again. Perhaps she should get her facts straight.

Could the honourable leader tell the house why the Alberta Forest Products Association has not been consulted? Most important, could she advise her Prime Minister to speak in the interests of Canadians, and ask him to consult with his own provincial forest association?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am aware of the testimony yesterday, and that there is never a hundred per cent support for anything that any government does, no matter the colour of the political stripe. I understand that some smaller stakeholders in the industry have expressed concerns. Overall, however, the softwood lumber agreement has received overwhelming support from industry and from the provinces. Let us work our way through this situation.

The agreement is a hundred per cent improvement over the situation that existed before the signing, when there was such uncertainty and when industries were demanding to meet with government to resolve the issue. They did just that and this is a good deal, although it might not be to the full satisfaction of all.

• (1430)

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the oral questions raised in the Senate by the Honourable Jack Austin on April 27, 2006, regarding international trade, the proposed softwood lumber agreement and consultation with the provinces; by the Honourable Francis Fox on April 27, 2006, regarding the proposed softwood lumber agreement; by the Honourable Pat Carney on April 27, 2006, regarding the proposed softwood lumber agreement, consultation with the provinces; and by the Honourable Daniel Hays on May 17, 2006, regarding grains and oilseeds, availability of support funding.

INTERNATIONAL TRADE

UNITED STATES—PROPOSED SOFTWOOD LUMBER AGREEMENT—CONSULTATION WITH PROVINCES

(*Response to questions raised by Hon. Jack Austin, Hon. Francis Fox and Hon. Pat Carney on April 27, 2006*)

The government has been working very closely with provincial governments and Canadian industry on elements of the agreement. Provinces were consulted and aware of discussions that led to the agreement in principle on April 27, 2006.

This agreement represents a negotiated outcome, which is in Canada's best interest. This agreement will provide a stable set of rules, predictability and relief from U.S. measures.

The Canadian industry will get over 80 per cent of duties returned — more than US $4 billion. This represents the highest return ever achieved in negotiations to date.

Litigation is a lengthy process, and the results of litigation, including the full refund of deposits, are never guaranteed. In the absence of a negotiated settlement, litigation could continue well into 2008 and beyond.

The provinces have indicated their support for the agreement in principle. The government will be working closely with the provinces and industry stakeholders as further details are worked out in the coming weeks.

AGRICULTURE AND AGRI-FOOD

GRAINS AND OILSEEDS SECTOR— AVAILABILITY OF SUPPORT FUNDING

(*Response to question raised by Hon. Daniel Hays on May 17, 2006*)

This government is aware that many farmers, especially grain and oilseed farmers, are in need of immediate assistance so that they can plant crops this spring. On May 18, the Minister of Agriculture and Agri-Food and the Canadian Wheat Board officially announced three of the initiatives first outlined in the 2006 federal budget. One of these initiatives, the Enhanced Spring Credit Advance Program (ESCAP), will provide producers with the increased cash-flow they need to plant their crops this year.

ESCAP will double the maximum level of interest-free loans available under the existing Spring Credit Advance Program from $50,000 to $100,000 and extend the repayment period for these advances from December 31, 2006, until September 30, 2007. It is expected that, under SCAP, producers will have access to some $650 million in advances and that ESCAP will increase this amount to more than $1 billion for this crop year.

In addition, nearly $590 million has been paid to producers through the Grain and Oilseed Payment Program. Further, more than $560 million has flowed to producers through the Canadian Agricultural Income Stabilization (CAIS) Program since the beginning of January. Combined, these programs provide producers with significant levels of cash-flow for this growing season.

On May 18, the Minister also announced two CAIS-related Budget initiatives. The Minister is working with the provinces and industry to make the CAIS program more responsive until governments are ready to implement alternative income stabilization and disaster programs for 2007. These CAIS-related initiatives include $900 million to retroactively adjust how inventories were valued under CAIS for the 2003, 2004 and 2005 program years through the CAIS Inventory Transition Initiative (CITI) and another $50 million to expand the eligibility criteria for negative margin coverage under CAIS for the 2005 and 2006 program year. On May 23, the Minister announced the Cover Crop Protection Program, which will add a further $50 million to help those adversely affected by excess moisture during the 2005 and 2006 growing seasons.

Government officials are working as quickly as possible to put these initiatives in place so that this $1 billion in new federal money can begin to flow to producers.

[*English*]

ORDERS OF THE DAY

STATUTES REPEAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day, for the second reading of Bill S-202, to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Cools*)

Hon. Hugh Segal: Honourable senators, Senator Cools has given me permission to speak.

Some Hon. Senators: Oh, oh!

Senator Rompkey: Did you check with Stephen Harper?

Senator Segal: Honourable senators, inside the government caucus I have learned that seeking Senator Cools' permission is a wise and appropriate thing to do.

I rise today in order to voice my support for Senator Banks' motion to move Bill S-202 ahead, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

None present in this chamber needs any advice from this new arrival on the legislative process. We all understand that the business of Parliament is to introduce, debate, amend, vote and

finally pass legislation that then receives Her Majesty's assent through the Governor General. It is at this point that the will of Parliament has been expressed. It is also the concrete demonstration of the will of the people through its elected representatives. When the delegation of authority to determine the date that the legislation comes into force is given to the Governor-in-Council, it is not unreasonable that there be some limit on how long that discretion can last.

Currently, such a limitation does not exist. Bill S-202 provides for such a limitation that would require the government of the day to revisit acts and sections of acts that have not yet come into force a decade after their passage. I suggest that such a provision is nothing more than common good sense. When legislation is left pending for years, the will of Parliament is frustrated.

When I learnt the Bible in the early days in parochial school in Montreal, my teacher used to say that the Ten Commandments were not 10 suggestions; they were not 10 bits of a consultant's advice; they were not 10 ideas to reflect upon; they were commandments. The case I make to honourable senators is that when the Parliament of Canada, the House of Commons and the Senate, passes legislation after due consideration in committee and throughout the entire process, and when that legislation is signed by Royal Assent into effect, the decision to delay is treating that legislation not as a law, but as a helpful suggestion from the Parliament of Canada.

This is not what Runnymede and Magna Carta were all about. Runnymede and Magna Carta were not about the King accepting helpful suggestions with respect to the disposition of the people's money. The authority that exists in this place and in the other place is part of the constitutional core of our democratic system, and that is why I am so enthusiastic about Senator Banks' proposed legislation that would allow us to assert the rights of Parliament and the rights of the people served by Parliament to constrain the executive from having endless and untrammelled discretion relative to when any law comes into effect.

