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(HANSARD)

**Thursday, December 7, 2006**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, December 7, 2006

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

Prayers.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before calling Senators' Statements, I wish to draw your attention to the presence in the gallery of one of our partners in the Hydrogen on the Hill project launched here today in the Senate, Mr. Bill Osborne, President and CEO of Ford Motor Company of Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

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

## SENATORS' STATEMENTS

### POLITICS AND RELIGION

**Hon. Jack Austin:** Honourable senators, I want to bring to your attention what may be a remarkable turning point in the long morality wars we have witnessed in the United States.

• (1335)

Rick Warren is one of their most popular evangelical pastors; and to the surprise of his followers at the Saddleback Valley Community Church in Orange County, Southern California, he invited Senator Barack Obama, Democrat for Illinois, to address his congregation on the AIDS crisis.

To begin with, a part of the surprise is that people who identify themselves as members of the Christian Coalition have also been seen as a right wing Republican preserve. President Bush carried the evangelical vote in 2004 by a ratio of four to one. Many politically active evangelical leaders have insisted that the morally weighted social issues — same-sex marriage, abortion and stem cell research — takes priority over all other issues.

About Pastor Rick, as he is called, his book *The Purpose-Driven Life* has sold over 10 million copies. One of its key messages is that harnessing religious faith too closely to electoral politics is bad for religion.

Last Friday was World AIDS Day. Senator Obama is pro-choice, which is argued by the Christian Coalition to be the antithesis of biblical ethics and morality. His message to the Saddleback congregation was:

Abstinence and fidelity, although the ideal, may not always be the reality. We are dealing with flesh and blood men and women, and not abstractions. If condoms and

microbicides can prevent millions of deaths, then they should be made more widely available. I don't accept the notion that those who make mistakes in their lives should be given an effective death sentence.

In response to his critics, Pastor Rick Warren said:

I am a pastor, not a politician. People always say, "Rick, are you right wing or left wing?" I say, "I'm for the whole bird."

The news report said that both Senator Obama and Pastor Rick received standing ovations from that congregation.

Given the issue before the other place this afternoon, I thought this would be a timely lesson in real morality.

## THE SENATE

### WORLD'S FIRST BUS WITH HYDROGEN DRIVEN INTERNAL COMBUSTION ENGINE

**Hon. Tommy Banks:** Honourable senators may have noticed at the front of the building today a bus, which, as the Speaker pointed out to us earlier, contains the first hydrogen-driven internal combustion engine anywhere in the world — and it is a Senate bus.

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

**Senator Stratton:** It runs on hot air.

**Senator Banks:** Nothing could be more efficient than harnessing the hot air in this place and driving a bus with it, because we certainly have enough of it.

As His Honour has already introduced Mr. William Osborne to us, I can refer to him and to the many other partners, along with the Ford Motor Company, and of course, Natural Resources Canada and Industry Canada, with their alternative fuel initiatives.

I want to call to honourable senators' attention the fact that the Senate is at the front of the line on this initiative. The Senate has been happily involved in bringing in this initiative, by which we set a good example, we hope, for others to follow.

Of all the people who have been involved in this, all the drivers and shakers, on a scale of 1 to 10, a lot of them were at eight, eight and a half, nine and even nine and a half. However, the 10 from the Senate side was our own Serge Gourgue, Director General, Parliamentary Precinct Services. He needs to be honoured by us for the effort that he put into bringing this project to fruition.

I wanted to put on the record the gratitude of this chamber to Mr. Gourgue for his initiative to assist us in taking part in this wonderful venture.

## LIBERAL PARTY OF CANADA CONVENTION

**Hon. Vivienne Poy:** Honourable senators, I had the privilege this past weekend of attending a most exciting political convention in Montreal, and joining with members of the Liberal Party from across Canada to elect a new leader and to determine the policies that will guide the party into the future.

I would like to think that we emerged from this convention a stronger and more united party.

One way in which we are stronger is in electing our new leader, the Honourable Stéphane Dion, who brings with him a wealth of experience, a principled and passionate approach to politics and a commitment to Canada and to the renewal of the Liberal Party.

• (1340)

Like many of those who supported Dr. Dion, I supported him, not because I was sure he would win the leadership, but because I believe he is the best person to lead our party. I am so glad that so many delegates, upon meeting him personally, also became convinced that he represents the future of the Liberal Party of Canada. While he is widely known for his formidable intellect, I believe it was his personal conviction that won so many over during the convention.

