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Thursday, November 9, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, November 9, 2006

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

Prayers.

SENATORS' STATEMENTS

NATIONAL PHILANTHROPY DAY

Hon. Terry M. Mercer: Honourable senators, again this year, hundreds of charities and over 50,000 people across North America will participate in ceremonies marking National Philanthropy Day on November 15, first celebrated in 1986. It is a day set aside to recognize and pay tribute to the great contributions that philanthropy, and those people active in the philanthropic community, have made to our lives, our communities, our nation and our world.

Honourable senators, when we choose to give and offer our time, our nation becomes a better place. Philanthropy truly is the love of humankind. It simply means people helping people.

All 14 chapters of the Association of Fundraising Professionals celebrate National Philanthropy Day in their own way. I will be leading an educational session in Halifax next Wednesday, discussing trends in fundraising and modern ethical fundraising techniques. We are also celebrating "Youth Philanthropy" at our luncheon this year in Halifax. Honourable senators, what would you do if you were 10 years old and you were given \$250, but you had to give that money away to a charity? To whom would you give it and why? Three classes, each in different areas of the Halifax Regional Municipality, at the elementary, junior and senior high school levels, were asked these very questions. They were required, as a class, to identify which charity they would like to donate the \$250 to. It will be interesting to see how they decided because our youth are our future decision makers and our future volunteers.

I will also be attending the Ottawa Philanthropy Day awards event that evening. Similar events will be held in Vancouver, St. John's, Toronto, Hamilton, Winnipeg, Montreal, Regina, Saskatoon, Windsor, Calgary, Edmonton and Victoria.

• (1335)

Honourable senators, a National Philanthropy Day recognized by the federal government would increase the awareness of charities and the important role that they play in Canadian society. I will continue to pursue this goal in conjunction with my colleague the Honourable Senator Grafstein and many others of you here. This is how important charitable giving is to me and to all Canadians.

REMEMBRANCE DAY

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Saturday is Remembrance Day and we will remember, and do remember, the more than

116,000 Canadian soldiers throughout our history who have died in service to their country, our country, during wars and conflicts.

This weekend, as Remembrance Day ceremonies take place at cenotaphs across the country, these ceremonies will hold a special meaning because of the loss of 42 of our brave soldiers in Afghanistan since the year 2002, including the loss of our first female soldier to be killed in combat. We will also remember the Canadian-born soldiers who died this year in Lebanon and Iraq fighting with the Israeli army and U.S. army.

These deaths have brought home to younger Canadians a sad truth that many older Canadians learned long ago: that the protection of freedom and democracy comes at a very high and terrible price.

In mourning the most recent losses of our soldiers on Remembrance Day, Canadians also remember the sacrifices of the past. This year we observed a significant anniversary of some of the bloodiest battles in the First World War. As Senator Hubley pointed out in the chamber last week, July 1 marked the ninetieth anniversary of the beginning of the Battle of the Somme and, in particular, the Battle of Beaumont-Hamel. Although there are only three known soldiers of the First World War still alive in our country today, the impact of these battles has not been forgotten. In fact, Beaumont-Hamel was an event of such devastation for the people of Newfoundland and Labrador that its memory is keenly felt in the province to this day.

Honourable senators, though much of our world has changed since the First World War, young men and women still die in defence of our freedoms, and they are still mourned by friends and families and their fellow countrymen. The emotions of those left behind have remained the same: a profound sense of loss mixed with a deep pride in the heroism and dedication to duty of their loved ones.

On Remembrance Day, we honour all Canadian soldiers, today and throughout our history, who have made the ultimate sacrifice. We honour them and thank them with very heavy hearts.

Hon. Terry Stratton: Honourable senators, I rise today to speak the names of those 42 soldiers who have been killed in Afghanistan: Blake Neil Williamson; Darcy Scott Tedford; Mark Andrew Wilson; Robert Thomas James Mitchell; Craig Paul Gillam; Josh Klukie; Keith Morley; Shane Keating; Glen Arnold; David Byers; Mark Anthony Graham; Shane Stachnik; William Jonathan James Cushley; Richard Nolan; Frank Mellish; David Braun; Andrew James Eykelenboom; Scott Jeffrey Walsh; Raymond Arndt; James Bryce Keller; Vaughan Ingram; Kevin Dallaire; Christopher Jonathan Reid; Jason Patrick Warren; Francisco Gomez; Anthony Joseph Boneca; Nichola Goddard; Randy Payne; William Turner; Myles Mansell; Matthew Dinning; Robert Costall; Timothy Wilson; Paul Davis; Braun Scott Woodfield; Jamie Brendan Murphy; Robbie Christopher Beerenfenger; Robert Alan Short; Mark D. Léger; Nathan Smith; Richard A. Green; Ainsworth Dyer.

[Later]

Hon. Norman K. Atkins: Honourable senators, it was very appropriate for Senator Stratton to name those who have given their lives in Afghanistan. It is especially appropriate to do so this week.

I think it is also appropriate to mention those who have been wounded and are at various stages of recovery. I think we must think about those individuals as well.

Hon. Senators: Hear, hear!

• (1340)

LITERACY ACTION DAY

Hon. Rod A. A. Zimmer: Honourable senators, it was about a year ago that Jacques Demers, the venerable former hockey coach of the Montreal Canadiens, the greatest hockey team in the world, released a biography in which he admitted that throughout his illustrious career, he had hidden his inability to read. When asked about the Conservatives' attempt to lure him as a candidate last year, Mr. Demers laughed and said, "Imagine a politician who can't read or write!"

One might say that that is unimaginable, but the beauty of having the power to administer a government budget is that it can be used to fund programs that empower people to better themselves and to achieve things once thought unimaginable.

Honourable senators, as Senator Fairbairn and several of our other colleagues have stressed over the past weeks, a heavy blow has been dealt to literacy programs across the country by the \$17.7-million cut announced by the government in October. In my province of Manitoba, 290,000 people with low literacy skills are served by Literacy Partners of Manitoba. Over the past two years, Literacy Partners' long list of accomplishments has included the recruitment of more than 100 volunteers to work in literacy programs, the free distribution of books to remote Aboriginal communities, and the provision of almost \$20,000 in bursaries to adult learners for prescription eyewear, child care, transportation and school supplies.

As a result of the government's decision to cut funds to literacy programs, Literacy Partners will lose about 80 per cent of its funding, resulting in the closure of the coalition in 2008. In the interim, the cuts will eliminate multiple services to learners in adult and family literacy programs and to practitioners across the province.

Over the past four years, CanWest Communications Corporation of Winnipeg has provided \$73,000 for family literacy programs across Manitoba through its Raise-A-Reader program. In the 1980s, I had the privilege and honour of working alongside CanWest's founder and former Chairman, Izzy Asper, who was a pioneer and visionary in the field of literacy. While outstanding companies such as CanWest recognize the importance of supporting family literacy initiatives, the government's decision has cut the lifeline for organizations such as Literacy Partners of Manitoba. Unfortunately, the negative impact of the government's decision will be felt for years to come.

Yesterday, our honourable colleague, Senator Tardif, gave an eloquent speech that underscored the measurable impacts of the decision on her province and on other areas of Canada. On this Literacy Action Day, I would like to join her and other honourable senators in tipping my hat to Senator Fairbairn for her outstanding leadership on this issue. I would also like to thank all the volunteers, staff and donors across the country who have been fighting to keep the spirit of literacy alive.

Finally, to quote Kofi Annan, "Literacy is...the road to human progress and the means through which every man, woman and child can realize his or her full potential."

I sincerely hope that the government will reverse its decision and continue to lend its much-needed financial support to literacy programs across this great adventure we call Canada.

[Later]

Hon. Lillian Eva Dyck: The Saskatchewan Literacy Network has acted as a voice for literacy for 17 years. The network is an umbrella organization that brings together hundreds of people in Saskatchewan with an interest in improving literacy for all people. The Saskatchewan Literacy Network applies for funding each year to the National Literacy Secretariat in order to promote and support literacy in the province. Last year, the Saskatchewan Literacy Network received \$170,000 in coalition funding from the National Literacy Secretariat to support the Saskatchewan provincial literacy work. On September 27, the Saskatchewan Literacy Network was notified by a phone call that this funding had been eliminated.

Honourable senators, the long-term and short-term implications of such cuts are horrendous for the people in Saskatchewan. In the short term, after calling an emergency meeting, the board has decided to use the Saskatchewan Literacy Network's limited reserve funds to support significantly reduced operations until August 31, 2007. Unless other dollars are secured, this will mean an immediate reduction in service and support in four key service areas. The first area, called "learner involvement," will no longer be able to support regional learner groups. Second, in terms of field development, the Saskatchewan Literacy Network will no longer be able to provide subsidized family and adult literacy training. Third, the communications department will no longer be able to publish printed resources. Finally, resource development will attempt to continue to voice and bring forward issues and concerns expressed by the literacy field.

In the immediate future, the Saskatchewan Literacy Network will be moving to smaller office space and staffing will be reduced from eight full-time equivalents to only four full-time equivalents.

Honourable senators, in the long term, if financial resources are not secured for the Saskatchewan Literacy Network and within the next 10 months, it will be forced to close its doors on August 31, 2007.

I hope that in the long-term plans of the current government there will be ways found to ensure that the Saskatchewan Literacy Network continues to exist and provide its important services.

[Translation]

NATIONAL GALLERY OF CANADA

APPOINTMENT OF MS. FRANCINE GIRARD TO BOARD OF DIRECTORS

Hon. Andrée Champagne: Honourable senators, on October 31, 2006, the Honourable Beverly Oda, Minister of Canadian Heritage, announced the appointment of Francine Girard to the board of directors of the National Gallery of Canada.

As a native of the Saint-Hyacinthe area, I applaud this appointment. Let me tell you a bit about Francine Girard.

After earning an undergraduate degree from Collège St-Maurice in Saint-Hyacinthe, an art history degree from the Université de Montréal and a certificate in photography, Francine Girard devoted herself to teaching. She chose to share her love and knowledge of art at the Saint-Hyacinthe CEGEP for 25 years.

She taught “L’univers des musées,” a course offered by the Université de Montréal in cooperation with the Montreal Museum of Fine Arts. She also led a series of workshops for Musée d’art contemporain de Montréal guides and was a member of the committee that revised the Quebec Ministry of Education’s college-level art history course.

Her other achievements are no less impressive. She co-founded EXPRESSION, Centre d’exposition de Saint-Hyacinthe and has been running the gallery’s school group programs since it first opened its doors.

• (1345)

She was an art history consultant for the Musée de la civilisation in Québec for the exhibition “Sacred Money, Cursed Money”.

She has published several books on both art history and photography. She piqued readers’ interest in visual arts in her book *Apprécier l’oeuvre d’art*. She has contributed to a number of publications, presented at several conferences and has served on many juries.

I have become more acquainted with Ms. Girard over the past 10 years, since we both sit on the board of directors of the Conseil de la culture de Saint-Hyacinthe. Without her dedication and, above all, her determination, the Centre des Arts Juliette-Lassonde would surely have never been founded.

She is a devoted mother who, over the years, has always found the time to share her love of all forms of art, but particularly visual arts.

Francine Girard is truly deserving of this appointment. As always, Ms. Girard will give everything she has to her duties. I have no doubt. The National Gallery of Canada, and all Canadians, can only benefit from her experience.

Honourable senators, I invite you to join me, along with everyone from Saint-Hyacinthe, in heartily congratulating Ms. Girard.

• (1350)

[English]

ROUTINE PROCEEDINGS

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

REPORT OF COMMITTEE

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, November 9, 2006

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred Bill S-5 An Act to implement conventions, and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, has, in obedience to the Order of Reference of Tuesday, October 31, 2006, examined the said Bill and now reports the same without amendment.

JERAHMIEL S. GRAFSTEIN

Chair

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SEVENTH REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the seventh report of the Standing Committee on Internal Economy, Budgets and Administration concerning the alleged misuse of funds by the Standing Senate Committee on National Security and Defence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART, 2006 ORDINARY SESSION OF COUNCIL OF EUROPE, JUNE 26-30, 2006—REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the report of the delegation of the Canada-Europe Parliamentary Association to the Third Part of the 2006 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France, from June 26 to 30, 2006.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGYNOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY IMPACT AND EFFECTS
OF SOCIAL DETERMINANTS OF HEALTH

Hon. Wilbert J. Keon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population.

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government.

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization.

