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Wednesday, November 29, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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THE SENATE

Wednesday, November 29, 2006

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

Prayers.

SENATORS' STATEMENTS

POST-SECONDARY EDUCATION INFRASTRUCTURE TRUST FUND

Hon. Wilfred P. Moore: Honourable senators, in its 2006 budget, the federal government established a \$1 billion Post-Secondary Infrastructure Trust. You will recall that we in this chamber led the fight for such funding under the leadership of Senator Lowell Murray, then Chair of the Standing Senate Committee on National Finance, which identified a national need of \$3.6 billion.

My province of Nova Scotia's share of that trust fund is \$28.8 million. However, rather than distribute those funds to our 11 universities for much-needed infrastructure work, the Progressive Conservative provincial government has decided to give \$440 to each Nova Scotian student attending university in Nova Scotia. This is but another shortchange by a government that provides the least amount of funding of all provinces in Canada to post-secondary education. The quotes of students about this politically motivated action range from "underwhelmed" to "useless." This inappropriate action is reminiscent of former Premier John Hamm's attempt to cut the provincial post-secondary education budget by an amount equal to the funds allotted to Nova Scotia through the Millennium Scholarship Program.

I call upon the federal government to strongly protest this action by the Government of Nova Scotia, and to require it to restore these trust fund dollars to their specified purpose, being the maintenance of post-secondary infrastructure.

As was stated by Gail Dinter-Gottlieb, President of Acadia University:

Imagine the overall impact that a \$28 million infrastructure investment would have on the learning environment of Nova Scotia students and the efficiency of the tuition fees, through lowering the costs of operating our aging infrastructure.

[*Translation*]

THE HONOURABLE MARCEL PRUD'HOMME

HAPPY BIRTHDAY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, those of us who see one another in caucus often have the opportunity to wish one another a happy birthday. Unfortunately, for senators who do not meet in caucus, birthday wishes are often forgotten.

As we will not be here tomorrow, I would like to take this opportunity to wish the Honourable Senator Marcel Prud'homme a happy birthday.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we on this side would also like to join in wishing Senator Prud'homme a happy birthday and many more!

[*English*]

Hon. Marcel Prud'homme: First, thank you very much for your kindness. Today is a very special day but for other reasons. Since you talk about birthdays, yesterday was our Speaker's birthday, so Happy Birthday retroactively, Your Honour.

In getting older, I will try to be calmer on some of the major issues concerning peace in the world.

INTERNATIONAL DAY OF SOLIDARITY

Hon. Marcel Prud'homme: Honourable senators, today marks the International Day of Solidarity with the Palestinian people. In accordance with mandates given by the General Assembly of the United Nations fifty-nine years ago, on November 29, we observe the International Day of Solidarity.

The date of November 29 was chosen because of its meaning and its significance to the Palestinian people. On that day in 1947, the General Assembly adopted resolution No. 181, which came to be known as the "Partition Resolution," and this was partly due to Mr. Justice Ivan Rand, who had been appointed Canada's representative to the United Nations Special Committee on Palestine.

Another man who should also not be forgotten for playing a role that day was Lester B. Pearson; not Lester B. Pearson, the leader of the Liberal Party under whom I served; not Lester B. Pearson, the Minister of Foreign Affairs; but Lester B. Pearson, Deputy Minister of Foreign Affairs, who, in 1947, thanks to his great talent, could find enough votes to pass this resolution with which we have lived ever since. For those of you who may be interested in history, the vote was 33 in favour, with 10 abstentions and 13 against. I could name them all.

There were 57 countries at that time. Now that we have a debate over the term "nation," I prefer to use the word "country." I never had any trouble saying "Canada, my country." Canada is a country.

At that time, there were only 57 countries of the United Nations; 56 voted.

• (1340)

Only 33 voted for this partition; 13 voted against, 10 abstained and Thailand was absent.

Mr. Trudeau taught me to always hang my hat on resolution No. 181 of 1947. He told me I would never be wrong. He told me never to get into a hot debate with colleagues, and to remind people always of our Canadian responsibility of November 29, 1947. It will be 60 years next year and each year on November 29, we celebrate the International Day of Solidarity with the Palestinian People.

Everyone is now repeating what I have been saying for more than 30 years at great cost, I must say with a big smile. Everyone says we must return to the spirit of 1947, when Canada decided, thanks to Mr. Justice Rand and Lester B. Pearson, that there would be two states in the land of Palestine, one for the Jewish people, as it says in resolution No. 181, and one for the Palestinian people.

I hope that before the sixtieth anniversary we will find a solution to bring peace and sanity to that part of the world. That peace could herald the beginning of peace for the rest of the region. Otherwise, that region will blow up in our face.

JOHN F. KENNEDY PROFILE IN COURAGE AWARD

PROPOSAL TO NOMINATE THE HONOURABLE MICHAEL CHONG

Hon. Francis William Mahovlich: Honourable senators, I rise today to speak on my intention to nominate Michael Chong for the John F. Kennedy Profile in Courage Award. This award is given annually to leaders who stand on principle over partisanship, despite the scorn, rather than praise, they may receive from their colleagues.

In standing for his own principles and stepping down as a cabinet minister, Michael Chong has abided by John F. Kennedy's belief: There is one force in politics more powerful than money, influence, or spin; that is conscience.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

SEVENTEENTH ANNIVERSARY OF TRAGEDY AT L'ÉCOLE POLYTECHNIQUE

Hon. Lillian Eva Dyck: Honourable senators, December 6 is the National Day of Remembrance and Action on Violence Against Women.

The Parliament of Canada established this day in 1991 to commemorate the 14 young women who were fatally shot by a man using a semi-automatic rifle on December 6, 1989, at l'École Polytechnique de Montréal. Each victim was targeted not just because she was a woman but also because she was an engineering student.

Honourable senators, I remember December 6, 1989, vividly because, for the first time in my life, I felt that simply because I was a scientist, I might become a target of violence.

[Senator Prud'homme]

Honourable senators, as you know, it is a sad reality that women in Canada are subjected to acts of violence. For instance, women are three times more likely than men to be subjected to injury by their spouse. Honourable senators, on December 6, 1989, it became clear how much hatred one young man felt towards feminists and women who wanted to be engineers.

Fortunately, Canada took the l'École Polytechnique de Montréal tragedy seriously. Existing programs were expanded and new programs were developed which have increased the numbers of girls and women who study science and engineering at post-secondary education institutions. However, there are still few women in the various faculties of science and engineering across the country, and it is imperative that the Government of Canada continue to support programs that ensure that women are hired into faculty positions as predominantly male faculty members retire over the next few years.

Honourable senators, in conclusion, let us remember and honour the 14 young women who dared, nearly 20 years ago, to break with tradition by wanting to be female engineers.

They were: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Barbara Maria Klucznik, Maryse Leclair, Annie St-Arneault, Michèle Richard, Maryse Laganière, Anne-Marie Lemay, Sonia Pelletier and Annie Turcotte.

• (1345)

[Translation]

ROUTINE PROCEEDINGS

PRESIDENT OF THE TREASURY BOARD

2006 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the President of the Treasury Board's annual report to Parliament entitled *Canada's Performance 2006*.

STUDY ON SOFTWOOD LUMBER AGREEMENT

REPORT OF FOREIGN AFFAIRS
AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. Hugh Segal: Honourable senators, I have the honour to table the fifth report of the Standing Senate Committee on Foreign Affairs and International Trade on certain aspects of the softwood lumber agreement between Canada and the United States.

