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**Tuesday, November 21, 2006**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Tuesday, November 21, 2006

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

Prayers.

### SENATORS' STATEMENTS

#### UNITED NATIONS REPORT ON VIOLENCE AGAINST CHILDREN

**Hon. A. Raynell Andreychuk:** Honourable senators, yesterday, on National Child Day, the United Nations released its long awaited Report on Violence against Children. In it, the UN's independent expert, Paulo Sérgio Pinheiro, calls for immediate action around the world in response to the grave and urgent nature of this global problem.

His report notes some dire statistics. According to the World Health Organization estimates, 53,000 children died worldwide in 2002 as a result of homicide and 150 million girls and 73 million boys under 18 have experienced forced sexual intercourse or other forms of sexual violence. The International Labour Organization reports that in 2004, 218 million children were involved in child labour.

• (1405)

These statistics may sound distant to some, a faraway reality that has few implications for Canada, yet this perception is false. Since late 2004, the Standing Senate Committee on Human Rights has been examining Canada's international obligations with respect to our obligations under the United Nations Convention on the Rights of the Child. According to the convention, children are entitled to protection from all forms of violence, and to health and health services. Children have the right to an education and to an adequate standard of living. They also have the right to be protected from sexual exploitation.

In the course of its study, the Human Rights Committee has heard from witnesses from across Canada and even in Europe, examining whether Canadian policy and legislation reflect the provisions of the convention, and to what extent we are in compliance with our international obligations. The answer has been startling sometimes and is certainly distressing.

Often recognized as a leader in the human rights field, Canada ratified the UN Convention on the Rights of the Child in 1991. This ratification would seem to be good news for our children, yet our study has revealed that ratification was not enough and much work is to be done. The convention must be implemented in Canadian law and policy to be enforceable in Canada, yet, too often, this implementation has not been done.

A disturbing recurrence of testimony from witnesses stated that Canada is a country in which actions do not live up to its reputation. Witnesses were critical of the perceived gap between the rhetoric and the realities of children's rights in Canada. While the government attempts to conform to the rights-based approach

in theory, many witnesses argued that the government hesitates to be bound by its practice. In government, even among those dedicated to protecting children's rights, knowledge of the convention is spotty at best.

This reality was documented in the interim report of the Human Rights Committee, released in November of last year, entitled *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*.

In continuing our study into the implementation of specific articles of the convention, our committee members heard testimony about children and youth whose futures were at risk. We heard stories about children who were subjected to violence and abuse, who were exploited sexually and who were tangled in the justice system and had nowhere left to turn. Canada is not immune from the problems outlined in Mr. Pinheiro's report. Canada has a long way to go toward ensuring that the UN Convention on the Rights of the Child is implemented fully and effectively into Canadian law.

#### NATIONAL CHILD DAY

**Hon. Terry M. Mercer:** Honourable senators, National Child Day is a day to recognize and celebrate the children of Canada. Yesterday in the Senate chamber, my colleague Senator Munson and I were honoured to host the celebrations for children by children with the help of the Speaker of the Senate, the Honourable Noël Kinsella, and we would like to thank him for that.

We welcomed over 300 children into the Senate chamber, where we witnessed performances of the spoken word, song, music and dance. We heard the jazz guitar stylings of Lucas Haneman, a young man who has been visually impaired since birth. We danced and clapped to the band, Dr. Draw, and their unique renditions of classical masterpieces. We participated in the inspiring presentation by Jean-François Carrey, the youngest Canadian to ever climb Mount Everest. These performances are but a sample of the celebrations we enjoyed yesterday.

Honourable senators, everyone who participated challenged the children to have an imagination, to have hopes and dreams, and to know that they can achieve anything they put their minds to. Events such as these provide opportunities to open the doors of the Senate to young people, who are the future of Canada. We give them an honoured place in our hearts and in our society.

I would like to take this opportunity to thank everyone who made this event possible: the Speaker and his staff; Senator Munson and his staff; Senate communications, especially Leslie Dauncey; sound technicians, especially Pedro Peres and Jean Lavergne; Maurice LaFramboise and his team in Senate installations; and, of course, my own staff.

Everyone worked hard to make this day special for all the children who attended and, indeed, for children across Canada. Without these people, it would not have been possible.

Honourable senators, National Child Day commemorates the unanimous adoption by the United Nations of the Convention on the Rights of the Child on November 20, 1989. We continue to do our best to keep the flame of awareness burning brightly for all the children who will grace these chambers in the future.

• (1410)

[Later]

**Hon. Jim Munson:** As honourable senators have already heard, yesterday was National Child Day in the Senate and it was a great success. I would like to thank the Speaker of the Senate for his support in all of this. All honourable senators have a role to play in improving the life of a child. Whether it be through reviewing legislation or volunteering at a local food bank, each of us has a role to play in making a child's life better, and it reminds us of what it is like to be a child. This year's theme "The Right to be Heard!" goes a long way in achieving this.

I would like to say something personal. When I was appointed to the Senate three years ago, I was thinking about what role I could play. As a reporter for 35 years, I covered many events around the world. People asked me whether it was the massacre in Tiananmen Square that mattered or the first Gulf War that mattered or the assassination of Indira Gandhi that mattered. Of course, all of those stories mattered, but for me, as a reporter, the stories that made a difference were the ones about deformed children in an orphanage in Phnom Penh, Cambodia; about water projects promoted by the Canadian International Development Agency, CIDA, in Gansu Province, China; and, closer to home, about the slow suicide of the children of Davis Inlet. These are the stories that mattered to me when I was a reporter and, when I arrived in this place, I wondered how I could make a greater difference, besides by observing and telling a story.

I feel that this is a place where I can do more than observe and tell a story. I can play a small role in the lives of children both at home and around the world. It is important to me and to Senator Andreychuk, Senator Carstairs, Senator Mercer and all senators. We might not always make the front page of every newspaper, which is difficult for an old journalist like me to accept, but I am certain that for a long time to come we will be on the front page of every child who was there yesterday.

## CARDIOVASCULAR RISK ASSESSMENT

**Hon. Wilbert J. Keon:** Honourable senators, one of the most important and most useful things to do is monitor one's health. Today, you will have a chance to do just that.

The Canadian Medical Association is hosting a cardiovascular risk assessment booth where Parliamentarians and staff members can chart their 10-year risk of cardiovascular disease, determine their cardiovascular age, calculate their body mass index, BMI, and find out their cholesterol level. This is probably the smartest thing you can do for yourself today.

Regular monitoring of your cardiovascular health can mean the difference between taking lifesaving action now or dealing with the consequence of heart attack or stroke later.

[ Senator Mercer ]

In summary, honourable senators, if you control the nine most important risk factors, you can reduce your risk of premature heart attack by 90 per cent. There is a team awaiting you in Room 200, West Block, to perform the necessary tests.

## CONGRATULATIONS TO STEVEN FLETCHER ON INDUCTION INTO TERRY FOX HALL OF FAME

**Hon. David Tkachuk:** Honourable senators, on November 13, Conservative Member of Parliament Steven Fletcher was inducted into the Terry Fox Hall of Fame. I can think of no one more deserving of such an honour. Steven was inducted in the category of "achiever," but only because there is no such category as "high achiever." If there were, that is where he would fit.

Mr. Fletcher has accomplished more than most people. He earned a Masters of Business Administration; was twice elected President of the University of Manitoba Student Union; served as executive director of the university's board of directors; founded Wilderness Access Manitoba; was elected to Parliament in 2004, where he served as health critic; and was appointed Parliamentary Secretary to the Minister of Health in 2006. These are serious and remarkable achievements for any young person, but Steven, who only turned 34 this year, accomplished all of this while confined to a wheelchair. He has been a quadriplegic since the age of 23.

• (1415)

Faced with similar circumstances, many of us would have just given up; others would have settled for achieving a lot less. All of us would have understood either of these reactions, but Steven Fletcher has demonstrated that he is truly a kindred spirit of that great Canadian, Terry Fox.

Like Terry, he has more than endured and he has more than persevered in the face of adversity. He has pushed himself beyond what anyone would have thought either possible or, perhaps, even wise. He has brooked no obstacles to what he hoped to achieve. As a result, he has carved an extraordinary life out of extraordinarily challenging circumstances.

Steven also keeps a schedule that is, to say the least, daunting. I know. I ride with him on an airplane from Winnipeg to Ottawa on Sunday nights. Last Sunday, he was telling me about his schedule. I said, "What kind of week did you have? Did you get a little rest?" He went through his schedule, starting with Monday in Toronto to receive the award, then the Grey Cup activities and a youth caucus. By the time he was finished, I was tired. He did all this in a wheelchair.

When I look at Steven, I think of the tremendous amount of energy it must take not just to get into that wheelchair but then to get into an airplane to come to Ottawa every week to participate with us here. We live in a great country that allows people who are quadriplegic to participate and to feel at home in the House of Commons.

Steven has a tremendous sense of humour. I am sure he would be highly embarrassed if he were to hear what I have said today. However, I am glad I have said it.

I hope all honourable senators will join me in congratulating Steven Fletcher, Member of Parliament, on his induction into the Terry Fox Hall of Fame.

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

### NATIONAL CHILD DAY

**Hon. Sharon Carstairs:** Honourable senators, the United Nations Convention on the Rights of the Child spells out the basic human rights to which every child everywhere is entitled.

Canada adopted the UN Convention on the Rights of the Child in 1991. In 1993, the Government of Canada enacted Bill C-371, which designated November 20 of each year as a national day of the child to promote awareness in Canada of the convention.

This year's theme of National Child Day was "The Right to Be Heard!" This theme emphasizes each child's right to have a voice in matters that affect them. Article 12 of the convention states that children have the right to express their own views in all matters that affect them appropriate to their age and maturity.

Children learn through active participation. Through listening to them, we can empower them and help them to take their place in the world.

National Child Day is a day that reminds us to celebrate the contribution children make to our society. However, it should also remind us of our role in ensuring that their basic fundamental rights are protected.

**Hon. Rod A. A. Zimmer:** Honourable senators, as we celebrate National Child Day and reflect on the importance of a healthy, happy and nurturing childhood, I think about the challenges we have yet to tackle in providing such an upbringing to children here in Canada and throughout the world.

Last year, I attended the child day concert, where the Barenaked Ladies performed. However, this year, I regret that I was unable to make it back in time to attend yesterday's National Child Day concert here in the chamber, which was organized by Speaker Kinsella and Senators Munson and Mercer.

I am told that the event struck a balance between showcasing the talents of Canadian children through song, dance and theatrics and educating the audience, mostly children, about the gaps that exist between fortunate children and those who face formidable challenges.

When we consider the hardships faced by their global brothers and sisters, we may think of Canadian children as lucky. For example, neither they nor their families live in fear that they will be abducted and forcibly recruited to fight in combat. As we have learned from Senator Dallaire's ongoing work on preventing the use of child soldiers, this is not the case for many children in countries such as Sri Lanka, where recent reports indicate that the situation has worsened with the escalation of violence. Here, in Canada, we, too, live amongst young people whose health and future success is in jeopardy.

As Senator Pearson wrote in her last *Children & the Hill* report, during her 10 years in the Senate, Canada has made many strides in areas such as youth justice and the reduction of the depth of

poverty in which children live. However, serious weaknesses remain in other human rights areas, including those of Aboriginal children, many of whom fare poorly in many health indicators relative to their non-Aboriginal counterparts.

• (1420)

This year's National Child Day theme "The Right to be Heard!" emphasizes each child's right to have a voice in matters that affect them. The importance of child participation is highlighted in the United Nations Convention on the Rights of the Child and has been acted upon in a meaningful way by the Federal Committee Against Commercial Sexual Exploitation of Children and Youth.

In February of 2007, the committee will begin a study on the sexual exploitation of Aboriginal children in Canada. A report released in 2000 suggests that in some communities in Canada, commercial sexual exploitation of Aboriginal children and youth forms more than 90 per cent of the visible sex trade in areas where the Aboriginal population is less than 10 per cent.

Honourable senators, in responding to this problem, the report recommended the engagement of affected youth through the establishment of a youth network and a series of youth-driven pilot projects. The federal committee will assess developments in sexual exploitation of Aboriginal children and youth and determine the best way to act on the report's recommendations. I look forward to working on this issue with my colleagues in the Senate, various federal departments and agencies, and the other place.

Honourable senators, although we place special emphasis on the recognition of children's rights on National Child Day, we must keep them at the front of our minds and hearts throughout this year and the rest of time.

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## ROUTINE PROCEEDINGS

### STUDY ON NATIONAL SECURITY POLICY

#### AMENDED REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

**Hon. Colin Kenny:** Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on National Security and Defence, as amended, pursuant to the motion adopted by the Senate on October 17, 2006.

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

[Translation]

**PROCEEDS OF CRIME (MONEY LAUNDERING)  
AND TERRORIST FINANCING ACT  
INCOME TAX ACT**

**BILL TO AMEND—FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-25, to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act.

Bill read first time.

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

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1425)

**ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE**

BUREAU MEETING, JUNE 29-JULY 3, 2006—  
REPORT TABLED

**Hon. Andrée Champagne:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the parliamentary delegation of the Canadian section of the Assemblée parlementaire de la Francophonie, which took part in the APF Bureau meeting held in Rabat, Morocco, on June 29, 2006, and the 32nd session of the APF, also held in Rabat, Morocco, from June 30 to July 3, 2006.

[English]

**FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

COMMITTEE AUTHORIZED  
TO MEET DURING SITTING OF THE SENATE

**Hon. Hugh Segal:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 5:00 p.m. today, Tuesday, November 21, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

This motion is to accommodate a visit of a minister of the Crown.

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

**Hon. Senators:** Agreed.

Motion agreed to.

**QUESTION PERIOD**

**FINANCE**

**INCOME TRUSTS—CHANGE IN TAX TREATMENT**

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. On October 31, the Minister of Finance, Mr. Flaherty, introduced the changes to the tax treatment of income trusts, a clear 180-degree turn and the breaking of a clear promise by the government in power not to change the tax treatment of income trusts.

I am looking for both an acknowledgement from the Leader of the Government of the consequences of this change, which is by any measure a significant tax increase, and an assurance that when the Minister of Finance presents his economic statement later this week, the change will be acknowledged as such and commented upon in terms of the proceeds of this significant tax increase that the government has brought in.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank Senator Hays for the question. Minister Flaherty will appear before the House committee on Thursday, November 23 to make his statement.

On the issue of income trusts, I think it was clear that a situation had developed that had taken on a new dimension over the past four or five months. Minister Flaherty took the decision to restore balance and fairness to our tax system. We were in danger of transferring the tax burden on to the shoulders of low- and middle-income Canadians. Canada stood alone, more or less, on the income trust issue. For example, Australia and the United States had already taken a decision in this regard.

As the honourable senator knows, the minister announced other important tax measures such as income splitting on pensions and increasing the age credit by \$1,000, including allowing people who had money in income trusts a period of four years to handle their portfolio and deal with the changing law.

• (1430)

**Senator Hays:** Canadians have heard that story. Many of those who invested based on their understanding that the tax treatment of income trusts would not change as promised have suffered enormous capital losses in terms of the diminution of their investment in income trusts, the market capitalization of which is well in excess of \$200 billion on the index; the figure varies, but approaching 20 per cent is the one that we accept as the loss in value to those people, many of whom could not afford it.

I am looking for an acknowledgement that the government, by this action, has increased taxes. An additional tax burden is borne by Canadians by virtue of the fact that in four years on certain trusts, and immediately on others, the income generated by the holders of those instruments will be diminished by roughly 30-some-odd per cent, depending on their tax bracket. That tax increase is big, and it should be acknowledged as such. I am looking for that acknowledgement. Hopefully, the Leader of the Government will encourage the Minister of Finance to deal with the matter in an honest way in the upcoming economic statement.

**Senator LeBreton:** Honourable senators, the Minister of Finance correctly stated that he regretted having to make this decision. We understand the previous government contemplated making this decision and then, of course, with the mishandling of the file, did not pursue it.

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

**Senator LeBreton:** The official opposition's finance critic in the other place, Mr. McCallum, said — and I applaud him for his honesty — that it was the right thing to do. The fact is that in the short time we have been in government, almost \$70 billion in new trust managements have come forward. If left unchecked, we would have created a situation where large corporations would have benefited and the tax burden would have been shifted onto the backs of middle-class Canadians. When the honourable senator reads the financial pages, he will see many differing opinions about the actual number who will have been affected by this decision at the end of the day. I do know that a great many Canadians are happy and pleased with the new income-splitting measure brought in. Although I do not know what the Minister of Finance will say, I am sure he will lay out as best he can the situation we face economically at the present time.

**Senator Hays:** Honourable senators, maybe I do not need to repeat; maybe the leader's lack of comment is an acknowledgement that the government has brought forward a major tax increase.

**Senator Meighen:** You just do not like the answer.

**Senator Hays:** Some do not like the question, but the question is there. If honourable senators are in my situation, their email accounts will be full from people who have lost enormous amounts of money in terms of the capital asset they held. These people are unhappy and there is nothing they can do about it, absent a change of position by the government. We will see what Senator Grafstein and his committee do when they have the legislation that evolves from the ways and means motion before them.

The minister mentioned the management of this decision. It was announced on a weekday. This dramatic change would have been best announced after the close of business on a Friday. It having been announced on a weekday, there was no opportunity for investors to react in a thoughtful way because of the time frame. This situation aggravated the losses that many experienced in terms of the panic that ensued, the hasty selling and the inability to go to an adviser for advice. Why was this decision announced in that way, which caused so much additional loss to the investors in income trusts?

• (1435)

**Senator LeBreton:** It was done on Tuesday, October 31, after the markets closed. It was done in that way to avoid the disastrous situation that was faced by the previous government when the markets were all over the place on the issue of income trusts. I am receiving emails, as we all are, and if one reads them carefully, they have a certain repetitiveness in that the same wording is used. It is a very organized campaign by some people, and that is their right, which I do not question.

However, I wish to assure the honourable senator that the Minister of Finance made this decision in the interests of the country and the middle-class taxpayers in this country. The minister, I can most assuredly say, will not do what previous governments did and back down from an important and needed decision.

**Senator Hays:** Honourable senators, the minister said it had to be done on a Tuesday to avoid the problems that had been experienced by the previous government. I do not understand that response. Can the minister explain why it was not done on a Friday, so that the people who had these investments would have had a cooling-off period within which to consult investment advisers and minimize the losses that many experienced in an unfair way due to the precipitous way in which this change was announced?