That the Committee submits its final report to the Senate no later than June 30, 2009 and that the Committee retain all powers necessary to publicize its findings until December 31, 2009.

[Translation]

QUESTION PERIOD**DELAYED ANSWERS TO ORAL QUESTIONS**

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting answers to two oral questions raised on June 27, 2006 by Senator Hays, regarding the EnerGuide Program, and by Senator Banks, regarding to the One-Tonne Challenge.

THE ENVIRONMENTCUTTING OF ENERGUIDE PROGRAM—COMMENTS BY
MINISTER OF NATURAL RESOURCES

(Response to question raised by Hon. Daniel Hays on June 27, 2006)

The Government looked carefully at the EnerGuide program and decided not to continue with the program as the best means of achieving its energy efficiency goals. As new energy efficiency programs are developed, the Government will consider any valuable elements of previous programs and work to ensure the greatest value from our programs.

The Government has stated publicly that the EnerGuide program was cut partially because it was deemed to be financially ineffective in that roughly 50 cents of every dollar was used for administrative and audit costs.

The Government is looking at all programs to assess their value and is developing a new strategy for reducing greenhouse gas emissions and ensuring clean air, water, land and energy for Canadians.

(Response to question raised by Hon. Tommy Banks on June 27, 2006)

Germany is one of a number of countries in the European Union who are participating in a public education campaign called "You Control Climate Change".

This public education campaign is designed specifically to address the circumstances in Europe and the opportunities to reduce greenhouse gases in member countries.

While there may be similarities, this program does not appear to have been modeled directly on the One-Tonne Challenge.

This government's environmental agenda will ensure that Canadians are given the encouragement and support they need to take real action on clean air and the environment in an approach that best suits the situation here in Canada.

[English]

ORDERS OF THE DAY**FEDERAL ACCOUNTABILITY BILL**

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Andreychuk, for the third reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, as amended;

And on the motion in amendment of the Honourable Senator Mercer, seconded by the Honourable Senator Baker, P.C., that Bill C-2 be not now read a third time but that it be amended,

(a) in clause 40, on page 56, by replacing lines 7 to 9 with the following:

“statements may be produced by the Commissioner for the purpose of a prosecution for”;

(b) by deleting clause 121 on pages 103 to 109;

(c) by deleting clause 122 on page 110;

(d) by deleting clause 123 on page 110;

(e) by deleting clause 124 on pages 110 and 111;

(f) by deleting clause 125 on page 111;

(g) by deleting clause 126 on page 111;

(h) by deleting clause 127 on page 111;

(i) by deleting clause 128 on pages 111 and 112;

(j) by deleting clause 129 on page 112;

(k) by deleting clause 130 on page 112;

(l) by deleting clause 131 on pages 112 and 113;

(m) by deleting clause 132 on page 113;

(n) by deleting clause 133 on pages 113 and 114;

(o) by deleting clause 134 on page 114;

(p) by deleting clause 135 on page 115;

(q) by deleting clause 136 on page 115;

(r) by deleting clause 137 on page 115;

(s) by deleting clause 138 on page 115;

(t) by deleting clause 139 on pages 115 and 116;

(u) by deleting clause 140 on page 116; and

(v) by deleting clause 273 on page 193;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 227:

(a) on page 175,

(i) by replacing line 32 with the following:

“1.1 The Governor in Council may estab-”, and

(ii) by replacing lines 35 to 39 with the following:

“other members to perform such functions as the Governor in Council may specify, and may appoint the chairperson and other members and fix their remuneration and expenses.”;

(b) on page 176, by deleting lines 1 to 41; and

(c) on page 177, by deleting lines 1 to 20;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

(a) by deleting clause 39 on page 52;

(b) by deleting clause 40 on pages 52 to 56;

(c) by deleting clause 41 on page 56;

(d) by deleting clause 42 on pages 56 and 57;

(e) by deleting clause 43 on page 57;

(f) by deleting clause 44 on pages 57 and 58;

(g) by deleting clause 45 on page 58;

(h) by deleting clause 46 on pages 58 and 59;

(i) by deleting clause 47 on pages 59 and 60;

(j) by deleting clause 48 on page 60;

(k) by deleting clause 49 on pages 60 and 61;

(l) by deleting clause 50 on page 61;

(m) by deleting clause 51 on page 61;

(n) by deleting clause 52, on pages 61 and 62;

(o) by deleting clause 53 on page 62;

(p) by deleting clause 54 on page 62;

(q) by deleting clause 55 on pages 62 and 63;

(r) by deleting clause 56 on pages 63 and 64;

(s) by deleting clause 57 on page 64;

(t) by deleting clause 58 on page 64;

(u) by deleting clause 59 on page 64;

(v) by deleting clause 60 on page 64;

(w) by deleting clause 61 on page 65;

(x) by deleting clause 62 on page 65;

(y) by deleting clause 63 on page 65;

- (z) by deleting clause 64 on page 65; and
- (z.1) in clause 108,
 - (i) on page 93, by deleting lines 38 to 41, and
 - (ii) on page 94, by deleting subclauses (4) and (4.1);

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended in clause 121:

- (a) on page 103, by replacing lines 22 and 23 with the following:
 - “this Act referred to as the “Director”).”;
- (b) on page 105, by deleting lines 14 to 42;
- (c) on page 106,
 - (i) by deleting lines 1 to 8,
 - (ii) by replacing lines 12 and 13 with the following:
 - “for cause. The Director”, and
 - (iii) by deleting lines 40 to 42; and
- (d) on page 107, by deleting lines 1 to 3;

And on the motion in amendment of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended,

- (a) by deleting clause 91 on page 86;
- (b) by deleting clause 98 on page 87;
- (c) in clause 108, on page 94, by replacing line 5 with the following:
 - “(5) Sections 65 to 82, 84 to 88, 90 and 92 to 97”;**
- (d) by deleting clause 117 on page 100;
- (e) by deleting clause 141 on pages 116 and 117;
- (f) by deleting clause 142 on page 117;
- (g) by deleting clause 143 on page 117;
- (h) by deleting clause 144 on page 118;
- (i) by deleting clause 145 on page 118;
- (j) by deleting clause 146 on pages 118 and 119;
- (k) by deleting clause 147 on page 119;
- (l) by deleting clause 148 on pages 119 and 120;

- (m) by deleting clause 149 on page 120;
- (n) by deleting clause 150 on page 120;
- (o) by deleting clause 150.1 on page 120;
- (p) by deleting clause 151 on pages 120 and 121;
- (q) by deleting clause 152 on page 121;
- (r) by deleting clause 153 on page 121;
- (s) by deleting clause 154 on pages 121 and 122;
- (t) by deleting clause 155 on page 122;
- (u) by deleting clause 156 on page 122;
- (v) by deleting clause 157 on page 122;
- (w) by deleting clause 158 on page 122;
- (x) by deleting clause 159 on pages 122 and 123;
- (y) by deleting clause 160 on page 123;
- (z) by deleting clause 161 on page 123;
- (z.1) by deleting clause 162 on page 123;
- (z.2) by deleting clause 163 on pages 123 and 124;
- (z.3) by deleting clause 164 on pages 124 to 126;
- (z.4) by deleting clause 166 on page 126;
- (z.5) by deleting clause 167 on page 126;
- (z.6) by deleting clause 168 on page 127;
- (z.7) by deleting clause 169 on page 127;
- (z.8) by deleting clause 170 on page 127;
- (z.9) by deleting clause 171 on page 127;
- (z.10) by deleting clause 172 on page 127;
- (z.11) by deleting clause 172.01 on page 127;
- (z.12) by deleting clause 181 on pages 131 and 132;
- (z.13) by deleting clause 182 on pages 132 and 133;
- (z.14) by deleting clause 183 on page 133;
- (z.15) by deleting clause 184 on page 133;
- (z.16) by deleting clause 185 on pages 133 and 134;
- (z.17) by deleting clause 186 on page 134;
- (z.18) by deleting clause 187 on page 134;
- (z.19) by deleting clause 188 on page 134;
- (z.20) by deleting clause 189 on page 134;

- (z.21) by deleting clause 190 on pages 134 to 136;
- (z.22) by deleting clause 191 on pages 136 and 137;
- (z.23) by deleting clause 192 on page 137;
- (z.24) by deleting clause 193 on page 137;
- (z.25) by deleting clause 221 on pages 171 and 172; and
- (z.26) in clause 228,

(i) on page 177,

(A) by replacing lines 21 to 30 with the following:

“228. Sections 173 to 179 and 227 come into force on a day or days to be”, and

(B) by deleting lines 32 to 44, and

(ii) on page 178, by deleting lines 1 to 4;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Day, that Bill C-2 be not now read a third time but that it be amended in clause 150.1, on page 120, by adding after the words “However, the head shall not disclose” the following:

“under this section”;

And on the motion in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator Oliver, that Bill C-2 be not now read a third time but that it be amended in clause 2 on page 32, by replacing lines 23 to 25 with the following:

“64. (1) Nothing in this Act prohibits a member of the Senate or the House of Commons who is a public office holder or former public office holder from engaging in those”;

And on the motion in amendment by the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, that Bill C-2 be not now read a third time but that it be amended in clause 227, in the French version:

(a) on page 176,

(i) by replacing line 19 with the following:

“c) établir un code de pratique régissant les”,

(ii) by replacing line 29 with the following:

“l’observation du code de pratique”,

(iii) by replacing line 31 with the following:

“tion du code de pratique par le gouvernement et ”,

(iv) by replacing line 40 with the following:

“lement de mandat relevant du code de pratique”; and

(b) on page 177, by replacing line 9 with the following:

“tout incident de non-observation de son code de”.

(Pursuant to the Order adopted on November 7, 2006, all questions will be put to dispose of third reading of Bill C-2 no later than 3:30 p.m. on November 9, 2006.)

Hon. Donald H. Oliver: Honourable senators, I am pleased to participate in the third reading debate on Bill C-2.

The committee’s study of Bill C-2 has been the most incredible legislative experience of my life, and it is an experience that will remain indelibly imprinted on my mind for as long as I shall live.

At the end of my remarks, there are a number of people whom I would like to thank for their contribution to this study, but before I begin, there is one honourable senator I would like to single out for his help, support, judgment and encouragement, without which we would likely not be here today at third reading. I am referring to the Honourable Senator Terrance Stratton, and I thank him for his help and support.

Some Hon. Senators: Hear, hear!

Senator Oliver: As chair of the Standing Senate Committee on Legal and Constitutional Affairs, it has been my privilege to preside over one of the most detailed reviews ever given by the Senate of Canada to a government bill, Bill C-2, the proposed federal accountability act. Beginning on June 27, 2006, and ending on Wednesday, October 25, your committee held 31 meetings, heard 168 witnesses, and sat for over 110 hours.

Over this period, the committee heard from lawyers, law professors, academics, journalists, government officials and experts in public administration, electoral matters, lobbying, access to information, whistle-blowing, public appointments, audit and procurement, as well as many of the groups, organizations, foundations, incorporations and concerned Canadians affected by particular portions of this complex legislation.

The committee did extensive work in exploring the issues and delving into the details of the new accountability regime. The committee members gave serious thought to the new measures, their implications and the consequences with respect to greater openness and transparency in the federal government.

We also turned our attention to the role of Parliament and, in particular, the Senate, with respect to increased accountability.

On October 24 and 25, the committee considered and passed 156 amendments to the bill, which resulted in a combined total of 480 separate modifications to the English and French text, taken together in a few cases, bringing improvements to it and, in others, creating new difficulties and loopholes that will weaken the proposed accountability regime.

Bill C-2 merited intensive study because it is one of the most significant pieces of legislation brought before Parliament in recent years. No speech I might give could begin to touch on the full range of issues covered in the bill or in your committee’s hearings, but I wish to point out a few aspects of the bill that are important to me.

• (1400)

As soon as possible after the election in January of this year, on April 11, the Government of Canada introduced a sweeping federal accountability bill, delivering on its commitment to make government more accountable. This landmark legislation extends into many sectors of the federal administration. The bill is the new government's centrepiece — its key contribution to a new way of operating in government. If it had been passed in its original form, before it was extensively weakened and amended by opposition members of the committee, it would have significantly improved our democratic system.

The bill's breadth makes it complex, but its broad impact was required to ensure that effective changes would be made in it to critical aspects of our government machinery. Through the proposed federal accountability act and its accompanying action plan, the Government of Canada brought forward specific measures to help strengthen accountability and increase transparency and oversight in government operations.