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

THE ESTIMATES, 2006-07

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Joseph A. Day, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 29, 2006

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

FIFTH REPORT

Your Committee, to which were referred the Supplementary Estimates (A), 2006-2007, has, in obedience to the Order of Reference of Tuesday, October 31, 2006, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 863)

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

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

[English]

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 29, 2006

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

SIXTH REPORT

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

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix B, p. 873)

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

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

[Translation]

APPROPRIATION BILL NO. 2, 2006-07

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-38, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007, to which they desire the concurrence of the Senate.

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.

• (1350)

[English]

APPROPRIATION BILL NO. 3, 2006-07

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-39, for the granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

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.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT TO AFGHANISTAN BY POLITICAL AND DEFENCE AND SECURITY COMMITTEES, MAY 17-21, 2006—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association's Delegation respecting its participation in the visit to Afghanistan of the NATO Parliamentary Assembly's Political Committee and Defence and Security Committee from May 17 to 21, 2006.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

STUDY GROUP ON BENCHMARKS
FOR DEMOCRATIC LEGISLATURES,
OCTOBER 30-NOVEMBER 3, 2006—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Commonwealth Parliamentary Association to the Study Group on Benchmarks for Democratic Legislatures, which was held in Bermuda from October 30 to November 3, 2006.

PRE-CONFERENCE VISIT TO THE CPA
HEADQUARTERS, AUGUST 28-SEPTEMBER 2, 2006
AND ASSOCIATION CONFERENCE,
SEPTEMBER 1-10, 2006—REPORTS TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the reports of the Canadian Delegation of the Commonwealth Parliamentary Association to the Pre-Conference Visit to the CPA Headquarters held in London, United Kingdom, from August 28 to September 2, 2006, and to the Fifty-second Commonwealth Parliamentary Conference held in Abuja, Nigeria, from September 1 to September 10, 2006.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY EFFECTIVENESS OF CANADA'S PROMOTION
OF DEMOCRATIC DEVELOPMENT ABROAD

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

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.

[Translation]

**IMPACT OF CHARTER OF RIGHTS
AND FREEDOMS ON RIGHTS OF CANADIANS
AND PREROGATIVES OF PARLIAMENT**

NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to the impact that the *Charter of Rights and Freedoms* has had these past 24 years on the rights of Canadians and the prerogatives of the Parliament of Canada.

• (1355)

[English]

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT
AND COMMUNICATIONS COMMITTEE REPORT—
NOTICE OF INQUIRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I give notice that two days hence I shall call the attention of the Senate to the government's response to the second report of the Standing Senate Committee on Transport and Communications, entitled "Final Report on the Canadian News Media."

QUESTION PERIOD**JUSTICE**

GUIDELINES FOR FEDERALLY APPOINTED
COMMISSIONERS OF INQUIRY

Hon. Lowell Murray: Honourable senators, has it been agreed not to ask questions today? I have a question but, as a mere independent, I do not want to upset any agreement that has been made between the two sides.

The other day in debate, our colleague Senator Day made reference to statements attributed to Mr. Justice Gomery in which Mr. Justice Gomery was quoted as having criticized the government's response to some or all of the recommendations in his final report. That got me to thinking about what a former commissioner who was still sitting on the bench may say publicly on contentious matters on the subject matter of his report.

My mind ranged over all the royal commissions on contentious matters over the years, starting with, in my young memory: Taschereau on the Igor Gouzenko revelations; Chief Justice Frederic Dorion on the Rivard scandals; Mr. Justice David C. McDonald on the activities of the RCMP security services; the Krever Royal Commission on Tainted Blood; the Parker Royal Commission about Mr. Stevens; and on and on. In none of those cases do I recall those judges, after they returned to the bench, taking part in the public debate concerning their recommendations.

I wonder who is responsible for setting out guidelines in these cases. Is it the government? Is it the Canadian Judicial Council? Is it the Chief Justice of the court in question? I wonder if there is somewhere a document indicating what a former commissioner, while still sitting on the bench, may properly say or do when his commission has ended.

Hon. Marjory LeBreton (Leader of the Government): Honourable senator, as a result of the exchange, I did check to determine the status of Mr. Justice Gomery. Although he is officially retired, he is still a supernumerary judge. Therefore,

obviously he can continue to comment on his report, although he surely would not be able to go beyond what he already publicly stated in his report and comment on any confidential matters that were before the commission or being investigated by the police.

I took notice of some of the things that he did say. There is no question that he can comment on his own report, although the honourable senator is quite right: For all intents and purposes, he is still a sitting judge, supernumerary.

One caution, perhaps, that should be noted is in the Canadian Judicial Council statement of ethical principles for judges. That statement cautions federally appointed judges that they should refrain — and this is found in section D.3.(d) of their statement of principles — “from taking part publicly in controversial political discussions except in respect of matters directly affecting the operation of the courts, the independence of the judiciary or fundamental aspects of the administration of justice.”

• (1400)

I did note the exchange. I am sure Mr. Justice Gomery, being a judge, is well aware of the restrictions that he is under relative to this code of ethics. In addition, he is a supernumerary judge on the Quebec Superior Court. Therefore, the question is valid, and I think we should always be mindful of the scope of the comments made by judges in that position.

Senator Murray: I will leave Justice Gomery aside for the moment and ask whether the Leader of the Government would obtain a prepared statement from the Minister of Justice as to the general issue I have raised here.

I am aware, as I think many of us are, that Chief Justices have been understandably reluctant to let their judges sit on commissions that are politically sensitive or controversial as a result of their hesitance to see them involved in controversies of this kind.

I would appreciate it if a considered and prepared statement could be brought in as to the limitations on former commissioners who sit as judges.

Senator LeBreton: I thank the honourable senator. That is an excellent suggestion, and I will ask the Minister of Justice to provide such a statement.

VETERANS AFFAIRS

GAGETOWN—TESTING OF AGENT ORANGE AND AGENT PURPLE—RESPONSE TO REPORTS

Hon. Norman K. Atkins: I have one question for the Leader of the Government in the Senate. It deals with Agent Orange and Camp Gagetown.

Two reports have been released in almost six months. As a result of those reports, the Minister of Veterans Affairs has indicated that they will deal with the legitimate applications with regard to the effects of Agent Orange on certain individuals.

Can the Leader of the Government in the Senate inform me as to whether the government has followed through on that undertaking? If so, how many people have been compensated?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. He has asked questions on this very serious matter on previous occasions.

Minister Thompson is currently involved in an ongoing process with the families and the people who live in the CFB Gagetown area. I know that the last time he spoke of the subject in my presence there were a number of issues that still had to be addressed.

On the basis of the honourable senator's question, I will go back to my colleague the Minister of Veterans Affairs, Mr. Thompson, and ask for an update on where this file is at the moment.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I hereby give notice that, when we proceed to Government Business, the Senate will address the items beginning with Motions Nos. 1 and 2 followed by the other items in the order in which they stand on the Order Paper.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of November 28, 2006, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Monday, December 4, 2006, Tuesday, December 5, 2006, Wednesday, December 6, 2006 and Thursday, December 7, 2006, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): pursuant to notice of November 28, 2006, moved:

That when the Senate adjourns on Wednesday, November 29, 2006, it do stand adjourned until Tuesday, December 5, 2006, at 2 p.m.

Motion agreed to.

• (1405)

[English]

FISHERIES AND OCEANS

BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Fisheries and Oceans (*budget—release of additional funds (study on the Federal Government's New and Evolving Policy Framework for Managing Canada's Fisheries and Oceans)*), presented in the Senate on November 28, 2006.—(*Honourable Senator Rompkey, P.C.*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I move the adoption of the report standing in Senator Rompkey's name.

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

Hon. Terry Stratton: I think we have been over this budget before. Senator Rompkey is aware of my feelings, I am sure, on this matter, which are simply that until we get some reportage on this post the event, I will be against any travel. Therefore I will vote on division.