**Senator LeBreton:** Honourable senators, whether it was done on a Tuesday or a Friday, when the decision was made, the government watched the markets carefully, as has been reported. There had been no leakage of this information, unlike previous governments, and they moved when they felt it was necessary. The markets reacted for the first few days, but the markets recovered. I am sure the people who hold units in income trusts are now dealing with their brokers. I do believe that at the end of the day level heads have prevailed, and I have not seen any evidence that individuals have lost large sums of money.

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

**Hon. Jeremiah S. Grafstein:** Honourable senators, the Leader of the Government in the Senate has emphasized the issue of fairness, with which we all agree. Investors rely on two things: fairness in the marketplace and reliance on ministerial policies to ensure that investors are treated fairly and equitably. The government did announce this change, but could the minister explain to the Senate why the government chose four years as opposed to three years, seven years or eight years? My understanding is that when this measure was changed in other jurisdictions, they allowed for a 10-year transition period, as opposed to four years, to smooth out the negative implications for an individual investor.

**Senator LeBreton:** Honourable senators, I will have to take that question as notice. I do not know the rationale behind the four-year decision, but I will certainly undertake to provide a response.

**Senator Grafstein:** When the Leader of the Government in the Senate talks to the minister and government officials, she might also ask them about the question of retroactivity, the rationale for grandfathering a particular provision once investors had relied upon a course of conduct the Prime Minister articulated when he was Leader of the Opposition. He had indicated that he would not touch the trusts, as I recall, and I do not want to quote him out of context. It was based on that statement that investors continued to make investments in this sector.

The question of retroactivity is important to this chamber and it has been debated back and forth. When there is a measure of some substance, there is usually a period of time, as in this measure, to allow the smoothing out of the investment so that people are not detrimentally affected in an unfair way.

• (1440)

Perhaps when the Leader of the Government goes back to the officials, they could provide an explanation to us about the basis of why four years was decided upon, based on what is fair, equitable and deemed not to be retroactive.

**Senator LeBreton:** I thank the honourable senator for that question. I will take it as notice.

However, it is important to point out that the issue was about seniors and their ability to survive in this country economically. The Prime Minister and the Minister of Finance were faced with a situation whereby large corporations were, in effect, about to move huge sums of money into income trusts. This move would have had a detrimental effect on our economy. It would have had a detrimental effect on even some of the companies and their ability to innovate in many of the areas they are involved with.

The government felt it had to act. The Minister of Finance specifically felt he had to act in the interests of tax fairness for all Canadians.

I believe that people who have income trusts and have talked to their investment dealers will have had an opportunity to look at the four-year divestment period. I am certain that at the end of the day this policy, while it seems problematic for some people at the present time, will benefit a whole group of other Canadians enormously, particularly women, as a result of income splitting of pensions.

We continuously receive emails when people are upset. We do not receive many when people are happy about a government policy. I have received — and I am sure others have as well — many emails and letters of support in terms of the government's decision to provide income splitting for pensions.

**Senator Grafstein:** As well, could the Leader of the Government inquire of the minister whether he would consider, or has considered, in fairness, a revision as it applies to those corporations that have moved from a corporate structure to an income trust structure and will now be required, if they choose, to return to the original corporate structure? Can the Leader of the Government also inquire of the minister as to whether there would be negative income tax consequences that could be removed, all in the name of fairness?

**Senator LeBreton:** In the name of stability, I doubt that the Minister of Finance will alter the decision in any way he made on October 31. I believe he will lay out an economic statement of where he intends to take the country in the next while. Therefore, we will have to wait and see what he says on Thursday.

For most people involved — and I am sure it was the case with the other side when they were in government — once the government makes a decision in the name of stability, it is much better to stick with a decision than to cause more disruption in the market by going back on a decision.

We saw what happened with the income trust issue in the fall of 2005 when the markets responded in a number of ways. Of course, the minister was put in the position of changing a position he was apparently intending to take.

[ Senator Grafstein ]

Therefore, I do not think it is wise for any Minister of Finance to make a decision and then to go back on it only because pressure has been applied by certain people to do so.

Having said that, I will ask the Minister of Finance to provide a proper response to the technical parts of the honourable senator's question, as I am not a financial analyst.

• (1445)

## HEALTH

### PROGRAM CUTS TO SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

**Hon. Sharon Carstairs:** Honourable senators, my question is to the Leader of the Government in the Senate. The minister has consistently argued that the \$1-billion cuts made to a variety of agencies, from literacy to palliative care, will not result in any programming cuts.

Honourable senators, I should like to inform the government leader that I learned yesterday that the task group on volunteer practice and services out of the Secretariat on Palliative and End-of-Life Care, which ensures quality care provided to palliative care patients, will not receive the funding to ensure standards of care. Why is this government unwilling to support the thousands of Canadians who are volunteering in the field of palliative care to those who are most vulnerable, those Canadians who are dying?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank the senator for her question. Senator Carstairs asked me a question some months ago on this issue, and it turned out not to be the case. I am not sure what program or to whom Senator Carstairs is referring specifically, so I shall take the question as notice.

**Senator Carstairs:** Honourable senators, I sincerely disagree with the honourable minister. Every bit of information that I brought to the table with respect to palliative care was, in fact, absolutely true and verified by the answer provided to me in a written response.

I should like the minister to explain why this government does not wish to have volunteers provided with national standards in the delivery of the care that they are providing so that they will have both the competence and the capacity to deliver quality care to those they are servicing.

**Senator LeBreton:** Honourable senators, again, I am not certain as to which program the honourable senator is referring and whether the program to which she is referring is one the federal government has funded in the past. I do not know whether Senator Carstairs is talking about delivery of services directly, about advocacy groups or about federal-provincial programs. Therefore, I shall simply take the question as notice and try to ascertain exactly which program the honourable senator is referring to and make inquiries as to the status of that program.

**Senator Carstairs:** Honourable senators, let me be very clear to the minister: There are five working groups, made up entirely of the volunteer sector, that have been funded by the end-of-life secretariat at Health Canada. Each group has originated



programs. One of these programs was standards of practice for volunteers, and the relevant group has been informed that that program will not receive funding. I should like to know what this government has against volunteers.

**Senator LeBreton:** Honourable senators, I am sure all of us in our other capacities do a lot of volunteer work. I certainly do not feel in my volunteer work that I am discriminated against by my own government. I shall take Senator Carstairs' question as notice and attempt to ascertain exactly what the Minister of Health and the Department of Health have actually intended to do with the program.

**Hon. Jack Austin:** Honourable senators, were I the Leader of the Government in the Senate and the question was raised, I would say that the Conservative side sees these voluntary services not as a sacred trust but as a burden on the Canadian taxpayers — a very different value system than the one we have seen for so many years in Canada.

### FOREIGN AFFAIRS

#### PRIME MINISTER'S VISIT TO CHINA— CASE OF MR. HUSEYIN CELIL

**Hon. Jack Austin:** My question relates to the visit of Prime Minister Harper to China.

**Senator Segal:** Shame!

**Senator Austin:** I am sure that Senator Segal, in saying “shame,” does not want questions about Prime Minister Harper's visit to China.

**Senator Comeau:** Yes, we do.

• (1450)

**Senator Austin:** Here is one and I have others. Just bide a moment and you will hear some questions.

Prime Minister Harper was quoted yesterday by Jennifer Ditchburn of the Canadian Press as criticizing the Canadian business community for wanting to sell out Canadian values for the almighty buck. Where have Canadian business leaders taken such a position? Would Senator LeBreton give us examples?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, first, in response to my honourable friend's first comment about being the Leader of the Government in the Senate, I will have to read the blues of what he said. If that would have been the answer had he been government leader, it would have been quite interesting.

With regard to the Prime Minister's attendance at the APEC conference, I think he acquitted himself and Canada extremely well with regard to human rights. As he pointed out, other governments in the past did not raise human rights issues as vigorously, and where did that get us? We have a huge trade deficit but the Chinese will be continuing to do business with us.

The government has had very successful meetings with the Chinese directly. Meetings with Minister Lunn from British Columbia, Minister Strahl a few weeks ago, Minister Emerson,

Minister MacKay on several occasions with the Chinese foreign minister, all show that the doors are open to our continuing business relationships with China.

On the matter of human rights, I, for one, am very proud of our Conservative Prime Minister standing up against the Chinese on issues of human rights. This morning I was asked the question about the Prime Minister raising the issue of human rights with the Chinese, and I responded by saying that we have a Prime Minister who actually raised the issue as opposed to a Prime Minister who pepper-sprayed Canadians protesting against their human rights record.

**Senator Austin:** Honourable senators, that is as much fluff as this chamber has seen in a very long time.

The Prime Minister talked about the buck being more important than human values, and he said that about the business community's value system. Where are the examples?

In addition, I want to tell my honourable friend that previous leaders, including Mr. Trudeau, Mr. Mulroney — whom she used to value — Mr. Chrétien and Mr. Martin, have raised human rights in a positive context and an engagement context, not in a confrontational context. Does she think that Mr. Celil has benefited from a confrontational presentation with respect to the amount of time he will spend in China, or does she think, as with previous cases — which she could inform herself about if she addressed her questions to officials in the Department of Foreign Affairs — that a series of people have been sent by China to Canada and are now here who would not be here, believe me, if confrontation was the name of game? Really, it is pathetic how this government is promoting its own political interests at the expense of Mr. Celil.

**Senator LeBreton:** Honourable senators, I never thought I would be accused by a Liberal of being part of a government defending human rights as advancing our political interests.

In answer to the question, I can only respond that Mr. Celil's lawyer has given a very positive response to the actions of the government, as have many human rights and democracy organizations. I hasten to point out that the former Prime Minister was criticized by many for not vigorously raising the issue of human rights. I would add that even after the much-vaunted Team Canada trade missions returned to Canada, our trade numbers went down on every single occasion.

• (1455)

**Senator Austin:** Honourable senators, I will ask the Leader of the Government in the Senate one additional question. I want to refer to a story in the CanWest News Service, *The Gazette* in Montreal, yesterday, as follows:

In his “very frank” chat with the Chinese president, Harper said he was left with “a distinct impression, if I can say, that the Chinese are not used to that from a Canadian government.”

Would the minister tell us what “that” is?

**Senator LeBreton:** “That” is standing up to China on important matters of human rights.

**Senator Austin:** Honourable senators, why have we no details of the meeting that took place between President Hu Jintao and Prime Minister Harper? What took place in 10, 12 or 15 minutes, apart from politesse? What was raised about human rights, or was it only the issues about Mr. Celil? Was it about human rights? Is the government pressing issues with respect to the joint committee, between Canada and China, on human rights? What is “that”?

**Senator Mahovlich:** Put a dress on it.

**Senator LeBreton:** Put a dress on it, he says; put a suit on it, I say.

It was a short meeting, as the Prime Minister publicly acknowledged, in advance of the official dinner held at the meeting of Asia-Pacific Economic Cooperation, APEC. He and the president discussed many issues, economic and political, including consular cases. They agreed that continuing to build a Canada-China relationship is important, and the Prime Minister stressed to President Hu Jintao that it is necessary for both countries to proceed in an open, frank and wide-ranging way.

I believe that, as the Prime Minister said, it was a brief meeting. However, the Prime Minister used the occasion to make it clear to China that we value human rights, but we also value open, frank discussions with China. I believe that in the meetings the other ministers had with Chinese officials, that is exactly what happened.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting a delayed answer to a question raised in the Senate by Senator Callbeck on June 15, 2006, regarding the cabinet and representation of Prince Edward Island.

### THE CABINET

#### REPRESENTATION OF PRINCE EDWARD ISLAND

*(Response to question raised by Hon. Catherine S. Callbeck on June 15, 2006)*

#### Support for the Confederation Centre for the Arts

The Confederation Centre of the Arts was established in 1964 as the official memorial to the Fathers of Confederation. Its construction was a joint initiative of the federal government and all of the provincial governments to mark the centennial of the 1864 Charlottetown Conference. The Fathers of Confederation Buildings Trust was established to operate the facility.

The Centre’s mandate is to “inspire all Canadians to celebrate, through heritage and the arts, the creative vision of Confederation, and Canada’s evolving nationhood”.

The Centre offers a wide variety of programming, including the world-renowned Charlottetown Festival; the Young Company (a training program for emerging theatre students across Canada); the Confederation Centre Art Gallery and Museum and education services programming.

Since 1965, the Government of Canada has contributed annually to the operation of the Confederation Centre. On July 21, 2006, the Minister of Canadian Heritage, the Honourable Bev Oda, announced that over the next three years, federal funding of \$5,625,000 would be provided to support the Centre’s operations — this represents an annual contribution of \$1,875,000.

In addition, since 2001-2002, the Department of Canadian Heritage has also provided project funding totalling some \$4.1 million for infrastructure repairs, management improvement projects, digitization projects, museum assistance and official languages initiatives.

#### Shrimp Allocation

Earlier this year, scientific evidence indicated that an additional allocation of almost 8,000 tons of shrimp was available off the southeast coast of Newfoundland.

As a result, the Minister of Fisheries and Oceans received requests from 27 new parties, including the PEI Atlantic Shrimp Corporation to be given access to the shrimp fishery. The parties requested a total of 52,000 tons of shrimp.

There is general concern that the recent increases in shrimp quotas may not be sustainable over the long term. In addition, the industry is facing economic challenges from tough global competition, higher fuel prices, and a stronger Canadian dollar.

As such, the Minister of Fisheries and Oceans announced on March 23, 2006 that there would be no new allocations provided to individual parties. Rather, the increase was shared between existing enterprises based on current sharing arrangements.

#### PEI — New Brunswick Power Cable

Funding to support a new transmission cable from PEI to New Brunswick was announced by the previous Government only a few days before the election was called, without a firm commitment of funds.

## ANSWER TO ORDER PAPER QUESTION TABLED

### PUBLIC WORKS AND GOVERNMENT SERVICES— JEAN CANFIELD BUILDING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 5 on the Order Paper—by Senator Downe.

[English]

## THE SENATE

### INTRODUCTION OF NEW PAGES

**The Hon. the Speaker:** Honourable senators, before proceeding to Orders of the Day, I would like to introduce the last of the new pages who will work with us this year.

[Translation]

Throughout her childhood, Elise Desmarais lived in the small town of Contrecoeur, in the province of Quebec. After graduating from CEGEP, she travelled to England and Germany to improve her linguistic proficiency. Trained in first aid, she always likes facing new challenges. Elise is currently enrolled in her third year at the University of Ottawa, studying international studies and modern languages.

[English]

### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Secondly, honourable senators, I am pleased to introduce one House of Commons page who is participating in the page exchange this week. Eric Rennie of Portage la Prairie in Manitoba is pursuing his studies at Carleton University's faculty of arts, where he is majoring in French and law.

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• (1500)

## ORDERS OF THE DAY

### CONSTITUTION ACT, 1867

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

**Hon. Elizabeth Hubley:** Honourable senators, I am pleased to participate in the debate on Bill S-4. There are two separate issues before us. First, there is the content and purported intention of the legislation, which we are asked to consider at second reading. Second, there is the approach to parliamentary form which is inherent in the bill. Honourable senators, while I support in principle the concept of term limits, just as I do the prospect of a renewed and strengthened upper house, I completely disagree with the piecemeal and disingenuous reform process being offered by the present government.

Honourable senators, I must tell you that, as a member of the Special Committee on Senate Reform, I was somewhat disappointed with the report on Bill S-4 tabled in the chamber for our consideration. The committee, I believe, did good work under the capable chairmanship of Senator Hays and Senator Angus. We heard from a number of authorities in the fields of constitutional law and political science. However, I do not believe the report accurately reflects the views clearly expressed by several presenters that incremental piecemeal Senate reform is undesirable and that Bill S-4 is a transitional measure linked to a quasi-election process that has yet to be introduced.

Perhaps it is worth repeating what Mr. Gordon Gibson, Senior Fellow in Canadian Studies, Fraser Institute, had to say on incrementalism:

The list of technical questions is long.... However, I put this question to you: Is it responsible to pass a...term limitation bill without the election information? It is clear to me that elections to the Senate would be unacceptable without term limits, which is presumably why the government introduced Bill S-4, but it is equally clear that term limits are unacceptable without an electoral system.

Mr. Gibson concluded:

I would suggest that respect for the Senate requires nothing less than that these issues be considered together.

Mr. Peter McCormick, Chair, Department of Political Science, University of Lethbridge, said that he did not like Bill S-4 very much. Mr. McCormick said before the Senate Reform Committee:

Bill S-4 on its own...does not help a thing....

You are cutting the pieces too small.

Another presenter, Mr. John Whyte, Senior Policy Fellow, Saskatchewan Institute of Public Policy, was very blunt in his assessment of Bill S-4. I quote from the official committee transcript:

...you are being urged to make this amendment because it is possible, and broader reform is either not possible or it will be possible once we make the initial modest change.

Here are my concerns about that strategy: First, it may not be legal. Second, we do not know that we cannot make constitutional change to the Senate....

Third, effecting this limited change will cause harm to Canada's democratic principles, I believe, and fourth, doing this and not doing more later on would do even more harm.

I urge Senate reform, not this gesture.

Mr. C.E.S. Franks, Professor Emeritus at Queen's University, also spoke against Bill S-4 as a stand-alone initiative. He said:

The two issues before the Senate deal with just two of many issues in Senate reform....I believe these four areas of reform are inseparably related to one another, and they need to be considered together.

Honourable senators, I will draw upon the words of one more presenter, Dr. Leslie Seidle, Senior Research Associate with the Institute for Research on Public Policy, who said before the committee:

From all that I have read, the government's staged approach does not seem to be linked to a vision of what the Senate might become once the stages of incremental reform are completed. Some of the stages have been announced but we do not know the destination....

We need to think about this and we need to give it particular consideration before we go further along the staged approach. Most fundamentally, we need to think about what the mission of the Senate should be in the 21st century.

Bill S-4 proposes an eight-year term for senators — which is a very specific change, honourable senators. I suppose we could just accept it at face value and forget about the broader implications and consequences. I suppose we could, as the government has asked, engage ourselves in the process, hold our breath and wait for the proverbial other shoe to drop. We could endorse a change in tenure now in anticipation of further reforms, in particular, a plan to elect senators at the provincial level, but surely this would be irresponsible and an abdication of duty on our part.

When the Prime Minister appeared before the Special Committee on Senate Reform, he displayed a candour that bordered on contempt. He pointed his finger, figuratively and made what Senator Angus has referred to as a "veiled threat," implying that, if senators do not cooperate with his staged approach to Senate reform, he would be forced to seek consensus from the provinces and that the option preferred by the provinces is abolition. Honourable senators, I believe this is a misrepresentation of the provincial viewpoint. To me, it is also an offensive and preposterous position for a prime minister to take with respect to the serious and complex task of parliamentary reform.