As we all know, accountability was one of the key themes in the 2006 election campaign, having increasingly captured the attention of the Canadian public in recent years as a result of a series of controversies over the management of government programs and their costs.

The November 2003 report of the Auditor General, which was tabled in February 2004 and identified issues raised by the sponsorship program and the release of the reports of the Gomery Commission in November 2005 and February 2006, played an important role in identifying accountability processes and the information needed to make them effective as a central focus for reform initiatives.

Although the bill has been criticized and amended, it is clear that the preponderance of evidence received by the committee supports my contention that many elements of the bill do in fact promote transparency and answerability. With the passage of this legislation, Canadians will be better able to hold public officials more to account in fundamental ways and that, honourable senators, is what this is all about.

More agencies will be subject to the Access to Information Act and the Privacy Act than ever before. The whistle-blower protection regime will be strengthened. A new public appointments commission will be enshrined in legislation for the first time. A new Director of Public Prosecutions will be in place, better shielding the federal prosecution service from possible interference. New provisions to improve the procurement and audit functions within the federal government will be in place. The powers of the Auditor General will be expanded. Improvements in the election financing system will enhance the functioning of Canada's already excellent election system. The Ethics Commissioner's role will be expanded and a parliamentary budget officer will be in place to improve truth in budgeting. Other more technical improvements are also included in this legislation.

Before turning to particular elements of the bill, I would like to briefly consider the fundamental concept behind it.

Honourable senators, accountability is the essence of this legislation. It is a groundbreaking achievement that will make

Canada a model for the world. This opinion was reflected in the strong support the legislation received from some very eminent witnesses. Professor C.E.S. Franks, perhaps the most respected and knowledgeable academic about Parliament in Canada, said to the committee:

I consider the proposed act to be a tremendous step forward in responsibility and accountability in the Government of Canada.

Another well-known expert in public administration, Professor Peter Aucoin, from Dalhousie University, said:

I suggest that democratic governance will be strengthened, not weakened, by these measures.

Professor David Zussman, another prominent academic, said:

The Prime Minister has actually set the right tone regarding this legislation...

And that:

...this bill represents a massive rethinking of the governance structure in Canada.

Accountability is fundamental to our representative democratic system. It legitimizes the government's right to govern; ministers are individually accountable to Parliament for their actions and for all aspects of their department's and agency's activities. Ministers are also collectively accountable for the decisions taken by the cabinet. It is the role of Parliament to closely question and scrutinize the actions of the government, which, in turn, must maintain the confidence of Parliament. By doing so, democratic accountability can serve three purposes: to control against the abuse or misuse of power; to provide assurance that activities were carried out as intended; and to encourage improved performance of programs.

The outrageous scandal of the sponsorship program showed that it was all too easy for ministers of the previous government to avoid accountability for abuse of authority and corruption. Following the recommendations of Justice John Gomery, this legislation will make fundamental and vital reforms to accountability by making deputy ministers the accounting officers for their department and, as such, answerable before the appropriate committees of the Senate and the House of Commons for departmental administration. Too often, accountability has been evaded because it was not clear who is responsible for what. This legislation will clarify accountability by making it easier for Parliament to separate inappropriate political direction from proper administration.

Intimately connected with accountability is transparency, which is the "sustaining light" of accountability. It implies that one can see clearly into the activities of government. Some have said that sunlight is the best disinfectant. Shining the light of transparency on the activities of government is the best way to improve public administration and to eliminate abuse and corruption. Visibility encourages ministers and public servants to behave in ways that can withstand public scrutiny. It is the prospect of being detected that acts as a deterrent in most cases, and if not, increased transparency brings those cases to light.

The strong protections provided to whistle-blowers in this bill will help expose wrongdoing within government. Moreover, the bill will subject more officers and organizations to the Access to Information Act. It is very important to hold the government to account if it is not possible to know what is going on inside the black box. This bill will open up the box and make government more transparent and thereby more accountable.

Canadians have become cynical about their representative institutions. They have come to view their elected representatives and Parliament more generally, with suspicion. This is a shame and needs to be corrected. The goal of this legislation is to regain the trust of Canadians that was eroded by the actions of the previous government.

The importance of the proposed federal accountability act was emphasized by the two ministers who briefed the committee early in our study of this bill. Justice Minister Vic Toews, in addition to briefing us specifically about the Access to Information Act amendments and the proposed establishment of a director of public prosecutions, offered this explanation for the priority placed upon this bill by this new government:

This bill, we believe, will strengthen accountability and increase transparency and oversight in government operations, and in so doing the bill will help rebuild Canadians' confidence in the integrity of their public institutions.

He said that on June 29.

The Honourable John Baird, President of the Treasury Board, spoke to us of the tremendous importance and efforts that have been made in the other place to improve the bill in its progress through the legislative committee of the House. He said:

All of us have worked tremendously hard across party lines to make the federal accountability act one of the most important pieces of legislation that Parliament has ever presented to Canadians. We strongly believe that the act meets their expectations. It is one that builds on transparency, openness, and accountability; one that builds trust in government; one that makes government more effective, efficient, and I strongly believe more relevant; and one that I believe will help make government work better for the people of Canada.

• (1410)

There are a few specific elements of the bill upon which I would now like to comment. The government had originally proposed in Bill C-2 to have a single ethics officer, the new conflict of interest and ethics commissioner who would have overseen three regimes. They are the conflict of interest act for public office-holders and both the House of Commons and the Senate conflict of interest codes. This would have strengthened the conflict of interest regime for parliamentarians and public office-holders.

There is a compelling case that having one skilled and experienced officer administering the act and the two codes would lead to consistency and expertise not achievable with two officers. However, in an extensive series of amendments by Liberal senators, the majority of the committee, the position of the Senate Ethics Officer was restored. I am unable to agree with this change. I believe it is unnecessary.

[Senator Oliver]

The three regimes that the single commissioner would have administered are separate but complementary. One adviser would not have had an insuperable job in mastering two codes and an act, and in recognizing the sensitivities in administering each. A single individual could have brought a broad perspective to bear, informed by the best practices and the experiences under all three regimes. This approach was, in the government's view, best suited to ensuring that Canadians would have full confidence in public office-holders and in parliamentarians alike.

I remind the chamber that some senators are also members of the executive. Under the current system, and again under the amended bill, they will continue to be subject to two advisers. I reject the argument that the system as originally proposed by the bill somehow infringes the privileges of this house and affects our responsibility or our ability to discipline our own members.

Honourable senators, we remain with full control over our own code. We retain full control over final dispositions, following an adviser's investigation. The new commissioner would have had no mandate to report to anyone other than senators on matters concerning senators and their compliance with the Senate code. The close personal contact that we value with our current officer would have been preserved. Fears of a large impersonal bureaucracy were unfounded.

The creation of a single ethics commissioner would have provided a key element in restoring accountability, and in restoring the confidence of Canadians in Parliament and government. That said, in my view, the powers of the legislated regime governing public office holders are significant, and the government's move to enshrine that regime in legislation through this bill is a positive one.

During its deliberations, the committee noted that there were four provisions in Bill C-2 that recognize a role for the House of Commons, while failing to acknowledge an equivalent role for the Senate of Canada. I am pleased to say, honourable senators, that these provisions have been revised, with the inclusion of appropriate references to the Senate.

The first, clause 116, of Bill C-2, amends the Parliament of Canada Act by adding section 79.1, which states that the parliamentary budget officer shall be chosen from a list of three names submitted in confidence through the Leader of the Government in the House of Commons without including the Leader of the Government in the Senate. By committee amendment, this omission has been corrected.

The second, clause 121, creates section 4 of the Director of Public Prosecutions Act, which provides for the establishment of a selection committee consisting of several members, including a person named by each recognized political party in the House of Commons. The unamended section made no provision for representatives of each recognized political party in the Senate. The committee also amended clause 121 by adding a representative from each recognized party in the Senate to the committee that will select candidates for the position of director.

Clause 121 was further amended to clarify that the parliamentary committee that considers the final candidate chosen by the Attorney General will be established by either or both Houses of Parliament.

The third, clause 121, creates section 5 of the Director of Public Prosecutions Act, which establishes that the director holds office during good behaviour for a term of seven years but may be removed by the Governor in Council at any time for cause with the support of a resolution of the House of Commons to that effect. Therefore, if it became necessary to institute the removal process, the consent of the Senate would not have been required to bring an end to the director's term of office. An amendment was made so that the director of public prosecutions may be removed for cause with the support of not only a resolution of the House of Commons but also of the Senate.

Lastly, clause 227 amends the Salaries Act by adding section 1.1, which provides for the composition of the public appointments commission. In its original form, the section stipulates that the Prime Minister was to consult with the leader of every recognized party in the House of Commons before making a recommendation to the Governor in Council that a person be appointed to the commission. In committee, the requirement for consultation with the leaders of recognized political parties in the Senate was added. These important amendments serve to ensure that the constitutional role of the Senate as a chamber of independent thought is respected.

Honourable senators, not every witness who was called before our committee was as helpful as some others. I looked up the transcript from one of the witnesses. At page 109, one witness said, "A senator called my office to ask whether we might be interested in testifying before the committee. That was on three days' notice." That witness had not read the 217-page statute.

The issue of limits on political financing gave rise to significant and sometimes heated debate in committee. Ultimately, the majority of the committee amended the limits to increase allowable amounts. However, some of the witnesses' testimony on this issue left erroneous impressions of the state of the law in Canada and the validity of restrictions on election spending, upon which I would like to briefly comment.

In the course of the committee's deliberations, a number of witnesses raised the spectre of a constitutional challenge to the political financing provisions of the bill. One witness even maintained that his organization had obtained a legal opinion to the effect that the political financing reforms would likely not survive a constitutional challenge.

Another witness made the argument even more explicitly. In particular, this witness argued that the prohibition against all corporate and union contributions to political campaigns would likely breach section 2(b) and possibly section 3 of the Canadian Charter of Rights and Freedoms. This witness relied on a number of judgments of the Supreme Court of Canada, including the judgments in the *RJR-MacDonald* and *Harper* cases, as well as a recent judgment of the Superior Court of Justice in Ontario on public financing of political parties, namely, the *Longley* judgment.

The suggestion has been made that because the Supreme Court of Canada struck down government legislation proposing a complete ban on tobacco products that it would be even more inclined to strike down prohibitions where democratic rights such as freedom of expression were implicated. This argument suffers from many flaws, not the least of which is that in the

RJR-MacDonald judgment, the court went to great pains to point out that the complete prohibition on tobacco advertising could not be upheld because the government at the time did not tender any evidence that a complete prohibition was necessary to achieve its important objective. The government tendered no evidence that a partial prohibition would have been less effective than a complete one.

I raised this problem in committee with two of the witnesses who appeared before us. The corporate and union prohibition on political financing in Bill C-2 are an integral part of the anti-corruption measures in the legislation. They are the government's measured and direct response to a legitimate public concern about the effect of money in the political process and the abuses in political financing.

The evidence before the committee of a need for a complete ban on corporate and union contributions is compelling. One need look no further than the Gomery Commission of Inquiry into the sponsorship scandal. In the course of the commission's proceeding, it heard disturbing evidence of abuses in the political financing process. The public was shocked to learn of money being passed around in brown paper envelopes, of companies paying the salaries of volunteers for campaigns of Liberal Party members, and other practices that undermine the integrity of the electoral process and shake the public's confidence in the political process.

• (1420)

This bill seeks to do precisely that: restore the public's confidence in the electoral process. I cannot stress enough the importance of this objective, and I am guided by the words of Justice Bastarache in the judgment of the Supreme Court of Canada in the *Harper* case. At paragraph 103, he said:

Maintaining confidence in the electoral process is essential to preserve the integrity of the electoral system which is the cornerstone of Canadian democracy.... If Canadians lack confidence in the electoral system, they will be discouraged from participating in a meaningful way in the electoral process. More importantly, they will lack faith in their elected representatives. Confidence in the electoral process is, therefore, a pressing and substantial objective.

The bans on corporate and union contributions are similar to the bans in place in a number of provinces, including Manitoba and Quebec. In those provinces, the government, too, was responding to serious concerns about corrupt practices in the financing of political campaigns. These provinces have had legislation in place for a number of years, and there is obviously broad public acceptance of these measures. In any event, no legal challenges have been brought against them.