Honourable senators, a few days ago in this chamber, we approved close to $15.6 billion in Governor General's warrants. Had Senator Cools not intervened, that might have been done in a single-digit count of minutes rather than a more reflective proposition. That is what has happened, not because of the fault of anyone in this chamber or for that matter anyone in the other chamber, but the prior control of expenditures is Parliament's fundamental core role under our system.

The notion that Parliament can pass laws which the executive can willy-nilly set aside, not just for legitimate technical reasons, but for however long they want, is a further denial of the democratic framework that should constrain what any government can do with the resources made available to it by this chamber and the place next door.

As honourable senators sit here there are three acts and provisions in 60 other acts that were enacted over 10 years ago, many more than 20 years ago, that have not been put into effect. I am quite sure there are myriad reasons for their non-enforcement. Some may be valid; others may not. The reasons are secondary to the fact that at some time Parliament saw fit to spend its effort on modifying existing laws or introducing new ones.

The requirements of Senator Banks' Bill S-202 are reasonable and fair-minded. The annual tabling of a report listing the acts and provisions of acts not brought into force by their tenth year, provides a full and open accounting of the work done in this place and in the other place. If the government of the day continues to have reasons for the non-proclamation and putting into effect of those laws, it gives them a normative, regular opportunity to state those reasons directly. It also affords an opportunity for this assembly to set those laws aside for good and substantive reason, rather than have them fill a pipeline of expressions and statutory directions that have been ignored by the public servants who are supposed to respond to the laws that come from this chamber and the other place.

There are, without question, circumstances and exceptions which may need to be addressed in this process. Clearly, the negotiation of international treaties falls into that category. The ratification of such treaties is often lengthy. While the government of the day may see fit to pass legislation relating to such matters, the subsequent negotiations may move at a much slower pace. Provisions can be made for these exceptions.

The public, whom we all try to serve, expects its representatives to be practical. More than ever they also expect openness from their government. Bill S-202, to Senator Banks' credit, provides both. It is impractical to allow legislation and legislative provisions that have been passed and given Royal Assent not to come into effect for more than a decade. This diminishes the value of the work done by everyone in this chamber and by our elected colleagues in the other place.

Parliament discusses, debates, votes, modifies, improves and passes all manner of laws that have to be treated seriously by the public service. If we let the opportunity of this bill pass, we will be saying that it does not matter to us that laws passed in this place sit on a shelf in perpetuity for public servants, unnamed, undisclosed and unaccountable, to dismiss any way they deem appropriate.

• (1440)

I ask honourable senators on all sides to consider embracing Bill S-202 for rapid disposition and to recognize the reasonableness of its core premises. This bill does not threaten the authority of government or the executive; it simply provides a means of accounting for the acts and provisions of acts that were duly passed and are now waiting in limbo somewhere in the never-never land of government delay.

It is important that the work done by all members in both Houses not be put aside. The laws of the land are evidence to the citizens of this country that democracy is working. Failure to move the work of Parliament forward is a denial of the will of the democratic process. It ties specifically to democratic legitimacy and respecting the will of the voters.

I salute Senator Banks for this initiative, the clarity and timeliness of his ongoing effort in this respect, and I am honoured for this side to support it.

Hon. Jerahmiel S. Grafstein: Will the honourable senator allow a brief question?

Senator Segal: I would be pleased to do so.

Senator Grafstein: First, I wish to commend Senator Banks and Senator Segal. This is an important and landmark bill. I understand that encapsulated within the bill is a 10-year period that allows the executive to make a rationale for why they have not proclaimed the particular laws. Do I clearly understand the heart of the bill?

Senator Segal: My understanding is that those bills that would come to the attention of this proposed legislation are those that have been delayed for 10 years or more.

Senator Grafstein: Is there a provision in the bill for future time frames with respect to proclamation?

Senator Segal: My understanding of the operation of the bill, and I would be glad to defer to my colleague across the way, is that when any bill hits its 10-year point, it would then be called into account by the provisions of this legislation on an annual basis.

Senator Grafstein: The difficulty I have, honourable senators, is that there are pieces of emergency legislation. For instance, as Senator Goldstein pointed out earlier in a question to the government, there was an emergency piece of legislation encapsulated or incorporated in the Bankruptcy and Insolvency Act to, in effect, liberalize the treatment of the Bankruptcy and Insolvency Act as it applies to employees, and we were caught by the bill because the bill could not be separated.

When this bill is referred to committee, would there be some consideration given to requiring, with certain bills, a more expeditious proclamation because it requires immediate attention? Otherwise, I feel that everything Senator Segal and Senator Banks have said about this bill is correct. However, occasionally, when the will of both Houses of Parliament, assented to by the Governor General, speaks with one voice and it is an emergency — and I can think of a number of issues that are emergencies — perhaps they should be given better treatment than a 10-year delay.

Senator Segal: I thank Senator Grafstein for that question. I do not disagree with the premise he is advancing, it just does not exist in the content of this bill. This bill deals with existing legislation that has been passed and is now sitting on a shelf.

The notion that honourable senators may wish to consider another kind of proposition, I would argue that that is different from the purport of this bill. A proposition that is relative to the emergency and rapid deployment of any piece of legislation is completely compelling, but it is separate from the provisions that Senator Banks has provided for in this proposed legislation.

Hon. A. Raynell Andreychuk: The Standing Senate Committee on Legal and Constitutional Affairs has had a working relationship with Senator Banks on this bill. I do not believe that any honourable senator has disagreed with the intent of the bill; the concern is to make it workable so that the government would not incur unnecessary expenses bringing the proposed legislation into being. This bill has some of the same qualities as the act that addressed the attempt to bring our legislation into conformity in both official languages. The task is horrendous in many ways, but nonetheless, one that needs to be done.

I was rather intrigued that the honourable senator brought up an argument that we had not heard in the Standing Senate Committee on Legal and Constitutional Affairs, and that was that parliamentary will is thwarted when an act is not proclaimed. The difficulty that I have is that when I was sitting on the opposition side — and please forgive me, but perhaps that is where I am thinking from — often, we would say that we would allow a bill to pass, but we were concerned as to how it would be implemented. The government of the day undertook that they would not implement the bill until certain standards, guidelines or inferences that we suggested were met, whether that would be in reports or during informal discussion with them.

The honourable senator suggests that delaying enactment is thwarting parliamentary will. We have done that to ourselves in many cases. Why has he not chosen to discuss the subject that there are some good things in continuing the procedure?