Senator Fraser: I do understand the honourable senator's position. He explained it in detail yesterday.

I thought the Senate might be interested to know that the travel in question here is for the Fisheries Committee to go to the West Coast, but also to Manitoba, to examine the state of the fisheries in those fine places.

Hon. Francis Fox: There are lots of goldeyes.

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

Hon. Senators: Agreed.

Senator Stratton: On division.

Motion agreed to, on division, and report adopted.

• (1410)

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(*Honourable Senator Peterson*)

Hon. Robert W. Peterson: Honourable senators, farmers have been facing difficult times. It is no secret that Canada's producers must overcome unrelenting difficulties when forging a living from their land and their livestock and receiving their fair share from the marketplace. The report tabled last June by the Standing Senate Committee on Agriculture and Forestry entitled, *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!* does not have a magic bullet to solve all of the problems that agriculture is facing. However, it can pave the way to better policies for our producers. Let me describe their situation.

Canada has just witnessed the worst three years of farm income in history, and forecasts are not looking any better. Agriculture and Agri-Food Canada estimates that the 2006 net cash income in Saskatchewan will be 44 per cent below the 2000-2004 average. The market net income, which describes what farmers really receive from the market, has been negative since 1999. Prices of grains and oilseeds have declined steadily for the last number of decades and remain extremely low. Recently, higher North American production and a stronger Canadian dollar have maintained these lower grain and oilseed prices. Operating expenses are increasing due to higher input prices, higher interest and farm labour costs.

Canada's grains and oilseeds producers must compete with low-cost producers from Brazil, and with heavily subsidized farmers from the United States and the European Union. In recent times, farmers have been dealt blows that have been painful and outside of their control. I am referring to the devastating impact of the BSE border closure to live cattle and the recent drought in Western Canada, which has had disastrous effects on our farming communities.

How have farmers been able to survive without receiving any money from the market? First, program payments have helped to keep the realized net income above zero. Those payments have increased considerably since the 1980s but they have not been able to reverse the trend of declining farm income. Second, farmers have been relying increasingly on borrowed money. Between 1995 and 2005, the farm debt increased by more than 90 per cent, to reach \$51 billion.

I am hopeful that the future is not as bleak as I have just described. The report of the committee indicates that there will be opportunities, such as the rising demand for biofuel and for grains and animal protein, in places such as China and India that will put upward pressure on prices. There will also be new areas of production such as molecular farming, and pharmaceuticals or other substances such as industrial feed stocks using plants and animals. Market conditions, however, do not change overnight. The committee believes that there is a role for government assistance until those opportunities materialize.

Current programs do not address farmers' needs. Programs are complex and slow at delivering money in times of crisis. Payments are based on the difference between current year income and the average income of previous years. Because farmers have experienced year-over-year drops in income, the average to which the current year is compared is shrinking, resulting in smaller payments to farmers.

Last summer, the federal government injected money to address weaknesses in the Canadian Agricultural Income Stabilization Program, or CAIS, and chose to help lower-income farm families with the Canadian Farm Families Options Program. Both

initiatives are good news for the industry but the committee felt at that time that a direct payment was the best way to send money quickly to farmers to help them bridge the gap until better market conditions are in place. The first recommendation of the committee was that the federal government implement a direct payment for the next four years, with payments calculated on the basis of historical yield and acreage.

Regardless of the way government chooses to transfer the money, more government funds will have little effect if Canada does not facilitate the conditions that allow farmers to take advantage of future market opportunities. While income stabilization and disaster relief have a role in agriculture, farmers will always prefer to receive returns from the market as opposed to receiving ongoing government support. As the title of our report says, we suggest that farmers, and not the overall agri-food chain, should be the first target of any Canadian agricultural policy. That is why we are proposing a true Canadian farm bill that would set the conditions that, once in place, would ensure fair returns for producers and, thereby, eliminate the need for on-going government support.

In order to address the long-term decline in farm income and make it possible for the agriculture industry to take advantage of future opportunities, the new farm bill should include elements such as: Investments in biofuels, research, innovation, rural infrastructures and value-added agriculture; incentives to producers as providers of social benefits beyond food production such as environmental benefits like storing carbon; and an aggressive trade strategy that would benefit farmers, notably through bilateral agreements in addition to the WTO. As the fourth largest Agriculture and Agri-Food exporter in the world and the fifth largest importer, Canada needs and would benefit from fairer rules regarding international trade.

We have received support for the idea of a Canadian farm bill. Last month at one of the meetings of the Committee, Bob Friesen, President of the Canadian Federation of Agriculture, mentioned that members of the CFA have started to draft a Canadian farm bill with many of the elements that I have just mentioned. We often talk about the amount of money spent on agriculture in the United States. We all know that we cannot match that amount, but we can surely improve how we spend the money that we do have available.

A Canadian farm bill must provide a framework that is not only geared for industries along the agri-food-value chain but also is focused on farmers so that they can earn a livelihood. Putting farmers first means, for example, that our biofuel strategy encourages the production of ethanol and biodiesel from Canadian grains and not from imported corn and soybeans from south of the border. A Canadian farm bill would make room for provincial programs and would address provincial-specific needs. Programs would have to be simple, concise and predictable so that farmers could know what to expect in terms of support. It would mean that research results could move swiftly from the research station to the field.

Although the committee undertook these hearings in a time of crisis for producers, their message was clear: There is a viable future in farming in Canada if appropriate programs and policies are implemented. Because it is one of the foundations of our country, Canadians have a responsibility towards the farming

community to help it through difficult times until it can again achieve sustainability. To do less is to acknowledge that there will be no security of supply in our food chain, and that we will need to rely on other countries to feed our people. I do not think that this is what the people of Canada want and I do not think that is what we would want to happen.

Honourable senators, we have a challenge. I hope we are up to it.

On motion of Senator Fraser, 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 LeBreton, P.C.*)

Hon. Robert W. Peterson: Honourable senators might wonder how 42 per cent of Canadians could be functionally illiterate, especially when common wisdom tells us that Canada is a leading nation of the information age with universal education for all. This has resulted in what could be thought of as a “human resources crisis.” It is a sad commentary on a country that is so blessed with natural resources and opportunity. I would like to speak briefly on the role of literacy in Canada’s economy.

As honourable senators are aware, a large number of Canadians will be retiring in the coming years. This trend, when coupled with low birth rates and strong economic growth, will make skills shortages more common. Keeping seniors in the workforce longer and integrating unemployed workers into the economy are two strategies that must be explored to tackle this challenge head on. However, tapping these labour pools will not be possible unless their literacy skills can be strengthened.

• (1420)

Literacy is tied to economic growth, dependence on income support programs and social inclusion. I understand that studies have shown that increased literacy skills positively affect a nation’s gross domestic product. In 1988, the Canadian business task force estimated that low levels of literacy were costing our society approximately \$10.7 billion annually. A recent OECD study indicated that it would only take an increase of 1 per cent in adult literacy levels to generate a permanent increase in the GDP per capita of 1.5 per cent. We also know that workers with advanced literacy skills often earn more and are more supportive of investments in social infrastructure, such as libraries, which are crucial to improving literacy skills generally.

Supporting literacy programs is an investment and not a liability. Accordingly, literacy programs should be receiving additional funding and not cut-backs. Unfortunately, Canada is falling behind other nations. Approximately one half of our citizens test below the level necessary to function adequately in today’s information and knowledge-based economy. Also, the

International Adult Literacy Survey recently reported numeracy test results that can only be described as discouraging. The report, *Learning a Living: The First Results of the Adult Literacy and Life Skills Survey*, released by Statistics Canada in May 2005, makes clear that Canada's scores on the four domains of proficiency — prose, document, numeracy and problem-solving — have not improved significantly since 1994.