Much has also been made of the recent decision of Mr. Justice Matlow of the Superior Court of Justice of Ontario in *Longley v. Canada*, which declared unconstitutional parts of the election finance provision of the Canada Elections Act. I would observe that that judgment dealt with the provisions of the act that grant political parties public funding by means of an allowance for every vote received if the parties meet the threshold of 2 per cent of the total votes cast, or 5 per cent of the votes cast in the riding in which the parties endorsed candidates.

Justice Matlow concluded that this provision acted as a barrier to smaller parties participating in the political process by making voters unaware of their platforms and policies. As important as this case may be for smaller parties, it is clearly not relevant to the question of whether reductions and prohibitions on political contributions are constitutional. Clearly, Justice Matlow's decision dealt with the lack of availability of public funding to small political parties. It did not deal with contribution limits on political campaigns. In other words, it was not a limits case. I note in passing that the decision has opened up an important source of political financing for smaller political parties in Canada.

Another of the government's important objectives in banning corporate and union contributions is to level the playing field to ensure that opportunities for participation in the political process are not restricted to those with large amounts of money and resources. No one seriously questions the view that those with greater financial resources are able to dominate electoral discourse to the detriment of the smaller ones. This is an observation that was made by our highest court in an important judgment in *Harper* in paragraph 107. In upholding the spending limits on third-party advertising in the Canada Elections Act as a reasonable limit on the right to freedom of expression, the court emphasized that the limits were necessary to preserve the integrity of the political process by ensuring that those with greater financial resources did not dominate the political process unchecked.

Bill C-2 is entirely consistent with the principles laid down by our highest courts. It seeks to achieve a level playing field and to restore the public's confidence in the political process. Honourable senators, I am confident that the political financing reforms in the bill are in fact based on sound legal principles.

Momentum toward reform of the over 20-year-old Access to Information Act, ATIA, has been building for many years in Canada. During our study of Bill C-2, the committee heard compelling evidence of the need for even more reform. Many in the access to information community expected this to come into fruition with Bill C-2, the federal accountability bill. However, although the bill contains significant amendments to that act, they were relatively narrow rather than the comprehensive package of amendments to the legislation that many had hoped for.

Consideration of how best to amend the ATIA began two decades ago with the House of Commons reports in 1987 and 2001 and several private member's bills. In August 2000, the President of the Treasury Board and the Minister of Justice established a government access to information task force to review all components of the access to information framework. In June of 2002, the task force released a report containing 139 recommendations for change. In October 2002, the Information Commissioner of Canada tabled a special report to Parliament responding to the task force report and outlining its proposals for legislative change.

In April of 2005, the Minister of Justice introduced a discussion paper entitled "A Comprehensive Framework for Access to Information Reform," seeking consideration by the House of Commons Standing Committee on access to information, privacy and ethics on a range of policy questions related to potential reform of the ATIA. That committee expressed its preference for draft legislation as a basis for its study and asked the Information

Commissioner of Canada to draft an access reform bill. The commissioner did that and presented the draft bill, entitled "Open Government Act" on October 25, 2005. A number of the Information Commissioner's recommendations for change were endorsed by the Gomery Commission in Chapter 10 of its Phase II report called "Restoring Accountability."

Several witnesses who appeared before our Senate committee, in addition to commenting on the provisions of Bill C-2, urged the committee to recommend to the government that comprehensive reform be made. While Bill C-2 moves some distance toward greater access, and some amendments to the Access to Information Act have already been made by the committee, like many other senators I look forward to further and more comprehensive access to information reform in the near future.

When discussing the concept of accountability, it is very important not to lose sight of the very important role of Parliament in this matter. One of the fundamental functions of Parliament in the Westminster system is to hold the government to account. The government sets its policy direction, proposes legislation and presents expenditure plans to Parliament for debate and approval, but it is the role of Parliament to carefully scrutinize the actions of government by questioning ministers and their officials.

One important means of doing this is through committees of the Senate and the House of Commons. In other words, careful and rigorous study of government spending and program activity by parliamentary committees is a key means of public accountability, and effective accountability relies upon the effective functioning of parliamentary committees.

Bill C-2 aims to improve the accountability of government and contains numerous worthwhile measures to do so. However, the ability of parliamentary committees to hold government to account is significantly strained by the lack of capacity. Government departments are large and complex organizations and parliamentarians and parliamentary committees cannot compete with the almost unlimited resources of the government and the unwillingness of some departments to provide meaningful information to Parliament. Analyzing government information so that it will be useful to Parliament is key, and committees lack the analytical and research capacity to deal with the vast amounts of material.

One of the mechanisms of the proposed legislation to improve accountability is to create the position of holding officer whereby deputy ministers will be accountable before the appropriate committees of the Senate and the House of Commons for proper administration of their departments. With this new role for deputy ministers, new opportunities for parliamentary scrutiny will arise.

• (1430)

However, to take full advantage of these important reforms, parliamentary committees will need additional capacity to hold deputy ministers, who are often supported by hundreds of staff, to account. In order to undertake investigations of management and accountability issues, it is essential that parliamentary committees have access to adequate research capacity and the assistance and advice of experts.

The need for additional capacity is especially clear during the estimates process, whereby the government submits its spending plans to Parliament for review. In theory, this is a key means for Parliament to control the public purse and ensure accountability for prudent use of public funds. However, Parliament has long recognized that the estimates do not receive adequate review by parliamentary committees. This is in part because committees are not equipped to digest the extensive estimates documents sent to Parliament, much less investigate public administration matters in a deep and sustained manner.

In this regard, Mr. Justice John Gomery, in his review of the Sponsorship Program, recommended that:

To redress the imbalance between resources available to the Government and those available to parliamentary Committees and their members, the Government should substantially increase funding for parliamentary Committees.

Bill C-2 makes a significant step in this direction, with the creation of the parliamentary budget officer within the Library of Parliament. This new officer and the necessary expert staff will enhance the research support on economic and financial matters for the study of estimates. However, the scope of this measure is narrower than the full needs of our parliamentary committees. The effort to improve accountability embodied in this legislation will be incomplete if the key institution of public accountability, Parliament, continues to have inadequate capacity to fully hold the government and its senior officials to account.

It is of the utmost importance that more resources be provided to committees of the Senate and of the House of Commons so that they can more effectively hold the government to account. The creation of the parliamentary budget officer is a good first step, but more is needed.

In addition to greater capacity there are a number of other ways to make parliamentary committees more effective, and many of these are within the control of parliamentarians themselves. Some committees — and this is much more an issue of the other place than here in the Senate — have a high turnover of membership, including that of the chair. This undermines committee focus, corporate memory, trust and cooperation between committee members. There is also a lack of continuity in the questioning of ministers and officials, which could be more focused and systematic. Committee time could be better allocated to permit sustained, in-depth questioning. In order to avoid becoming enmeshed in partisan debates, committees could increase the attention they give to deputy ministers and other senior officials in comparison to that given to ministers. Ground rules could be established for the questioning of officials in order to distinguish between the accountability of ministers and senior public servants.

In short, I believe that a number of measures should be considered by the Senate and the House of Commons regarding the effective functioning of parliamentary committees. There is work for us to do in the Senate so that senators are better able to provide sober second thought, and particularly the kind of detailed and careful study that is possible in a well-functioning committee. Therefore, I call on the Senate and the House of Commons to take action as well to increase the effectiveness of committees, and thus improve government accountability.

Again, as chair, I would like to share with honourable senators my observation that the Senate must examine certain aspects of Senate procedure which we exposed during this experience. Another of my concerns relates to the Senate committee practice of issuing observations.

If, at the end of a study of a bill in committee, the majority of the members of the committee demand that their observations must be issued as a report of the committee, insisting that unless they are adopted by the committee some members will not grant leave to report the bill, are these observations really reflective of the views of the whole committee? If not, then is this how a committee of the Senate should function? Is this shotgun diplomacy the way that we want our Senate committees to be run?

Honourable senators, I wish to make, in closing, a few comments about the administrative process involved in preparing the committee's report. I want to explain the delay in presenting the report to the Senate. It was ready 12 hours before it was presented, but it was delayed because of an arcane rule, namely, 101.

Here is how the report was prepared: Senate staff kept careful track of motions passed in committee. After the meeting on Tuesday, October 24, the clerk of the committee and his colleague had notes on the committee's decisions to that point, and these were given to a team of assistants in the Committees Directorate who began entering the English and French texts of the amendments dealt with to that point. They were coordinated by their committee clerks. The law clerk's staff was also present to ensure that the report contained all the information necessary to give instructions for amendments.

By two o'clock on Thursday morning the "initial" draft of the committee report on Bill C-2 was ready. The committee clerks, who had been in the committee room during the meetings, reviewed the detailed draft, again in consultation with the law clerk's office.

The "first" report was completed by 7:30 a.m. After a final review by a fresh set of eyes, it went to the printer that morning so that copies were available and ready by the time that the Senate sat.

Why then, you might ask, honourable senators, did we hold off presenting the report until late that evening? It relates to rule 101. That rule states: "Signing of amended bill."

101. The chairman of the committee shall sign or initial a printed copy of the bill on which the amendments are clearly written, and shall also sign or initial the several amendments made and clauses added in committee, which shall be attached to the report.

Here is what was required: The committee clerks, having worked all night, came back to the office, took a copy of the report and, believe it or not, they started to cut up and paste the changes into the bill, drawing little red lines and circles to show what changes were made. When I was first told that I could not believe it, so I went to the Committees Directorate to see it firsthand. I saw three people cutting out the amendments, checking that the cut-out was correct and double-checking as

they went, and then pasting it in and drawing lines and circles. When necessary, extra sheets were taped to the bill to give the space to make the inserts.

Anyone who was here on Monday evening may have noted that when Senator Stratton presented the bill to the table, it was filled with pieces of paper coming out in all directions, and these were the amendments. I am not just talking about 156 numbered elements of the bill. Many of these elements contain more than one alteration of the text of the bill, and each such change had to be cut out and taped in separately, even a change in just a one- or two-letter word. Altogether, in two languages, we are talking about more than 500 separate modifications of the bill.

This, as honourable senators know, was not the report on the bill but something that, under rule 101, must accompany the report when it is filed.

When completed, it was brought to my office and I went through and initialled each modification, and that alone took more than an hour.

I do not know the background or the requirement of this rule, but I encourage the Rules Committee to have a good look at rule 101 and ask: Is such a marked-up copy still required? If so, what purpose does it serve? If required, is it really necessary to table it at the same time as the report of the committee?

Senator Cools: Of course.

Senator Oliver: In conclusion, honourable senators, I wish to adopt the language of Senator Dawson when he spoke in this chamber and referred to something he called the Class of 2005. I, too, would like to congratulate, in particular, Senator Zimmer, whose contribution was professional, learned and thorough throughout the hearings. I congratulate my former colleague Senator Cowan for his objective and professional contribution. I congratulate Senators Campbell, Mitchell and Fox for making meaningful and significant contributions to the important debate.

Even though he was not a member of the Class of 2005, I cannot help but add my congratulations and thanks for the many excellent interventions of Senator Baker of Newfoundland and Labrador. Of course, we are all familiar with the old veteran senators on the committee and all that they have contributed.

As chair of the committee, many say that this was the most comprehensive analysis of a government bill by a Senate committee in Canadian history. There are many people who also contributed to our study on this bill, and I would like to thank them. In particular, the committee clerk, who really did a tap dance to keep the committee going, I thank Mr. Gérald Lafrenière very much. Particular thanks go to the Committees Branch and staff; as well as those of the Library of Parliament. I would like to thank honourable senators for their patience and professionalism throughout this stimulating and challenging exercise. We would also like to thank our over 160 witnesses, who were so generous with their time and expertise, and without whom the study would not have been complete.

• (1440)

Honourable senators, it is not often that people in the administration who do extraordinary work have their names read into the record. With leave of the house, I would like to read

the names of the administrative people who did extraordinary work in helping us with this bill. They are as follows:

From the Committees Directorate:

Gérald Lafrenière;
Kelli Hogan;
Till Heyde; and

The Committee's Administrative Assistant:

Nicole Bédard; and

Others who were of significant help:

Catherine Piccinin;
Colette Charlebois;
Adam Thompson;
Monique Régimbald;
Mirella Agostini;
Lyne Héroux; and

Others who assisted:

Mireille Aubé;
Katie Castleton;
Debbie Larocque;
Louise Archambeault; and

From the Law Clerk's Office:

Michel Patrice;

A legislative drafter working with the Office of the Law Clerk:

Janice Tokar; and

From the Library of Parliament:

Katherine Kirkwood;
Kristen Douglas, who was exceptionally helpful;
Nancy Holmes;
Élise Hurtubise-Loranger;
Wade Riordan Raaflaub;
Sebastian Spano;
Margaret Young;
Alex Smith;
Tara Gray;
Philippe Le Goff.