Senator Segal: I thank Senator Andreychuk for that question. As a newcomer to the chamber, I was present when, for example, on the bankruptcy legislation, as Senator Goldstein mentioned earlier, there was a concurrence in this chamber that despite broad approval, there were difficulties and lacunae in the legislation that needed to be addressed. The Department of Finance undertook to bring back the matter prior to proclamation. I understand that, and the ability of legislators to request that, particularly when there are difficult technical issues to be addressed, is part of the genius of the proclamation process which can only follow after the regulatory drafting has taken place and various representations on different sides of an issue can be made so that the bill does not bring into effect measures which are counterproductive in any way.

I understand the purport of this legislation to be dealing with legislation that is already passed and signed into law by the Crown, and is then sitting on a shelf for reasons that are not always clear. We are saying that when that wait on the shelf hits an entire decade, either they have not been serious about the regulatory refinements or it is being held up for another reason and this chamber and the other chamber has the right to know why.

Hon. Anne C. Cools: Honourable senators, I wish to begin by thanking Senator Segal for his mighty words and for his characteristic wit. Senator Segal has a capability similar to that of the late Senator MacQuarrie for using wit and humour. It is a wonderful skill and talent. I encourage Senator Segal to continue to do it.

I supported this bill in previous sessions of Parliament. I told Senator Banks that I wished to speak to it. Senator Segal did not need my permission to speak today, I just yielded the floor to him, but since he thought it was permission, it was very easily granted.

I wish to thank Senator Banks especially for placing before us a subject matter that, quite frankly, many senators had not paid much attention or given any thought to. During the Senate Legal Affairs Committee, as we held hearings on previous incarnations of the bill, it became crystal clear that not many senators had thought much about the number of bills that may never have been proclaimed or had never been called into force.

I appreciate Senator Andreychuk's concern, which is extremely valid, where the ministers agree not to proclaim a bill until certain other considerations and wishes have been met. However, Senator Banks' intention is far wider than that. The intention of Senator Banks with this proposed legislation is to deal with acts that have already been passed, and for some reason, the government has perhaps changed its mind. I know of a particular bill that was passed, given Royal Assent in another jurisdiction, and has never been proclaimed because the same government changed its mind in a policy way.

• (1450)

These are the questions that Senator Banks places before us. Senator Banks raises important constitutional questions about the role of Parliament, about the proper relationship between the cabinet and Parliament, and about the balance and purpose of the Constitution. He is also raising a not insignificant question about the phenomenon of the expense of the entire process just to have an act sit somewhere parked waiting for a proclamation that may never come.

We learned in the committee hearings that there have been many more of these acts and nobody really knows how many. I think it is an important matter that raises very important questions.

When the government has changed its mind on policy questions, it raises for me a consideration of what used to be called "the dispensing power." When kings did not like parts of acts that were passed, they would simply dispense with those portions of the acts that they did not like. It would be inaccurate to describe this as a dispensing power, but it certainly could be described as a suspending power, where some individual has essentially suspended the calling into force of an act. It is not crystal clear who that person might be because it appears that many ministers did not know about a lot of these acts — but some individual, perhaps a minister, perhaps a few ministers, perhaps departmental heads, essentially suspended the calling into force of an act.

That is a mighty power. I am not sure it is one that Parliament ever intended to invest in anyone. Parliament never intended to invest anyone with the power to be able to suspend what Parliament had done.

Having said all of that, I thank Senator Banks for raising these questions. As I said before, they are very important constitutional questions. God knows, we are living in an era where Parliament, both Houses, has been so degraded and debased to the extent that there are many cabinet ministers who cannot even speak in the language of Parliament.

[Senator Cools]

I believe that the biggest problem that most modern governments face — and I have watched this consistently now for a couple of generations — is that, for the most part, ministers and prime ministers know very little about Parliament. Most of the difficulties that prime ministers and cabinets run into have to do with their lack of familiarity with Parliament. That is one of my own pet peeves and concerns. We see bill after bill come before us, and that absence of knowledge is pretty clear.

For example, just a couple of weeks ago, Senator Bryden was speaking about the animal cruelty situation and his animal cruelty bill. I believe that the primary reason that bad bills and bad laws are passed is that the government has no knowledge of the workings of the law of Parliament and the law of the prerogative, and how those two systems of law should work together to produce good statutes. That is why we have had some outlandish bills come before us.

Unfortunately, because prime ministers and governments have also consistently weakened the position of the Governor General into nothing more than a mere servant of the Prime Minister, we have had situations where Governors General give assent to bills that they should not give assent to. It is a complex issue and it raises many important considerations.

To that extent, Senator Banks, I am prepared to cut short my remarks and allow you to close the debate so that the bill can go to the Legal Affairs Committee and we can begin the committee study, reinforced and buttressed by the fact that the government has taken some interest in and is supportive of this bill.

I would also like to say to Senator Banks that the parliamentary practice is that when governments decide that they support private members' bills, they put their support behind that bill, and eventually take it upon themselves to reintroduce it under the notion of ministerial responsibility.

If you remember when Bill C-250, to amend the Criminal Code regarding hate propaganda, was passed here in the chamber, I questioned the fact that the government was supporting a bill yet was not doing the proper constitutional thing, which was to adopt the bill as its own and move it through the chambers under the notion of ministerial responsibility.

In the instance of Svend Robinson's Bill C-250, An Act to amend the Criminal Code on hate propaganda, this bill was passed with the support of the government, but in the absence of any minister ever taking responsibility, which I thought was rather pernicious at the time.

In any event, honourable senators, Senator Banks has done a stalwart job. The subject matter that he has tackled in this bill is not subject matter that new senators usually take on. I may not have said this to you before, Senator Banks, but when you embarked on this initiative I held you in great esteem, and I had great admiration for you because the subject matter demands a fair amount of exertion and study. I have never said that to you, but I thought I would say that to you today.

Thank you, honourable senators.

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that if Senator Banks speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Hon. Tommy Banks: Thank you, honourable senators. Thank you, Senator Segal, and thank you, Senator Cools, for your very kind words, which gratify and flatter me.

Senator Cools has said better than I what the point of this bill is. It is nothing less than the supremacy of Parliament.

It has been the case, without malice or Machiavellian intent, I am sure, that successive governments have from time to time, whether through inadvertence or otherwise, flouted the expressed will of Parliament. If Parliament cannot pass acts into law in the reasonable expectation that they will be brought into force within a reasonable amount of time, then we should all go home and elect 10 people to run the country, which we do not do any more.