The Government of Canada has acknowledged and supported the role of literacy in securing our nation's economic future by establishing several literacy programs. The Adult Learning, Literacy and Essential Skills Program, or ALLESP, is one example of this. Established in March 2006 with the consolidation of the National Literacy Program, the Office of Learning Technologies and the Learning Initiatives Program, the Adult Learning, Literacy and Essential Skills Program provides funding for organizations to develop educational resources, operate outreach activities and engage in awareness campaigns. Regrettably, this consolidation was followed by an announcement of changes to federal spending priorities, including savings of \$17.7 million within the Adult Learning, Literacy and Essential Skills Program funding envelope.

Residents of Saskatchewan, like all Canadians, continually strive to better themselves, improve the standard of living enjoyed by their families and support their communities. The Saskatchewan Literacy Network has been there to lend a hand to all those interested in improving their literacy skills since the organization first opened in 1989. The network has advised me, however, that it will be significantly affected by the funding changes announced some six weeks ago. I understand that the network will lose \$170,000 in grants and will have to close its doors by August 31, 2007 if new funding cannot be found.

The network has already stopped offering subsidized family and adult literacy training, cancelled resource development and halted the publication of educational materials. As a matter of fact, I called the Executive Director of the Saskatchewan Literacy Network this morning to inquire if a cheque was in the mail. Sadly, the response was no, and as a result they have had to cut the number of their staff in half, and next week the remaining staff will be moving into smaller premises.

Honourable senators, the Saskatchewan Literacy Network has asked that I communicate their desire to see traditional levels of federal funding for literacy programs restored. While I know that in recent weeks the Government of Canada has indicated that it will spend a total of \$80 million on literacy, without clarification of how these funds will be allocated it is difficult for me to reply to the urgent requests for information that have been arriving in my office in recent days. Literacy organizations are asking for clarification so that they can continue to provide essential services while also planning ahead. Given their valuable role within our community, I felt it was appropriate to share their concerns with you today.

Let us do the right thing. Let us confirm to these literacy organizations that their operational funding will be in place beyond April 2007 so that they can continue their valuable and essential work.

On motion of Senator Robichaud, debate adjourned.

[Senator Peterson]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE—INTERNATIONAL REFERENDUM
OBSERVATION MISSION, MAY 21, 2006—
REPORT TABLED

Leave having been given to revert to Tabling of Reports from Inter-parliamentary Delegations:

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the delegation to the OSCE Canada-Europe Parliamentary Association on the International Referendum Observation Mission for the Referendum on the State-status of Montenegro, held in Montenegro on May 21, 2006.

ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE—EXPANDED BUREAU MEETING,
APRIL 24, 2006—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the delegation to the OSCE Canada-Europe Parliamentary Association on the Expanded Bureau Meeting of the Parliamentary Association of the OSCE held in Copenhagen, Denmark, on April 24, 2006.

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Callbeck*)

Hon. Catherine S. Callbeck: Honourable senators, I rise today to call the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions, in particular the Atlantic region and my home province of Prince Edward Island.

In recent decades, Canada's immigration policy has served to attract skilled and talented people from other countries around the world. These immigrants have enriched our society in so many ways: economically, socially and culturally. Because of their contributions, we enjoy a truly multicultural society that makes Canada one of the best countries in the world in which to live.

Between 1996 and 2005, Canada received more than 2.2 million permanent residents. Over 1.2 million of those went to the province of Ontario — that is, about 55 per cent of Canada's new immigrants. British Columbia was second to Ontario in total immigration, with nearly 400,000. That was 18 per cent of the national total. The third largest draw for immigrants was the province of Quebec, with more than 348,000, at 16 per cent of the national total. The bottom line is that these three provinces Ontario, British Columbia, and Quebec received 90 per cent of all new immigrants between 1996 and 2005.

At the same time, in the entire region of Atlantic Canada, only 33,437 immigrants came to these four provinces. That is just 0.02 per cent. Only 1,788 of permanent residents came to Prince Edward Island, an insignificant amount in comparison to the total.

With these provincial statistics in mind, it is no surprise that Canada's largest urban areas lead the country as destinations for immigrants. In the 10-year period between 1996-05, 96 per cent of all immigrants came to an urban area. In fact, three out of four immigrants settled in just three cities: Toronto, Vancouver, and Montreal. Even more interesting is the fact that 45 per cent of all new immigrants settled in Toronto.

• (1430)

It is understandable that newcomers gravitate towards cities. Cities have more robust job markets to find work when immigrants arrive. Statistics Canada has found that recent immigrants are more likely to use public transportation and require English-language classes, housing and other immigrant support services — all more easily accessed in larger urban centres. Newcomers can also more easily rely on fellow immigrants to help them find housing and jobs, as well as familiar places of worship and stores that carry food from their homelands.

In addition, a lack of recognition for foreign credentials has been a serious flaw. In many provinces immigrant doctors, nurses and skilled workers are said to be employed in low-paying remedial jobs because their training is not recognized. Several provinces have taken steps to assist professional and skilled workers to quickly and easily begin working in their chosen professions. However, more has to be done to ensure that we recognize the credentials of professionals and skilled workers; each one of us benefits from the contributions immigrants can make when they are able to thrive here in Canada and live to their full potential.

Good immigration policy should not only benefit a few select areas or large urban centres. Other regions of the country, Atlantic Canada in particular, are just not reaping the full benefits of Canada's immigration policy. There is a tremendous need to re-examine our national policies and federal-provincial cooperation to ensure that all regions experience the positive effects of immigration.

In a speech at the Atlantic Economic Summit in 2004, former New Brunswick Premier Frank McKenna recognized that current policy is not working for Atlantic Canada. He said:

We must demand a regionally differentiated immigration policy. Immigrants must be directed to come to Atlantic Canada. New immigrants will not only create their own jobs, but they'll create jobs for others and that will create revenues which will allow us to sustain our quality of life. Our choice is simple: we're either gonna grow or we're going to die.

While there will be a decline in the working age population in most parts of Canada, the decline will happen even sooner and faster in Prince Edward Island than in Canada as a whole. If

current trends continue, our working-age population will start to decline by the year 2011. By 2026, Canada's growth rate for the working-age population will be a negative number, at — 1.4 per cent. On the other hand, Prince Edward Island's growth rate will be even less, at -3.2 per cent. P.E.I.'s median age is currently 39 years. It is expected to rise to 45 years to 47 years by the year 2031 — one of the oldest in the country after Newfoundland and New Brunswick.

In addition, our population of youth aged 14 years and under will drop from 26,000 to 19,000 by 2030, while our senior population is expected to double to 38,000. That is about 28 per cent of the island population over those same 25 years. For the first time ever, we will have twice as many seniors as children. We will have an increasing number of aging people leaving the workforce, with a decline in the numbers of those who would replace them.

This population shift will have dire consequences for the well-being of Islanders. Our working population provides the income tax base for social services provided by the provincial and federal governments, like health care. The rapid decline in the working-age population means that there will also be a rapid decline in the tax dollars that pay for services which we all enjoy. This scenario is further complicated by Prince Edward Island's aging population. The increase in the number of seniors means added strain for those very same social services. All in all, governments will have less money to spend but will be trying to pay for much, much more.

Given the impending crisis for Prince Edward Island's workforce, I am happy to say the Government of Prince Edward Island has established a Population Secretariat with a mandate to attract and retain immigrants, new settlers, repatriate skilled Islanders and retain current residents. This group of dedicated employees is actively promoting the province and seeking ways to ensure that Prince Edward Island continues to have the people necessary to succeed in the coming decades.