In Canada, we have made the process of constitutional change difficult. In my view, this is not a bad thing. First ministers journey down a rocky and high-risk road in order to bring about necessary constitutional reform, and yet it is the only road that respects the covenants and jurisdictional understandings, agreements and traditions that bind our federation together. Put simply, honourable senators, if the Prime Minister is truly serious about parliamentary reform, then he will accept that such reform requires broad national discussion beyond this chamber and the involvement and participation of the provinces and territories.

The question is not whether the federal government can act unilaterally to reform itself but whether it should act unilaterally, given the history and conventions that define our federation. It is the spirit of the law and the cooperative nature of our federalism that the Prime Minister should be most concerned with and not the letter of the law, and whether Bill S-4, as a unilateral initiative, is constitutional.

Honourable senators, I believe it is instructive to point out that four premiers, including the premier of my province of Prince Edward Island, the Honourable Pat Binns, have signaled their opposition to the federal government in regard to Parliament unilaterally embarking on Senate reform. Premier Binns has reminded us of the Council of the Federation's insistence

that it be involved in any discussions or changes around Senate reform. Furthermore, in a written response to the special committee, Premier Danny Williams of Newfoundland and Labrador said:

It is critical that provinces and territories, as partners in the federation, be involved in discussions around an issue as important as the reform of the Senate. It is my view that Senate reform should not be undertaken in a piecemeal fashion.

It is abundantly clear, honourable senators, that Bill S-4 is one element of a package of reforms that is unknown to us. It is disingenuous; it is calculating; and it is more about politics than about statecraft. I have substantive concerns about Bill S-4 and about an eight-year term limit, not the least of which is the gravely increased costs of paying and pensioning senators that such a change would create. However, in my view, this and other questions are premature. We need to know where we are going before we begin the journey.

• (1510)

Honourable senators, I call upon the government to have the political courage to undertake Senate reform in an open and forthright manner. Our democratic institutions are not accidents of history; they embody the wisdom and intelligence of generations. They are never perfect and always can be made better, but we should resist piecemeal tinkering in response to the vagaries of public opinion or the partisan political agendas of any government.

**Hon. David Tkachuk:** Honourable senators, might I ask a couple of questions of the honourable senator?

**Senator Hubley:** Of course.

**Senator Tkachuk:** Both Senator Hubley and I were members of the Special Senate Committee on Senate Reform that studied Bill S-4. My understanding is that we extended an invitation to all the provinces to appear before the committee. However, none of the Atlantic provinces showed up to present their testimony to our committee. Perhaps the honourable senator could enlighten us as to why that happened. What information does the honourable senator have as to why they were not able to make their presentations to the committee?

**Senator Hubley:** I cannot tell whether their schedules would allow them a visit to Ottawa or not. I believe three of the provinces have responded in writing. In those presentations they have made their views clear as to how they would like to see Bill S-4 proceed.

**Senator Tkachuk:** My understanding is that Senator Hubley agrees with the report the special committee presented to the Senate chamber; is that right?

**Senator Hubley:** I believe the honourable senator knows that I presented some views prior to the study of the bill being completed. They were to be included in the report. I believe some of them have been included. However, I still have concerns, which is why I am speaking today. I wanted to bring forward more of the information some of the witnesses presented to us, which is reflected in my speech today.

**Hon. Charlie Watt:** Honourable senators, I stand here today to speak to Bill S-4, which was referred to a special committee to study its subject matter. This bill proposes an eight-year term for future senators.

The committee was empowered to undertake the study to consider if the bill is constitutionally sound and does not require provincial consent. The amendment is the first stage of a more extensive reform leading to a process to select senators. Similar to other complex institutions, each element interacts and relies on others. It is neither democratic nor realistic to reform the Senate piece by piece.

If honourable senators look at the eight-year term proposition as a stand-alone measure, one does not need provincial consent, according to what we heard from the witnesses. This opinion could be different if we look to Bill S-4 with a future process that is not yet known. As such, for any clear judgment to be made on Bill S-4, we need a more complete picture of the statement made by the Prime Minister indicating an upcoming bill.

During the course of examination, an important Aboriginal concern came to light, with a helpful comment of Senator Dawson, who discovered that Nunavik, a region comprising the northern tip of Quebec, is not in a senatorial district and so its inhabitants are not legally represented in the Senate.

The reason for this situation is that Nunavik was not officially part of the province of Quebec when Senate seats were allocated in 1867. While the boundaries of Quebec were extended in 1912 to include the territory of Nunavik, it is clearly unacceptable that still today, 100 years later, Nunavik is not legally represented in the Senate.

Honourable senators, this is a question of democracy. What will happen when senators are elected? Will inhabitants of Nunavik be eligible to be senators?

All honourable senators understand the paramount concern is to ensure that all Canadians are represented in the Senate. This is an essential characteristic of the upper chamber.

Disregarding Nunavik would be contrary to the reasons on which the bill is based. As advocated by the Prime Minister:

Such reform will make the Senate more democratic, more accountable and more in keeping with the expectations of Canadians, who, as we all know, are not at all satisfied with the status quo.

He emphasized:

Canada needs an upper house that gives voice to our diverse regions. Canada needs an upper house with democratic legitimacy, and I hope that we can work together to move toward that enhanced democratic legitimacy.

Honourable senators, we cannot go further with this bill before we find a means to ensure that Nunavik is represented. We also cannot go further before we get to know other legislation concerning a process to select senators. We are in a situation where we have a car but no key.

A final issue I have with Bill S-4 is the lack of transitional accommodations. As we know, the purpose of this bill is to limit new senators to eight-year terms, while current senators will continue to be subject to the mandatory retirement age of 75.

It is obvious that the future process to select senators or other means will require a constitutional amendment with the consent of the provinces. We can assume that such negotiations will take many years. The problem is that at the same time the democratic representation of the Senate will dramatically shrink through retirement over the next few years. This transitional problem is something we need to address.

In closing, there are three major reasons why we should not proceed with Bill S-4 at this point in time.

First, we should not proceed until we get to know the other closely related piece of the reform.

Second, we should not proceed until Nunavik is legally represented in the Senate.

Finally, until the maintenance of the democratic characteristic of the Senate, through transitional accommodations, is assured, we should not proceed with the bill.

Honourable senators, for those reasons I propose that the bill itself be suspended until we see the next bill concerning the process to select senators.

Clearly, we cannot speak about democracy and vote on laws to promote our democracy while knowing that a large region of our country and its inhabitants are still forgotten. Therefore, the bill should not be read the second time and the subject matter and the report of the special committee should be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

**The Hon. the Speaker:** Honourable senators, a motion in amendment has been moved.

**Hon. Anne C. Cools:** Honourable senators, was it a motion or a suggestion?

**The Hon. the Speaker:** Senator Watt, did the chair understand correctly that the honourable senator has moved a motion in amendment?

**Senator Watt:** I moved a motion that the bill not be read the second time but that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1520)

**The Hon. the Speaker:** Honourable senators, it was moved by the Honourable Senator Watt, seconded by the Honourable Senator Adams, that the bill —

**Senator Cools:** Point of order. Honourable senators, at first I thought Senator Watt was making a proposal or a suggestion. I did not realize he was moving a formal motion. His Honour is treating it as a formal motion. Is that what Senator Watt had intended? My understanding of the motion is that he is asking that the bill and the subject matter be sent to the Standing Committee on Legal and Constitutional Affairs?

**Senator Watt:** Yes, in the proper time.

**Senator Cools:** You cannot make a motion now about events in the future. The bill has not yet had second reading.

**The Hon. the Speaker:** Honourable senators, the question before the house at this moment is the motion of the Honourable Senator LeBreton, seconded by the Honourable Senator Comeau, for the second reading of Bill S-4. Therefore, we are at second reading, which is usually on the principle of the bill. Since we are debating only the principle of the bill, we do not amend a bill at second reading. As I have not put the question, there has been a suggestion made, and perhaps Senator Watt would be satisfied that the record shows that he has made this suggestion and, when we reach a different stage, wishes to move that amendment. It would be in order then.

**Senator Watt:** That is correct.

On motion of Senator Milne, debate adjourned.

### CANADA ELECTIONS ACT

#### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Consiglio Di Nino** moved second reading of Bill C-16, to amend the Canada Elections Act.

He said: Honourable senators, I am pleased to begin debate on second reading on Bill C-16, to amend the Canada Elections Act to provide fixed dates for general elections. This bill honours a Conservative Party commitment made during the election campaign.

First, I note that Bill C-16 has been passed in the other place without amendment with all-party support. A range of expert witnesses appeared before the Standing Committee on Procedure and House Affairs in the other place. The committee heard from the Chief Electoral Officer, representatives of political parties, academic experts, the Leader of the Government in the other place and the Minister for Democratic Reform.

While there were minor differences on some details of the bill, I was struck by the fact that all parties supported the fundamental rationale of the bill. I believe they all shared a view that elections belong first and foremost to the people of Canada, the electorate, and that no party should be permitted to exploit the timing of an election to benefit the party's electoral fortunes. All parties also agreed with the principle that the timing of elections should not be left to the Prime Minister but should be set in advance so that all Canadians will know when the next election will occur. This knowledge will help erode the scepticism and cynicism Canadians have shown in recent years towards politics and politicians.

[Translation]

Honourable senators, I will start by describing the current procedure for calling a general election and examine some of the difficulties involved. Then, I will address the many benefits

associated with fixed-date elections. Finally, I will outline the provisions contained in Bill C-16.

[English]

Today, it is the prerogative of a Prime Minister whose government has not lost the confidence of the house to determine what he or she regards as a propitious time for an election to renew the government's mandate. The Prime Minister then requests dissolution from the Governor General and, if the Governor General agrees, the Governor General proclaims the date of an election. We have a situation where, behind closed doors, the Prime Minister can choose the date of the general election not necessarily based on the best interests of the country but the best interests of the governing party. Bill C-16 will address this problem and will produce many other benefits.

Honourable senators, before going into the details of the bill, allow me to discuss the key advantages of fixed-date elections. Fixed-date elections will provide for greater fairness in election campaigns, greater transparency and predictability, improved governance and higher voter turnout. Fixed-date elections also will help to attract the best-qualified candidates to public life.

First, I will discuss the issue of fairness. Fixed-date elections will help level the playing field for those seeking election. With fixed date elections, the timing of general elections will be known to all and not just the Prime Minister and a few confidants. Since the date of the next election will be known to all political parties, each party will have an equal opportunity to prepare for upcoming election campaigns. Instead of the governing party having the advantage, an advantage the party may have over other parties for several months, the passage of this bill will put all parties on an equal footing. It is not only fair but also right that each party have equal time to prepare for elections.

Another key advantage of fixed-date elections is transparency. Rather than making decisions about election dates secretly behind closed doors, general elections will be set in advance as prescribed by this bill. Once the bill is passed, the date of each election will be known by all Canadians.

Predictability is also a key advantage of fixed-date elections. Canadians and political parties alike can rely on our democratic election system working in an open and predictable fashion. Appropriate plans can be made on a reliable basis to prepare for and respond to fixed-date elections.

[Translation]

Honourable senators, fixed-date elections will improve governance. For example, fixed-date elections would provide for improved administration of the electoral machinery by Elections Canada. In majority government situations, the Chief Electoral Officer would know with certainty when the next election would occur and be able to plan accordingly. This would almost certainly promote greater efficiency at Elections Canada and, therefore, would very likely save money.

[English]

Political parties will also likely save money, as they will not need to remain on an election footing for extended periods of time.

Moreover, fixed-date elections will allow for better parliamentary planning. For example, parliamentary committees can set out their agendas well in advance, which will make their work, and Parliament as a whole, more efficient.

Yet another reason for adopting fixed-date elections is that this measure likely will improve voter turnout. Elections will be held in October, except when a government loses the confidence of the house, so fewer people will be transient. Most students will not be in transition between home and school and will be able to vote. I predict many more will. Moreover, seniors will not be deterred from voting as they might be in colder months. Of course, citizens will be able to plan in advance to participate in the electoral process, arranging for advance voting if they plan to be away, and indeed many will plan their absences in order to vote.

• (1530)

An additional benefit is that pre-election campaigns to “get out the vote” will be better prepared, as the organizers will know exactly when the next general election will take place and plan accordingly.

Finally, I want to mention a most important additional advantage. Fixed-date elections will help to attract more of the best-qualified Canadians into public life. Those who are considering public service as parliamentarians will be better able to plan and arrange their lives and schedules, resulting in many more talented Canadians entering public life. I believe that fixed-date elections can only help in attracting the most qualified individuals to public service.

[Translation]

Honourable senators, I would now like to talk about the provisions of the bill.

A bill that provides for fixed-date elections must be structured so as to comply with the constitutional realities of a responsible government. It should include a provision stating that the government must have the confidence of the House of Commons and a provision to ensure that the bill will not affect the Governor General's power to dissolve Parliament. The bill that is before us was carefully drafted to meet these constitutional requirements.

Consequently, the bill in no way changes the requirement that the government must maintain the confidence of the House of Commons. In addition, the practices regarding the loss of the confidence of the House are maintained. In particular, the Prime Minister's prerogative to recommend that the Governor General dissolve Parliament is maintained, in order to allow the Prime Minister to recommend dissolution if the government loses the confidence of the House.

The bill also expressly states that the Governor General's powers remain unchanged, including the power to dissolve Parliament at the Governor General's discretion.

[English]

As set out in the government's platform, this bill is modelled after existing provincial fixed-date elections legislation. This

legislation is very similar to the approach used by British Columbia, Ontario, and Newfoundland and Labrador.

Honourable senators, it should be noted that the legislation in all of these provinces is working well. British Columbia recently had its first fixed-date election, on May 17, 2005, and Ontario and Newfoundland and Labrador will soon have theirs on October 4, 2007 and October 9, 2007, respectively. In British Columbia, there was certainly no evidence of what some critics have called a lame-duck government.

[Translation]

The bill sets Monday, October 19, 2009 as the date of the next general election. Needless to say, this will be polling day only if the government maintains the confidence of the House until then.

[English]

For example, if the government were to be defeated tomorrow, a general election would be held according to normal practice.

**Senator Mercer:** Good idea.

**Senator Di Nino:** You might have a chance. Just keep it up.

However, the subsequent election would be scheduled for the third Monday in October in the fourth calendar year after the election, and that is the model that would be established by this bill. General elections will occur on the third Monday of October and the fourth calendar year following the previous general election. The third Monday of October was carefully chosen because it was a date that was likely to maximize voter turnout and be least likely to conflict with cultural or religious holidays or with elections in other jurisdictions.

[Translation]

That brings me to another aspect of the bill that I want to bring to your attention: the possibility of setting a different day for polling in the event of a conflict with a major religious or cultural holiday or with an election in another jurisdiction.

[English]

In the current system, the date of the general election is chosen by the government, so it is rare that a polling day is chosen that comes into conflict with such dates. However, with legislation providing for fixed-date elections, there is a possibility that in the future the stipulated date will occasionally be the same as a day of cultural or religious significance or an election in another jurisdiction.

The Ontario fixed-date elections legislation provides that if there is such a conflict, the Chief Election Officer may recommend an alternative polling day to the Governor-in-Council up to seven days following the day that would otherwise be polling day. Using a variation of the Ontario legislation, this bill empowers the Chief Electoral Officer to recommend an alternative polling day to the Governor-in-Council should he or she find that the polling day is not suitable for that purpose. In such cases, this bill provides that the alternative day be either the Tuesday or the Monday following the Monday that would otherwise be polling day. I hope that is as clear as mud.

Allowing alternative polling days to be held on the following Tuesday or Monday is consistent with the current practice of holding elections on a Monday or a Tuesday.

Honourable senators, a number of individuals have had concerns that this bill is illusory in that the Prime Minister can call an election at any point until the fixed date for the election. However, the Prime Minister has retained his prerogative to advise dissolution to allow for situations when the government loses the confidence of the House. I might add that I also believe Parliament should have the right to demand an election from the Prime Minister if he or she loses the confidence of the House. This is a fundamental principle of our system of responsible government. Moreover, if the bill were to indicate that the Prime Minister could only advise dissolution in the event of a loss of confidence, it would have to define "confidence," and the dissolution of Parliament would be justiciable in the courts, something I strongly believe none of us wants.

Colleagues, this bill providing for fixed-date elections is long overdue in Canada and is another step in the democratic reform process. In June, Ipsos Reid released the results of a poll which indicated that 78 per cent of Canadians support the government's plans to provide for fixed-date elections.

Another important reason for choosing the third week in October is that it is Citizenship Week, when we celebrate what it means to be Canadian. Of course, fundamental to being a Canadian citizen is our civic responsibilities, including the exercising of a most important privilege, a duty to vote. It is fitting, then, that general election dates will be set for the third Monday in October.

• (1540)

[Translation]

Honourable senators, fixed-date elections will promote equity, increased transparency and predictability, better policy planning and greater voter participation. It will also help attract to public life those Canadians who are most qualified.

I hope my colleagues will join me in supporting this bill, and I also hope it is passed as quickly as possible.

[English]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Will Senator Di Nino take a question or two?

**Senator Di Nino:** Absolutely.

**Senator Fraser:** I see a more experienced politician than I also rising to ask questions.

As everyone here knows, I have no experience in organizing elections, political financing or any of those things. Nonetheless, I have learned to be careful about the law of unintended consequences. When one looks at a system of fixed election dates, even one carefully designed like the one the honourable senator outlined, one immediately thinks of the American experience. One thing that has always struck me about the American experience is that, because everyone knows when

election day is, advantage goes to the person who starts their campaign earliest — at least, it is perceived to go to the person, group of people or party who starts their campaign earliest — which ends up putting their system into a permanent campaign mode. Why would that not happen here?

**Senator Di Nino:** I thank the honourable senator for that question. First, I urge her to be more involved in organizing campaigns, raising money and doing all those things that probably most people in this chamber have been doing for a long time. It is not necessarily fun, but it is part of the democratic process. Frankly, whenever I have an opportunity to preach on this issue, I say that without our participation the system is weaker. I apologize for the preaching there, but I think that involvement in campaigns is an important component of the democratic system. We who are there and involved, not only in this forum but also out there, have an opportunity to influence the issues that the candidates or the party that we work with espouses for the benefit of Canadians.

To answer the question directly, what is the difference between what we have and what the Americans have, I am sure you would agree that the day after someone is elected to public office, the campaign for the next election starts. It is not as apparent or as all-consuming as during an election campaign, but I maintain that a good politician, besides doing the right thing to help their re-election, should also do things in a manner that would enhance their chances of being re-elected. Frankly, I do not see a great deal of difference between having a fixed-election date and not knowing when the election date will be. On the contrary, if we have a fixed-election date, maybe the tendency to start the election campaign the next day may not be as strong in that at least there are four years or maybe a little more, depending when the previous election was. In the system we have now, frankly, as many of our colleagues in the chamber will tell you, the election campaign would start, if not the day after, the week after the previous election. I do not really think it makes much difference.