Dr. Dion has spoken about bringing together economics, social justice and the environment. He stresses that sustainable development is the only hope for future generations, both nationally and globally. He is a defender of equal rights as enshrined in our Charter and recognizes that it is the Charter that unites us as Canadians.

Honourable senators, please join me in congratulating Dr. Dion and in wishing him great success as he assumes the leadership of the Liberal Party.

## PARLIAMENTARY POET LAUREATE

### CONGRATULATIONS TO JOHN STEFFLER

**Hon. Bill Rompkey:** Honourable senators —

And now our country's state poet  
Comes from off the Rock  
John Steffler is our Laureate  
His mission: to praise and mock.

He joins Rick Mercer, Mary Walsh  
Whose turns of phrase have punch and pith  
Our John's a poet/novelist  
A nationally renowned wordsmith.

He does regret his annual award  
Is not a barrel of sherry  
But the 13,000 for an "undefined job"  
Will help to keep him merry.

He'll find the rhymes to suit the times  
Without resorting to theft  
But I will bet you here and now

He cannot find a rhyme for Ignatieff.  
All hail John Steffler  
Our new Poet Laureate.

[Translation]

## HERITAGE

### CANADA POST—POSTAL SUBSIDIES FOR PUBLICATIONS

**Hon. Maria Chaput:** Honourable senators, the Canada Post Corporation is planning to cut its yearly \$15 million contribution to Heritage Canada's Publications Assistance Program as of April 2007. The Publications Assistance Program will therefore lose a quarter of its funding.

*La Liberté* is Manitoba's only French-language weekly. It is the only newspaper that reaches the official language minority, addresses issues that the minority cares about and reflects its daily experience. *La Liberté* has no choice but to use Canada Post for its delivery service because francophone readers in Manitoba are widely dispersed.

Cuts to this program mean an additional expenses of \$25,000 per year for the paper. Furthermore, a dozen newspapers belonging to the Association de la presse francophone across Canada will be hard hit by this decision.

This program must remain in place because it supports what is, in many cases, the only French-language publication read by francophones in minority language communities, especially when they live in isolated areas.

## ROUTINE PROCEEDINGS

### GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT

2003-04 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 2003-04 Annual Report of the Implementation Committee for the Gwich'in Comprehensive Land Claim Agreement.

[English]

## FEDERAL ACCOUNTABILITY BILL

### MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND FOR NON-INSISTENCE UPON SENATE AMENDMENTS—REPORT OF COMMITTEE

**Hon. Donald H. Oliver,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### EIGHTH REPORT

Your Committee, to which was referred the motion of the Honourable Senator LeBreton, P.C., dated November 22, 2006, and the message from the House of Commons, dated November 21, 2006, relating to amendments to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, has, in obedience to the Order of Reference of Thursday, November 23, 2006, examined the said motion and message, heard witnesses, and now reports as follows.

Your Committee recommends:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98 and 153 to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability;

That the Senate do not insist on its amendments 4 to 12, 14, 15, 18 to 20, 22 to 24, 28, 30, 31, 68, 69, 71, 80, 83, 85, 88 to 90, 92, 96, 100 to 102, 107 to 110, 113, 115, 116, 118 to 121, 123, 128 to 134, 136 to 143, 145, 147 to 151, 154, 155 and 157 to which the House of Commons has disagreed;

That the Senate do insist on its amendment 2 because it must be clearly recognized that the two Houses of Parliament are not public sector entities in the same way as are federal departments and agencies, which are in fact bodies responsible to Canadians through Parliament; and that the Senate do insist on amendments 25, 34 to 54, 55(a) to (d), 55(e)(ii) to (viii), 56 to 62, 65 and 94, since these amendments, which deal with the Senate Ethics Officer, are of significant importance to the status and privileges of the Senate of Canada as a constitutionally separate and independent House of Parliament, and reflect the practice of other Westminster based parliamentary democracies.

That a Message be sent to the House of Commons to acquaint that House accordingly and seek their concurrence.

Respectfully submitted,

DONALD H. OLIVER  
*Chair*

• (1345)

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

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

### HUMAN RIGHTS

#### BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE PRESENTED

**Hon. Sharon Carstairs,** Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Human Rights has the honour to present its

### SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, respectfully requests that it be empowered to travel outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS  
*Deputy Chair*

(For text of budget, see today's Journals of the Senate, Appendix A, p. 909.)