I am also encouraged that the federal government has recognized there is a problem. In recent years it has undertaken some initiatives with provincial and territorial governments to promote more widespread settlement.

In June of 2001, P.E.I. signed an immigration agreement with the federal government. An important element of the agreement was the implementation of a five-year pilot Provincial Nominee Program, which, after two recent six-month extensions, is set to expire March 31, 2007. This program allows the province to seek nominees who would help meet our labour market needs, and would promote industrial and economic development on the island. All nominees are then processed by the federal department according to the national admissions criteria.

Recently, Prince Edward Island has been recruiting immigrant candidates, targeting those who would best fit the province's labour market needs. Last year the province participated in recruitment fairs in England and Holland. This year we will again be participating with the other Atlantic provinces. In addition, private immigration agents help to promote P.E.I. as a destination for those interested in investigating or starting up businesses.

Originally, there were three categories in this nominee program: The immigrant partner, those who would be willing to invest in a local enterprise and sit on the board of directors; the skilled worker, those who have the skills necessary to fill gaps in P.E.I.'s labour market; and immigrant entrepreneur, those who have experience running a business and will start up a new business in Prince Edward Island.

This year our province has added the immigrant connections category, one we hope will attract even more immigrants to the province. The idea is unique to Prince Edward Island. Recent immigrants to the province can suggest another individual for nomination — a relative, close friend, someone they know can make a difference to the Island. The beauty of such a program is it can greatly assist new immigrants integrate into Island life, since they will have a familiar support network as soon as they arrive and, in the long run, a good reason to stay.

In the first year the nominee program brought only seven new immigrants, but in 2005 and 2006 there were 248 program participants. Therefore the program is working. The number of provincial nominees has increased every year since the program's inception. In fact, Prince Edward Island achieved the highest population growth in Atlantic Canada last year. That was 0.18 per cent and that was mostly due to immigration and in-migration. However, that growth rate is short of the 1.5 percentage growth that is estimated to keep P.E.I. productive and prosperous.

Yes, some progress has been made, but not enough. In October 2001, when Parliament replaced the original 1976 Immigration Act with a new Immigration and Refugee Protection Act, the department noted on an information sheet that one of the bill's objectives was:

...to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada.

However, you will remember that in the fall of 2001, our perspective on legislation like the Immigration Act was influenced by the tragedy of September 11.

• (1440)

It so happened that the bill contained several measures designed to improve security aspects of our national immigration system. The focus of the Social Affairs Committee was naturally on these important and somewhat controversial changes.

As a result, the committee could not thoroughly examine the issue of how the current immigration policy produces different results in different regions of the country. However, the committee concluded that the whole system was in need of a comprehensive study beyond the specific issues addressed in the legislation at the time. The committee included a recommendation in the observation section of its report — a recommendation that has largely been overlooked:

...the Committee is of the opinion that the Senate should consider doing an in-depth study of all aspects of Canada's immigration and refugee protection system.... Such a study

should define the fundamental issues and include a review and analysis of previous governmental studies on the Canadian immigration and refugee systems.

However, in the past few years there has not been any significant parliamentary work on immigration policy.

Honourable senators, I would like to point out that there is no coincidence that the regions that are experiencing the highest levels of immigration are also experiencing substantial economic growth. We know that immigration is good for the economy, which is why there is a need for every region to receive some of that benefit.

With this in mind, I am pleased that ACOA has been leading the Atlantic Population Table, which first met in August 2005. Through these meetings, Citizenship and Immigration Canada have been in discussion with the four Atlantic provinces on initiatives that might form an Atlantic immigration strategy with the collaboration of ACOA, HRSD, the Council of Atlantic Premiers, as well as the Privy Council Office.

I do think immigration statistics show that current policies are not fully addressing the needs of the regions. Some positive steps have been taken in recent years. The provincial nominee program is certainly a good initiative, but it is only a small way to spread the benefits of immigration across the country. The program will not solve this regional problem on its own.

I would like to recommend a comprehensive review, one that would identify new ways of ensuring that the benefits of immigration are brought to every region of the country. It is the kind of policy the Senate does well, and is one we should consider in the near future.

On motion of Senator Fraser, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO REFER ISSUE OF DEVELOPING SYSTEMATIC PROCESS FOR APPLICATION OF CHARTER OF RIGHTS AND FREEDOMS TO THE SENATE—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk, pursuant to notice of October 5, 2006, moved:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada.

She said: Honourable senators, I move the motion standing in my name.

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

On motion of Senator Andreychuk, debate adjourned.

[*Translation*]

MOTION TO AUTHORIZE COMMITTEE TO STUDY
PROVISIONS OF THE CONSTITUTION ACT, 1867
RELATING TO SENATE

Hon. Daniel Hays (Leader of the Opposition), pursuant to notice of November 22, 2006, moved:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be authorized to examine and report upon the current provisions of the Constitution Act, 1867 that relate to the Senate and the need and means to modernize such provisions, either by means of the appropriate amending formula in the Act and/or through modifications to the Rules of the Senate. In particular, the Committee shall be authorized to examine:

- (a) section 23 of the Constitution Act, 1867, with respect to the qualifications of a Senator;
- (b) sections 26 and 27 of the Constitution Act, 1867, with respect to the addition of Senators in certain cases and the reduction of the Senate to its normal number;
- (c) section 29 (1) of the Constitution Act, 1867, with respect to tenure in the Senate;
- (d) section 31 of the Constitution Act, 1867, with respect to the disqualification of Senators;
- (e) section 34 of the Constitution Act, 1867, with respect to the appointment of the Speaker of the Senate;
- (f) section 36 of the Constitution Act, 1867, with respect to voting in the Senate;
- (g) any other related section of the Constitution Act, 1867; and

That the Committee submit its final report no later than June 21, 2007.

He said: Honourable senators, on November 22, 2006, I gave notice that I intended to propose a motion to authorize the Standing Senate Committee on Rules, Procedure and the Rights of Parliament to examine certain amendments that could be made to the Constitution Act, 1867, by Parliament exclusively.

My purpose today is to explain what lies behind that motion. My colleagues will recall that, in June, the Special Senate Committee on Senate Reform was given the mandate to study Senate reform in general and to examine the subject matter of Bill S-4, and the Murray-Austin motion in particular.

[*English*]

Although we spent the majority of our time specifically looking into the matters that had been referred to us, we were constantly drawn into a discussion pertaining to broader parliamentary reform and to the role of a modern Senate within our system. We were reminded that our Parliament could be modernized or made

more efficient without getting into federal-provincial negotiations, which is to say through the amending formula provided for in section 44 of the Constitution Act, 1982.

It has always been our duty in this chamber to consider, propose and improve legislation, and we now have a unique opportunity to make a valuable contribution to matters before us in the context of Bill S-4 and the Murray-Austin motion. These questions will be decided by a free vote and our deliberations, I hope, will provide an example of the Senate at its best, working to improve this institution and ensure Canada's interests are well served.

With this in mind, and towards that end, I wish to offer suggestions about provisions of the Constitution that I believe could be usefully examined by our committee at this time. As indicated in the motion, I am referring specifically to sections 23, 26, 27, 29(1), 31, 34, 36, and related sections of the Constitution Act, 1867.

[*Translation*]

I note, in passing, that our committee could also consider formulating one or more draft bills designed to modernize a number of the sections in the Constitution concerning the Senate, and even preparing a question that could, if needed, be submitted to the Supreme Court.

[*English*]

I will address the sections mentioned in numerical order as they appear in the Constitution and in the motion, and not in order of their importance. It would be difficult to rank them in order of importance, and I thought it simpler to do them numerically.