**Senator Fraser:** Thank you for that. It will add to my reflection as we move forward.

I work for my party in elections. I am proud to do that, but I do so at a modest level. I phone.

**Senator Di Nino:** That will change.

**Senator Fraser:** I edit documents that people might think need a former editor's eye attached to them and that kind of thing. No one in their right mind would ask me to be involved in political strategizing at the highest level. When they do ask, they do not pay any attention to what I say anyway, so it does not matter.

I want to stress that I agree with Senator Di Nino. It is one of the highest duties a citizen has; namely, to care about the governance of their society. I am proud to be involved at however modest a level in that process.

**Senator Di Nino:** To conclude, if I was someone on the honourable senator's side of the house and was looking for someone to help me strategize, after what I have seen, I would go to the honourable senator.

[ Senator Di Nino ]



**Hon. Serge Joyal:** Would the honourable senator entertain another question?

**Senator Di Nino:** Absolutely.

**Senator Joyal:** Thank you. I would like to bring to the attention of the honourable senators two sections of our Constitution that, in my opinion, relate to Bill C-16 and especially to paragraph 56.2 of the new Elections Act. I would like to read you section 50 of the Constitution. I address my question while looking at my colleague Senator Murray at the same time.

Section 50 of the Constitution of Canada is titled: "Duration of House of Commons." It states:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

In the Canadian Charter of Rights and Freedoms, I would like to read to you section 4(1), which states:

No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members.

In subparagraph 4(2), under "Continuation in special circumstances", it states:

In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

If I understand the implication of the amendments that are brought to the Electoral Act of Canada, we are changing section 50 of the Constitution and section 4 of the Canadian Charter of Rights and Freedoms because we would reduce the maximum life of Parliament to four years while both in section 50 of the Constitution and in section 4 of the Canadian Charter of Rights and Freedoms the maximum life of the House of Commons is five years. We would, in a way, amend the Constitution.

In terms of section 50, maybe it is possible under section 44 of the Constitution; that is another debate we are having around Bill S-4. In relation to the Charter, however, that is another issue. There is a specific procedure in the Constitution with regard to amending the Charter. Therefore, section 50 of the Constitution and section 4 of the Charter have the same effect. I remember well when we had the discussion around section 4, some 26 years ago now. We wanted to be sure that there is a parallel between section 50 and section 4 of the Constitution. As much as I could contend that we can amend section 50 because it deals with the House of Commons, one of the two Houses of Parliament — and it is not an amendment that goes beyond the scope of section 44, even though we would have to investigate that — at the least, it runs contrary to section 4 of the Charter, which is beyond our limit as a Parliament acting alone.

I listened carefully to the honourable senator in his presentation of Bill C-16, but nowhere did he mention anything in relation to those two sections of the Constitution that seem to me to be of prime importance.

• (1550)

**Senator Di Nino:** I will not engage in a debate on the Constitution. Many learned people can do that much better than I. That issue should be dealt with at committee with the appropriate expert witnesses. Having said that, listening to what Senator Joyal said — and I did read it; I have some notes that were prepared for me — they talk about maximums. They do not talk about a date of five years. The wording, to me, says that it shall be no more than five years. We are also governed by conventions in this country, and the accepted convention has generally been a four-year period. For those of us who have been around long enough, there is an expression that we use on a regular basis, which is "four more years." We are trying to make it at least four instead of five. I believe that is also covered by convention, but I think it is an excellent question to ask some of the expert witnesses we should invite when we study this bill in committee.

**Senator Joyal:** I do not want to extend the debate, but I wish to point out to the honourable senator that section 50 of the Constitution Act, 1867, states that, "Every House of Commons shall continue for Five Years," so the duration is five years. Of course, as many honourable senators who have served in the other place know, there have been shorter periods. However, I remember that the election of 1979 was called way beyond the four-year limit of what Bill C-16 is proposing, so there have been instances not that long ago whereby a House of Commons has sat for more than four years. It is not a convention that is written in stone. As honourable senators know, a convention cannot change the precise letter of the Constitution unless we go through the amending formula that applies in the specific circumstances.

Honourable senators, this issue is an important one and might not have been dealt with fully in the other place. They are more concerned with the results of the election than with the letter of the Constitution, but in this place, at least, sometimes we are more concerned by the letter and the spirit of the Constitution than by the election, which is the proper duty of this place. However, having had the opportunity to study the bill, honourable senators might want to come back at the committee stage or at a later one where we could do in-depth studies of this important issue.

The preamble of the Constitution states quite clearly that we are to have a constitution similar in principle to that of the United Kingdom, and the fundamental principle of their constitution is responsible government. The principle of responsible government is that when confidence of the House is lost, Parliament is dissolved automatically. The difference with the congressional system south of the border is that the government survives any vote in the House of Representatives or in the Senate.

Responsible government is a fundamental principle enshrined in the institutional principle that governs Canada. It seems to be easy to tackle, but there is a fundamental reality here that we might want to address when we go on with this bill.

**Hon. Terry M. Mercer:** Perhaps the honourable senator will permit one or two more brief questions. It amazes me that every time we bring forth a bill about elections, specifically about dates of elections, we do not combine it with other issues. For example, as far as I am aware, there is no reference to voter registration. One of the problems with a permanent voter registry is that of registration. We rely heavily on provinces and municipalities to do some of the work for us through the registration and licensing of cars and drivers, et cetera, but there is no reference to it in this bill. One of my pet peeves is that on election day we have huge numbers of people registering, and I would contend that most of those ridings are won by the New Democrats. Honourable senators can read into that comment whatever they want because their conclusion is the same as mine. There is no method for political parties or for the Chief Electoral Officer to confirm that those people actually live where they say they live on election day or to confirm that those people actually exist.

My contention is that at some point in time we have to make provision in a bill for the Chief Electoral Officer to send, on the day after the election, a business reply card to every one of those new people on the list. The envelope is filled out as a register and mailed the next day to the post office with an instruction to return to sender if undelivered. We might be surprised to find out how many people may be abusing the system. Again, I have a theory as to where that is coming from, but I would like to hear the honourable senator's opinion.

I also think that a set review period is missing from the bill. We can say that we can review the legislation after each election, but we need a time to say that we have had this once. It then has to come back to Parliament, either this chamber or the other place. We would sit down after we have gone through a period where we had a fixed date election to consider whether it worked in relationship to what is an honourable intention by the government to help streamline the system. We would have a debate and not leave it entirely up to the Chief Electoral Officer to inform us of the technical aspects.

My last comment is more to Senator Fraser than to Senator Di Nino: I remind everyone that the last day of one election is the first of the next.

**Senator Di Nino:** I have sympathy with both of the issues that the honourable senator has raised. This government bill is a simple one. It talks about setting a date, gives reasons for setting a four-year date for elections and gives a specific date with some flexibility to accommodate certain situations that cannot be foreseen. It is not a bill that we have put together so that we can tinker with it. Also, once we start expanding the bill into the area of running an election and all of those details, it will be a much more complex bill than it is now.

I must agree with the honourable senator that the current system is abused, but I would put it in stronger terms. I will not point fingers at any particular party, but there have been abuses of the system and the controls should be a little tighter. I have no problem with that.

I read something either today or yesterday that had to do with one of the leadership campaigns of the Liberal Party hopefuls. I do not mean to pick on them, but the article stated that two dogs and a dead person appeared on someone's list of voters.

Although I have sympathy, I do not think that is the intent of this bill. Perhaps my good friend Senator Mercer should think about creating a private member's bill that we can support, particularly folks like he and I who have been around for a long time and have some experience in this field.

**Hon. Hugh Segal:** Would Senator Di Nino entertain another question?

**Senator Di Nino:** Yes.

**Senator Segal:** I should like to amplify what Senator Mercer spoke about a moment ago. Part of the case that has been made by the Chief Electoral Officer for the so-called permanent list and the eradication of the enumeration process for which Canada is so well known is that the only way the Chief Electoral Officer can possibly prepare for election dates that are not fixed is to have permanent lists which are composites of provincial, municipal and other lists. We know that in the last two elections in excess of 1 million Canadians were left off those permanent lists and had the positive obligation of identifying themselves on election day; therefore, many of them did not vote.

• (1600)

Should the bill that the honourable senator is championing on this date pass this place, would he be prepared to make representations to the government that we should reinstitute the enumeration process? We will once again go back to the principle that the major political parties and volunteers in the ridings go door-to-door seeking electors to ensure the lists are accurate, contemporary and reflect the desire we all have for the broadest popular participation in our electoral process.

**Senator Di Nino:** The involvement of Canadians in the system — and the more Canadians involved, the better, I believe — is a positive expression of democracy. It is part of a democratic process that I think enhances the participation not only in the political system but also during the most important day, the day that we actually cast our ballots.

I shall make a suggestion to Senator Segal as I did to Senator Mercer. He may want to have a motion prepared to that effect that I would be happy to contribute towards as a participant. We can then ask the chamber to approve it and send it to the government.

**Hon. Jeremiah S. Grafstein:** I wish to ask a brief question of Senator Di Nino.

Senator Joyal brought to honourable senators' attention a constitutional problem. I want to go back over that ground briefly because it appears that, *prima facie*, on a clear reading of both the Constitution and this proposed act, they are in direct conflict. When there is a direct conflict *prima facie* in the clear wording — and it is not only *prima facie*, but it is *res ipsa loquitur*, that is, it speaks for itself — it is clearly unconstitutional.

I shall repeat the wording again, so that each senator, in reading the proposed legislation, will learn that there is a clear problem. Therefore, where there is a clear problem, we must cede to the Constitution. The Constitution, as pointed out by Senator Joyal, is very clear.

Section 50 of the Constitution Act, 1867 to 1982, in a copy published by the law officer of the Crown, the Department of Justice, states:

Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

There is a legislative explanation and note about the history of this particular provision.

Proposed section 56.1(1) of the Canada Elections Act reads as follows:

Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion.

That appears to fall within the four corners of section 50, that portion of section 50 that is in brackets.

However, proposed section 56.1(2) of the Canada Elections Act, which goes to the heart of this bill, states:

Subject to subsection (1), each general election must be held on the third Monday of October in the fourth calendar year following polling day...

On the one hand, the Constitution states "shall continue for Five Years," while on the other Bill C-16 states "must be held...in the fourth calendar year." They are both mandatory provisions. The words are not "may" or "could" or "would" or "will." It states shall" on one hand and "must" on the other hand.

On the clear face of it, this is not something that we need refer to law officers of the Crown. There appears to be a preponderance of evidence that the bill, on the face of it, is unconstitutional and therefore makes it very difficult for any senator, he or she, to render this bill in principle on second reading.

**Senator Di Nino:** I thank the honourable senator again for the question.

As I stated to Senator Joyal, this is an issue we could direct to those more qualified than I to answer. I respect both of my colleagues.

Having said that, I was searching for a reference. I try to read all information, including the deliberations of the House and the committees. I cannot find the reference right now, but at some point there was a question raised about the constitutionality of the conflict the honourable senator refers to. It has apparently been raised either during committee or debate in the other place, and it was felt that it was not offending the Constitution. I cannot provide the rationale, however.

I shall take it upon myself to ensure that the issue is one that will be dealt with and looked at during committee hearings.

**Senator Grafstein:** I have a final comment, honourable senators.

We have had a number of bills that were flushed through the other place quickly and we were advised that those bills, at

the time, satisfied the law officer of the Crown as to their constitutionality. To our amazement, when we argued the same point in this chamber, we discovered that this chamber was satisfied with the law opinions in the other place. When the disputed legislation went up to the Supreme Court of Canada, they agreed with some of us on this side who disagreed with that legislation.

I would not accept what the other place decides on the issue of constitutionality. The real question is a *prima facie* question for the senators sitting in this chamber as to whether or not on the face of it — there is no dispute here; there is a clear difference in the language of the Constitution on its face and this bill. They are in conflict. One says five years, the other says four years. Both utilize mandatory language, and there is a clear conflict and confusion.

It does not take a lawyer to understand this. When there is a conflict in legislation on its face between the Constitution of Canada and a subordinate piece of legislation, the subordinate legislation is flawed and unconstitutional.

**Senator Di Nino:** I do not think there was any disagreement on my part that we should be looking at this. The honourable senator asked why we were accepting this. I never suggested we were accepting it.

I recall reading in the material that — as honourable senators know, these things can become quite extensive — the question of constitutionality had been raised. I do not recall the exact wording of it, but apparently the other side seemed to be satisfied.

With that said, it is our job to complete the required due diligence that comes with the responsibility of this chamber. We will achieve that as we go forth before the proposed legislation passes.

[Translation]

**Hon. Jean Lapointe:** My question is for Senator Di Nino. Who is responsible for changes to the Constitution?

**Senator Di Nino:** That is an excellent question.

[English]

That depends on the issue. I am not qualified to answer that.

However, the Constitution generally reflects the amending formula established on the changes. My amateur understanding is that, if one changes the Constitution, the Victoria formula is utilized, which I believe is seven provinces representing 50 per cent.

**Senator Carney:** No, no!

**Senator Di Nino:** However, that is not a question I can answer. The honourable senator will have to ask my learned friends to provide a response.

[Translation]

**Senator Lapointe:** That is why I wanted to put my question to the honourable senator on the other side.

**The Hon. the Speaker:** Senator Di Nino's time is up.

**Senator Lapointe:** Am I allowed a comment?

**The Hon. the Speaker:** Senator Di Nino's time is up. If you have a question for Senator Di Nino, then he must ask for an extension of time.

**Senator Lapointe:** Honourable senators, I would need only five seconds.

• (1610)

[English]

**Senator Di Nino:** Our colleague wants to make a comment and he is able to do that in debate. He does not need my permission.

[Translation]

**Senator Lapointe:** Honourable senators, my question will be very brief. I do not know who makes changes to the Constitution. I know that Senators Joyal and Grafstein would be able to answer my question.

All I know is that the Constitution has existed since 1867. Take the example of the National Hockey League. It was headed straight for bankruptcy until its officials decided to bring about some changes, and now the league is doing much better. It is high time that those who are responsible for the Constitution get together to amend it, so that it is better adapted to the realities of the 21st century.

[English]

**Senator Fraser:** Honourable senators, with leave of the Senate, I would like to suggest that we not consider Senator Lapointe's passionate and very interesting remarks as the official time normally given to the second speaker in a debate, but that time be reserved for Senator Cowan, who is the official critic on this side on this bill.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I am really tempted to say no, that Senator Lapointe did in fact take the 45 minutes, but I will set the tone for the next few weeks by saying we will agree to that request.

On motion of Senator Cowan, debate adjourned.

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act.

**Hon. Jean Lapointe:** Honourable senators, I want to thank Senator Di Nino for being so incredibly helpful. The pages are very efficient. With all the water and coffee I drink here and in my office I needed help, and Senator Di Nino rushed to accommodate me because 30 seconds later I would have ended up with a nosebleed.

Honourable senators, I am pleased to speak to Bill C-19. The purpose of this bill is to amend the Criminal Code and to make a consequential amendment to the Corrections and Conditional Release Act with regard to street racing.

From the outset I must point out in a non-partisan manner that this is one of the first bills, if not the first bill, from the Conservative minority government that does not give me the impression it is trying to score political points, and I commend it for that.

I agree with the principle of Bill C-19 because I think that too many lives are at risk when such activities occur in the streets of our neighbourhoods. Our citizens, from coast to coast, have the right to feel safe on our streets and should not have to worry themselves sick about some imbeciles who race on our public roads at excessive speed. After all, we pay enough taxes to have the right to this sense of tranquility when we leave our homes.

That being said, honourable senators, I will vote in favour of Bill C-19 on condition that a small change is made to its wording. I am having trouble with the interpretation of the words "street racing."

I would find it completely unacceptable for charities, which use rallies to raise funds, to be given tickets or even prison sentences should an accident causing death occur. I do not think that is the purpose of this bill at all.

Sometimes cars are driven on the highway at speeds way above the limit. One might think the drivers are having a race, but the truth is that most of the time they do not even know each other. If a police officer arrests them, can that officer interpret the law and say that, according to Bill C-19, those drivers were racing? I should hope not.

It is because of examples like these that we have to come up with a more thorough definition of "street racing." I therefore propose that the committee that will be studying the bill amend the definition to eliminate any ambiguity. I would suggest to the committee that, perhaps at third reading, the words "premeditated" and "organized" be added to the definition of "street racing."

Bill C-19 would therefore apply only to operating a motor vehicle in a premeditated, organized race with at least one other motor vehicle on a street, road, highway or other public place. I think this clarification would improve the bill and would not detract from its worthy goal.

[English]

**Hon. Larry W. Campbell:** Honourable senators, I would like to speak against the amendments with regard to street racing. Those involved with street racing know that much of the street racing involves two people who do not know each other but have fast cars and want to race each other. In a court of law the burden of proof lies with establishing that they were involved in street

racing, per se. Unless I misunderstand, it is the action, not whether the people know each other, that we are trying to address here. I may have misunderstood Senator Lapointe, but I think he said that in many cases they do not know each other. They may both be at a red light, give the nod and the race is on. That is what I am told anyway.

[Translation]

**Senator Lapointe:** Honourable senators, we must make a distinction between people who do not know one another and organized races. If you are driving to Montreal at 130 km/h and a stranger pulls up beside you driving at 132 km/h, and the two of you begin racing, driving at speeds up to 160 km/h, such scenarios are not what is at issue here.

Our concern here is organized street racing, when people challenge one other. That is the greater danger in our society. Many people have died because of organized street racing. This is my understanding of the bill proposed by Senator Oliver, the sponsor of this House of Commons bill. It does not refer to people who speed in regular traffic.

[English]

**Senator Campbell:** I spent considerable time in law enforcement and it is fair to say that if someone comes up beside me, gives the nod, we go up to a speed of 160 and have an accident, that is street racing. Street racing, for the most part, is not organized.

Most races involve two people driving down the street in hot cars, they give a nod and away they go. That is how most of these people end up in accidents. It is not as if everyone gets together and says, "On Saturday night we will go to a specific spot to race," although certainly that does happen. However, for the most part, what we see are races conducted on the streets of our city by young people in fast cars who do not know how to drive.

• (1620)

If you are on the highway and suddenly you get into a race, it can start at 130 and go from there. I think if we limit it, the courts will throw it out. They will say that it is not definitive enough, that it is too broad.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, I would like to ask Senator Lapointe a question. Can he go back to his second suggestion? At the end of his speech, he seemed to be saying that some degree of consent between the competitors is necessary. Is that what he was trying to say?