However, there have been important questions raised in this last little debate that I would like to address very briefly before I move that we send this to committee for study. First, with respect to what Senator Andreychuk raised, there are circumstances in which it is important that we have delays of one kind or another in the bringing into force of legislation. Senator Grafstein raised other instances in which there is a matter of urgency and importance that requires that things be done in very short order.

I must remind honourable senators that as Senator Segal quite correctly said, this bill refers always and only to legislation that has received Royal Assent 10 years before the date on which it comes to the attention of Parliament. It gives the government of the day the opportunity to come and argue why it should continue to have the discretion granted in that bill.

Honourable senators, we must remember, in respect of Senator Grafstein's comments, that this bill does not address the question of urgency on a given bill. In that respect, we have hoisted ourselves on our own petard. Every time a bill comes before us that is not going to come into force on a date certain as set out in the bill, there is that coming into force section which grants to the government the unfettered discretion to bring the act into force at a date and time determined by the Governor-in-Council.

• (1500)

The effect of this bill simply says that after that discretion has been granted by Parliament, one has up to 10 years to decide when, but not whether, to bring this act of Parliament into force. That is the important distinction.

Honourable senators, we must be careful when we see bills before us that require urgent attention. We must look at that little coming into force paragraph. When it requires that the delegation of that discretion be given to the government, we have to be sure that we want to do that. I will do that, for one thing, by looking at that provision in future bills that come before us after, I hope, this bill is passed by this house. We must look at the typical coming-into-force provision and add some words at the end of it after it says; "Shall come into force on a date to be determined by the Governor in Council..." We must be sure to add that it shall come into force no later than a date certain upon which the bill would be automatically repealed or brought to the attention of Parliament.

We have to deal with those questions on a per occasion basis.

When we grant a discretion, subject to this bill which I hope will become an act, it will not be longer than 10 years before we have to hear about it again.

I thank honourable senators again for their kind comments. I have great pleasure in moving second reading of this bill.

The Hon. the Speaker: Senator Banks having spoken and the house having been advised that should he speak, that would conclude the debate —

Senator Cools: Senator Banks can answer questions.

Hon. John G. Bryden: Honourable senators, I am curious. We have been referring to Parliament and the will of Parliament being somehow abused. Section 17 of the Constitution Act states: "There shall be one Parliament for Canada consisting of the Queen, the upper house styled the Senate and the House of Commons."

Parliament is the Crown, the Queen; us; and the other place. When a bill is assented to by the Queen's representative, and in that bill it says, "it shall come into force on a day to be fixed by the Governor in Council," the Queen with council, how can that, for however long it would last, become an abuse of Parliament since the top member of Parliament is the person who is going to act on it?

Senator Banks: I thank the honourable senator for his question. It is a good one. "Abuse" is not a word I ever used. I have used "flouted, "ignore" and sometimes "forget." While governments, as Senator Cools suggested, have from time to time changed their mind, I do not think it is within the purview of the government to change its mind without changing Parliament's mind. Parliament having spoken, I do not think it has delegated to the government the right to change Parliament's mind.

When Parliament grants to the government an unfettered, unbridled, unlimited discretion to determine when an act comes into force, ignoring that act or failure to bring it into force can, by definition, constitute an abuse, since the right was granted.

This bill seeks to circumscribe that right and to say "notwithstanding the right having been granted" and this is where the distinction comes in. The right that was granted was not to determine whether the act should come into force, but when. I have arbitrarily suggested that a reasonable amount of time would be 10 years. It could be 15 or 20 or even five. There should be some circumscription of the time for which that authority has been delegated by Parliament to the government and to the government after that and to the government after that and so on. As Senator Segal pointed out, we are now in some cases, with respect to the legislation that presently would be caught by this bill, in the sixth government following the government that introduced and passed the act of Parliament. It is a restraint on that delegation of authority.

The Hon. the Speaker: Further questions and comments?

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 second time.

REFERRED TO COMMITTEE

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

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

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Moore, for the second reading of Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).—(*Honourable Senator Comeau*)

Hon. Pierrette Ringuette: Could I have a time frame as to when the opposition will be speaking on this bill?

Hon. A. Raynell Andreychuk: The opposition?

Senator Ringuette: Sorry, I meant the leaders.

Hon. Gerald J. Comeau (Deputy Leader of the Government): In the fullness of time.

Order stands.

• (1510)

[*Translation*]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING
ANCESTRAL LANGUAGES—DEBATE ADJOURNED

Hon. Eymard G. Corbin, pursuant to notice of April 6, 2006, moved:

> That the Senate should recognize the inalienable right of the first inhabitants of the land now known as Canada to use their ancestral language to communicate for any purpose; and
>
> That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language in this House may do so.

He said: Honourable senators will recall that in the previous Parliament, I introduced a similar motion that focused on the use of Inuktitut by two of our colleagues during Senate debates.

All parties in this chamber supported the motion. The issue was referred to the Committee on Rules, Procedures and the Rights of Parliament. The committee studied the content of the motion during several regular meetings, and then formed a subcommittee to study the proposal in detail.

Once again, all members of the committee supported the purpose of the motion, but some raised the question of the estimated cost of providing such a service. A Senate administrator appeared before the committee and confirmed that it would cost the Senate a million dollars to go ahead with this measure.

We realized that it might cost $1 million to renovate certain aspects of the architecture of the Senate chamber. We know what federal government work can cost, but that is an aside.

In principle, there do not seem to be any major problems. During the last sitting, the committee went to the interpretation booth on the fourth floor of this building. The senators were somewhat surprised at the poor quality of the booth. We have to admire the interpreters for working in such conditions.

It seems that sometime in the past better physical facilities were promised so that our interpreters could do a good job. Following this visit, we realize that the booths need to be enlarged, or possibly new ones have to be built. Various solutions were proposed.

In principle, there do not seem to be any obstacles to providing interpretation in French and English of the Inuktitut language for our two colleagues whose mother tongue that is. This language existed before Canada was formed and these people occupied a territory before the conquest. Since we all know what happened, there is no need to go over that again.

An important principle is at stake here. We appoint to the Senate individuals from Canada's North where Inuktitut is predominant. It is the language used every day. It is the mother tongue. It is taught at school. Despite the fact that there are two official languages in Canada, I feel we should respect these individuals by acknowledging their inalienable right to be able to express themselves in their mother tongue.