To begin with, the Senate Rules Committee should examine section 23 of the Constitution Act, 1867, which deals with the qualification of senators. First, the minimum age requirement in subsection 23(1), which is now 30, could be amended and brought more in line with section 3 of the Canada Elections Act. This would mean that membership in our chamber would be open to Canadian citizens of voting age; however, 20 or 25 could be the age chosen if 18 is not felt to be acceptable.

Second, our Rules Committee should look at subsection 23(2), which specifies that senators must be natural-born subjects of the Queen or persons naturalized by the Parliament of Canada after the Union. The wording is archaic, and if we were to follow the model of the Canada Elections Act, we could simply say a senator must be a Canadian citizen.

As well, the \$4,000 property qualification for senators, as stipulated in sections 23(3) and 23(4), is something our Rules Committee could examine carefully. In my view, it is vestigial. The language used is archaic and this qualification no longer serves its original purpose. The committee should consider whether these subsections could be changed to allow the \$4,000 property qualification to be deleted.

Moreover, honourable senators, subsection 23(6) contains provisions for Quebec that are quite distinctive, since they require that senators live in or own \$4,000 worth of property in one of the province's 24 senatorial districts. As it stands, this requirement is somewhat archaic, since it reflects the electoral

districts held by Canada East in the Legislative Council of Canada prior to Confederation. As well, it includes only the southern part of the province while completely ignoring the north. It might be removed or changed by virtue of the section 43 amending formula, which pertains to provisions relating to some but not all provinces, and it would only require resolution from Parliament and the National Assembly of Quebec.

Of course, any such change could only proceed at the request of Quebec and with its approval.

• (1450)

Another area we should look at modernizing is section 26, which allows the Queen to appoint four or eight extra senators to resolve deadlocks between the House of Commons and the Senate. This provision has only been used once, to break the deadlock over the GST in 1992, and it proved controversial. As well, it excludes Newfoundland and the territories from the process. It could be replaced by an entirely new provision dealing more constructively with deadlocks between the two chambers when they arise.

A new practice could involve greater use of conferences, joint sessions, extraordinary majorities or special voting procedures in the Senate. In fact, conference committees have provided a useful means of managing deadlock in other bicameral institutions, particularly those where the legislative power of both chambers is more or less equal. I am thinking particularly of the United States Congress, where most conference committees do reach agreement. Those committees have been called the third house of Congress and are seen as low-cost negotiations to achieve consensus on important legislation.

As we know, the Canadian Constitution does not provide an effective mechanism to break legislative deadlock. In the end, the House of Commons or the Senate, if they insist on amendments and refuse a request for a free conference — a procedure which is provided for in section 78 of the *Rules of the Senate* — the other chamber is left with the only option of rejecting the measure outright.

This possibility can be more fully discussed in committee. For instance, an amendment to the Constitution could be suggested to provide that if there is a disagreement on a public bill whereby either the Senate or the House insists on its amendments, a conference committee would be established and it would prepare a report to be either approved or rejected by both Houses.

As for section 27, which provides for the reduction of Senate seats following the appointment by the Queen of four or eight senators to break a deadlock between both Houses, it could be deleted if section 26 is amended as suggested.

Honourable senators, I believe it is also important for the Rules Committee to examine the provisions pertaining to the reasons for disqualifying senators, namely, section 31 of the Constitution Act, 1867. This section provides a list of reasons for which the place of a senator should be vacated or under which a senator should be removed from his or her seat. Its language is archaic, and I am sure that modernizing it would be appropriate at this time.

For example, we need better guidelines with respect to subsection 31, the vacating of a senator's seat if he or she fails to appear for two consecutive sessions. Section 33 of the Constitution Act, 1867 states that any question respecting the disqualification of a senator or vacancy in the Senate shall be heard and determined by the Senate. The Rules Committee might recommend that the Senate determine, from time to time, the attendance requirements necessary for a senator to retain his or her seat.

To emphasize the importance of fairness, an extraordinary majority of the Senate could be required to implement or change such a rule. I note, however, that this approach would require that attention be paid to section 36 of the Constitution, which specifies that questions arising in the Senate shall be decided by a majority vote.

Let me now turn to subsection 31(2), which, as I read it, essentially states that a senator's seat should be vacated if the senator becomes a dual citizen. It seems clear to me that if dual citizenship is allowed under the laws of Canada and does not interfere with membership in the other place, it should not disqualify someone from remaining a senator.

As for section 31(3), I am certain that most of you will agree that senators who become bankrupt should vacate their seats. This subsection also refers to a senator who "applies for the benefit of any law relating to insolvent debtors," and it is something our committee should look at carefully. Indeed, as W.H. McConnell noted in his *Commentary on the British North America Act*, this stipulation could have applied, for example, to a hypothetical senator from the Prairies in the 1930s seeking creditor relief under the Farmers' Creditors Arrangement Act. In any event, I am sure that the wording of this section can be modernized and thereby improved.

Another disqualification for senators specified in section 31(4) of the act concerns a senator "attainted of Treason or convicted of Felony or of any infamous Crime."

This section is due for review.

Senator Oliver: Are you sure?

Senator Stratton: Is there a particular reason?

Senator Hays: There are many reasons. The crime of treason is still in the Criminal Code, although it is very rarely invoked. The word has been contentious in Canadian history and its place in this section should be clarified. The concept of "felonies" and "misdemeanours" were replaced in the original Canadian Criminal code by "indictable offences" and "summary convictions." Generally speaking, in 1867 felonies were graver crimes, perhaps punishable by death, which resulted in the forfeiture of the perpetrator's lands and goods to the Crown. It would seem reasonable to replace the word "felony" with "indictable offence."

The concept of an infamous crime in subsection 31(4) is harder to translate into modern circumstances but, generally speaking, it is likely to be associated with a proven inability to hold the public trust. Crimes involving public fraud or corruption of public

justice or public administration tend to be classed as infamous crimes. If a senator violates the public trust, his or her seat should be vacated.

Determining the modern interpretation of these terms is a matter of expertise, and we should encourage our Rules Committee to look at this very carefully.

Among other matters, it would be necessary to determine if the word “convicted” referred to the first level of judicial authority or whether all appeals had to be exhausted and, if the latter, the status of the senator during that intervening period.

Let me mention that the Rules Committee has already done much good work in this area and continues to be engaged in that process.

Last on the list of disqualifications of senators is subsection 31(5). It requires a seat to be vacated if a senator no longer meets the property or residence qualifications. The residence qualifications cannot be changed except through the general amending formula, but it is interesting to note that section 31(5) refers to property or residence qualifications. The Rules Committee might consider whether something could be done about the outdated reference to property.

Honourable senators, those of us familiar with the history of this place know that electing our Speaker has long been a subject of discussion, and I note in passing the work done in this regard by Senator Oliver through various private member’s bills.

I also underline that in 1980, the Goldenberg-Lamontagne committee recommended that we elect our Speaker. Our former Speaker, Senator Molgat, also proposed a bill to elect the Speaker of the Senate in September of 1988. I note as well that, as you all know, as of July 4 of this year, the House of Lords has an elected Lord Speaker.

Accordingly, I believe that the Rules Committee should examine the possibility of amending section 34 to provide that our Speaker be in effect elected by the Senate. To ensure that the role of the Governor General is not affected, which would be outside the scope of a section 44 amendment, it might be best to state that the Governor General would continue to appoint the Speaker, but on recommendation from the Senate. This would remove the prime ministerial prerogative to appoint the Speaker of the Senate, but prerogatives can be overridden by a section 44 amendment. If deemed necessary, it might be subject to a reference to the Supreme Court.