**Senator Lapointe:** Honourable senators, I believe that Senator Oliver is much more familiar with the situation. When I heard his speech the other day, I was very moved by what he said. That is why I wanted to adjourn debate, in order to support Senator Oliver.

As for the technicalities, I did my best. I may have made mistakes, but what is important is putting a stop to this social evil that is street racing. There is no doubt that, if two people who do not know each other drive at speeds of 220 km/h on the highway and one of them kills a taxi driver, that individual deserves to go to prison, period.

**Hon. Fernand Robichaud (The Hon. the Acting Speaker):** Are honourable senators ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Acting Speaker:** Honourable senators, it was moved that Bill C-19, to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act, now be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

**The Hon. the Acting Speaker:** When shall this bill be read the third time?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

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

**Hon. Senators:** Agreed.

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

[English]

## CONSTITUTION ACT, 1867

### BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DOCUMENTS TABLED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)).

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, before this matter is stood, I seek leave from the Senate to table three letters that were submitted to the Special Senate Committee on Senate Reform. They are from the Premier of the Province of Newfoundland and Labrador, the Minister of Government Relations for the Province of Saskatchewan and the Premier of the Northwest Territories. They are simply letters that were submitted to the committee. They were not appended to the report, and I would like to table them so that they form part of the public record.

**The Hon. the Acting Speaker:** Is permission granted, honourable senators?

**Hon. Senators:** Agreed.

Motion agreed to.

# NATIONAL PHILANTHROPY DAY BILL

## SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Mercer*)

**Hon. Terry M. Mercer:** Honourable senators, I urge you to strongly support the National Philanthropy Bill, Bill S-204, as introduced by my honourable colleague, Senator Grafstein.

In the last session, I heard comments by members in this place who seemed to misunderstand the value of what this bill is trying to achieve. These misconceptions and misunderstandings about philanthropy are reasons enough to support this bill, and in that we may educate those here — and indeed all Canadians — in the value of charity.

National Philanthropy Day occurs annually on November 15. It is a special day set aside to pay tribute to the contributions that philanthropy has made to our lives, our communities, our nation and our world. National Philanthropy Day acknowledges the entire spectrum of services provided by the voluntary sector. It recognizes the profound impact that philanthropy has on the fabric of Canadian society.

More than 50,000 people at over 125 events across North America participated in National Philanthropy Day celebrations last year. They are still counting the numbers for this year. In Canada, National Philanthropy Day events are held from St. John's to Victoria and involve thousands of Canadians. In fact, I had the honour to host an event on Parliament Hill last year as chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada to encourage my fellow parliamentarians to support our efforts to have this day officially recognized.

Honourable senators, government can have a tremendous impact on public behaviour. The creation of a government-recognized day would send a powerful message to the public that charitable giving and volunteering are critical to our society. It would increase the awareness of non-profit organizations and the important role they play in Canadian society. We should encourage more people to increase giving and volunteering. We also could use this avenue to direct interested individuals to non-profit organizations they might want to support.

Recognizing National Philanthropy Day through encouraging philanthropy is important for several reasons. Giving to charity can help ease federal and provincial budget pressures. After all, the more money non-profit organizations receive from public donations, the less government funding they will need. Giving encourages citizen responsibility and creates strong societal bonds. When people give, they are investing part of themselves in a community and its future. It brings people together, who might normally have nothing in common, by focusing them on a common goal.

We also could further strengthen the growing partnership between the federal government and the volunteer sector. I have compiled quite a list of senators who work in the charitable field.

Senator Atkins is active in the Canadian Diabetes Association; Senator Bacon with OXFAM Quebec; Senator Champagne with L'Institut québécois du cinéma and l'Union des artistes; Senator Callbeck with Camp Abbey and the P.E.I. Business Women's Association; Senator Carstairs is involved with the Kinsmen, UNICEF, the mentally handicapped and, of course, palliative care; Senator Cook with the Pottle Centre, a non-profit societal centre for mental health; Senator Cools is involved with organizations that help battered women and families troubled by domestic violence; Senator Cordy in the Phoenix House, a shelter for homeless youth in Metro Halifax; Senator Fairbairn with Friends of the Paralympics, a group she founded to raise money for the Canadian Paralympic Committee and, of course, her support for many literacy groups; Senator Fox's interest in the Montreal Museum of Fine Arts and Tennis Canada; Senator Kinsella, the Speaker, is interested in human rights and international justice; Senator Di Nino in the Distress Centre of Toronto and Crime Stoppers; Senator Furey for Boy Scouts of Canada; Senator Hays for the Calgary District Foundation, as well as the Calgary YMCA; Senator Jaffer has interests in the YWCA; Senator Lapointe in the Jean Lapointe Foundation, which fights alcoholism and other addictions in Quebec; Senator LeBreton for her interest in health and mental health issues and, of course, an organization that we all support that is very close to Senator LeBreton, which is Mothers Against Drunk Driving; Senator Merchant and her support of Canadian Parents for French and her interest in immigrant women, particularly in the Greek community; Senator Nancy Ruth for her interest in LEAF, Women's Legal Education and Action Fund; Senator Angus for his interest in St. Andrew's Presbyterian Homes Foundation, a Montreal residence for senior citizens; Senator Munson's interest in Child and Youth Friendly Ottawa and the Paralympics and, of course, autism; Senator Dallaire's interest in the Search for Common Ground and the Displaced Children and Orphans Fund; Senator Johnson's interest in the Gimli Film Festival; and Senator Campbell's interest in the Cycle for Spirit for children's charities. As honourable senators can see, charities help Canada grow in a variety of ways: health care, the arts, human rights, youth literacy, and the list goes on and on.

• (1630)

A federally recognized National Philanthropy Day is especially important in this new era of budget cuts and cuts to special programs. Volunteers and charitable giving are needed now more than ever. Honourable senators, recognition of national philanthropy day positions the government as a key supporter of a segment of society that the public already strongly supports. There is numerous evidence that the public believes non-profit organizations do critical work, yet the public still feels that there is much more they can do. According to a recent study by the Muttart Foundation entitled, *Talking About Charities 2006*, a public opinion poll to survey Canadians on their views about charities and issues affecting charities, 90 per cent of Canadians believe that non-profit organizations are becoming increasingly important to Canadians; 79 per cent believe that non-profit organizations understand the needs of the average Canadian better than government; 69 per cent believe that non-profit

organizations do a better job than government in meeting the needs of the average Canadian; and 59 per cent of Canadians believe that non-profit organizations do not have enough money to do their work.

It is not difficult to see how our simple efforts in this place to pass Bill S-204 would mean a lot to Canadians from all walks of life. As honourable senators know, government recognition of National Philanthropy Day requires no funding. The celebrations go on now with no funding from government and, indeed, are self-funding across the country. The government's recognition alone would create incentives for partnerships with the media and other organizations to further increase awareness of philanthropy and encourage Canadians to become involved. I draw the attention of honourable senators to the supplement that appears in the *National Post* each year on November 15 extolling the virtues of volunteering and charity in Canada. We can do more of this type of thing, and passing this bill is only the start.

Philanthropy is defined in many ways by many people: voluntary giving for the common good; people helping people; or the definition that I appreciate most, the love of humankind. Philanthropy is the right thing to do, not because of some requirement. It sounds like the Canadian way that I have known my whole life.

When someone makes a charitable contribution, they feel good because they help to improve society and because they want to give. Charitable giving benefits everyone because at some point in time, everyone has been affected by a charity and its services. Think about that for a moment. Whom do you know that is suffering from cancer or diabetes that has benefitted from money for research and the volunteers who collect it or organize events in support of it? Whom do you know that has volunteered for an after-school reading program to help our children learn to read better? Whom do you know that has spent time helping the elderly in a long-term care facility or the sick in a palliative or hospice care centre? That, honourable senators, is philanthropy in action.

Already, more and more Canadians rely on programs and services provided by non-profit organizations. According to Statistics Canada, there are more than 81,000 registered non-profit organizations in Canada that receive approximately \$10 billion in contributions annually.

However, the voluntary sector's impact goes beyond philanthropic programs and services. According to the recent study, *Cornerstones of Community: Highlights of the National Survey of Nonprofit and Voluntary Organizations*, the sector posted \$112 billion in revenues in 2003 and employed more than 2 million people. In addition, these organizations draw on 2 billion volunteer hours, which is equivalent to 1 million full-time jobs. The non-profit sector is big business, folks.

It is not a stretch to say that every Canadian has been touched by the work of our voluntary sector in some way, including all of us here today. Honourable senators, the non-profit sector does have a tremendous impact on the financial health of the economy. The economic contribution of the non-profit sector is larger than many major industries in Canada and amounted to 6.8 per cent of gross domestic product in 1999, according to Statistics Canada.

The non-profit sector's GDP is more than 11 times that of the auto sector and more than four times that of the agricultural sector. Think about that: bigger than the auto sector and bigger than agriculture.

A national philanthropy day is an opportunity to thank non-profit organizations for their work and to remind all Canadians about the importance of philanthropy in our country and around the world. Honouring local donors, volunteers, foundations, businesses and others involved in philanthropy is important because these people and organizations can serve as role models and shining examples for others in the community. The creation of a government-recognized National Philanthropy Day has the support of many national voluntary sector umbrella associations, including the Association of Fundraising Professionals; Imagine Canada; Philanthropic Foundations of Canada; Community Foundation of Canada; Canadian Association of Gift Planners; and the Canadian Bar Association. These groups collectively represent thousands and thousands of non-profit organizations from coast to coast. I urge honourable senators to support this historic legislation. The altruist endeavours of philanthropy touch all corners of our country.

Last week, on National Philanthropy Day, I was in Halifax where I made a presentation in the educational session to the national philanthropy celebrations. At lunch they had an interesting program celebrating youth in philanthropy. It was interesting because a local chapter of the Association of Fundraising Professionals contacted three schools — high school, junior high school and elementary school — and posed this question to the students: If you had \$250 and you had to give it away to a charity, who would you give it to? The students were to come to the lunch, explain the process that they went through in their determinations and then tell us who they would give the money to. Indeed, at the end of each presentation, they gave the \$250 to the charity that they chose.

Initially I was excited about this, but I became even more excited when I read the program and saw mention of the Auburn Drive High School, the Bridges for Learning, Junior High Program and the St. Joseph's Alexander Elementary School program. I was so excited because I went to that inner city school with inner city children in a low-income community. It was absolutely fabulous to see these three young people who came to make presentations.

They all had great reasoning and made great presentations, but I want to talk about my friends at my alma mater of St. Joseph's Alexander Elementary School on Russell Street in Halifax. These young people not only went through a process whereby they selected 15 charities in the class, narrowed it down to five charities and more presentations, then narrowed it down to two and then to one. Their choice was the Isaac Walton Killam Hospital for Children in Halifax as the charity to receive the money. However, they did not stop there, and this is what I love about the north end of Halifax. Those kids from the inner city who do not have extra money had a bake sale in the school and raised another \$108.05 to add to the \$250 put forth by the Association of Fundraising Professionals and presented both amounts to the hospital foundation. That effort truly demonstrates what we are trying to do by creating a National Philanthropy Day. This feel-good bill should resonate in every community across Canada. I feel that it is right and proper that we take one day out of the year to honour

both the efforts of volunteers and those people who give to the organizations that support them. I hope that honourable senators will join me in supporting Bill S-204.

On motion of Senator Comeau, debate adjourned.

## HERITAGE LIGHTHOUSE PROTECTION BILL

### SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-220, to protect heritage lighthouses.—(*Honourable Senator Comeau*)

**Hon. Pat Carney:** Honourable senators, —

**The Hon. the Acting Speaker:** I advise the Honourable Senator Carney that the motion is in her name and if she speaks to the bill now, it will have the effect of closing the debate.

**Senator Carney:** I have only a question on this bill. Can the Leader of the Government in the Senate explain the intent of the leadership in respect of Bill S-220, to protect heritage lighthouses, in terms of both the questions I have raised in the house and the questions raised in my letter of November 1, 2006?

• (1640)

Honourable senators need to know that there are amendments being proposed to this bill by both the Department of Fisheries and the Department of the Environment. Both departments support the bill. The only people who are not having an opportunity to comment on these amendments are my colleagues in the Senate, many of whom have many interests in lighthouses, including the orderly transfer of surplus lighthouses to local communities.

At the same time, last week's rain at Point Atkinson damaged the roof and the radio room of this national historic site. It is the most significant lighthouse on the B.C. coast. No one is mandated to repair it. Only operational lighthouses are covered by DFO.

I have had no response to the questions that I have raised here in this chamber and none to my letter of November 1. Our heritage is being damaged by storms. Amendments are being proposed to me with respect to which I have no input from my fellow senators.

I should like to know when the leadership plans on sending this bill to committee, where it belongs, so that we can all look at an issue that is so important to our national heritage.

[*Translation*]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, rest assured that I do not in any way want to delay consideration of this bill. I have not had any time yet to prepare my notes. I know that one of my colleagues would also like to speak during debate at second reading.

[ Senator Mercer ]

I have a very great interest in protecting lighthouses, as do many senators in this chamber. I know that my great friend, the late Senator Forrestall, worked very hard on preparing this bill. During a previous Parliament, this bill was considered in committee. I chaired the committee and I supported the bill.

I am simply asking for more time to prepare. As you can see, we on this side of the chamber, are shorthanded and we cannot always proceed as quickly as we would like. We are doing our best and I want to assure all senators that we are not trying to hinder consideration of this bill.

Order stand.

[*English*]

## CONSTITUTION ACT, 1867

### REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006.—(*Honourable Senator Di Nino*)

**Hon. Pat Carney:** Honourable senators, I am speaking today as a senator from British Columbia on the motion of Senator Lowell Murray, seconded by Senator Jack Austin, to amend the Constitution of Canada to increase western regional representation, which is a laudable goal.

This motion is now at the debate stage, in accordance with the process followed for amending the Constitution. It is a timely debate.

Twenty-six years and one month ago, I gave my maiden speech in the other place as the newly elected member of Parliament for Vancouver Centre. On that occasion, October 23, 1980, I spoke with the proud passion of a new parliamentarian on the Canadian Constitution and B.C.'s place in Canada. Now, time may have moderated my presentation, but time has not moderated my passion, or my position.

Twenty-six years ago, the constitutional debate involved a proposed amending formula that required that any changes must be approved by a province with at least 25 per cent of the country's population, vesting constitutional change and the right to set the terms of Confederation in the central Canadian provinces of Quebec and Ontario only. B.C. and other provinces would be relegated to second-class status. I argued then that this was unfair and inequitable. Canadians subsequently rejected the proposal.

The constitutional amendment proposed in the motion before us, like the 1980 proposal, would enshrine the establishment of second-class status for British Columbians. This Senate must reject that motion. British Columbians will reject it, I have no fear of that.



The motion, while described as correcting an inequity by adjusting B.C.'s historic under-representation in the Senate, would in fact perpetuate that inequity far into the future. Senator Murray claims that the resolution will focus attention "on an issue of fairness to Western Canada." Senator Austin, a B.C. senator, calls it "a fair and equitable measure, which will build goodwill."

Yet the motion would give British Columbia exactly half the number of senators it is entitled to under its hard-won status as a region. That status was wrestled from a Liberal government in the 1996 Constitutional Amendments Act, which was amended to acknowledge the reality of British Columbia as a distinctive fifth region. At that time, I noted that B.C., while defined as a region, has only six senators compared with 30 from the Atlantic region and 24 from the regions of Quebec and Ontario. I asked on December 14, 1995, "Is that fair? Is that equal?"

We are now faced with yet another attempt to deny British Columbia, an economic and cultural engine of growth, its fair and equitable place in Confederation. Let us be clear here: We are talking about Senate votes, not just Senate seats. We are talking about fair and equitable representation in the Parliament of Canada, consistent with our population and contribution to our country.

At present, the Senate is composed of 105 members; 24 each from Ontario and Quebec, 30 from Atlantic Canada, 24 from the West, including B.C., and 3 from the northern territories.

The motion proposes that the Constitution Act, 1867, be amended to recognize B.C. and the Prairie provinces as regions to be separately represented in the Senate. The Senate would then represent five regions, plus the three territories. Fair enough, since the change is in line with the 1996 Constitutional Amendments Act.

However, only 12 additional seats would be added, distributed among B.C. and the Prairie provinces. The total number of seats in the reformed Senate would be increased to 117.

Senator Tkachuk has done the math. He has noted that the three founding regions of Quebec, Ontario and the Maritimes each have 24 Senate seats. The motion proposes that the Prairie provinces be recognized as a region with 24 senators. However, British Columbia, the Pacific region, would receive only 12, not the regional entitlement of 24. Thus, Senator Tkachuk asked the right question:

...given the argument that B.C. is a region, why would it be only considered half a region with 12 senators, when it really should have 24?...A region is a region; you do not have a region and half a region.

Senator Austin gave the wrong answer on June 27, when he said:

As to the 12 versus 24, quite frankly, I believe that 24 senators for British Columbia is an imbalance in the Western Canadian formula. It is logical in the sense of the past, but I believe that, for the time being, 12 senators are acceptable to the regions of the country and its political leadership. As British Columbia may grow and become

a more significant economy and a larger population, as Senator Murray has said, a fair and equitable representation is a subject that can be re-addressed at a future time.

Apparently, Senator Austin has chosen to ignore the fact that B.C.'s Premier Gordon Campbell publicly stated in June that B.C. should be treated as a fifth region, with 20 per cent of the Senate seats.

At present, B.C. has 13.2 per cent of Canada's population, but B.C.'s six Senate seats account for only 5.7 per cent of the Senate. The 12 proposed by the motion in question would increase that to 10.3 per cent of Senate seats. In contrast, Newfoundland and Labrador would retain their six Senate seats, with only 1.6 per cent of Canada's population. New Brunswick, with 2.3 per cent of the population, would retain its 10 seats.

Let us translate that into votes. Votes matter. Votes determine which bills are passed into law and which are defeated. Regional voting power matters. In the Senate, whose powers equal those of the lower House, with few exceptions, the Atlantic region, with less than half of B.C.'s population, would retain its 30 senators, or 25 per cent of Senate votes. In comparison, B.C.'s 12 senators would be underrepresented with 10.3 per cent of possible Senate votes. Again, I repeat the question I asked in 1995. Is that fair? Is that equal?

• (1650)

It is my position that the Murray-Austin proposal is neither fair nor equitable. Why should B.C. — Grey Cup champions that we are — not go for the whole 10 yards? Senator Murray says this inequity can be addressed at a "future time." When might that future time be?