The institution must provide them with interpretation. They should not be required to conform to imposed standards. Their language existed before the arrival of French, English and all the other languages and cultures in Canada over the centuries. This is not a privilege, but a natural right and it is time for the Parliament of Canada to recognize this right.

In Europe, rules have been established and budgets provided to preserve regional languages. In Canada, we have treasures. Anthropologists and linguists can tell you this. In fact, French and English contain many terms borrowed from the Aboriginal languages of this country.

I was somewhat perplexed by the way the residential schools issue was resolved. Over a billion dollars was allocated specifically to compensate Aboriginal students who were mistreated at school in general.

Money is all well and good, except that we cannot take it with us to eternity, if there is one, when we die. Money does not solve everything. In order to truly make amends for mistakes from the past, we must focus on basic human rights. In my opinion, the right to be able to speak in one's mother tongue should take precedence over many other considerations, including monetary concerns.

If you want to make honourable amends and create a legacy to atone for errors from the past, you must today recognize our two senators' right to express themselves in their mother tongue. This is something that endures longer than any sums of money. I am not criticizing the settlement reached between the government, the institutions and Aboriginal peoples. That is not the issue. I am talking about something more fundamental.

Allow me to return to my initial proposal. The Standing Committee on Rules, Procedures and the Rights of Parliament studied the motion, but did not report to the Senate in time before the election was called. Here we are today with this proposal before us once again.

What I am proposing is not that this issue be sent once more to the Committee on Rules, Procedures and the Rights of Parliament, but that the Senate adopt this motion immediately. We all know what the problem is. I believe we can all agree that it would not cost a fortune to establish an interpretation service to accommodate two specific senators. If other senators wish to extend the use of Aboriginal languages to all other senators who so desire, I would not object.

[*English*]

Money is not the issue. We are talking about respecting basic, natural rights. We can talk all we want about various other issues, but if we do not allow colleagues to express their hearts and souls in their maternal language, we deprive them of participating as efficiently as possible in debates on legislation, studies and other matters.

• (1520)

I need not say anything else. I am asking the Senate to make a decision and to order the administration of the Senate to set in place the interpretation facilities that are required to allow any senator who wishes to use his native language, to do so.

Hon. Charlie Watt: Honourable senators, I wonder if Senator Corbin would accept a question.

Senator Corbin: Yes.

Senator Watt: First, I should like to indicate my appreciation to the honourable senator for raising this matter again. It would go a long way in terms of facilitating both Senator Adams and me. However, there is one issue that remains — and we have dealt with this in committee; namely, what about the other languages? I am raising this question since that could be used as a stumbling block to prevent us from pursuing this issue, if we were compelled to take into consideration other peoples' languages. However, those people are not here. I am not sure if either Senator Sibbeston or Senator Gill speak their mother tongue. If they do not, then that is fine. However, a number of Aboriginal people have lost their language over the years.

Inuit is very healthy within the international community. I would like honourable senators to know that the language of Inuktitut, in the international community, is one language. There is a variation in dialects that cuts across many lands, from Siberia, to Alaska, to Canada, but it is one language. We have been able to communicate, and I do not think our language is about to disappear. We are a very determined people in terms of keeping our language alive.

Inuktitut is also being used as a language of instruction in classrooms. That practice has been in place since we signed a deal with the Government of Canada and the Government of the Province of Quebec in regard to the well-known James Bay/Northern Quebec agreement. From there on, we managed to take control of our own educational system. The language of instruction is Inuktitut, and therefore, it has continued to grow.

The same thing applies in Nunavut. Many of our people in the North would be thankful if, one day — and I heard an honourable senator say the other day that we will soon have cameras in the chamber — they could follow our proceedings. Right now, they have televisions in the North, too; people do not necessarily live in an igloo but in a house.

Could the honourable senator answer my question in relation to other peoples' needs? I understand today that there are only two people who really need assistance at this point in time.

Senator Corbin: I thank Senator Watt for his question. The other senators were approached and were asked if, from time to time, they would like to speak their — let us call it their native language. Most of them indicated that, indeed, they could well do that. I do not think the response was such that they would do so all of the time, or that they felt impelled to do so most of the time.

I think we should let that matter rest. History tells us that things evolve over time, for one reason or another. Peoples' minds open up, as do their hearts. We accommodate each other because we like to get along together as nations, too, I should say, in this particular instance.

I cannot speak for our other colleagues, to answer the honourable senator directly. However, most of them rose during the debate and indicated support. Some of them did so as well in the committee. The record of the proceedings of the committee will show that they were all approached and they gave various responses.

What moved me, first and foremost, was to allow both Senator Watt and his colleague to avail themselves of this service because, more than any other of the so-called Aboriginal senators in this place, you are the ones who have the greatest facility in your

native language. Indeed, there are times when you search for words in English and you cannot find them. You cannot translate what goes on in your mind. You have great difficulty. We have had the experience of Senator Adams reading or speaking in Inuktitut and you, Senator Watt, standing beside him reading the English version. I thought that was helpful on your part, but distasteful in terms of having to do that in this institution, the upper house of the Parliament of Canada. If we provide translation for English and for French, we should do it as well for native languages for those senators who wish to use it.

My motion is not limiting. I suppose, like a mushroom, it can expand both underground and above ground. It is strictly a matter of goodwill. I hope that the Senate will give due consideration to the proposal and facilitate its coming about in the very near future.

The Hon. the Speaker: Senator Corbin's time has expired. If we wish to continue debate, or if there are further questions —

Senator Corbin: Five more minutes, please.

The Hon. the Speaker: Senator Corbin is prepared to ask for an extension of five minutes. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: There is a question from Senator Smith.

Hon. David P. Smith: I was about to make a brief report on where the work of that committee wound up.

The Hon. the Speaker: Right now, we are on an extension of time for Senator Corbin. If there are no more questions or comments —

Hon. Jerahmiel S. Grafstein: I have a brief question, and that is the question of equality under the Charter. I do not think we can unilaterally suggest that we have two colleagues who wish to assert their particular rights without ensuring or satisfying ourselves that there is equality of rights with respect to others in this chamber who wish equal access to their mother tongue. I would hope that you would give this some consideration, because I do not think we can adequately support the senators who speak their native tongue without knowing whether there are other senators who may have equal rights. That should all be put before us at the same time so that we can fully understand the contours of the solution.

Senator Corbin: I thank Senator Grafstein. I am neither a lawyer nor a constitutionalist. I am a pragmatic, practical person. All I see is a need here and now. I would like to find solutions to satisfy that need.