That, honourable senators, concludes my remarks on Bill C-2.

Hon. Lowell Murray: Would the honourable senator permit a question?

Senator Oliver: I would, but I know that Senator Day wants to speak to the bill. He is entitled to 45 minutes and I know that there are certain time constraints. I would prefer not to impose on his time any more than necessary so I would decline the honourable senator's question right now.

Hon. Anne C. Cools: Honourable senators, I, too, wanted to ask a question. I do not understand the phenomenon. The Honourable Senator Oliver is speaking for the government, and he should answer.

[Senator Oliver]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, may I make a suggestion?

Senator Cools: Is it on accountability?

Senator Comeau: We want to ensure that Senator Day receives the time to which he is entitled. Perhaps at the end of Senator Day's remarks — at the end of 45 minutes — there might be a few minutes for both senators to answer questions.

Senator Cools: The point is that the Order Paper was moved past, so Senator Oliver will not be able to answer any questions at that time.

The Hon. the Speaker: Honourable senators, about one minute is left in Senator Oliver's 45 minutes. It is a time for questions and comments. We have had an indication that there is no question that will be entertained by Senator Oliver but comments will be very much in order. There is one minute left.

Senator Murray: Certainly, I can make a comment in one minute. I note in passing that the sponsor of the bill and the chairman of the Legal Committee are one and the same person, a situation that is not unprecedented but certainly unusual. If Mr. Diefenbaker were here, he would want to know whether the honourable senator had been able to bifurcate himself, but I will not pursue that.

On the discussion of increased power given to the Auditor General, I want to remark that in my reading of her testimony at the committee, she said with respect to the new power that is being given to her to audit recipients of government grants and contributions that it is a power she did not seek, does not need, does not want and does not intend to exercise. I wonder why the government — and indeed the committee — persisted?

Hon. Joseph A. Day: Honourable senators, permit me to begin my remarks by echoing thanks to all of the support staff who helped in relation to Bill C-2 throughout the three readings and the report stage. Senator Oliver has read the names, and we on this side support that acknowledgement. One of his comments indicated that they worked all night to prepare the documents and then the difficulty faced with respect to rule 101. Certainly, this place should take a look at a rule that does not add much to help honourable senators understand the process and what has gone on in committee but does bog the system down unnecessarily.

I would like to thank each honourable senator who has risen to speak to Bill C-2, the proposed federal accountability act. Debate in this chamber has been rich. I believe that it has contributed to a greater understanding amongst all honourable senators of the potential impact of this enormous piece of proposed legislation.

I do not intend at third reading to discuss in detail the amendments to Bill C-2 proposed by the Legal Committee. I did so when I spoke at the report stage. The committee's report and the speeches delivered by honourable senators who participated in the committee in the days previous has succeeded in doing just that. I wish to thank all honourable senators for accepting the committee's report in its entirety, including the nearly

50 amendments proposed by the government, 100 amendments by the committee, and the committee's observations.

I would like to focus on the broader aspects of this proposed legislation and some of the challenges that we faced, and the challenges faced by the Standing Senate Committee on Legal and Constitutional Affairs during the study of this bill. That is not an easy task with respect to Bill C-2. To borrow from a well-known expression, we have been amongst the trees of this Bill C-2 legislation for so long that it is difficult to stand back and view the forest. Let me attempt to do so.

Let us stand back and look at what prompted Bill C-2. To begin, I would like to quote from Mr. Justice Gomery's report. He said:

The vast majority of public servants try, in good faith, to do their job properly and effectively, and the Canadian government system consists of solid political institutions with a long and distinguished history of public service. The Sponsorship Program involved only a tiny proportion of the annual expenditures of the government. Its mishandling was an aberration. The majority of the expenditures of the federal government are well handled, and citizens usually get value for money from them...

He continued:

It is not the Commission's intention to recommend radical solutions, a transformation of our parliamentary system, or a complete overhaul of the doctrine of ministerial responsibility. Rather, we propose to clarify that concept and, where mismanagement has occurred, to strengthen the capacity of those charged with holding people to account to do their job.

I repeat: "— to strengthen the capacity of those charged with holding people to account to do their job."

The federal accountability bill, as provided to the Senate, was not good legislation. The government often has bragged that Bill C-2 was drafted in just six weeks after the election. This was before cabinet was fully established. This was while new MPs were wondering where their offices were and were hiring staff. The bill would have to have been directed by an unelected transition team or a team of campaign workers of the Conservative government.

The committee heard testimony time and time again from officers of Parliament, who are there to support parliamentarians and to hold the government to account, and who are directly affected by Bill C-2, that they were not consulted by the government before this proposed legislation came forward. John Reid, Information Commissioner, was not consulted. Dr. Bernard Shapiro, Ethics Commissioner, was not consulted. Jennifer Stoddart, Privacy Commissioner, was not consulted. In her appearance before the committee, Ms. Stoddart expressed her frustration when she said:

We were not consulted and we did not see the text. Generally speaking, we are consulted for certain bills that could have an impact on privacy but, in this case, we were not consulted and we did not see the draft of the bill.

• (1450)

The following words were delivered by Arthur Kroeger, a person who was just quoted by Honourable Senator Oliver. During his appearance before our committee, Mr. Kroeger expressed his concerns with the way in which the bill was drafted. He said:

If the legislation had been written by a government with more experience in office, it may not have some items in it that it does...There is the other problem that some of the contents of legislation were, I think, developed during an election campaign, and there is always a risk of a bit of overkill for the sake of achieving a public effect during an electoral contest...

In the other place, second reading debate on Bill C-2 began on April 25 and ended two days later, on April 27. Following second reading, the bill was referred to the House of Commons Legislative Committee on Bill C-2, where the committee held hearings between May 3 and June 6.

Witnesses in the other place were given very little time to present their positions. As a result, we were informed that some potential witnesses refused to participate in the charade. In addition, report stage debate and third reading in the other place took one day.

Senator Mercer: One day. One day.

Senator Day: Is that, honourable senators, responsibility?

Some Hon. Senators: No!

Senator Day: Is that accountability?

Senator Mercer: No, not accountable.

Senator Day: Honourable senators, there has been a lot of rhetoric about Bill C-2, and expectations of the public have been raised. However, honourable senators, the federal accountability act, Bill C-2, will not have the impact that the federal government and Minister Baird suggest it will have.

To quote again from Justice Gomery more recently in a CBC interview:

If the proposed legislation is intended to prevent another AdScam, it is beyond comprehension why the Conservative bill ignores virtually all of the recommendations of his inquiry.

Sharon Sutherland, Professor of Public Studies at the University of Ottawa, appeared before our committee to speak, among other things, about the tone in which Bill C-2 was drafted. She said:

Insofar as the bill creates a mood, there is a theme of punishment, of new crimes or crimes relocated from one statute to another, or repeated in statutes, or summary convictions, or of naming, blaming and shaming.

I read this quote because I feel that the reference to "naming, blaming and shaming" is very telling of the current culture prevailing in this new young government. We need to evolve from this culture of distrust to a culture of honesty and respect.

[Senator Day]

Probably the most serious underlying issue of Bill C-2 relates to the trust of the Canadian people. The public puts its trust in this chamber and in the other place to make decisions after a thorough study and debate. Without this trust, the entire parliamentary system is endangered.

As I stated in this chamber on report stage debate, the notions of true accountability and transparency in government are of the utmost importance. We all support those objectives.

This week in this chamber, we heard honourable senators add to this culture of distrust by suggesting that the lengthy study of Bill C-2 was part of an overall plan by the Liberal party to stall this bill for political gain.

Senator Mercer: Nonsense!

Senator Day: In an effort to prove his point, one honourable senator depicted an elaborate scheme of dishonesty and delay. The honourable senator's accusations are baseless, and they are insulting to each honourable senator who took part in the study of this important bill.

The practice of attempting to achieve political gain by questioning the goodwill and trustworthiness of a political opponent, a parliamentary committee or a political party is counterproductive and simply wrong-minded.

Senator Tkachuk: You would never do that.

Senator Day: Unfortunately, I feel that this practice is occurring more frequently than ever before.

Senator Tkachuk: Yes, it sure is.

Senator Day: Often throughout our committee's study on Bill C-2, allegations were voiced to the media by the Prime Minister and members of his cabinet and even some honourable members of this chamber, which suggested that our intentions were less than honest. Accusations of stall and delay were frequent but were completely without merit.

By attempting to discredit the product and the work that was being completed by our committee, by discrediting the process, the government has potentially weakened the public's perception of all politicians. This does not serve Canada well, and it does not serve the Canadian people well.

In the later stages of our committee's study of this bill, we had the opportunity to hear testimony from one of Canada's most colourful and well-respected members of the Privy Council, the Honourable Eugene Whelan. Mr. Whelan requested an appearance before the committee to discuss the public appointments process. For the purpose of this speech today, I would like to refer to a statement he made regarding public trust. He said:

Today, there is a very wide feeling in our country, Canada, that there is no accountability and, therefore, no credibility. In turn, no one trusts anyone, especially those in government and the elected politicians. We are listed at the bottom of the totem pole. Why? Are we, the politicians, really that bad?

As I listened to the news reports and read publications from across the country, I find myself pondering the same question: Are politicians in Canada really that bad? My answer continues to be the same: No, we are not.

To conclude his argument regarding the current climate of distrust, Mr. Whelan stated the following:

This old politician has been around a long time and has seen a big part of our world. If there is a better life, a better administered country anywhere that is better than Canada, I want you to tell me, because I am an average Canadian and I want the very best. If there is a better country, show me the way and I will go there.

Well, Mr. Whelan, I do not believe there is a better country or a better way. Canada is a world leader in human and civil rights. We, as Canadians, are respected for our good governance, our respect for the rule of law, and our enormous potential as a fiscally accountable and dependable trading partner.

This is not to say that in a country like ours we cannot grow stronger with the help of good legislation. We can, and if honourable senators in this chamber accept Bill C-2 as it has now been amended, I feel that its significant improvements will have been made.

The other major challenge facing the committee during the study of Bill C-2 is linked closely to the climate of distrust to which I have just referred. Throughout this study, honourable senators, the role and the relevance of the Senate itself has been called into question by the Prime Minister and members of his cabinet. As an expression of the Prime Minister's frustration and disappointment with the amendments that were proposed to Bill C-2, Mr. Harper stated, "The behaviour of the Liberal party is arrogant and anti-democratic. That's really the problem. They haven't accepted the decision of the electorate."

I suggest to Mr. Harper that he has not understood the important role of a bicameral system.

In conjunction with these statements, the President of the Treasury Board, the Honourable John Baird, called a news conference with the sole purpose of denouncing the work of the Senate — not in analyzing the amendments, but denouncing generally the process.

• (1500)

I quote Mr. John Baird, "We have got to go over the heads of the backroom boys in the Liberal Party and speak to Canadians directly to get this bill passed."

Honourable senators, I find these statements quite astounding. The electorate granted the Conservative Party of Canada a minority government. Canadians want and expect our political parties to work together. Throughout the study of Bill C-2, the government has resorted to bullying and bad-mouthing instead of acting as a responsible and effective minority government.

I would also like to comment on Senator Nolin's speech at report stage. Senator Nolin was a participant in the study of Bill C-2, and he demands respect for his 13 years of experience on

the Standing Senate Committee on Legal and Constitutional Affairs. Despite this experience, I have great difficulty with my colleague's suggestion that our committee ignored its duty of restraint. It is the responsibility of a Senate committee to scrutinize legislation which has been referred to it.

Due to the size of Bill C-2 and the speed with which it was drafted, the committee's scrutiny resulted in a large number of amendments by the opposition, as well as a large number of amendments, indeed, by the government itself. The reason for the large number is that many of these amendments were consequential. However, it was impossible for our committee to ignore the overwhelming amount of testimony received that deeply criticized many aspects of this bill. That testimony is part of the public record.

I urge those of you who have difficulty with respect to a specific amendment or who wonder why we did not go further in certain areas to refer to the testimony. I would also urge the committee's critics and the critics of the Senate, generally, to read the committee's observations. On several issues, committee members decided to write a critical observation about concerns which had been raised during testimony rather than to propose an amendment. That was an exercise in our duty of restraint, I would say to the Honourable Senator Nolin.