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

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

### AGING

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES— REPORT OF SPECIAL COMMITTEE PRESENTED

**Hon. Sharon Carstairs,** Chair of the Special Senate Committee on Aging, presented the following report:

Thursday, December 7, 2006

The Special Senate Committee on Aging has the honour to present its

### FIRST REPORT

Your Committee, which was authorized by the Senate on Tuesday November 7, 2006, to examine and report upon the implications of an aging society in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS, P.C.  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix B, p. 915.)

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

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

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON MATTERS RELATING TO MANDATE— REPORT OF COMMITTEE PRESENTED

**Hon. Tommy Banks,** Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

#### THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, April 26, 2006, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to travel outside Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix C, p. 921.)

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

**Senator Banks:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

By way of explanation for my request for that leave, approval of this report is required so that a delegation of senators can travel to London, accompanying the Commissioner of the Environment and Sustainable Development, to meet with British parliamentarians on matters of concern to them. The senators are leaving tomorrow.

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

**Hon. Senators:** Agreed.

**Hon. Terry Stratton:** It would be appropriate when the question is called later this day to ask my questions at that time.

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

**Hon. Senators:** Agreed.

**Hon. Willie Adams:** Honourable senators, I have information that the senators to go to London, England, were chosen by the committee sometime this morning.

• (1350)

My information is that the two senators who were chosen are not even members of the committee. I do not know why that information was not put on the table today.

**The Hon. the Speaker:** I thank the honourable senator for his intervention. When we get to the debate on the motion, we look forward to further input.

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

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### NINTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey,** Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, December 7, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

#### NINTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2006-07.

**Foreign Affairs and International Trade (Legislation)**

[Translation]

Professional and Other Services	\$ 3,000
Transport and Communications	\$ 750
Other Expenditures	\$ 750
<b>Total</b>	<b>\$ 4,500</b>

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

**NATIONAL SECURITY AND DEFENCE**

BUDGET—STUDY ON NATIONAL SECURITY  
POLICY—REPORT OF COMMITTEE PRESENTED

**Hon. Colin Kenny,** Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 7, 2006

The Standing Senate Committee on National Security and Defence has the honour to present its

**SIXTH REPORT**

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests the approval of supplementary funds for fiscal year 2006-2007.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix D, p. 927.)

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

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

**INFORMATION COMMISSIONER**

NOTICE OF MOTION TO RECEIVE APPOINTEE  
ROBERT MARLEAU IN COMMITTEE OF THE WHOLE

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

That the Senate do resolve itself into a Committee of the Whole on Tuesday, December 12, 2006, at 8 p.m., in order to receive Mr. Robert Marleau respecting his appointment as Information Commissioner;

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings; and

That photographers be authorized in the Senate Chamber to photograph the witness before the commencement of the testimony, with the least possible disruption of the proceedings.

[English]

**CANADA-CHINA LEGISLATIVE ASSOCIATION**

GENERAL ASSEMBLY OF THE ASEAN  
INTER-PARLIAMENTARY ORGANIZATION,  
SEPTEMBER 10-15, 2006—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association respecting its participation at the Twenty-seventh Annual General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO) held in Cebu City, Philippines, from September 10 to 15, 2006.

• (1355)

[Translation]

**CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

EXECUTIVE COMMITTEE MEETING  
OF INTER-PARLIAMENTARIANS FOR SOCIAL  
SERVICE, AUGUST 23-25, 2006—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian delegation of the Canada-Japan Inter-Parliamentary Group respecting its participation in the third executive committee meeting of Inter-Parliamentarians for Social Services Forum held in Jeju, Korea, from August 23 to 25, 2006.

ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE  
ON ENVIRONMENT AND DEVELOPMENT,  
SEPTEMBER 1-3, 2006—REPORT TABLED

**Hon. Marie-P. Poulin:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian delegation of the Canada-Japan Inter-Parliamentary Group respecting its participation in the first Asia-Pacific Parliamentarians Conference on Environment and Development, held in Seoul, Korea, from September 1 to 3, 2006.