• (1530)

My motion does not apply to so-called European languages. It deals strictly with Canadian North American, if you wish, native languages. As far as equality goes, I said I had no objection — and I think the members of the committee generally spoke to that effect — to extending the interpretation services to other Canadian native languages. Therefore, the equality criteria would be well met, in my opinion, should the Senate decide to go that way.

Senator Smith: Honourable senators, it might be helpful to honourable senators to have a short update on what has happened. When this matter was referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, a small committee was struck consisting of Senator Di Nino, the current Chair of the Rules Committee, Senator Joyal and me. The first thing we tried to do was get a better understanding of the extent to which senators wished to use such an accommodation. At the outset, we had thought that it could be done on a fairly economical basis when, for example, a committee member chose to speak an Aboriginal language. As well, it was agreed that all Aboriginal languages would have equal status, whenever there was such a request. Would this service be available for all times that the Senate is in session? Would it be available at committee hearings as well? Would it be for special occasions only, when a senator would give notice of intent to make a speech in an Aboriginal language? The necessary facilities could then be put in place in preparation for the occasion.

Some senators might be aware of the situation in Yellowknife, where they have as many as seven or eight interpreters, I believe. The cost was high to provide the facilities, so I believe the service was reduced somewhat, but I am not up to date on the matter. The Rules Committee had hoped to look at that experience. We canvassed Aboriginal senators and there were several, in addition to my two colleagues, who said that, on special occasions, they would like to be able to use their Aboriginal language. However, they were quite satisfied with providing the Senate with a reasonable period of notice in order that we might hire translators, rather than have them on a full-time basis when the Senate is sitting.

We tried to get a sense of the cost of such a service if it were to be provided on a permanent basis, to all committees and on a unionized basis. The cost would be high, so the matter was referred to committee to try to determine a more precise figure and to define as clearly as possible what was reasonable, practical, respectful and fair. However, Parliament was dissolved at the call of an election before we had any definitive answers on the matter.

The new session began and the Rules Committee resumed. Senator Corbin, in the meantime, had put this motion on the Order Paper so that the matter was not revived by the Rules Committee. As a committee, we were waiting to see what the Senate as a whole would do with the issue. Certainly, there was a clear consensus that whatever was decided, there had to be equal offerings for anyone who wished to use any Aboriginal language. However, it was necessary to define the extent of the need and to estimate the costs, as reasonably as possible, before we could move forward.

Hon. Willie Adams: I would like to add to Senator Smith's comments. Senator Watt and I have never requested Aboriginal witnesses to appear before the Rules Committee. I have an understanding of circuitry because I was an electrician, although I do not know the specifics of the wiring in the chamber. I would guess that there must be a booth that could be used for the translator, although costs would be incurred to make the space suitable for another translator.

If the position were designated permanent, I do not know what the salary would be but certainly it would compare to other interpreter positions in Ottawa. I do not know whether there are as many as seven or eight Aboriginal interpreters in Yellowknife now because, after the territory was split and Nunavut was created, many of them left.

A person hired by the Senate as a translator would be part of the staff like the current translators. We have numerous witnesses from Nunavut appearing before Senate committees, such as Fisheries and Oceans, in Ottawa, and we need translators. Persons hired for the position could work in committees as well as in the chamber. I do not know how much it would cost for the materiel and human resources but it would not be $1 million. Much would depend on the kind of equipment installed and the extent of any renovations. We have no trouble accommodating translators in the Aboriginal Committee room, 160-S. I do not think the cost would be a big deal.

Hon. Gerald J. Comeau (Deputy Leader of the Government): In reference to the comment of Senator Adams, when the Senate Fisheries Committee did a study of the North, it had interpreters for English to French to Inuktitut — three-way interpretation. If the committee does look at these issues, they might find the experience of the Fisheries Committee helpful.

On motion of Senator Comeau, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jerahmiel S. Grafstein, pursuant to notice of May 30, 2006, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce which was authorized by the Senate on May 2, 2006 to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades, be authorized to retain until July 31, 2006 all powers necessary to publicize its findings.

He said: Honourable senators, this is a very simple request to allow an extension of the committee's budget for a particular study to be extended to July 31. Honourable senators will recall that the committee held its hearings during the previous session of Parliament, which was dissolved. The committee was to consider the report on demographic studies today and tomorrow, with the hope that it could be completed in time. However, it would seem that the time available is not sufficient. It will likely take until the end of July to complete and publish the report in both official languages. Therefore, we need the expenditure to be extended to July 31. This is not a request for additional expenditure but, rather, an extension to July 31 of the expenditure that was previously authorized.

Hon Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I find Senator Grafstein's explanation entirely reasonable so I do not rise in opposition. However, as I read the wording of this motion, I am not certain that is exactly what it says. The motion contains a request for an extension for powers necessary to publicize the findings of the committee. It is my understanding that the honourable senator requests an extension to enable the committee to report and to publicize. Is that true?

• (1540)

Senator Grafstein: Honourable senators, it is our expectation that we will complete the report within the next week or ten days. You will recall that there is an onus on each senator who is chair of a committee to be responsible for publicizing the report. We will need some time afterwards to be able to properly publicize it. In the next couple of days we hope to have a very important study on consumer protection. We do not want the two studies to be released too close together because we think we lose out on the publicity if we release two of our studies back to back. Therefore we are hoping to leave some space between the release of the two studies to allow adequate opportunity to fully publicize each study from coast to coast to coast.

Senator Fraser: On a point of clarification, is the committee planning to report within its deadline, and is that report just for publicity purposes?

Senator Grafstein: Exactly.

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

Hon. Senators: Question!

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

Motion agreed to.

[*Translation*]

MOTION TO AUTHORIZE COMMITTEE TO STUDY SOFTWOOD LUMBER AGREEMENT— DEBATE ADJOURNED

Hon. Pierrette Ringuette, pursuant to notice of May 30, 2006, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;
>
> That the Committee analyse, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers.

NOTICE OF MOTION IN AMENDMENT

Hon. Pierrette Ringuette: Honourable senators, with leave of the Senate and pursuant to rule 30, I move that the motion be amended to read as follows:

That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;

That the Committee analyse, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers; and

That the Committee report to the Senate no later than October 2, 2006.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted, honourable senators.

Senator Ringuette: Today I have the honour to begin the debate on this motion, which proposes that the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber.