**Senator Murray:** When you put your lighthouse bill through.

**Senator Carney:** Senator Murray has already told us that time stood still after the Constitution Act, 1915, created the western division, with 24 seats equally divided among the four western provinces. He told us:

The process of adjustment to reality in western Canada stopped in 1915. In terms of western representation, the Senate has stood still for more than 90 years. The geographic, demographic, cultural, political and economic realities of western Canada are under-represented in this place.... in that respect we are deficient as a national institution.

I applaud the sentiment.

Why would Senator Murray wish to extend that inequity for possibly another 90 plus years, given the three years required to process a constitutional amendment, until the year 3000 and the 22nd century?

Senator Austin argues that less populated provinces, such as the four Atlantic provinces, are entitled to a larger role in the Senate to offset the dominant legislative role held by the large provinces of Ontario and Quebec. His logic suggests that B.C., with less population, should have more senators than the central Canadian provinces, not fewer, but that is not what he is proposing.

Honourable senators, constitutional reform is not simply a numbers game to be continually calculated and recalculated to reflect demographic and economic shifts in the country. Canadians, from the Fathers of Confederation to the present time, accept that we are a nation of regions. It is regional balance, regional fairness and the elimination of regional inequities that should be our goal. This motion does not achieve that, and therefore it is doomed to failure if it is launched on an unsuspecting country to debate.

It is worth noting that if the 1980 constitutional amendment had passed, limiting changes to Quebec and Ontario, this entrenched inequity could pass without the consent of British Columbians.

I would say that the Senate's prime roles are to protect the Constitution, minority rights and the regions of Canada. Let us carry out our responsibilities to Canadians by rejecting this unfair and inequitable motion or amending it to allow B.C. the 24 Senate seats that its regional status entitles it to have.

On motion of Senator Tkachuk, debate adjourned.

## STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

### INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*, tabled in the Senate on October 24, 2006.—(Honourable Senator Grafstein)

**Hon. Jeremiah S. Grafstein:** Honourable senators, I rise to speak and bring to the attention of the Senate our report on the Western Hemispheric Travel Initiative, which is a piece of legislation passed by the American Congress. If I wanted to sum up, I could say that the objective of this report is to ensure that our American colleagues take the time to get this legislation right, not only in the interests of Canada, but the interests of the United States.

Honourable senators, the WHTI was announced by the United States Departments of Homeland Security and State back in April of 2005 and emerged from section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004. Under this legislation, all travellers to the United States, by air, land and sea, from Canada, the Americas, the Caribbean and Bermuda, will be required to present a passport or other acceptable documents.

Since the Intelligence Reform and Terrorism Prevention Act of 2004 was passed and the WHTI was announced, important economic consequences prompted the Standing Senate Committee on Banking, Trade and Commerce to hold hearings in June of this year.

With the announcement of the WHTI in April 2005, negative economic consequences began to be felt immediately all along the border: job losses, disinvestment, loss of revenue, businesses going broke. This did not happen just on the Canadian side the border;

it also happened along the American side of the border. Millions and millions of dollars in lost investments, lost revenue and thousands of lost jobs were all experienced along the border just with the announcement of this measure. What did it do? Essentially, because of the uncertainty of the documentation required to enter and re-enter the United States and other security concerns, travel was reduced, commerce was affected, convention destinations were altered, and investment was deferred or stopped.

In October 2006, Industry Canada released a report that estimated the potential impact of the WHTI on the domestic tourism industry alone. According to this report, compared to a base scenario of no WHTI requirement, Canada is expected to lose approximately 14.1 million inbound person trips and nearly \$3.6 billion in tourism receipts from American travellers between 2005 and 2010. The increased costs and inconvenience associated with the WHTI requirements as announced will mean Canadian residents travelling to the United States will also be affected, and some Canadians may chose to substitute domestic travel for U.S. travel. This substitution effect would reduce Canada's estimated cumulative losses resulting from the WHTI to 11.8 million person trips and \$3.2 billion in travel receipts over this period from 2005 to 2010. Moreover, according to that report, the United States is expected to lose approximately 7.4 million inbound person trips and \$2 billion dollars in travel receipts from Canadian travellers over the same period.

After holding our hearings and meeting with stakeholders, the committee issued its report entitled *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*, in which we indicated the importance of ensuring that the WHTI is implemented in a manner that minimizes disruptions to the legitimate movement of people and goods along the shared border.

Honourable senators might not know this, but over 150 million trips two ways across the border occur ever year. This number has been on the decline and has certainly been accelerated by this measure. The committee is very pleased to report that the delay being sought for the land implementation date has been potentially gained and believes that the time afforded by this potential delay must be used wisely. We are aware that the projected January 8, 2007, implementation date for air travel may be delayed somewhat. We welcome these delays. These delays allow us to implement this bill in the most cost effective way on both sides of the border.

In our report, the committee made six recommendations. The first recommendation was focused on the documents that would be approved by the WHTI. We wanted to ensure that the documents approved are easily obtained at a reasonable cost and that the current NEXUS and FAST cards that are already in place would be approved. We also urged consideration of extending the period of time for which Canadian passports are valid and lowering their price. We believed all these micro-measures would reduce the economic impact. We wanted to ensure that people could get the documents they need relatively easily and that the cost is not prohibitive, particularly, for example, for a family of four that wants to engage in spontaneous cross-border travel to visit friends or go to a sports game or to engage in cultural activities.

In the second recommendation, we advocated elimination of the requirement for travellers under age 17 to provide approved documentation when they are accompanied by one or more adults who would have approved documentation. We envisaged many scenarios, including sports activities and visits to friends, under which youth would be travelling across the border with adults and would be required to have the documents. This in turn would inhibit and turn back people at the border unless children and those under age could travel with their parents or a parent freely.

The third, fourth and fifth recommendations were directed to the implementation of the WHTI itself, and I will share a couple of exciting developments in this regard in a moment or so. For now, let me indicate the nature of the recommendations.

The third recommendation noted the requirement for pilot projects prior to the full implementation of the WHTI, in essence, to ensure that all the technological and other bugs have been worked out prior to broadly based implementation.

The fourth recommendation in our report urged the development of appropriate protocols to be applied when U.S. residents lack approved documents to return to the United States, while implementation of the fifth recommendation, an awareness and outreach campaign, would hopefully help to reduce the extent to which people would travel without the approved documents.

• (1700)

The final recommendation advocated increased funds for the Canadian Tourism Commission in an effort to sell Canada as a desirable tourist destination. These funds would be leveraged, we believe, with the private sector.

In a recent exciting development, last week, members of the Canada-United States Inter-Parliamentary Group attended, in Whistler, the 2006 Economic Leadership Forum of the Pacific NorthWest Economic Region, PNWER, and our colleague Senator Moore was there on our behalf. It is a successful consortium of a private-and public-sector initiative focused on that region's economic prosperity. Your Canada-United States Inter-Parliamentary Group now attends regional meetings in every region of North America, every region of the United States. Many of us this summer spent a good part of our time doing precisely that.

At the meeting in Whistler, delegates were informed of a pilot project between Washington State and British Columbia in response to the WHTI. The three-month project would focus on testing current scanning technology that border agents can use to identify fraudulent drivers' licences and identification cards. The portable, wireless, hand-held unit is connected to law-enforcement databases and is able to identify individuals wanted by law enforcement or suspected of illegal activities. The initiative includes a voluntary enhanced driver's licence and identification card that would meet WHTI requirements. This is an exciting and important initiative that can help determine how the technology will work and save jobs on both sides of the border.

The PNWER also presented delegates with a draft plan to build awareness about the WHTI. Under its initiative, the PNWER would work with regional governments and private-sector partners to generate awareness about the WHTI. This private-public initiative is worthwhile and supports the committee's fifth recommendation, and we welcome it.

We want to thank Senator Moore, who has been such an assiduous member of our committee, for attending on our behalf.

Honourable senators, the Standing Senate Committee on Banking, Trade and Commerce will continue to monitor the situation on both sides of the border with due diligence, but we are hopeful that the implementation of the WHTI requirements for all modes of travel will proceed smoothly.

Finally, I want to thank all senators on the committee who worked so diligently to prepare this report. I want to thank all of our witnesses. I want to pay special thanks to recently elected Congresswoman Slaughter, who did interesting work to demonstrate to Congress that the economic impact of this legislation would be devastating not only to Americans but also to Canadians. I want to thank our clerk, Line Gravel, our senior researchers, led by the estimable June Dewetering, and all others who helped in a timely and important way to shape this concise and cogent report, which we believe will save jobs in Canada and the United States.

On motion of Senator Comeau, for Senator Angus, debate adjourned.

## PUBLIC SERVICE EMPLOYMENT ACT

### BILL TO AMEND—REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Stratton*)

**Hon. Terry Stratton:** Honourable senators, Senator Ringuette's bill is on day 14. I intend to speak to the bill this week, if she would be patient for a little longer.

On motion of Senator Stratton, debate adjourned.

## STATE OF LITERACY

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Robichaud, P.C.*)

**Hon. Vivienne Poy:** Honourable senators, I wish to congratulate and commend our colleague Senator Fairbairn for raising this inquiry on literacy. She has provided exemplary leadership on this issue over many years and remains its greatest advocate. I also want to thank Senator Segal for his reasoned comments on this important issue.

Senator Fairbairn put forward this inquiry in June of this year, and since then the federal government has withdrawn \$17.7 million from the federal adult learning and literacy program while Canada has a surplus of \$13.2 billion. The cuts were rationalized by so-called efficiency, or the argument that programs were not in line with the priorities of Canadians. It is evident that this government believes literacy is not a priority for Canadians because Senator Fairbairn, as well as other honourable senators, has made it clear that the money was not being wasted. I find it particularly ironic that this government has dismantled the National Literacy Secretariat, which was the initiative of former Prime Minister Brian Mulroney.

We have heard from many others about the personal plight of those who struggle with literacy as well as the specific costs of this recent decision to the work of literacy advocates in the various provinces.

Today, I will focus on literacy in relation to the immigrant population, since this issue has not been addressed in any detail.

Senator Tkachuk pointed out that literacy levels have not increased over the last decade, remaining at low levels, 42 per cent of Canadians of working age. That is 9 million Canadians. He concluded that existing programs are not working. I believe there may be many reasons why this is so, reasons that have nothing to do with the efficacy of the existing programs. As Senator Segal said, literacy programs may be working, but as some individuals improve, other populations take their place at the lower end of the spectrum.

That is evident among new Canadians. Consider that immigration is increasingly responsible for the growth of our labour force. Immigrants who arrived during the 1990s accounted for about 70 per cent of the net labour-force growth between 1991 and 2001. That is predicted to increase to 100 per cent over the next decade, due to the low birth rate of Canadians.

Many of these immigrants are from countries where neither French nor English is the language spoken in the home. In 2003, only one in 10 immigrants spoke English or French as their mother tongue, compared to almost one in three in 1980. While the most recent Immigration Act puts more stress on English-language and/or French-language skills, and it is a fact that recent immigrants are more highly educated than the Canadian-born population, the Adult Literacy and Life Skills Survey still found that immigrants aged 16 to 65 performed significantly below the average for the Canadian-born population.

What we need, given the challenges faced by new Canadians, is a redoubling of efforts and increased funding for literacy in our official languages rather than cuts to essential programming. Otherwise, we are abandoning our immigrant population and putting our economic future at risk.

I believe the present government should take heed of a new report by the Centre for the Study of Living Standards, which

found that Canada is already falling behind in productivity, at number 17 out of 23 industrialized countries studied. One of the four recommendations of the centre was reducing employment barriers for skilled immigrants in part by focusing on fostering the basic skills of the labour force.

The government must recognize that one of the greatest barriers to immigrant integration is low literacy levels in one of our official languages. This report reinforces the findings of a C.D. Howe study that said that, by increasing literacy skills by 1 per cent relative to the international average, Canada will increase its productivity by 2.5 per cent.

• (1710)

The government's position is that it will still be investing \$81 million over two years in adult learning, literacy and essential skills programs, and the cuts were made so as not to duplicate spending by other levels of government.

Honourable senators have provided numerous examples of programs that have ended or will end soon, and these programs are fulfilling an existing need. Eliminating funding by the federal government for local and community level programming by Human Resources and Social Development Canada hurts communities. I question how literacy is to be tackled, except by community groups at community and local levels.

The response we have received from the Leader of the Government in the Senate when she was asked what will happen to existing programs is that she is sure literacy volunteers will not discontinue their work despite the cuts.

We need to keep in mind that volunteers need government support too. Why destroy the work of so many, and for what purpose? We are aware that most literacy efforts run on minimal budgets anyway, often with only one staff person or less, and volunteers are already the backbone of community literacy efforts.

In Toronto, a local literacy worker shared her fears about the recent cuts. In a forum of the Community Social Planning Council of Toronto on October 11, 2006, she said:

Many years of hard work and much money have gone into building these networks and coalitions...which have proven to work and benefit many. Now it is under the threat of collapse. The government is going in the wrong direction. Shutting down such networks leaves practitioners and agencies isolated instead of working together.

Without literacy there is poverty. Among the immigrant population, poverty leads to isolation, lack of integration and potential problems in terms of social cohesion. I need not remind honourable senators that allowing for ghettoization of new communities and neglecting poverty can have dramatic consequences in terms of the economic and social health of our cities.

The Honourable John Baird was quoted in *The Toronto Star* on September 29, 2006, as stating:

...we've got to fix the ground floor problem and not be trying to do repair work...

I wonder why he does not listen to literacy advocates who say it is not necessary to reinvent the wheel and that we should expand on what is already working well.

It is similarly disturbing that the Minister of Human Resources and Social Development was not able to name any literacy groups that were consulted prior to these cuts, and it is still unclear how and where monies will be spent in terms of literacy.

We need much clearer direction from the government on this issue. I invite all honourable senators to support this inquiry, which is crucial to the future of Canada.

**Hon. David Tkachuk:** Honourable senators, I wish to ask a question.

I noted with interest the honourable senator's concern about teaching immigrants one of the two official languages. Can the honourable senator name the programs that were cut that teach immigrants how to speak and read in English and French?

**Senator Poy:** I will look into that. I do not want to provide the honourable senator an answer off the top of my head. I will look into it and come back with a specific response.

**Senator Tkachuk:** The honourable senator is the one who made the claim that these programs were cut. If she makes the claim here in the Senate, perhaps she can give us the evidence of that claim.

**Senator Poy:** I have just given the general overview of the effects of the cuts, and I prefer to provide exact answers.

**Senator Tkachuk:** Thank you.

**Hon. Mobina S.B. Jaffer:** Honourable senators, I also rise to speak to the inquiry of Senator Fairbairn on the state of literacy in Canada.

Before I make my remarks, I would like to take this opportunity to salute Senator Fairbairn for the work that she has completed on this issue for many years.

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

**Senator Jaffer:** She has certainly made us proud.

Several weeks ago I listened to the statements provided with respect to this inquiry by Senator Carstairs in which she laid out challenges faced by adults who cannot read in their daily lives.

I was moved by what she said, especially towards the end, when she told us that many illiterate adults in this country are not people incapable of learning to read but are people who have not been given the opportunity.

Today, I want to bring another dimension to you regarding literacy, that is, people who cannot speak either English or French.

Statistics Canada, as well as my own experience, show that language skills in general are increasingly a problem for immigrants to Canada. Not only can some immigrants not read or write, but some cannot speak the language.

In their first language, these people in most cases are capable individuals. Some of them have a great deal of wisdom and experience to impart, and bring a wealth of cultural knowledge to Canada. Giving these people the opportunity to integrate into our society not only benefits them and their communities, but it benefits all of Canada.

As Senator Carstairs mentioned, we face a growing shortage of skilled labour in this country that will not be addressed if we do not allow people to have access to literacy programs in both official languages. However, it is not only our workforce that can be hurt; we also miss out on many intangible qualities that new Canadians bring to our country and promote separation of communities. When we isolate people from reading, writing and speaking skills, we risk isolating entire communities from the mainstream of Canadian society.

Not being able to communicate with each other threatens the fabric of our multicultural nation. Lack of communication breeds distrust and misunderstanding and runs contrary to many of the values we all hold dear as Canadians, including the respect of cultural values and equality under the law.

That is why I am disappointed to see the government cutting back on adult literacy programs. I believe the programs are more crucial than ever. Denying the opportunity for adults, especially adult immigrants, to enhance their reading, writing and speaking skills in both official languages is a serious mistake.

According to the 2003 International Adult Literacy and Lifeskills Survey, immigrant populations in Canada continue to be significantly below the national average in areas of literacy, numeracy and problem solving. This situation is particularly concerning because, according to Statistics Canada, over the preceding decade, immigrants to Canada were twice as likely as Canadian-born individuals to have a university education.

For the most part, recent immigrants to Canada have been well educated in their countries of origin. However, they continue to struggle to find well-paying jobs when they arrive, in part because they lack basic skills such as literacy.

Cutting back literacy programs at a time when even these well-educated newcomers to our country cannot compete with the skills they have is a tremendous step backwards. In fact, the problem goes deeper.

Still in immigrant communities, many who do not have literacy skills to get through their daily lives are often held back by the fact that they cannot speak either official language. This problem creates a double-edged sword for immigrants to Canada that makes it impossible for them to become effective members of the labour force.

This situation is not good for immigrants because it does not allow them to seek the best life possible for them and their families. However, it is also bad for Canada because we will not get the most out of a pool of otherwise skilled labour as we face the challenges of an aging population.

• (1720)

Honourable senators, you have heard some of these statistics from the Honourable Senator Poy, but I would like to remind you that according to the Statistics Canada study on the issue of immigrant literacy and language skills from the 2001 census, despite higher education levels among immigrants, only one in ten speak French or English as a mother tongue as opposed to one in three in 1980. More immigrant families speak a non-official language at home than in the 1980s. Forty-three per cent of immigrants whose mother tongue was not English or French scored at a lower level on the prose literacy scale in the International Adult Literacy and Skills Survey. There was a strong link between literacy skills, employment and wages, and the wages of women are especially linked to language proficiency and literacy.

Honourable senators, these types of statistics make it clear that we should be providing more resources for literacy, not fewer. However, like Senator Carstairs said, I believe the statistics do not always capture the reality of the situation as it exists for many in the country.

I want honourable senators to take a look at some of the situations that Senator Carstairs so eloquently described when she spoke on this issue. However, I also want to show that there are larger problems for immigrant women who may struggle with language skills. I hope this will underline how taking a step back in areas like adult literacy will not only make it more difficult for new Canadians to function in our society but how it will lead to the isolation of these communities.

Senator Carstairs told us how a Canadian who could not read might not be able to set the clock radio. Honourable senators, imagine, in addition to that, you could not even understand what your radio was saying. It is nothing more than noise to you and you cannot understand something as basic as a weather report.