[English]

ANTI-TERRORISM ACT

NOTICE OF MOTION TO AUTHORIZE  
SPECIAL COMMITTEE TO EXTEND DATE  
OF FINAL REPORT AND TO MEET DURING  
ADJOURNMENT OF THE SENATE

**Hon. David P. Smith:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, and on Wednesday, September 27, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from December 22, 2006, to March 31, 2007; and

That the Committee be empowered, in accordance with rule 95(3), to meet on weekdays in January 2007, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

YOUNG VOLUNTEERS

PRESENTATION OF PETITIONS

**Hon. Jean-Claude Rivest:** Honourable senators, I have the honour to present a petition from more than 11,000 petitioners across Canada concerning youth volunteer programs for volunteering both within Canada and abroad.

[English]

**Hon. Catherine S. Callbeck:** Honourable senators, I have the honour to present a petition signed by more than 2,000 young Canadians from my home province of Prince Edward Island and across Canada who are calling on Parliament to enact legislation or take measures that will allow all young Canadians who wish to do so to serve in communities as volunteers at the national or international levels.

**Hon. Rod A.A. Zimmer:** Honourable senators, I have the honour to present a petition from the residents of Canada concerning the inability of many competent young Canadians to serve as volunteers in Canada and abroad due to inadequate funding and support for non-governmental organizations that facilitate such work.

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—PROPOSAL TO MAKE  
ORGANIZATION SUBJECT TO ACCESS  
TO INFORMATION

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, I again have a question directed to the Leader of the Government in the Senate concerning the Canadian Wheat Board,

As she knows, when we were dealing with Bill C-2 earlier, and as recently as Tuesday of this week in the Standing Senate Committee on Legal and Constitutional Affairs, the question of access to information encroaching on or compromising the competitiveness of the Canadian Wheat Board was raised. Members on this side proposed an amendment to exempt the Canadian Wheat Board from access to information legislation. However, that information is not material to the matter that will be before us later today.

One of the relevant matters may be testimony from Mr. Alan Leadbeater, Deputy Information Commissioner. In his testimony before the committee when asked about this same matter he said:

I remind you that it is not because we think sensitive information held by the Wheat Board should be disclosed, and it would not be. There are vibrant exemptions in the statute that protect that disclosure. We have fish marketing boards and port authorities that are already covered.

• (1400)

My question to the Leader of the Government in the Senate is this: Is that the government's position? Many people are concerned that the government's actions may not be in the best interests of the Canadian Wheat Board in that they may undermine its competitiveness.

The government leader has said that that is not the intention of the government. Can the government leader confirm the government's position? Would the government do what is necessary to ensure that the Canadian Wheat Board will not be required to release information affecting its competitive position in international markets?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I wish to thank Senator Hays for that question.

The testimony of Mr. Leadbeater, the Deputy Information Commissioner, indicated that he supported the government's intention to include the Canadian Wheat Board under the Access to Information Act. Next week, we will go into Committee of the Whole regarding the nominated Information Commissioner.

Honourable senators, I do not think the government can make the commitment Senator Hays has asked for. If there were a request for information from the government, it would be up to the Information Commissioner to decide whether and what to release. It is not something the government would interfere with.



**Senator Hays:** Honourable senators, the leader's answer underlines why I share the concern of the board. The board is on its own, if the government will not monitor access to information requests and their effect on the board's competitiveness. The Canadian Wheat Board serves farmers who market their grain through the single-desk selling system.

If it turns out that Mr. Leadbeater is wrong in terms of understanding his role, that there are exemptions in the statute to protect the Canadian Wheat Board from the release of sensitive information, will the government note that and take steps to bring forward a legislative or regulatory sponsor to ensure that the Canadian Wheat Board has the protection the board and Mr. Leadbeater think it has? If not, Canada's farmers will suffer.

**Senator LeBreton:** If any member of the previous or current government were to give direction to the Information Commissioner, there would be protest from the opposition.

If an individual files a request for information from the Canadian Wheat Board, or any organization, it is up to the Office of the Information Commissioner to determine what information is accessible. I do not think anyone would ever suggest that any government give direction to any of these officers of Parliament in conducting their affairs.

• (1405)

**Senator Hays:** The thrust of my question is not to suggest that the government interfere in the Office of the Information Commissioner or with any of its officers, but rather that the government take note of any difference with what has been held out to be the case, namely, that there are "vibrant exemptions in the statute" to protect the Wheat Board from having to release information. If in fact that turns out not to be the case, I am sure that the board will bring it forward, as will those of us on this side, because it will be in the *Western Producer*, and so on, and we will all know about it. If it turns out to be the case that those protections are not there, I am asking that the government monitor the situation and, if circumstances do not turn out to be as we think they are based on Mr. Leadbeater's testimony, that the government take action, not by interfering in the Office of the Information Commissioner, but by bringing forward legislation acknowledging that something needs to be done to ensure that the Wheat Board will not be undermined. If the Wheat Board loses its competitive advantage, the people who pay will be the producers who will receive less for their commodity.