I would like the committee to analyze, among other things, the impact on Canadian sovereignty over resource management, the impact on the interpretation of chapters 11 and 19 of NAFTA, and the provisions in the agreement with respect to financial support for the industry and its workers.

[*English*]

As you know, an article in the *Winnipeg Free Press* on Saturday, May 13, pertaining to a media interview of Minister Emerson held in Vancouver, reported him as having said:

> Provincial governments will be expected to vet any forest policy changes through Washington under the terms of the new softwood lumber agreement...

Those are the words of the International Trade Minister, David Emerson, as a member of the Conservative government. Surely it is not respectful of the Canadian Constitution in regard to provincial jurisdiction to cede our provincial sovereignty to Washington. This deal does not represent a solution for Canada. It represents our surrender to the U.S.

Why was it that the Conservative International Trade Minister, David Emerson, who held the same portfolio in the last Liberal government, recommended the rejection of the same type of deal because it was not good enough for Canada? Why is it that the deal is now good enough?

Honourable senators, being able to study this proposed softwood lumber deal would give us a chance to see why the Harper government is ready to give up our provincial and national sovereignty over the management of our natural resources. Even the Canadian forest industry said that the package's so-called anti-circumventing clause could give the U.S. government a veto on changes to provincial forestry policies, and thus impinging on Canadian sovereignty.

It sure did not take the Prime Minister long to surrender Canada's industry in the hope of scoring cheap political points with the U.S. The terms of this agreement were unacceptable to the Conservatives when they were in opposition. Why are they acceptable now? The best the Conservatives could achieve was a deal that the Liberal government rejected. The Conservative government even caved in to the U.S. government in agreeing to a softwood lumber deal that would see the Americans keep over $1 billion of the tariffs illegally collected at the expense of the Canadian industry, half of which will go to the U.S.-based lumber coalition to compete against our own lumber industry and lawyers.

Here is an interesting quote from Mr. Harper, no less, when he addressed the Conservative national caucus in Halifax on September 7, 2005. Mr. Harper said:

> There can be no question of Canada returning to a conventional bargaining table, as the U.S. Ambassador has suggested.
>
> You don't negotiate after you've won.
>
> The issue is compliance.

And achieving full compliance should be the objective of the Prime Minister.

That was Stephen Harper when he was Leader of the Opposition, of course, but that was not so long ago; it was just last September. When the Conservatives were the official opposition, they demanded that the U.S. respect NAFTA rulings that were in Canada's favour, that Canada settle for nothing less than full compliance and that we even refuse to continue to negotiate, but it did not take long for Prime Minister Harper to cave in to his American Republican friends. This government owes it to Canadians to achieve nothing less than what they promised: free trade and a 100 per cent refund.

Why is it that, back then, Mr. Harper did not want to negotiate, and now he has not only negotiated, has given away Canada's sovereignty and over $1 billion collected by the Americans at the expense of our Canadian forest industry? Thanks to this government's softwood sellout to the U.S., Canada's forestry policy must now be vetted by Washington. This so-called deal clearly shows the government's strength is capitulation, not negotiation.

By caving in to this deal, Prime Minister Harper is wasting years of work that the Liberal government and the Canadian forest industry have put into making sure Canada got the best deal and that our lumber industry was protected. By catering

to the U.S. forest industry, they can now do research and development and market strategy so that they can be more aggressively competitive against us in the global marketplace.

On May 15, as a result of the proposed softwood agreement yet to be signed, our own Canadian forest industry had no choice but to file a lawsuit against this Tory government — against their own government — because they have turned their backs on the industry and gone along with the American protectionist lumber plan.

• (1550)

Our Canadian forest industry is saying that the Tory government and the American government have conspired against Canadian private industry. Had we not stopped the litigation, we would have eventually recovered all of the money that the Americans took from our industry. We were so close to winning again. Unfortunately, this deal wants to eliminate all Canadian victories, past and future. This agreement is nothing more than a political agreement without being a reliable commercial agreement. Some estimates go so far as to say that up to 20 per cent of our sawmills and our jobs will go out of business because of this agreement.

As Jamie Lim of the Ontario Forest Industry Association puts it, we expect to suffer, and suffer significantly, under the terms as they are now written. Moreover, the deal that is written now has no hope of exit. Policy reforms are subject to U.S. judgment and to U.S. veto, and there is no termination clause.

Honourable senators, we cannot afford short-term gain for long-term pain. This Conservative government wants to speed up the process and sign this deal by June 15. However, to proceed quickly is risky, because we risk not getting it right. If we do not get it right, then this deal will turn out to be worse for our Canadian forest industry. The Americans want to speed up this deal because a deficient agreement will work to their benefit and to the absolute disadvantage of the Canadian forest industry.

We have to be aware that we have only one chance to get this right, and if we try to rush through, and this deal turns out not to be a reliable commercial agreement, then Canadians will pay the price and live with the consequences.

Industry representatives have stated that the proposed softwood lumber deal is worse and will make them suffer more than the current situation. Mr. Carl Grenier, the Executive Vice-President of the Free Trade Lumber Council, has declared that the basic U.S. objective of the agreement is to erase the last four years of litigation, to eliminate all Canadian legal victories and to replace them with the same old legal assertions that the U.S. industry has been making for the last 25 years. They want to be ready for another trade war on this issue as soon as the current deal fails or expires, and they want to wipe out any advantage Canada may have gained from defending itself during the last four years.

The Conservative government has invested $1 billion into the American forest industry, and they can now do research and development with the money from our Canadian companies. Not only did our Canadian forest industry lose $1 billion, but the Conservatives also decided to remove from their budget the previous government package worth almost $1.5 billion designed to help Canada's forest industry remain strong and sustainable.

In November 2005, the Liberal government flatly rejected the same deal because it was not in the best interests of Canada. This so-called deal means $1 billion of Canadian money can be used against us to impose unfair restrictions on Canada's lumber industry. By agreeing to this flawed deal, the Prime Minister has sold out the Canadian lumber industry. This deal represents the Prime Minister caving in to the U.S., not solving the softwood lumber issue for Canada.

As with all agreements, the devil is in the details. We strongly suspect that there are more devils in the details of this deal than the Prime Minister is letting on. This deal does not reflect free trade. We are at the mercy of the U.S. The fact that we would cave in like this is disappointing. Despite my position on this issue, this motion is not a debate on the agreement, but on the possibility for this chamber to analyze what the government is agreeing to on behalf of all Canadians.