Senator Carstairs mentioned how difficult it would be for an illiterate Canadian to prepare breakfast for their family and take an active interest in their children's school activities. However, what if you could not understand your children's activities because they learn a language you cannot speak? What if every time your children went to school their reading and language skills became better than yours? What if your child had to accompany you to your doctor and interpret for you what your doctor said? It is difficult enough for parents to understand their children without speaking an entirely different language.

Senator Carstairs told us how an illiterate Canadian would not be able to use a bank machine and would have to speak to the teller, but an immigrant who could neither read nor speak the language could not speak to the teller either. Imagine how difficult it would be to get by if you were completely unable to manage your own finances.

We heard from Senator Carstairs about the difficulties that illiterate Canadians have finding work, but for immigrants who cannot speak either official language, the chances are even worse still that they will ever find good-paying work. We know that women in particular cannot find work in the service or knowledge sectors without these basic abilities to communicate.

Senator Carstairs finally told us how hard it is for illiterate Canadians to get help so that they can take an active role in the development of their family and community. For immigrants who do not have these skills there are even more challenges. For them, lacking these skills means not only embarrassment, but isolation from society. It forces them to seek out others like themselves and avoid situations where they are forced to interact with mainstream Canadian society. It drives Canadian communities apart and prevents us from coming together as a country.

What chance at the life we all dream of can you have if you cannot even be part of a society in which you live, if you cannot even speak to each other?

When I was a young child my grandmother taught me that my neighbour was my first relative. She taught me that you went to your neighbour for a cup of sugar, to share stories or to get help in an emergency. Today, for some Canadians, they cannot even speak to their first relative, their neighbour. How will we, in Canada, come to know each other, to work with each other in our communities and, most important, have fun with each other if we cannot speak to each other? In our great country, we need to be able to tell each other what our challenges are.

Honourable senators, we have to make sure that everyone who wants a chance has it. I hope you will all urge the government to not only reconsider cutting funding to adult literacy but also increasing the fund to literacy programs for new Canadians so that no one in this country is forced to live in isolation.

**Senator Tkachuk:** Would the honourable senator take a question?

**Senator Jaffer:** Yes.

**Senator Tkachuk:** After 13 years of Liberal government, the honourable senator paints a gloomy picture of how immigrant training is faring in Canada.

If my honourable friend has evidence or information on cuts to immigrant language programs, could she please bring it to us here in the Senate chamber, since that was what her whole speech was about?

**Senator Jaffer:** I thank the Honourable Senator Tkachuk for giving me the opportunity to tell him of the challenges. Before I do that, let me acknowledge someone who has really changed the lives of immigrant women.

When I first came to this country, language courses were not provided to immigrant women because it was thought that they were not part of the workforce. Some of us got together and started a court challenge to ensure that immigrant women received language classes. Prime Minister Brian Mulroney stopped that court challenge and made sure that immigrant women were given lessons.

The challenge is that lessons are only provided to immigrants for the first three years until they become citizens. Last week, the Official Languages Committee heard from members of the French ethnic community in Vancouver who said that for their first three years in British Columbia, they received courses in English. Senator Comeau will vouch for what they said. They said that

they were taught how to order tea or how to go to the grocery store. However, they were doctors, teachers and professionals and were not taught the language of professionals. Once they become citizens, no further courses are provided.

My mother has always said to me that good things will come from this debate. Since this debate has started, one of the things about which I am excited is that we have to start looking at providing English to French-speaking people who come to British Columbia or other parts of the country and French to English-speaking people who go to Quebec so that we can communicate with each other.

One of the other things I learned in this debate is that once one becomes a Canadian, there is not a separate immigrant program. When literacy programs get cut, they are cut for all of us. Those programs apply to all immigrants.

**Senator Tkachuk:** If the honourable senator wishes to work toward adding more money to the present immigrant language program because she thinks it is insufficient, that is one thing, but there were no cuts to the immigrant language program. This tactic of attempting to scare people into thinking that there were cuts to the immigrant language program is just not correct. Does my honourable friend have evidence to show that there were cuts made to the immigrant language program? This kind of politics will not get us anywhere. If she wants to improve the program, then let us talk about that. Let us not make statements like she and Senator Poy have done, saying there were cuts to the immigrant language program when there were not any.

• (1730)

**Senator Jaffer:** Perhaps I did not make myself clear, so I will try again.

Cuts to literacy programs across the country affect immigrant programs. After three years, gladly in our great country, one is no longer an immigrant; and when one becomes a Canadian, programs that are cut for Canadians apply even more so to immigrants. There are not separate programs for immigrants who have become Canadian citizens. There are not separate programs that they can attend. The programs are directed at immigrants before they become a Canadian citizen.

Therefore, the literacy programs that have been cut across the country apply to all. What Senator Poy and I were trying to point out is that, when these programs are cut, the effect is felt even more by those who have bigger challenges of not only writing and reading, but also speaking.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Could I ask the honourable senator a question?

**The Hon. the Speaker:** Senator Jaffer would have to ask for an extension of her time.

**Senator Jaffer:** Could I have an extension?

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

**Hon. Senators:** Agreed.

**Senator Comeau:** Senator Jaffer referred to the Senate committee's meeting last week in Vancouver. We were there and we did get a number of people who had come from Africa who were now living in British Columbia. They came to Canada first as French-speaking citizens. Most of them, I believe, had immigrated to other parts of Canada first — especially in French-speaking areas. Some of them did wish to move to British Columbia. One of them said it was for reasons of the weather — I am not quite sure if I agreed entirely with her last week — that the weather in British Columbia was milder than what they had experienced in other parts of the country.

My recollection of last week was that most of these people, if not all, were extremely well educated. One of them actually served a number of years as a journalist with Radio-Canada. One of them is a teacher. The impression I had from most of them was that they were quite literate, very well informed. For some of them, the problem they faced was being able to switch over from French to English because they were living in British Columbia. Since British Columbia is mostly an English-speaking province, their problem was being able to increase their language skill. One of them even went to the point of saying, "I wish to increase my skills from being a very advanced French speaker into having very advanced English-speaking skills, and I am not getting the kind of help that I think I should have in order to do that."

All of this has absolutely nothing to do with literacy, or the whole subject of this inquiry, which was for advancing people into a literacy program. What they were asking for was something entirely different. Am I reading this right? What I heard last week is that these people were not asking for literacy advancement, but something entirely different. I do not think such programs exist, either with this government or under the previous government. Therefore, none of these programs has been touched by the current government; they just were not there, as far as I know. Am I right?

**Senator Jaffer:** I wish to thank Senator Comeau for his question. However, first, I want my colleagues here to know that when the committee met with these French-speaking Africans, they felt that they were heard for the first time. They were very complimentary of the committee's work in B.C.

As to the honourable senator's question, it depends on what glasses one is wearing. The person Senator Comeau is referring to was a journalist in Ottawa who had to move to Vancouver. She said that she is literate in French but not in English.

As I said previously, what has opened up this debate is the realization that literacy across the country is dependent on the provision to adults of English- or French-language training. That is something that has come out of this debate that is positive. Hopefully, through our committee or in other ways, for the unity of our country, we will find ways in which adults can get English in French-speaking parts of Canada and French in English-speaking parts of Canada, so that more of us can learn both languages.

On motion of Senator LeBreton, debate adjourned.

## THE SENATE

### MOTION TO URGE GOVERNMENT TO STUDY IMPACT OF LEGISLATION ON REGIONS AND MINORITIES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy:

That the Senate urge the government to accompany all government bills by a social and economic impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.  
—(Honourable Senator Fraser)

**Hon. Pierrette Ringuette:** Honourable senators, I am pleased to have the opportunity to —

**The Hon. the Speaker:** This will be the second time that Senator Ringuette speaks. I must advise the chamber that, should Senator Ringuette speak now, her speech will have the effect of closing the debate.

[Translation]

**Senator Ringuette:** Honourable senators, I am delighted to have the opportunity to close the debate today on my motion that the Senate urge the government to accompany all government bills by a social and economic impact study on regions and minorities in accordance with the Senate's role of representation and protection of minorities and regions.

[English]

The intent behind the motion is to ensure that any minority group or region in Canada is not inadvertently affected by any proposed government legislation without the Senate having beforehand been informed of the bill's potential consequences.

[Translation]

I feel that it is essential and wise for the Senate to urge the government to accompany all government bills by a social and economic impact study in order to anticipate the repercussions of these bills on regions and minorities. In this way, the Senate will be equipped to meet its constitutional obligations and play its historic and conventional role of representing and protecting minorities and regions. That is precisely the objective of this motion, which is perfectly reasonable and logical when we consider our role as senators and the impact of legislation on regions and minorities. With this important tool, we could improve our analytical abilities in this chamber and in committees, to truly fulfil the mandates given to us by the Constitution for our respective regions and the minorities concerned.

[English]

A few concerns have been raised with respect to this motion.

First, it has been said that this legislative requirement can be time-consuming and that it could be problematic when critical laws must be passed rapidly.

[Translation]

In the context of policy formulation, it is common practice for each government department to try to measure the impact of these policies not only on the public at large, but on the specific regions and minorities that would be affected. We know, then, that such studies anticipating the effects of proposed policies and legislation already exist. It is my opinion that senators should have access to them in order to know not only the objectives of the government, but, primarily, to know what the government in office expects the potential impact of a bill to be. The government already conducts these studies. The purpose of this motion is therefore to ensure that the legislative branch has access to impact studies prepared by the executive branch. Providing these studies to senators would not involve more time or money.

• (1740)

[English]

Comparatively, it is not uncommon in the U.S. for the government to produce a legislative and regulatory impact assessment, which is published alongside the draft bill that is tabled. This measure aims at assessing the impact of the measures to be included in the bill and, usually, identifies the cost and benefits associated with the government's preferred implementation options. At committee stage, several economic impact studies are tabled usually to enable the legislator to make more informed decisions. These impact studies are usually twofold, measuring both the economic and social repercussions of the proposed legislation and often focusing on a regional basis. This practice is encouraged and laudable but I believe we should extend its scope to minorities and regions to reflect our own constitutional character and the role of the Senate.

Another important critique of this motion was that "minorities" was not defined and, therefore, it would be too broad and confusing to study the impact of the legislation. It is my understanding that "minorities" in our Canadian context is already defined by court decisions, depending on the context. Therefore, I would leave it to the legal definitions of "minorities" as defined by the Supreme Court of Canada. Generally, a "minority" is defined as a sociological group that does not constitute a politically dominant plurality of the total population of a given society. A sociological minority is not necessarily a numerical minority. It may include any group that is disadvantaged with respect to a dominant group in terms of social status, education, employment, wealth and political power.

Case law on the application of section 15 of the Charter measures the nature of a prejudice to a disadvantaged individual or group. This analysis usually concentrates on the personal characteristics of those claiming to have been treated unequally and asks, among other things, whether those in that group have been subjected to historical disadvantage, stereotyping and prejudice.

[Translation]

The unwritten principle of protecting minorities was considered for the first time by the Supreme Court in 1998 in the *Reference re Secession of Quebec*. According to the Supreme Court of Canada, there are four unwritten premises underlying and animating the text of the Constitution and the Charter. These principles are: federalism, democracy, constitutionalism and the rule of law, and protection of minorities.



The principle of protecting minorities is the government's constitutional commitment to ensuring that linguistic minorities are respected and protected in Canada. It is important to note that the Supreme Court recognized that this unwritten principle also has a normative force binding upon both courts and governments. This principle can therefore give rise to specific and precise obligations; that is, legal obligations that limit the government's ability to act.

This is why it is important for us to have the tools we need to measure the impact of legislative measures on minorities.

[English]

Moreover, it was argued in this chamber that this motion is too vague to provide meaningful direction to those preparing the assessments. It is important to note that the onus is on the government to provide the Senate with a social and economic impact study on regions and minorities. I believe that any responsible government and any minister within government, before tabling any kind of legislation, would certainly require the department to supply an analysis and study on the issue. The onus to prepare such studies is already present, given that most departments prepare them and utilize them prior to the legislative drafting stage. In most instances, the fulfilment of this obligation would require a mere tabling of these documents.

In this house on Monday, November 6, 2006, Senator Tkachuk said:

The Senate exists to protect the interests of the regions and the minorities. When bills are referred to committee for consideration, the social and economic impacts of bills on the regions that we represent must be taken into account, as well as what they mean to us and not just what they mean in overall costs to the country. In that way, we would have better knowledge of what is happening.

It would be good for honourable senators to remember, when studies are done, to point out some of these issues. I would hope that the Senate does not always do what the minister wants.

Senators, regardless of political affiliation, seem to agree on the principles underlying this motion. We agree on the fact that when bills are referred to committee for consideration, the social and economic impacts of bills on the regions and what we represent must be available and taken into account. For example, for the Softwood Lumber Agreement and its implementing bill, Bill C-24, how much do we know about how the bill will affect the economy of our regions? What are the foreseen impacts in terms of mill closures, jobs lost and devastation of rural communities? What is the impact of reducing funding for literacy when we know that for every 1 per cent reduction in illiteracy, there is a potential growth of \$18 billion to our GDP? What is the impact of eliminating student employment programs in our regions?

[Translation]

What impact will the elimination of the Court Challenges Program have on our regions and on our minority-language communities? The answer cannot remain cabinet confidential,

without the lawmakers being informed and having an opportunity to assess the information before voting on the matter.

We either have transparent and responsible government or governance, or we do not. We either have a progressive and responsible Senate with the tools it needs to do its job, or we do not. Consequently, this motion calls upon the Senate to urge the government to accompany all government bills by a social and economic impact study on regions and minorities.

The Senate has an historical and constitutional obligation arising from its role in representing and protecting minorities and regions. I believe that such steps ought to have been taken decades ago. Errors have been made by governments of various stripes, and it is up to us to provide better tools to better measure the impact of the bills we consider.

Honourable senators, what I am proposing today is necessary to enhance our efficiency in carrying out our historical and constitutional responsibilities.

Honourable senators, I move adoption of this motion.

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

**Hon. Senators:** Question!

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

Motion agreed to on division.

• (1750)

[English]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### MOTION TO AUTHORIZE COMMITTEE TO STUDY PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS—DEBATE SUSPENDED

**Hon. Tommy Banks,** pursuant to notice of November 8, 2006, moved:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I have my usual question, honourable senators. Can Senator Banks tell us what this is all about, please?

**Senator Banks:** I thank the honourable senator for her question. This motion relates to issues that I brought before the Senate last week and to documents which I, with permission of the Senate, tabled last week. As the motion says, it has to do with efforts to obtain or attempt to obtain information, including information that I think is private information. I think it is private for two reasons, the first of which is that hotel bills are not public information, or anyone's business until a claim is made for reimbursement of them or for payment of them. These hotel invoices that had been obtained and that are now in the public domain contain information that is not apropos to questions that would properly be brought here. As I said previously, it is possible that, in asking for and in obtaining this information, a person working in a senator's office — my office or anyone else's office — could obtain information that is not appropriate to be obtained and that ought not to be made public. Some of that information has been contained in documents that I tabled. I will, with the permission of the house, table further documents today having to do with more hotel invoices having been obtained, one assumes by the same means and by the same person who we have learned works in the office of the Leader of the Government.

It is important to say that the Leader of the Government has been clear to say in answer to questions that she did not order, request or suggest that this work be undertaken by the person who works in her office, so we must assume that it was done on his own volition.

This new document, which I ask permission to obtain, is a copy of an email from Jeffrey Kroeker, which reads, "Could I please get receipts, invoices for all charges under the following names," and then a list of names. "The charges may also be listed under the Senate of Canada or the High Commission of Canada." It asks for details, and it is signed — I think this is interesting — "Jeffrey J. Kroeker, Senior Special Advisor, Parliamentary Affairs, adjoint spécial principal, affaires parlementaires, the Parliament of Canada, la Parlement du Canada." I did not know that the Parliament of Canada had a senior special adviser denoted in that way.

This email has led to the presence in the public domain of hotel bills from which I can tell you, for example, the number of telephone calls that Senator Meighen made from his hotel. I can tell you the room number that Barry Denofsky stayed in and the number of telephone calls he made. He is the senior adviser to the Standing Committee on National Security and Defence.

I can tell honourable senators from this information, for example, that Senator Kenny charged 1.75 euros from the mini bar to his hotel room; not claimed but charged to this hotel room. I can further tell you, as only an example of what I said earlier about obtaining, whether wanted or not, information that ought not properly to be in the public domain, Senator Kenny's credit card number. I can do that because, in prudence, all the credit card numbers to which I will refer have been cancelled

and re-issued. This information contains Senator Kenny's credit card number and the expiration date of it, as well as the amount that was charged to it. This information contains the credit card number of Major-General Keith McDonald. Major-General McDonald, retired, is the senior military adviser to that committee. His credit card number is here, and this information is in the public domain. This information is being spread about through the news media. Here is the credit card number of Inspector Harold O'Connell, who is the RCMP advisor and Liaison to the Standing Committee on National Security and Defence, et cetera.

In my view, it is wrong that this information is obtained in the way it is. Honourable senators, the Leader of the Government or the Leader of the Opposition and the deputies are members of this committee, and they can get any information they want from this committee simply by making a phone call, coming to a meeting, asking the clerk, asking the chair of the committee in Question Period or writing to Senate Finance. This information is entirely, appropriately and easily available through measures and by means that are commonly followed in this place, not by skulking and what I suggest might be almost misrepresentation or at least telling half truths in the identification of persons asking for this information and the means by which it has been obtained.

• (1800)

I ask permission of honourable senators to table these documents for the purpose of this study. I commend the attention of honourable senators to this study, which I suggest is important, because there is a difference of opinion here. There are those of us who believe that it is wrong to do this. It is wrong to obtain this kind of information in this way — in this way — since the information is easily otherwise obtainable. Since it has been obtained in this way, it has found itself into places that —

**The Hon. the Speaker:** Honourable senators, it being six o'clock, I must leave the chair, unless there is an indication that we do not see the clock.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** From this side, we would agree not to see the clock, if it is agreed.

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Comeau:** On a point of clarification, Senator Banks is responding to a question that was asked by the Deputy Leader of the Opposition to explain what is, in fact, the nature of his motion. Are we on the motion, or is Senator Banks responding to Senator Fraser's question?

**The Hon. the Speaker:** It was my understanding that an explication was asked of the mover and the mover has 15 minutes to give that explication. Therefore, we are in debate.

**Senator Banks:** I thought I was answering a question, but it is immaterial because I am nearly finished.

It is the method by which this information was obtained. I know that if the Leader of the Government in the Senate or her deputy, or the Leader of the Opposition or his deputy, had obtained this information, it would not very likely have found its way, as it has, to my desk and into the hands of the press, because

I know they are honourable people. That is not how this information was obtained. This information is available. It is the means by which this information was obtained that is the subject of this motion. These documents, which I hope to table, will lead to a determination of that.