If the Senate is to remain, as it has been since Confederation, a valuable component in the parliamentary system, it must act independently and it must be able to act independently. If the Senate has concluded through testimony and rigorous debate that the administration of the day has acted against the best interests of the Canadian people, then it is the responsibility of senators to make amendments to that proposed legislation.

Honourable senators, I said I was not going to deal with the amendments that you have already voted on, but there are several others that you will be called upon to vote. I would like to look at those briefly. If honourable senators look at their Order Paper, they will see the listing of amendments which have been proposed.

The first list of amendments begins at the paragraph out to the left margin where honourable senators will see the motion in amendment of the Honourable Senator Mercer.

Senator Mercer's amendments all appear on page 3. All of these, honourable senators, relate to the provision for the creation of a director of public prosecutions. Senator Mercer has spoken on this issue. I can tell honourable senators, and a number of honourable senators have already told colleagues, that when we went into these hearings, we felt that the director of public prosecutions provisions were unnecessary. That was the mindset that we had going into the hearing. However, we heard from Antonio Lamer, who said that the concept was a good one. We heard from a former assistant deputy minister who was himself a director of public prosecutions and then became deputy minister. We heard from the Association of Trial Lawyers, and they said that the concept is a good one. They all pointed out that the most important aspect of this concept is that there must not be the possibility for partisan political interference with this extremely important position.

We decided that, based on the testimony, we would accept the concept. It is not a new concept; it exists in three provinces and in a number of jurisdictions. We saw one provision in that particular area of Bill C-2 that provided potentially for the Attorney General to have the opportunity for political interference. We made an amendment to ensure that the position was created objectively and not from a list of names that were given by the Attorney General.

Honourable senators, with all due respect to Senator Mercer, I am asking you to defeat his group of proposed amendments in which he would propose to delete the director of public prosecutions. I am asking you to accept the concept proposed by the government with the amendments which we have already made and voted on.

Senator Murray has four in his list of groups of amendments, and they start at page 4 and run over to the top of page 7. I congratulate Senator Murray the hard work, but I regret to say I am not able to support the honourable senator's amendments.

Senator Murray's first grouping of amendments is public appointments. It is important for honourable senators to understand that the director of public appointments will make no appointments. The job of the director of public appointments is to ensure that each ministry has set up an objective means of coming up with names for potential appointments. He or she and the group will go to each ministry and ensure that a set of rules are in place. Many ministries have sets of rules in place now, and many do not. The role of the director of public appointments is to ensure that there is some objective standard. It sounds like a reasonable concept, and we are prepared to support the concept proposed by the government and, therefore, not to support the proposal to remove that concept from Bill C-2, as proposed by Senator Murray.

The next group of proposed amendments relates to political financing. As I understand Senator Murray's comments from yesterday, he would like to return to the status quo. That is tempting to support, but we decided, following the duty of constraint, to make a strong statement in our observations but to support the government's position, in large part, in relation to political financing. We felt that it made logical sense that the regulations in relation to political financing come into play at the beginning of a donation year, namely, January 1. I fully expect that the government will be accepting all of our amendments, that this bill will be proclaimed and that it will be on January 1, 2007 that this will come into force.

We will not support, with all due respect to the Honourable Senator Murray, those amendments.

With respect to the increase from \$1,000 to \$2,000, so that everyone is clear, convention expenses are included as political donations because \$1,000 was chosen on the concept and mistaken belief that they were not included. Now that they are included, the number must be increased to include those as well. That is really the only major change that we made.

- (1510)

The next bundle of amendments appears at page 5 of the Order Paper, regarding the director of public prosecutions. I have already spoken on that subject with respect to Senator

Mercer. I will not be supporting it. I am not speaking for the other members of our committee, certainly, but I can tell honourable senators that all of the points that have been brought forward in these amendments were debated and considered at length. We came up with a balance, making some amendments that we felt absolutely had to be made, and including observations that were a critical part of the report for that reason. When we were getting no support from the government side with respect to what we were doing, and in fact were being criticized, it was awfully tempting to go the way of these amendments. However, we did not do that, in the interests of this institution.

The final grouping from Senator Murray involves access to information. In this particular instance, we again debated the concept at length. It is my view that it was important to expand the base of those subject to access to information now, and in fact we expanded the base further in amendment. That is an important aspect of access to information. It is an important facility for Canadians to have this legislation. As long as certain protections are put in place for foundations that are dealing with the private sector, which we have ensured in our amendments, then it seemed more logical to go ahead with the amendments rather than, as has been suggested, to take them all out of Bill C-2 and wait for the review in the House of Commons. The Information Commissioner recommended that that happen, but we were not convinced that we should do so. Therefore, I will not be able to support that bundle of amendments.

The next amendment is a single amendment on page 7 of the Order Paper. It was presented by the Honourable Senator Milne. I was not convinced initially that it was necessary, but there was some concern by the Information Commissioner that the wording in the amendment that we had proposed for the public interest override, that items of national security would not need to be produced under the access to information request, went beyond that section.

To avoid any likelihood that this will be challenged in a court system later on — and that is one of our roles, to try to clarify where we can to avoid court processes and court-made law and judge-made law — we are asking honourable senators to support this amendment to add the words “under this section.”

Honourable senators, the next amendment was presented by Senator Andreychuk. We had an interesting debate with respect to what is and what is not a technical amendment. Time does not permit me to analyze this particular matter further, other than to say that this is not the same wording as the amendment that was presented during clause-by-clause consideration. The most important aspect of it is that there was a reference to section 64, which we intended to remove and have removed, but there is also a reference to section 20 and section 31, which in effect said that you can be a senator or a member of the House of Commons and do everything they do except subject to section 20 and section 31, which we felt went to the core of parliamentary privilege. You either can or cannot exercise your parliamentary privilege, and no former senior public office-holder, such as Senator Murray, Senator Carstairs or Senator Fairbairn, can act as a senator. You do not want to be a second-class senator and be subject to two sections of the bill.

With that qualifier removed, we are pleased to support Senator Andreychuk's amendment.

[Senator Day]

Finally, honourable senators, with respect to the amendments that we will be called upon to consider and vote upon at four o'clock, we have Honourable Senator Nolin's grouping. He explained that well yesterday. It is a question that we debated at the committee. It is a question of whether the proper reference is to a "code pratique" or a "code de pratique," and he has recommended the amendment in the French provisions to call the code a "code de pratique." We accept his amendment.

Honourable senators, today the Senate is under unprecedented scrutiny. The Conservative government has expressed a desire to reform this chamber in a number of ways. I believe that the Senate must be willing to adapt, but it must not abdicate its responsibility.

It would have been easy during our study of Bill C-2 to succumb to the political pressure. We could have treated the study of this bill as it was treated in the other place, but if we had done so we would have fallen into the hands of those who criticize us.

I do not expect that the debate over the role and the relevance of the Senate will conclude in the near future. It is for this reason that we must be more vigilant and more effective in our work than ever before. Our committees must not be deterred by the media or politicians in the other place who are intent on discrediting this institution. Public opinion will be won as long as we continue to perform our duties as a responsible chamber of sober second thought.

Joanna Gualtieri, Director of the Federal Accountability Initiative for Reform, a well-known whistle-blower and former external affairs employee who saved the federal government millions of dollars, by their own admission, appeared before our committee to express her thoughts regarding this legislation and to speak of the important role of the Senate. Let me quote from her testimony:

We genuinely believe that the Senate's finest hour will be found in being proponents of accountability. That will be done by getting back to the drawing board and doing this right.

With the work that we have done, this legislation is now, in my respectful view, honourable senators, in a form that the government can accept. There are no amendments that we have made that fundamentally alter the stated policy initiatives of this legislation. Whether this Conservative government is interested in accepting this bill as amended will depend on its true purpose for the legislation. Does the government seek better policy?

Senator Segal: Yes!

Senator Day: I am sorry I only heard from one person over there.

Or is it only interested in the politics? Honourable senators, we will soon know.

In any event, we in this chamber can be proud of our work. We have been given poor legislation and we have improved upon it. We have been invited time after time to let the debate deteriorate into a political squabble, but we have resisted. We have risen to

the occasion by doing what the Senate of Canada does best: study, understand and, where warranted, improve the legislation.

• (1520)

Whatever comes of this bill, we in this chamber can be content that we do have a significant role to play. This bill, more than most, has allowed us to demonstrate that important role. This indeed, honourable senators, has been one of our finest hours, and I congratulate you all.

Some Hon. Senators: Hear, hear!

Senator Murray: Will the honourable senator take a question?

Senator Day: If time permits, I would be pleased to attempt to answer the honourable senator's question.

Senator Murray: Honourable senators, I was not present for the committee hearings, and I may have missed some of the flavour or forcefulness of the testimony by simply reading the printed transcript. However, I must say with regard to the proposed director of public prosecutions and the testimony referring to that, my reading of it was that it was faint praise indeed and of the nature of, "Well, it cannot do any harm, and another set of eyes will be useful," and that kind of thing.

However, the question that I want to ask the honourable senator is whether he would not agree that, in addition to what he regards as the favourable testimony from the witnesses whose names he mentioned, there was, on the other side, also testimony by experienced people wondering aloud whether the position was necessary and, indeed, suggesting — fairly strongly, I thought — that it was not necessary.

I have one other question, and it has to do with the public appointments commission. My amendment would leave it to the government, to the Prime Minister, if they want to go ahead with something like this, recognizing that it is purely cosmetic, and I would leave Parliament out of it. Would the honourable senator not feel better, as I would, if the Prime Minister would content himself with consulting Senator LeBreton and Senator Downe, who together have more experienced in patronage appointments than anyone in the modern history of Canada?

Senator Day: I will deal with the latter question first, and then I will deal with the substantive one after that.

The appointments side of things was debated in this chamber between the honourable senator and Senator Hays yesterday, and the amendment that the committee proposed was brought to his attention. That was our compromise. We felt it was important to be inclusive, and we felt that that was a reasonable provision to put into the director of appointments.

Senator Murray: I think that discussion yesterday was about the budgetary officer.

Senator Day: The director of appointments — and I mentioned this when I was going through the analysis of the honourable senator's various amendments — is not someone who is making the appointments. I think it is important for all honourable senators to understand that. The concept is to ensure that the ministries have set in place an appointments process that meets

minimum standards. That seems to me to be a reasonable approach. The appointments will still take place by the ministry in the normal way that you are quite familiar with.

With respect to the director of public prosecutions, I indicated that that was not an easy one for us. The honourable senator is quite right: There was other testimony that suggested that maybe this was not necessary, and that some of the endorsement was not awfully strong. However, some of the endorsement was strong. When the former Chief Justice of Canada, Antonio Lamer, is sitting before you and says that this concept is all right and that it will do no harm and could well do some good, what do we say?

Senator LeBreton: We say: “Yes, sir.”

Senator Day: The practitioners, the Association of Criminal Lawyers, were much stronger in support of the concept. These are the people who work in this business every day, and they endorsed the concept. We had a preponderance of evidence in support of the concept, so we tried to make it as good as we could with the tools that we had.

Hon. Terry M. Mercer: Would the honourable senator permit a few other questions? I wanted to direct this question to Senator Oliver, but that time has passed.

Senator Oliver and Senator Day both referred several times to Mr. Justice Gomery’s report. Senator Oliver said that this bill was to fulfill Justice Gomery’s report. Can Senator Day perhaps enlighten us as to what Justice Gomery actually said about this bill as it related to his report?

Senator Day: I hate to be answering questions on behalf of Senator Oliver. I will tell the honourable senator that, during my remarks, I indicated that as recently as two weeks ago, Mr. Justice Gomery said that this particular bill is in no way reflective of his report or his recommendations.

Senator Mercer: Thank you very much. That is exactly what I thought he said.

In Senator Oliver’s speech, and in speeches by others as well, there is a reference to ministerial responsibility. Ministerial responsibility is an important thing. If we accept that concept, would it be the honourable senator’s interpretation that ministerial responsibility would extend to the Leader of the Government in the Senate as a minister of the Crown? Would she, in this case Senator LeBreton, be responsible for her ministry, which means responsible for her staff and perhaps for the actions of her staff?

Senator Day: I think that is probably a question that would better be posed to other people at another time.

Hon. A. Raynell Andreychuk: Senator Day, in his initial remarks, did in fact thank the Senate for adopting the report of the Standing Senate Committee on Legal and Constitutional Affairs, along with all of the amendments. I think he also said, “and the observations.” As we have been discussing for several days, observations do not form part of the report and are not brought forward here for acceptance by the committee. They are attached after the signature of the chair and therefore do not form

part of the report. In essence, this Senate adopted the report and the amendments. Would I be correct in my interpretation?