Numerous members of the Conservative Party shared views that negotiation must proceed quickly with our U.S. counterparts in order to finalize the details of the Softwood Lumber Agreement. Many members of the government in place believe that we must blindly put our faith in the hands of the executive and accept any final deal that may be aligned with the already-proposed draft. I believe that there is a requirement for transparency — we remember that word, "transparency" — and the need for, at the least, an examination of this agreement.

Some Hon. Senators: Oh, oh!

Senator Ringuette: I seem to have just touched upon an issue here, have I, "transparency"? How cute.

I believe there is a serious requirement for transparency and the need for at least an examination of this agreement and its consequences on our industry and its workers by this chamber.

Canadians want good governance. They want to know the content and consequences of agreements that the government will sign on their behalf. They want greater openness and transparency, and they want to be able to hold Parliament, their government and public sector officials to account for results. In order to do so, it is the role of parliamentarians to examine and analyze the issues. The House of Commons is already listening to the stakeholders, and yet, because of the Leader of the Government in the Senate, this chamber has sat idle on the issue.

I have asked six times for the Leader of the Government in the Senate to table the proposed Softwood Lumber Agreement and to refer it for full study to the Standing Senate Committee on Banking, Trade and Commerce, but to no avail.

Some Hon. Senators: Oh, oh!

Senator Ringuette: That is why I now move that this deal be referred to the Standing Senate Committee on Banking, Trade and Commerce today.

Some Hon. Senators: Oh, oh!

Senator Ringuette: Honourable senators, in the spirit of openness, transparency, accountability and fairness I would also like to table, for all of you to be able to read —

Some Hon. Senators: Oh, oh!

Senator Ringuette: Honourable senators, may I? I am sorry that I am disturbing you, but I wish to continue. Thank you.

Some Hon. Senators: Oh, oh!

Senator Ringuette: Please shut up.

The Hon. the Speaker: I regret to inform Senator Ringuette that her time has expired.

Some Hon. Senators: Order, order!

Senator Ringuette: I have one more minute, Your Honour.

The Hon. the Speaker: Order. Senator Ringuette is indicating that she would like to have one more minute to speak. There is also a request to table a document, so I will deal with the latter first.

Senator Ringuette: This is fun. Honourable senators, for your interest, I would also like to table, along with my motion, documents that I have received in a brown envelope.

• (1600)

These envelopes, I believe, contain drafts, in English and in French, of the proposed softwood lumber agreement. They are 25 pages in length.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Leave is not granted.

Senator Fraser: Read them.

Senator Ringuette: Do I have four or so minutes left? Very well. The document says:

SOFTWOOD LUMBER AGREEMENT
BETWEEN
THE GOVERNMENT Of CANADA
AND
THE GOVERNMENT OF THE UNITED STATES.

The Government of Canada (''Canada'') and the Government of the United States of America (''United States'')

HAVE AGREED AS FOLLOWS:

ARTICLE I
OBJECTIVES

The objectives of this Agreement are to:

1. eliminate all current litigation and prevent disputes arising from trade of softwood lumber products between Canada and the United States;

2. facilitate and encourage mutual beneficial trade in softwood lumber; and

3. foster competitive conditions in the North American softwood lumber market, the expansion of existing markets and the growth of new markets for softwood lumber (and participate in meritorious initiatives).

ARTICLE II
SCOPE OF COVERAGE

1. This Agreement applies to trade in softwood lumber products. Softwood lumber products are those products listed in Annex I.

2. No new softwood lumber products will be added to the scope of this Agreement...

— meaning we cannot add value-added products; you need to read between the lines here —

— without the mutual agreement of the Parties regardless of any tariff reclassification or other action by the United States.

ARTICLE III
REVOCATION OF ANTI-DUMPING AND
COUNTERVAILING DUTY ORDERS...

ARTICLE IV
REFUND OF ANTI-DUMPING AND
COUNTERVAILING DUTY CASH DEPOSITS...

ARTICLE V
REFUND OF CASH DEPOSITS MADE
WITHOUT PREJUDICE...

ARTICLE VI
COMMITMENTS OF THE UNITED STATES
CONCERNING TRADE REMEDY INVESTIGATIONS
AND ACTION AND OTHER LITIGATION...

ARTICLE VII
CANADIAN EXPORT MEASURES

Honourable senators, I think this one merits our concerns.

1. Immediately upon revocation of the AD Order, the CVD Order and the termination of all current administrative, expedited, changed circumstances, and new shipper reviews by the United States in accordance with Article III, the following export measures will be applicable: (1) an export charge; (2) an export charge plus a volume restraint; (3) a surcharge mechanism; and (4) a third country trigger.

That sounds pretty one-sided to me. I move on:

ARTICLE VIII
EXPORT CHARGE AND EXPORT CHARGE
PLUS VOLUME RESTRAINT...

That means quotas, right? Then, Article IX says:

CANADIAN EXPORT SURGE...

ARTICLE X
THIRD COUNTRY EXPORT SURGE...

ARTICLE X1
EXCLUSIONS FROM THE EXPORT MEASURE...

ARTICLE XII
TERMINATION OF LITIGATION...

ARTICLE XIII
GENERAL PROVISIONS...

ARTICLE XIV
POLICY CHANGES...

ARTICLE XV
DISPUTE SETTLEMENT...

I do not know why they put that in there because they do not believe in it.

Then the document goes on —

The Hon. the Speaker: Order! The five-minute extension has expired.

The Honourable Senator Comeau?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I had been kind of hoping that the honourable senator would refer to the André Ouellet board of directors' expense accounts that she used to sign, but that did not happen.

Having said that, I will move the adjournment of the debate.

Senator Ringuette: On a point of order, Your Honour —

Senator Milne: I rise to speak to this motion —

The Hon. the Speaker: There is a motion on the floor that has been put forward, which is that it was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Oliver, that further debate be adjourned until the next sitting of the Senate.

Hon. Lorna Milne: Normally, Your Honour, a point of order —

The Hon. the Speaker: This question is before the house. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: In my opinion, the yeas have it.

On motion of Senator Comeau, debate adjourned, on division.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, there is a House order that I must put to you. The House order is that, it being 4 p.m., and pursuant to the order adopted by the Senate on April 6, 2005, I declare the Senate continued until Thursday, June 1, 2006, at 1:30 p.m., the Senate so decreed.

Hon. Fernand Robichaud: Your Honour, four people were standing for a vote on the adjournment motion.

Senator Ringuette: Your Honour —

Senator Milne: Point of order.

The Senate adjourned until tomorrow, Thursday, June 1, 2006, at 1:30 p.m.

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