The difference of opinion is that I think this is a wrong means of obtaining this information. The Leader of the Government in the Senate has said that it is not a wrong means of obtaining this information, that it is entirely appropriate and that Canadians ought to expect it will be done, by which I assume it will be done again.

My motion is a means of asking the Internal Economy, Budgets and Administration Committee whether information obtained in this manner detailed is appropriate, in order that we all know whether we can do this. That is the point of this motion that I commend to your attention.

**The Hon. the Speaker:** Senator Banks has asked for the consent of the house to table certain documents. Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Hon. David Tkachuk:** Senator Banks, on every committee I have travelled with, whether it was the parliamentary committee or one of the standing committees, the procedure is very clear: The clerk pays for the hotel rooms and we give our credit card to cover personal expenses. There are two credit cards involved. One is the credit card that pays the rooms, paid for by the clerk. That is public business. Those will be expensed out of the committee budget. Then there is the private matter of my own credit card, which may have been for room service or for anything else. I pay for that, and whether I use the government corporate card or my own personal card does not really matter.

Will this committee be looking into the fact of the payment made by the clerk? I assume the clerk, in your particular case, would have paid for the hotel rooms and then each senator would have paid for his own private bills?

**Senator Banks:** I am not sure I understand the question, but there is a third way that the committee travel is done and paid for. Honourable senators sometimes charge everything to their personal credit card and claim reimbursement for it.

The situation outlined by Senator Tkachuk, that is to say, where private charges are paid for by individual credit cards, is a perfect example. Does a senator who uses his or her individual credit card want the credit card number spread around to the public? That is the question. My suggestion is that if the information had been obtained by the normal means — by a senator asking a question of the committee of which the government leader is a member or asking a question of the chairman of the committee in question period — that information would have been made available in an appropriate way and would not likely have found itself into the hands of the national press, including the credit card numbers of people who are not senators and who are not members of the committee.

**Senator Tkachuk:** I am sure the committee will deal with this, but my understanding is, outside of exceptional or extraordinary circumstances, hotel rooms are not paid for by senators, they are paid for by the clerk. Many times senators are given keys to their hotel room by the clerk, who has made previous arrangements. I do know that that is how it is done. Senators then give their personal credit card for personal effects.

I am not sure how things were handled in the case in question. Are we checking into what is public business, which is the clerk's credit card, which pays for the hotel rooms, or the personal expenses of the traveling senator? A hotel does not have permission to give out information on your and my personal effects, but a government credit card may be a different matter. How did your committee conduct its business? Who paid for all the hotel rooms? Was it the clerk or did senators pay individually for their hotel rooms and their expenses?

**Senator Banks:** In this case, the committee clerk paid for the hotel room charges. That is not the question, however, and, in fact, the question the honourable senator is asking has nothing to do with the motion. The motion has to do with the propriety of the person working in the honourable senator's office. It has nothing to do with personal information. Those things are not in question. Those things are all information that may or may not be available. The motion has to do with the means by which that information was obtained and has therefore, subsequently, found its way into the public domain, and nothing else. No dollar sign is included or referred to in my motion. My motion is about the actions of employees of the government working in the offices of senators.

**Senator Tkachuk:** Just so that I am clear, in the case in question, the clerk paid for all of the hotel rooms and then each senator was responsible for personal expenses, whether it was a telephone bill, room service, or anything like that. Is that correct?

**Senator Banks:** I do not know, and it is immaterial.

**Senator Tkachuk:** I think that is very material. In any event, I have asked my questions and the honourable senator has answered them, so we will go on from here.

**Hon. Senators:** Question!

**Hon. Terry Stratton:** Honourable senators, I would like to adjourn the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that the debate be continued at the next sitting of the Senate.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Will those in favour of the motion please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed to the motion 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 will be a one-hour bell.

• (1910)

**The Hon. the Speaker:** Honourable senators, the question is on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Tkachuk, that further debate be adjourned to the next sitting of the Senate.

Motion negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	LeBreton
Champagne	Nolin
Cochrane	Oliver
Comeau	Segal
Di Nino	Stratton
Gustafson	Tkachuk—15
Johnson	

#### NAYS THE HONOURABLE SENATORS

Atkins	Jaffer
Austin	Joyal
Banks	Kenny
Campbell	Lapointe
Cook	Mahovlich
Corbin	Mercer
Dawson	Milne
Day	Mitchell
Downe	Moore
Eggleton	Munson
Fairbairn	Ringuette
Fraser	Robichaud
Furey	Stollery
Goldstein	Tardif
Hays	Zimmer—31
Hubley	

#### ABSTENTIONS THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** Honourable senators, resuming debate.

**Some Hon. Senators:** Question!

[Translation]

**Senator Comeau:** Honourable senators, it is truly appalling that the majority in this chamber, the opposition, continues to throw its weight around against a small group of senators who wish to advance the work of the Senate. It is becoming increasingly clear that the honourable senators of the opposition have absolutely no interest in helping to create an impression, at least, that the Senate takes its responsibilities very seriously.

[English]

Honourable senators, Senator Mercer can wait until he is the leader on the other side and then he can take the floor.

**Senator LeBreton:** He might be the leader some day.

**Senator Comeau:** Just wait. He will have his chance to say something.

[Translation]

We have a tradition in this chamber: when a senator moves a motion, the other side is given the opportunity to prepare. Not in this case, however. There is not even any pretence of adhering to equal opportunity or recognizing the realities facing the other side.

[English]

Does another senator want to be leader now? Just wait until the body is a little bit cold.

[Translation]

Honourable senators, personally, I am very happy to be part of a government that is innovative. First of all, the government wants to put an end to the culture of entitlement that is so firmly entrenched here in Ottawa. The new government is trying to replace the old system by establishing a sense of accountability, transparency and openness.

In other words, we want to enhance the image of parliamentarians and other public office holders so that we can properly serve Canadians.

Honourable senators, if I may, I would like to quote a few statements.

I would like to make it clear that the notion of true accountability and transparency in government is of the utmost importance.

The second reads:

All of us support transparency, openness and accountability.

The third quote is:

I believe that we must not only preserve the transparency and integrity of our democratic system, but that we must continue and always work towards enhancing transparency.

If you feel you have already heard these statements, I commend you and I must say that you have a good memory. These are not my words but I nonetheless agree with them.

The first statement was made by Senator Day in this chamber on October 30, when he was presenting his observations on the Federal Accountability Act.

The second was made by Senator Cowan on October 4, when the Standing Senate Committee on Legal and Constitutional Affairs was addressing this same piece of legislation.

The third was made by Senator Chaput on September 8, 2006, during the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs.

You may have noticed that, in each instance, it was a Liberal senator speaking. The senator quoted said he or she was in favour of the government being more transparent and accountable. Each of these statements was made during review by the Senate of the Federal Accountability Act, which we recently considered.

You already know, but I will say it again: It was Liberal senators who eviscerated the Federal Accountability Act, removing provisions that, in my opinion, constituted the very essence of the bill. These actions made me wonder whether the support they profess for transparency, openness and accountability in our government was really sincere.

Recently, Ottawa made the headlines with the short stay of the committee that went to Dubai. A somewhat curious employee updated a list of expenses totalling tens of thousands of dollars, expenses made for no good reason by certain senators who stayed in Dubai while waiting in vain for permission to go to a war zone, in the middle of a dangerous military operation.

[English]

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

**Senator Mercer:** Get on with it. Let's go.

[Translation]

**Senator Comeau:** Information released subsequently indicated that the chair of the committee was well aware that nobody would grant such permission.

To counteract the results of the employee's research, Liberal senators made accusations of spying and invasion of privacy.

I cannot help but wonder whether they thought their own outrage would make people forget the scandal they caused by wasting thousands of dollars of taxpayers' money. If the Liberals think that will make people forget their misdeeds, they are mistaken.

In fact, their scheme succeeded only in keeping their error in judgment on the front pages. How ironic that those same Liberal senators who are manipulating are also the ones speaking out repeatedly in support for transparency.

[English]

**Senator Mercer:** Senator Michael Meighen — there is a quality senator, a good man.

**Senator LeBreton:** Ignore them. They are bleating from the cheap seats back there.

• (1920)

[Translation]

**Senator Comeau:** When it was their turn in the hot seat and possible indiscretions were brought to light, it was found that errors in judgment had been made and that public funds had been misused. Suddenly they stopped talking about transparency.

Rather than focus our efforts on increased accountability in Ottawa, we are forced to devote precious time to debating this issue.

The motion reads:

...whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay...

That is the crux of the issue. Could Canadian taxpayers, who pay our salaries and paid for the trip to Dubai, care any less? Or do they want to know exactly how we spend every one of their tax dollars?

On September 26, well-known whistle-blowers Allen Cutler and Joanna Gualtieri appeared before the Standing Senate Committee on Legal and Constitutional Affairs to discuss the Federal Accountability Act. Senator Zimmer stated:

You are very courageous to be here today. You show leadership.

Senator Campbell said the following:

I believe you should be called information patriots.

He added:

In fact, the information patriot is acting as an auditor for instances that take place.

For his part, Senator Day said:

What you are doing is critical to many people.

Yet when a Liberal senator's actions are criticized, the Liberals go on the defensive, the weapons come out and the shows of support that were so visible previously disappear.

What happened to their great convictions about transparency and accountability?

I believe that there is still a way to change the culture of entitlement that pervades the halls of Parliament in Ottawa.

I would now like to speak to an issue that pertains directly to Senator Banks' motion. It seems that the Honourable Senator Banks is not like the rest of us. He has never misplaced a scrap of paper when travelling with a committee. I am sure you know exactly what I mean. I am talking about hotel invoices, receipts for taxis or lunches or suppers and all sorts of receipts for what he calls "sundry costs."

We need these receipts to prepare our claims, where every expense is listed and detailed. When we lose a receipt, we sometimes ask our staff to contact a hotel or restaurant for a copy of that important little document, and I am sure every one of us has done so at one time or another.

I propose to add an amendment to this motion to allow an employee to obtain a copy of a receipt for an expense incurred by a senator for whom the employee works.

#### MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Consequently, honourable senators, I move, seconded by the Honourable Senator Stratton:

That the motion, be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable; and".

[English]

**Hon. David Tkachuk:** Honourable senators, I would like to move the adjournment.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I have a question.

**Hon. Daniel Hays (Leader of the Opposition):** Can I ask a question of Senator Comeau about the motion?

[Translation]

**The Hon. the Speaker:** We have the motion. Debate.

**Senator Fraser:** Honourable senators, we obviously have not had time to discuss this in caucus. Personally, I think it is quite useful for a senator's staff to be authorized by the senator to obtain such useful documents. If I have understood the motion correctly, it does not specify that the senator has to give authorization. Is that correct?

**Senator Comeau:** Allow me to refer to the motion. I will reread it in English.

[ Senator Comeau ]

[English]

That the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable."

**Senator Fraser:** That is what I thought the motion said. I listened to it twice and now three times. Thank you very much.

I hope Senator Comeau understands the nuance I am trying to express to him. I wonder whether he might be interested in amending his motion accordingly.

I suggest that in the same way that I would not want employees in another senator's office deciding, on almost a freelance basis, to investigate my expenses, nor would I want an employee in my own office to do that without my authorization. I suggest that the motion would be motherhood if the honourable senator specified in it that such an employee could only undertake this action with the authorization of the senator.

**Senator Comeau:** I have always been in favour of motherhood, apple pie, the flag and everything in between. If my motion is motherhood, by all means, let us make the amendment. Let us do it; and the honourable senator may wish to amend my amendment. I encourage her to do it if she wishes, but let us vote on my motion.

The committee itself may want to determine whether it is motherhood and apple pie, so let us vote on it and see what happens.

**The Hon. the Speaker:** Honourable senators, I know that Senator Johnson and Senator Fairbairn, who are chairs of committees, would like to seek leave to deal with business associated with their committee. With the permission of honourable senators, may I interrupt proceedings to call upon Senator Fairbairn?

**Hon. Senators:** Agreed.

Debate suspended.

#### AGRICULTURE AND FORESTRY

##### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Joyce Fairbairn:** Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit today, Tuesday, November 21, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1930)

As a comment, honourable senators, the committee was to start its hearings at seven o'clock.

**Hon. Terry Stratton:** I will ask the usual question. Is there an extraordinary circumstance in this case, such as hearing from a minister, or is it for the normal process?

**Senator Fairbairn:** It is for the normal process, senator. It is not for a minister.

**The Hon. the Speaker:** Is leave granted to put Senator Fairbairn's motion?

**Hon. Senators:** Agreed.

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

Motion agreed to.

### FISHERIES AND OCEANS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Janis G. Johnson:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have power to sit today, Tuesday, November 21, 2006, even though the Senate may be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

**Hon. Terry Stratton:** If I may ask the deputy chair, is the reason for the continuation of the meeting the same as that given by Senator Fairbairn?

**Senator Johnson:** Yes, it is.

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

Motion agreed to.

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### MOTION TO AUTHORIZE COMMITTEE TO STUDY PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS—MOTION IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Tommy Banks, seconded by the Honourable Senator Moore:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006;

And on the motion in amendment by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton:

That the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the Committee be directed to take into consideration whether it would appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the original be misplaced or be otherwise unavailable; and"

**The Hon. the Speaker:** Honourable senators, we are now back on the motion in amendment of Senator Comeau.

**Hon. David Tkachuk:** I move the adjournment of the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus, that further debate on this item be adjourned until the next sitting of the Senate.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** This is a motion to adjourn debate.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, on house business related to this matter, would the other side be interested in an agreement to hold all votes to dispose of this matter tomorrow afternoon — and I do mean tomorrow afternoon — not to let matter stand. We would have to agree to hold those votes by four o'clock.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** No, I think what I raised earlier still stands. There must be a certain amount of respect from the opposition side to allow us the opportunity to prepare ourselves. In this case, a motion was introduced the same afternoon — and the senator who moved the motion immediately rose and did not allow us to adjourn the motion so that we could prepare ourselves. We are not asking for much.

**Senator Mercer:** Did you not see it on the Order Paper?

**Senator Comeau:** We did not ask for much. We wanted to hear what Senator Banks had to say. We wanted to hear both his rationale and his reasons. It has been the convention in this place that we allow the other side to at least be able to reflect on the comments that were made and prepare our response.

**Senator Mercer:** I know you are fed up.

**An Hon. Senator:** Order!

**Senator Comeau:** We are not asking for much. Doing it on the fly, as we are doing tonight, is in no one's interests. However, when we get into these situations, we must be allowed —

**Senator Mercer:** As we give them —

**Senator Comeau:** If Senator Mercer wants to speak —

**Senator Stratton:** Ignore him. He does not exist.

**Senator Comeau:** Therefore, we do not agree with wrapping this up and going to the votes tomorrow afternoon. Let us do the votes tonight.

**The Hon. the Speaker:** Honourable senators, we are at the motion of Senator Tkachuk, seconded by Senator Angus, that further debate on this matter be adjourned to the next sitting of the Senate.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those honourable senators opposed to the motion please say “nay”?

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**Senator Stratton:** A one-hour bell.

**The Hon. the Speaker:** Honourable senators, may the chair be dispensed from sitting here for the hour?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** The vote will be held at 8:35.

Call in the senators.

• (2030)

**The Hon. the Speaker:** Pursuant to rule 18, I would ask all honourable senators to respect the order of the house during the taking of a vote.

It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus, that further debate be adjourned until the next sitting of the Senate.

Motion carried on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Angus  
Comeau  
Di Nino  
Gustafson  
Johnson  
Keon

LeBreton  
Nolin  
Oliver  
Segal  
Stratton  
Tkachuk—13

#### NAYS THE HONOURABLE SENATORS

Mercer—1

#### ABSTENTIONS THE HONOURABLE SENATORS

Adams  
Atkins  
Banks  
Campbell  
Cook  
Corbin  
Cowan  
Dawson  
Day  
Downe  
Fairbairn  
Fraser  
Furey  
Hays  
Hubley

Jaffer  
Joyal  
Kenny  
Lapointe  
Mahovlich  
Mitchell  
Moore  
Munson  
Phalen  
Robichaud  
Stollery  
Tardif  
Watt  
Zimmer—29

• (2040)

#### JUDGES ACT

##### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-17, to amend the Judges Act and certain other acts in relation to courts.

Bill read the first time.

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

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.



**FEDERAL ACCOUNTABILITY BILL****MESSAGE FROM COMMONS—  
POSITION ON SENATE AMENDMENTS**

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

*Ordered.* — That a message be sent to the Senate to acquaint their Honours that this House:

Agrees with amendments numbered 1, 3, 13, 16, 17, 21, 26, 27, 32, 33, 55(e)(i), 63, 64, 66, 67, 70, 72 to 79, 81, 82, 84, 86, 87, 91, 93, 95, 97, 99, 103 to 106, 111, 112, 114, 117, 122, 124 to 127, 135, 144, 146, 152, 156 and 158 made by the Senate to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability; but

Disagrees with all other amendments except amendments 29, 98 and 153, because this House believes that amendments 2, 4 to 12, 14, 15, 18 to 20 —

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, if I can interrupt, I know that this message goes on for 26 pages. Would we not benefit from a copy of the document before we proceed? I am not sure what the disposition on the other side is, but I would be interested to know. I would not want to deal with a complex document based on not having it in front of me, and I do not think the table is in a position to duplicate it and give it to us in a timely way. What is your wish?

**The Hon. the Speaker:** Honourable senators, in the normal practice there would be a motion, or an expression of the will of the house that I would dispense from the reading of the message, but I think that the Honourable Leader of the Opposition is saying that it is very long and it will take time for us to have it

printed and circulated. If honourable senators were to say that I should dispense with reading the entire message, I then must put the question: When shall this message be taken into consideration? If the two sides had an understanding as to when that would happen, perhaps we would accomplish the objective that all honourable senators wish to accomplish.

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** We agree with the Leader of the Opposition's proposal. We agree with the suggestion to dispense with reading all the amendments and move on immediately to the motion, which will be moved by the Leader of the Government.

[English]

**The Hon. the Speaker:** The indication is that if I dispense from reading it all, when I put the question as to when the message shall be taken into consideration, the government will propose that it be done at the next sitting of the Senate.

**Hon. Marjory LeBreton (Leader of the Government):** That is correct.

**The Hon. the Speaker:** Is it the will of the house that I dispense?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** When shall this message be taken into consideration?

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

The Senate adjourned until Wednesday, November 22, 2006, at 1:30 p.m.

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**Tuesday, November 21, 2006**

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