Senator Day: I know that the honourable senator has an inquiry on that very subject, and I am sure that there will be an interesting debate with diverging points of view on that very issue. I spoke during the committee hearings, and I referred to the observations as being a critical part of our report when we had Minister Baird before us. He undertook to pay close attention not only to the amendments but also to the observations. The practical effect of whether they are before or after the amendments is not as critical as the fact that they will be given due consideration.

Senator Andreychuk: That may be in the honourable senator’s dialogue with the minister, but for the conduct of this Senate, which I think is important, and to maintain the integrity of this chamber, would you not agree that they do not form part of the report?

• (1530)

Senator Day: It is my understanding that the report includes the bill as amended with attached observations.

The Hon. the Speaker: Honourable senators, it being 3:30, pursuant to the order adopted by the Senate on November 7, I must interrupt the proceedings for the purpose of putting all questions necessary to dispose of third reading of Bill C-2.

Senator Comeau: Honourable senators, we have a series of amendments before the Senate. If some are adopted there could be consequences on other amendments that have been proposed. I have consulted with the opposition and we agreed to seek the guidance of the chair as to how best to dispose of the amendments.

The Hon. the Speaker: Honourable senators, in order to facilitate and simplify the process of voting without distorting in any way the results, we could dispose of the amendments or groups of amendments in the order they were presented. This can be done because there are no conflicts in the amendments that have been proposed except in one case. In addition, there are two cases where amendments overlap others involving the deletion of clauses. Regardless of the outcome, we could proceed with the votes without any procedural difficulties, in the opinion of the chair.

Before amendments are presented, I will advise the Senate of any consequences the adoption of any previous amendments will have made on it so that we can act accordingly. Packages with amendments proposed by senators have been prepared with the assistance of the table and are now being distributed.

With that, honourable senators, we will now proceed with the putting of the questions.

The first question is the motion in amendment proposed by the Honourable Senator Mercer.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

The Hon. the Speaker: Will those in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. There is a 30-minute bell unless it is agreed otherwise.

For the information of the house, should there be other standing votes there will be no bell. We shall therefore proceed with the vote at five minutes past four.

• (1600)

The sitting of the Senate was resumed.

Motion in amendment of Senator Mercer negated on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Mercer
Cools	Moore
Downe	Murray
Eggleton	Peterson
Furey	Rivest—11
Hervieux-Payette	

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Milne
Champagne	Mitchell
Chaput	Munson
Comeau	Nancy Ruth
Cook	Nolin
Corbin	Oliver
Cordy	Phalen
Dawson	Poy
Day	Prud'homme
Di Nino	Robichaud
Dyck	Segal
Eyton	Sibbeston
Fairbairn	Smith
Fortier	St. Germain
Fox	Stollery
Fraser	Stratton
Goldstein	Tardif
Gustafson	Tkachuk
Harb	Watt
Hays	Zimmer—50

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, we will now proceed to the amendments proposed by Senator Murray. As he proposed four separate groups of amendments, we will deal with them separately. The first group deals with the public appointments commission; the second group deals with changes to the Canada Elections Act; the third group deals with the director of public prosecutions; and the last group deals with the topic of access to information.

• (1610)

I will now put the question on the first group of amendments, which deals with the public appointments commission.

It was moved by the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

Motion in amendment No.1 of Senator Murray negated on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Mercer
Cools	Moore
Downe	Murray—6

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Massicotte
Champagne	Milne
Chaput	Mitchell
Comeau	Munson
Cook	Nancy Ruth
Corbin	Nolin
Cordy	Oliver
Dawson	Peterson
Day	Phalen
Di Nino	Poy
Dyck	Prud'homme
Eggleton	Rivest
Eyton	Robichaud
Fairbairn	Segal
Fortier	Sibbeston
Fox	Smith
Fraser	St. Germain
Furey	Stollery
Goldstein	Stratton
Gustafson	Tardif
Harb	Tkachuk
Hays	Watt
Hervieux-Payette	Zimmer—56

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: I will now put the question on the second group of amendments proposed by Senator Murray dealing with changes to the Canada Elections Act.

It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Senator Murray: Dispense.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

Motion in amendment No. 2 of Senator Murray negated on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Mercer
Austin	Moore
Cools	Murray
Downe	Rivest—8

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Bacon	LeBreton
Banks	Losier-Cool
Bryden	Mahovlich
Champagne	Massicotte
Chaput	Milne
Comeau	Mitchell
Cook	Munson
Corbin	Nancy Ruth
Cordy	Nolin
Dawson	Oliver
Day	Peterson
Di Nino	Phalen
Dyck	Poy
Eggleton	Prud'homme
Eyton	Robichaud
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Furey	Stratton
Gustafson	Tardif
Harb	Tkachuk
Hays	Watt
Hervieux-Payette	Zimmer—50

ABSTENTIONS
THE HONOURABLE SENATORS

Fraser	Goldstein
Segal—3	

The Hon. the Speaker: I will now put the third group of amendments proposed by Senator Murray dealing with the director of public prosecutions.

It was moved by the Honourable Senator Murray, seconded by Honourable Senator Atkins, that Bill C-2 —

Some Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion will please signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

• (1620)

Motion in amendment No. 3 of Senator Murray negated on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Hervieux-Payette
Cools	Mercer
Downe	Moore
Eggleton	Murray
Furey	Peterson—10

NAYS
THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	LeBreton
Austin	Losier-Cool
Bacon	Mahovlich
Banks	Massicotte
Bryden	Milne
Champagne	Mitchell
Chaput	Munson
Comeau	Nancy Ruth
Cook	Nolin
Corbin	Oliver
Cordy	Phalen
Dawson	Poy
Day	Prud'homme
Di Nino	Rivest
Dyck	Robichaud
Eyton	Segal
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Fraser	Stratton
Goldstein	Tardif
Gustafson	Tkachuk
Harb	Watt
Hays	Zimmer—51
Kenny	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, I will now put the question on the fourth group of amendments proposed by Senator Murray dealing with the topic of access to information.

It was moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, that Bill C-2 be not now read a third time but that it be amended —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the “nays” have it.

And two honourable senators having risen:

Motion in amendment No. 4 of Senator Murray negated on the following division:

YEAS
THE HONOURABLE SENATORS

Atkins	Mercer
Cools	Moore
Downe	Murray—6

NAYS
THE HONOURABLE SENATORS

Andreychuk	Kenny
Angus	Keon
Austin	LeBreton
Bacon	Losier-Cool
Banks	Mahovlich
Bryden	Massicotte
Champagne	Milne
Chaput	Mitchell
Comeau	Munson
Cook	Nancy Ruth
Corbin	Nolin
Cordy	Oliver
Dawson	Peterson
Day	Phalen
Di Nino	Poy
Dyck	Prud'homme
Eggleton	Rivest
Eyton	Robichaud
Fairbairn	Sibbeston
Fortier	Smith
Fox	Stollery
Fraser	Stratton
Furey	Tardif
Goldstein	Tkachuk
Harb	Watt
Hays	Zimmer—53
Hervieux-Payette	

ABSTENTIONS
THE HONOURABLE SENATORS

Segal—1

The Hon. the Speaker: The next motion, honourable senators, is the amendment proposed by Senator Milne. It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Day, that Bill C-2 be not now read a third time but that it be amended in clause 150.1, on page 120, by adding after the words “However” — shall I dispense?

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

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

An Hon. Senator: On division.

Motion in amendment of Senator Milne agreed to, on division.

The Hon. the Speaker: The next amendment, honourable senators, is that proposed by Senator Andreychuk.

It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Oliver, that Bill C-2 be not now read a third time but that it be amended in clause 2 on page 32, by replacing lines 23 to 25 with the following —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

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

Motion in amendment of Senator Andreychuk agreed to, on division.

The Hon. the Speaker: Honourable senators, the final amendment was proposed by Senator Nolin. The amendment is also of a technical nature amending the French version of clause 227.

[*Translation*]

It was moved by the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, that Bill C-2 be not now read a third time —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: Agreed.

Motion agreed to.

• (1630)

[*English*]

The Hon. the Speaker: Honourable senators, having now disposed of all motions in amendment, I will proceed to the main motion. It was moved by the Honourable Senator Stratton that Bill C-2, as amended, be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill, as amended, read third time and passed, on division.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I seek leave of the chamber to postpone all remaining items on the *Order Paper and Notice Paper*, other than Inquiries, until the next sitting, that they may retain their position and that we revert to Government Notices of Motions for the purposes of putting the adjournment motion at the end of inquiries.

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

Hon. Senators: Agreed.

WORLD WAR I

CONTRIBUTIONS OF ARAB PEOPLES TO ALLIED VICTORY—INQUIRY—DEBATE ADJOURNED

Hon. Anne C. Cools rose pursuant to notice of November 7, 2006:

That she will call the attention of the Senate to:

- (a) to Remembrance Day, November 11, 2006, the 88th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and
- (b) to the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders, engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and
- (c) to the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Hussein bin Ali, the Emir of Mecca, the Holy City, and his four sons the Emirs, Ali, Abdullah, Feisal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and
- (d) to the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors, from the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejeh, Dara and Damascus from the Ottoman Turks; and
- (e) to other Arab leaders, including the Emir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Emir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and
- (f) to the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our

freedom from domination, possible. Lest we forget. We shall remember them.

She said: Honourable senators, this Saturday we will remember the sacrifices of the many in the wars, the terrible and catastrophic results of failed politics. War, that terrible horseman of the apocalypse, is a grim rider. I wish to speak on one part of the Great War, 1914-18, which is rarely mentioned on Remembrance Day. I speak of the heroism of the brave Arab fighters of the Great Arab Revolt, subject peoples who fought and won in their own lands on the side of Great Britain and the Allies against the Ottoman Turks, their rulers and occupiers. Their heroism was great. They fought without the protection of the laws of war and the protection afforded to regular combatants. They risked certain and ferocious death if captured by the Ottoman Turks. This was extraordinary valour. This was the Arabian theatre of the war.

Honourable senators, they were led by the Emir of Mecca, the Grand Sharif, Hussein bin Ali, and his four sons, the Emirs Ali, Abdullah, Feisal and Zeid. Sharif Hussein was a direct descendant of the Prophet Mohammed. Sharif Hussein's son, Abdullah, is the great-great grandfather of the current King Abdullah II of Jordan. As the Emir of Mecca, Sharif Hussein had responsibility for the protection and upkeep of the Kaba, the holy sites, and the protection and care of the Hajj pilgrims on their pilgrimages to Mecca. In 1908 the Ottoman Turks made Sharif Hussein bin Ali the Emir of Mecca.

Honourable senators, I have called these Arab fighters the children of Ishmael because the Arab peoples are the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah. The birth of Ishmael is a result of Sarah's and Abraham's doubt of God's promise to give them a child. They set out to alter God's work by making Sarah's Egyptian bond servant a substitute wife for Abraham. Sarah gave Hagar to Abraham. Hagar bore him a son, whom Abraham named Ishmael. Our Christian bibles tell us this story in the Old Testament. The Book of Genesis, King James version, in chapters 16, 17, 21 and 25. In chapter 17, verse 20, God speaks to Abraham saying:

And as for Ish'-ma-el, I have heard thee: Behold, I have blessed him, and will make him fruitful, and will multiply him exceedingly; twelve princes shall he beget, and I will make him a great nation.

After Sarah had conceived and bore a son, Isaac, as God promised, driven by jealousy she cast Hagar and Ishmael out. Chapter 21, verses 10 and 11, says:

Wherefore she said unto Abraham, Cast out this bondswoman and her son: for the sons of this bondswoman shall not be heir with my son, even with Isaac. And the thing was very grievous in Abraham's sight because of his son.

Hagar and Ishmael went out into the wilderness, the desert. Ishmael and Hagar then disappear from the Bible except for Chapter 25, verse 9, which speaks of Abraham's funeral, saying:

And his sons Isaac and Ishmael buried him in the cave of Machpelah, ...

Honourable senators, whereas in Christianity Ishmael and Hagar are minor figures and disappear from the Bible, in the Islamic tradition, they are central and ever-present. The Islamic tradition holds that Abraham took Hagar and Ishmael to Arabia, near Mecca, and holds that Abraham and Ishmael, the progenitors of the Arabs, consecrated Mecca, and also that they built the Kaaba at Mecca.