The last section I will suggest the Rules Committee examine pertains to the language of the oath of office. At present, by virtue of section 128, senators must swear allegiance to the present King or Queen — our Queen — of the United Kingdom of Great Britain and Ireland, as discussed in schedule 5 of the Constitution Act. This section might well be modernized to allow senators to swear allegiance either to the Queen or to Canada or to both. I feel this would be in keeping with the evolution of our country and its institutions while fully respecting our origins and traditions.

Moreover, the Rules Committee would have to ensure that any such change not apply to other institutions mentioned in section 128, including the House of Commons.

• (1500)

[*Translation*]

Honourable senators, I will close by pointing out that, since its creation in 1867, the Senate of Canada has become a modern and functional legislative body. With Great Britain’s House of Lords, it remains one of the rare unelected second chambers; however, the Senate has adapted to change through various administrative reforms that have allowed it to better assume its legislative role and to defend the interests of Canadians more effectively.

Changes that have contributed to its modernization include the granting of research budgets and discretionary budgets to senators in the 1980s, major procedural changes in 1906 and in 1991, broadcasting of committee sessions and reforming Royal Assent.

[*English*]

However, even if the Senate has done considerable adapting over the years, streamlining its operations and giving itself the tools it needs to perform its legislative, investigative and representative functions more efficiently, I believe that further reform ought to be considered.

The changes I am suggesting our Rules Committee look into would, for the most part, involve constitutional amendment under section 44 of the Constitution, which allows Parliament to make amendment without provincial involvement. I believe such reform is feasible, since it is mainly within the exclusive power of Parliament. I will underline that two such amendments have been made in the past: in 1985, with respect to the Representation Act, and in 1999, with the creation of Nunavut.

Moreover, in my view, the time is ripe to address further section 44 amendments. The government has launched a reform initiative, and I think it behooves all senators to engage the subject with full confidence, in the knowledge that we have the experience, expertise and institutional memory to speak to it with unique and unrivalled authority.

Honourable senators, I hope you will join me in supporting the motion so that, together, we can show Canadians that we are committed to making the Senate of Canada the best institution it can possibly be; that we are resolved to continue building on the solid foundation of peace, order and good government bequeathed to us by the founding fathers.

This is the challenge before us, and I am confident that the Senate will do full justice to it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a question. I listened especially carefully to the last comments that the honourable senator made, that we in this chamber have the experience and wisdom — with which I agree; there is no group better prepared to do it — to look at the institution of the Senate and consider how to bring it into the 21st century. However, consider our recent experience with respect to the issue of eight-year Senate tenure. We have been dealing with a very simple thing and we were not able to handle it. We have had this subject before us since May 26. How can we even suggest that we could go to more complicated areas of Senate reform when we cannot even handle the subject of eight-year Senate tenure?

Senator Hays: Honourable senators, I am not sure that all senators agree about how simple it is to deal with the matter of tenure. I do not intend to comment. The report of the special committee in which I participated speaks to my views, but it was not a unanimous position taken by all senators. As time has passed, many senators — such as Senator Callbeck yesterday — have decided that they wish to speak and engage on this subject, and after carefully reading the committee's report and considering the evidence on which we relied, some senators have questions. I am not sure how this will all play out, but I do not think that the fact that we have engaged on that matter, or the Murray-Austin motion, should prevent us from looking at other matters. In fact, I tried to say in my speech that it should encourage us to take on more of these issues in terms of the modernization and reforms that we could make to the Constitution and to the basis of the function of the Senate, and thereby demonstrate to Canadians that we are interested in engaging in the subject and have some good ideas.

Senator Comeau: Honourable senators, it is quite the contrary. I think we have demonstrated that we may be too close to the issue and that we do not have the desire to deal with it as a chamber. I personally sat on the committee and I thought the work was great. We had a number of superb witnesses who gave us great advice, and we approached the subject seriously. The chair did a superb job. Initially, I was a little reluctant, but I found the chair to be eminently fair, and the manner with which he approached the subject I found to be highly valuable.

However, I think of the old expression, "The proof is in the pudding." It shows that we are not ready to do it. Eight-year tenure is a very simple matter, and it is amendable if need be. At least let us make a decision on it. We are still grappling with what is a minor element of Senate reform. In my view, it shows us that we are not ready, and I do not think the desire is there for us to do it.

Senator Hays: Honourable senators, I will take that as a comment and not a question, which is provided for under the rules, and comment back that Senate reform has not proven to be easy, as we know, in the Canadian context. The last initiative was undertaken by Prime Minister Mulroney and ended in 1992 after a referendum with no change regarding the Meech Lake Accord; and the Macdonald Commission, which was a royal commission that proposed changes to the Senate.

If we think about it, the only changes we have actually made were in 1965 and in 1982, one involving tenure and one involving the powers of the Senate on matters of constitutional change where the provinces are engaged.

Obviously, there are some senators who think that this is more complicated than Senator Comeau does.

Hon. Lowell Murray: Honourable senators, I wonder whether the Leader of the Opposition, as an officer of the house who is in close touch with the government, is in a position to comment on reports circulating presently to the effect that (a) a government bill providing for advisory elections to the Senate is now ready for tabling in the House of Commons; (b) that meanwhile, the Prime Minister has the intention of filling vacancies with a slew of Conservative appointees, each of whom, (c), would commit himself or herself to respect the hypothetical fixed terms; and (d) to seek election in the hypothetical elections to come.

Senator Tkachuk: I am sure Senator Hays has knowledge of those.

Senator Hays: Senator Murray speculates that I am close to the government, but it is not so, and probably happily not so. I am the Leader of the Opposition, after all.

The Prime Minister said, when he appeared before the committee, that this bill regarding advisory elections, as we have been calling them — maybe that term is incorrect; Senator Segal had an interesting term for it early in the debate, although now I have forgotten it — is due here, and it is still fall, although the cold weather in my home province would not lead us to believe that, and we have until December 21 before fall has ended. The Prime Minister said that the bill would be here in the fall. He hoped to have it before us at that time. I take him at his word, and I would not be at all surprised if we did receive the bill, but I do not have any special information in terms of filling Senate vacancies. I am of two minds. It is nice with these empty seats and office space, and so on, but the fact of the matter is that senators represent provinces. When senators are not in their seats representing those provinces, then Parliament is not functioning as it should. I am surprised that the Prime Minister has not been criticized more than he has been, for failing to fill those seats.

• (1510)

In terms of failing to fill the seats, I do not know that we should be complaining if they are filled. For Canadians to be well represented, I think their Senate should have full representation from all provinces.

On motion of Senator Tkachuk, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY LITERACY PROGRAMS

Hon. Wilbert J. Keon, for Senator Eggleton, pursuant to notice of November 28, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the future of literacy programs in Canada, the consolidation of federal funding and the role of literacy organizations in promoting education and employment skills in Canada.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know that Senator Keon is aware that on our side we are keenly interested in this topic. Nonetheless, I think it would be appropriate if he could give the house a small description of what will be involved in this study.

Senator Keon: Honourable senators, I would prefer to punt this to Senator Fairbairn, who knows so much more about this subject than I do. However, I can tell you that the general intent of the committee was to deal with the smaller subjects as quickly as we could. We then intend to embark on two major subjects in the New Year. This is one of the smaller subjects. I would think Senator Fairbairn is more qualified to speak on this than I am.

Senator Fraser: The honourable senator does not need to persuade me of the importance of examining literacy; I was thinking of the committee process. I gather from what you said that this will not be a massive study for the next 10 years and that we are not looking at vast travel budgets, and so on.

Senator Keon: I must admit that I did not discuss this in detail with Senator Eggleton, but we had discussed an overall plan at the committee. The overall plan was to deal with autism, to deal with Senator Carstairs' committee immediately, to deal with literacy this fall, and when we come back, to embark on two major studies.