Honourable senators, the Arab peoples are the descendants of Ishmael. Mohammed, the Great Prophet of Islam, is the descendant of Ishmael and was born near Mecca about 570 AD and died about 632 AD. He was of the Quraish, a ruling clan involved in the care of the Kaaba built by Abraham and Ishmael. Mohammed resisted polytheism and made monotheism both religion and law in the Holy City of Mecca. The Koran is the record of God's words as revealed to Mohammed.

Honourable senators, in 1916 at the start of the Arab Revolt, Sharif Hussein bin Ali was a most revered man in his native Hijaz and in the rest of the Arab world. As the Emir of Mecca, the Holy city, in the Hijaz, the Holy land, he played a most important civil, religious and military role. He was one of the Hashemites, natives to the Hijaz, that part of Arabia where Mecca is located. The word "sharif" describes a person who is a descendant of Mohammed. Sharif Hussein's family was an integral part of the life of the Hijaz. His brother, Sharif Nasir, was a senator in Constantinople, the Ottoman capital. His sons Emir Abdullah and Emir Feisal were members of the assembly in Constantinople, from Jidda and from Mecca. Both were exceptional men. Initially, Sharif Hussein had given loyalty and allegiance to the Ottoman Sultan, also the Caliph of the Muslim world, convinced that Arab interests and those of the Turks were united in the Ottoman bond. He had represented the Turkish causes, and even fought against the Ibn Saud of the Saud dynasty, capturing his brother in 1910. In 1911 he led a Turkish force into the Asir against Emir Idrisi. At Asir he had been devastated at the atrocity of the Turks towards the Asir Arabs, and is reported as saying that "there is no good in these people to the Arabs."

Honourable senators, when the Ottomans were preparing to enter the war on the side of Germany in August 1914, Sharif Hussein wrote to the Sultan entreating him not to enter the war on the side of Germany. When asked for his opinion by the Ottoman Grand Vizier and also by Enver Pasha, the War Minister, he responded that joining the war was a great crime and a betrayal of trust. The Sharif was deeply concerned with the safety of the Arabs and the security of the Islamic holy places and also his own native Hijaz. Events and circumstances moved inexorably to cause him to grievously reconsider his position and his own allegiance to Ottoman Turkey as did his sons, which had been in process from 1912 onwards.

Honourable senators, I shall relate some of the events and circumstances that led Sharif Hussein and his sons to repudiate their allegiance to their sovereign, the Ottoman Sultan. One was the fact that between 1911 and 1913, thirty-five Arab members of the Ottoman Assembly in Constantinople had sent a secret memorandum to Sharif Hussein in Mecca. This memorandum confirmed their esteem for his leadership. About this, the Jordanian historian Suleiman Mousa in his work *Sharif Husayn and Developments Leading to the Arab Revolt* included in *New Arabian Studies I* published by the University of Exeter Press, wrote at pages 39-40:

Sayyid Talib al-Naqib, member of Parliament for Basra, sent a letter with this memorandum in which he declared that, 'All the Arab deputies support my Lord with all their power, tongues and hearts ... We acknowledge your zeal for our religion and nation. We are prepared to rise on your side if you decide to throw off this yoke which weighed heavily on Arab shoulders and if you endeavour to rescue them from oppression and slavery ...

• (1640)

In addition, there was the problem of the new Ottoman Vali of the Hijaz, Wahib Bey. He attempted to subjugate the Arabs of the Hijaz and to reduce the great privileges of Mecca. His activities greatly disturbed the Hijaz tribesmen and created much unrest and dissatisfaction. The situation worsened when around January 1915, Hussein's son Ali, while on a march led by the Wahib Bey against the British in Egypt, found a case of the Wahib Bey's secret papers. Ali's examination of them revealed a secret plot to overthrow and assassinate the esteemed Sharif Hussein. Ali immediately halted the march.

Another event around this time was that the Arab nationalist societies in Syria and Iraq, and the nationalist leaders including high-ranking Arab officers in the Ottoman Army, appealed to Sharif Hussein to take the helm of Arab leadership against the Turks. They were especially disturbed by the new Turkish policy, such as that of the Wahib Bey, to "Turkify" the non-Turk races. The Arab nationalist societies and their leaders wrote the Damascus Protocol, a document which outlined the basis for an agreement between Great Britain and the Arab peoples. When Hussein's son Feisal brought this document to him in Mecca, Feisal brought with it a bag that contained the seals of all the prominent men in Syria, more than 200 in total. This fact alone shows the great esteem and trust that these people placed in Hussein and his sons to negotiate with Great Britain for British support of the Arabs. This is a very significant fact.

Honourable senators, another major consideration in Sharif Hussein's decision to revolt against the Ottoman Turks was the outcome of his negotiations with the British. These negotiations included exchanges between Sharif Hussein and Sir Henry MacMahon, also previous discussions with Lord Kitchener and others, in which the British promised the Arabs military and other support and assistance, including subsidies, money and gold sovereigns. Most importantly, in return for Arab support to defeat the Turks, the British promised support for Arab independence.

Honourable senators, just as an aside, the business of the gold sovereigns is especially important because many of the Arab tribesmen and the people who rallied to this cause liked cash, and they liked to see money in the form of gold sovereigns.

Honourable senators, the Grand Sharif Hussein viewed himself as the lawful leader of the Arab peoples charged with a sacred and a national duty. He was preoccupied with the evil of war. He was also preoccupied with the future of the people of the Hijaz and of the Arab peoples subject to Turkish domination. He was also concerned with the future of the Holy City of Mecca and his own position therein. His faith in the Turks had been deeply shaken when he witnessed Turkish atrocities towards the Arabs of Asir.

[Senator Cools]

Honourable senators, all these events were accompanied by Ottoman pressure from Constantinople on Sharif Hussein to make a proclamation that the war against Great Britain was a holy war, a jihad. They wanted him to use his religious influence as a descendent of Mohammed and as the Emir of Mecca to engage all the Arab and Muslim faithful in the service and support of Constantinople's war strategies against Great Britain.

Honourable senators, reading that history is extremely significant. I am getting ahead of myself, but Sharif Hussein was to decline to do such a thing.

These events compelled the Grand Sharif and his four sons, great warriors experienced with fighting in the harsh conditions of the desert, to repudiate their allegiance to the Ottoman Sultan, also the Caliph of the Muslim faithful. Sharif Hussein and his sons risked a terrible fate from the Ottoman Turks for taking up arms against them.

Honourable senators, Sharif Hussein and his four sons, the Emirs Ali, Abdullah, Feisal and Zeid, were exceptional human beings. They took the irreversible decision to oppose the might of the Ottoman Turkish Empire and to support Great Britain and its allies in the war.

On or about June 10, 1916, the Grand Sharif of Mecca and the Hijaz fired a shot from the window of his residence in Mecca, his signal to the Arabs to start military action against the Ottoman Turks. This marked the beginning of the Great Arab Revolt commanded and led by the Grand Sharif Hussein, that rarely remembered portion of the First World War. It was the revolt of a people seeking freedom from foreign subjugation. It was no simple rebellion, it was the Great Arab Awakening. Predictably, its effects were profound.

A fact of desert life had always been blood feuds, blood lust and plunder between desert tribes. This awakening was a unifying force for the desert tribes, who fought well and bravely in the revolt. Sharif Hussein and his sons knew and understood these tribesmen, and it is really a remarkable piece of history.

Honourable senators, Sharif Hussein's four sons commanded the Arab fighters in the field. The British officer, Colonel Thomas Lawrence, known as Lawrence of Arabia, gave the Arab revolt fighters assistance, particularly in the areas of managing explosives and in the disruption of Turkish railway lines and other strategic targets.

The Hon. the Speaker: I regret to advise the honourable senator that her 15 minutes have expired.

Hon. Gerald J. Comeau (Deputy leader of the Opposition): Five more minutes.

Senator Cools: Unlike the Turks, the Arabs were not used to modern warfare and the technology of modern war. In 1917, with the Arab Revolt well underway, the Arab forces captured Akaba, the strategic port on the Red Sea, a major feat of arms and a major blow to the Turks, one which the British had deemed impossible because of the harshness of the desert landward approaches to Akaba. Akaba's capture necessitated that the Arab fighters, short of food and water, trek by camel over 1,000 miles across formidable desert. Sometimes the flints and the rocks

of the scorched desert became so hot that even the camels suffered burns on their hooves. Dozens of snakes had to be killed and many fighters died of snake bites.

That the Arab fighters, with their meagre resources even though assisted by the British, prevailed over the Ottoman Turks is a testament to their robustness and their stamina. They also captured Wejh, Dara, Damascus and Aleppo from the Ottomans.

General Allenby kept a close watch on the movements of the Arab forces. This Arabian theatre of war was ablaze with bloodshed. Hundreds of thousands of Turkish soldiers were about. The Arab Revolt tied up large numbers of them by various raids, feints and attacks. Thousands died of starvation, dysentery and dehydration.

At the end of September 1918, the Arab forces commanded by Emir Feisal occupied Damascus. When Emir Feisal himself entered Damascus, he was greeted as a great conquering hero by the inhabitants. Damascus was placed under Arab administration under Feisal.

En passant, Emir Feisal was the representative of the Arab peoples at the Paris Peace Conference at Versailles, France, in 1919. However, the hopes of the Arab fighters were never fully realized, largely as a result of the imperial aspirations of the Great Powers.

Feisal himself ended up fighting the French, who occupied Syria around 1920 and deposed him. Many of the tribesmen and chiefs who fought for the Allies were killed fighting the French.

My point today, honourable senators, is to remember these Arab fighters and Arab peoples in the First World War and their contributions to world peace, a peace which they did not fully share, mostly because the results of the peace settlements caused grave unhappiness and rebellion among the Arabs.

• (1650)

In closing, that corner of planet earth produced the great monotheisms: Christianity, Islam and Judaism, the three religions of the book, which all hold that truth is to be found in divine revelation. God revealed much in that same corner of the earth.

I would like to quote from the Old Testament, the Book of Ecclesiasticus, ch. 44, being a tribute to the great prophets. I should like to read verses 1, 3, 7, and 9:

Let us now praise famous men, and our fathers that begat us...

Such as did bear rule in their kingdoms, men renowned for their power, giving counsel by their understandings, and declaring prophecies: ...

All these were honoured in their generations, and were the glory of their times. ...

And some there be, which have no memorial; who are perished, as though they had never been; and are become as though they had never been born; and their children after them.

Honourable senators, this is always, to my mind, an enormously sad time of year as we celebrate all of those who

have sacrificed in their various ways. I just thought that we perhaps should include this small piece of history, but a large piece of history to those people who were involved.

Suffice it to say, "Lest we forget." Let us remember them. While we are at it, let us remember all of the Canadian young men and young women who went out to distant shores to fight for people whom they had never met.

On motion of Senator Prud'homme, debate adjourned.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we have agreed that all other items stand in their place.

The Hon. the Speaker: Is that the understanding of the house?

Senator Comeau: It was my motion.

The Hon. the Speaker: The chair had understood that we were standing everything up to inquiries, and the chair would then call all items up to the end of the Order Paper.

Senator Comeau: It was to be everything, other than inquiries.

The Hon. the Speaker: Does the house not want me to call motions?

Senator Comeau: That is correct.

Hon. Tommy Banks: I would ask for leave to leap ahead to motion 119.

Senator Comeau: I am not sure if I understand where we are. Earlier on, I thought we had moved and agreed to stand all items other than inquiries, and that we would revert to the motion of adjournment because all other items had stood in their place. Therefore, we seem to be treading on new ground here.

The Hon. the Speaker: The honourable senator is absolutely correct. That is what was said. We have concluded the inquiries.

The next item that remains is motions, and I take it that it was the understanding of the house that we would not deal with those today as we did not deal with the other items, but that they stand in the order in which they find themselves. Therefore, we call upon Senator Comeau.

Senator Banks: Notwithstanding, I asked for leave of the house to deal with Motion No. 119 standing in my name.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

Hon. Marcel Prud'homme: Notwithstanding, my dear friend, we had already agreed. Now he will have to ask consent to ask questions. If we disagree with the agreement we gave, I think he will not find agreement.

[*Translation*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 21, 2006, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 21, 2006, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, November 9, 2006

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0			

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3rd (including 1 amend. to report) 06/11/09 Total 158	06/11/09		
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02							

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

PRIVATE BILLS

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