Senator Fraser: I will take that as a full and adequate answer.

Senator Keon: Perhaps I should not discuss this at more length. I do not know what the travel budget would be. I do not think it will be extensive.

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I would like to ask the senator whether this committee currently has other studies on the table. Is it, at this time, examining other issues referred to it by the Senate?

[English]

Senator Keon: We intend to address these subjects, but no other subjects than the five I mentioned.

Senator Corbin: I am not sure the senator understood my question. Do you currently have other topics under study in the committee?

Senator Keon: I am not sure I understand your question, but there is a special committee of Senator Carstairs and there is a study on autism currently underway. This study will occur immediately following the completion of the study on autism. In the New Year, we will embark on a study of the cities under Senator Eggleton and a study on population health that will be a subcommittee of the committee chaired by myself.

Senator Corbin: I noticed that you do not have a reporting date with respect to this study. That ties in with some earlier comments. I am sure it is not open ended, but normally when you present a motion of this kind to the Senate you have attached to it a reporting date.

Senator Keon: I am afraid you are correct. I did want to move this along. I should have taken more time to discuss this with Senator Eggleton, but I am sure he would be happy to supply that information and I certainly will supply it to you next week.

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

It was moved by the Honourable Senator Keon that the Standing Senate Committee on Social Affairs, Science and Technology —

Hon. Senators: Dispense!

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

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk, pursuant to notice of November 28, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children, be empowered to extend the date of presenting its final report from December 31, 2006 to March 31, 2007 and that the Committee retain until June 30, 2007 all powers necessary to publicize its findings.

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

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

Motion agreed to.

COMMITTEE OF SELECTION

FIFTH REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 3:

The Senate proceeded to consideration of the Fifth Report of the Committee of Selection (*change of membership to the National Security and Defence Committee*), presented in the Senate on November 28, 2006.

Hon. Terry Stratton: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

The Senate adjourned until Tuesday, December 5, 2006, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

(indicates the status of a bill by showing the date on which each stage has been completed)
(1st Session, 39th Parliament)

Wednesday, November 29, 2006

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23		

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs					
C-25	An Act 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	06/11/21	06/11/28	Banking, Trade and Commerce					
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No. 2, 2006-2007</i>)	06/11/29							
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No. 3, 2006-2007</i>)	06/11/29							

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans					
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs					

CONTENTS

Wednesday, November 29, 2006

	PAGE		PAGE
SENATORS' STATEMENTS		Impact of Charter of Rights and Freedoms on Rights of Canadians and Prerogatives of Parliament	
Post-Secondary Education Infrastructure Trust Fund		Notice of Inquiry.	
Hon. Wilfred P. Moore	1365	Hon. Hugh Segal	1368
The Honourable Marcel Prud'homme		Study on Current State of Media Industries	
Happy Birthday.		Government Response to Transport and Communications Committee Report—Notice of Inquiry.	
Hon. Gerald J. Comeau	1365	Hon. Joan Fraser	1368
Hon. Joan Fraser	1365		
Hon. Marcel Prud'homme	1365		
International Day of Solidarity			
Hon. Marcel Prud'homme	1365		
John F. Kennedy Profile in Courage Award			
Proposal to Nominate The Honourable Michael Chong.			
Hon. Francis William Mahovlich	1366		
National Day of Remembrance and Action on Violence Against Women			
Seventeenth Anniversary of Tragedy at l'École Polytechnique.			
Hon. Lillian Eva Dyck	1366		
<hr/>		<hr/>	
ROUTINE PROCEEDINGS		QUESTION PERIOD	
President of the Treasury Board		Justice	
2006 Annual Report Tabled.		Guidelines for Federally Appointed Commissioners of Inquiry.	
Hon. Gerald J. Comeau	1366	Hon. Lowell Murray	1368
Study on Softwood Lumber Agreement		Hon. Marjory LeBreton	1368
Report of Foreign Affairs and International Trade Committee Tabled.		Veterans Affairs	
Hon. Hugh Segal	1366	Gagetown—Testing of Agent Orange and Agent Purple—Response to Reports.	
The Estimates, 2006-07		Hon. Norman K. Atkins	1369
Report of National Finance Committee on Supplementary Estimates (A) Presented.		Hon. Marjory LeBreton	1369
Hon. Joseph A. Day	1367		
Interim Report of National Finance Committee on Main Estimates Presented			
Hon. Joseph A. Day	1367		
Appropriation Bill No. 2, 2006-07 (Bill C-38)			
First Reading	1367		
Appropriation Bill No. 3, 2006-07 (Bill C-39)			
First Reading	1367		
Canadian NATO Parliamentary Association			
Visit to Afghanistan by Political and Defence and Security Committees, May 17-21, 2006—Report Tabled.			
Hon. Jane Cordy	1367		
Commonwealth Parliamentary Association			
Study Group on Benchmarks for Democratic Legislatures, October 30-November 3, 2006—Report Tabled.			
Hon. Jane Cordy	1368		
Pre-Conference Visit to the CPA Headquarters, August 28-September 2, 2006 and Association Conference, September 1-10, 2006—Reports Tabled.			
Hon. A. Raynell Andreychuk	1368		
Foreign Affairs and International Trade			
Notice of Motion to Authorize Committee to Study Effectiveness of Canada's Promotion of Democratic Development Abroad.			
Hon. Hugh Segal	1368		
		ORDERS OF THE DAY	
		Business of the Senate	
		Hon. Gerald J. Comeau	1369
		Legal and Constitutional Affairs	
		Committee Authorized to Meet During Sitzings of the Senate.	
		Hon. Gerald J. Comeau	1369
		Adjournment	
		Hon. Gerald J. Comeau	1369
		Fisheries and Oceans	
		Budget—Study on Issues Relating to New and Evolving Policy Framework for Managing Fisheries and Oceans—Report of Committee Adopted	
		Hon. Joan Fraser	1370
		Hon. Terry Stratton	1370
		Hon. Francis Fox	1370
		Study on Present State and Future of Agriculture and Forestry	
		Interim Report of Agriculture and Forestry Committee—Debate Continued.	
		Hon. Robert W. Peterson	1370
		State of Literacy	
		Inquiry—Debate Continued.	
		Hon. Robert W. Peterson	1371
		Canada-Europe Parliamentary Association	
		Organization for Security and Co-operation in Europe—International Referendum Observation Mission, May 21, 2006—Report Tabled.	
		Hon. Consiglio Di Nino	1372
		Organization for Security and Co-operation in Europe—Expanded Bureau Meeting, April 24, 2006—Report Tabled.	
		Hon. Consiglio Di Nino	1372

	PAGE
Immigration Policy	
Inquiry—Debate Continued.	
Hon. Catherine S. Callbeck	1372
Rules, Procedures and the Rights of Parliament	
Motion to Refer Issue of Developing Systematic Process for Application of Charter of Rights and Freedoms to the Senate— Debate Adjourned.	
Hon. A. Raynell Andreychuk	1374
Motion to Authorize Committee to Study Provisions of the Constitution Act, 1867 Relating to Senate.	
Hon. Daniel Hays	1375
Hon. Gerald J. Comeau	1377
Hon. Lowell Murray	1378

	PAGE
Social Affairs, Science and Technology	
Committee Authorized to Study Literacy Programs.	
Hon. Wilbert J. Keon	1378
Hon. Joan Fraser	1378
Hon. Eymard G. Corbin	1379
Human Rights	
Committee Authorized to Extend Date of Final Report on Study of International Obligations Regarding Children’s Rights and Freedoms.	
Hon. A. Raynell Andreychuk	1379
Committee of Selection	
Fifth Report of Committee Adopted.	
Hon. Terry Stratton	1379
Progress of Legislation	i



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