I am looking for the government's vigilance in this matter, not for it to interfere in the work of the Office of the Information Commissioner.

**Senator LeBreton:** Honourable senators, that is a difficult question, almost a hypothetical one. The Leader of the Opposition is anticipating something that may or may not happen. I cannot really answer that question other than to commit that I will express his concerns to the Minister of Agriculture.

Again, we are talking about a hypothetical situation here, and it is impossible for me to properly respond to a hypothetical question. However, I will, by way of the transcripts of today's debates, inform my colleague the Minister of Agriculture of these concerns.

## PUBLIC SAFETY

### ROYAL CANADIAN MOUNTED POLICE— SEARCH FOR NEW COMMISSIONER

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I have a question for the Leader of the Government in the Senate. The minister was good enough yesterday to inform us in a timely manner of the resignation of the Commissioner of the RCMP, which is, as I suggested yesterday, a serious matter. It now will be extremely important that Canadians' faith in the RCMP and its integrity, in all possible senses of that word, and its competence be reinforced. It also will be important that the force's own faith in itself — that is, its morale — be strengthened at what must be a time of great difficulty for many members of the force.

Honourable senators, it will be very important to get exactly the right new commissioner. Can the leader give us an assurance, although we all understand that it will be important not to delay the nomination of the new commissioner unduly, that the search will be thorough, wide ranging, and will include both — and this is important — internal and external candidates so that, at the end of the process, Canadians will feel confident that the best possible candidate has been found?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I thank the Honourable Senator Fraser for that question. I share her concern about the public's confidence in the RCMP. I am from a era when the RCMP was one of the symbols of our country. I was raised in a manner such that I always admired the RCMP.

With regard to the resignation of Commissioner Zaccardelli and the efforts to eventually replace him, all I can say is that the government has been receiving advice, such as my honourable friend has just given, to look not only within, but also beyond the ranks of the RCMP. I am certain that at this moment Public Safety Minister Stockwell Day is taking into account all the good advice he is receiving on finding a replacement for the commissioner who will have the confidence of Canadians from coast to coast to coast.

• (1410)

**Senator Fraser:** I have a supplementary question for the leader.

I mentioned the need to restore the confidence of the public and members of the force. A third group whose confidence needs to be addressed, probably even more than would usually be the case, is Parliament.

Can the minister give us an assurance that before a nomination is made final, Parliament will have a chance to scrutinize the nominee, meet with the nominee and put questions to the nominee?

**Senator LeBreton:** Honourable senators, I cannot answer that question. In the normal process of events, historically, nominees to this position have not come before Parliament for questioning. There are facilities within Parliament to question the Commissioner of the RCMP — witness the committees on the other side — and certainly we have the same capacity on this side.

However, I cannot make that commitment. The appearance before Parliament would be unusual. In any event, I am confident that Minister Day will be prudent and careful in his deliberations. I am certain that the person chosen to be the new Commissioner of the RCMP will have the confidence of not only the public, parliamentarians and the people in the RCMP, but also Minister Day, who will want to ensure that confidence exists in his own mind.

**Hon. Jack Austin:** I have a supplementary question, honourable senators.

Given that the Minister of Justice seeks to have police advice on the judicial advisory committees with respect to the appointment of judges, I wonder whether turnabout would not be fair play and that the judges would be consulted with respect to the appointment of the Commissioner of the RCMP?

**Senator LeBreton:** Honourable senators, in answer to the Honourable Senator Austin with regard to the selection of the Commissioner of the RCMP, Senator Austin is a Privy Councillor and, having been part of a cabinet, he knows the procedure that is followed in connection with naming the Commissioner of the RCMP.

With regard to the proposal — and it is only a proposal at the moment — by Minister Toews to broaden the scope of the advisory committees for the selection of judges, this proposal is simply an opportunity for law enforcement representatives to participate in the process. In no way will it undermine the process of choosing our judges, which has produced some good appointees. I am familiar with the process, as I have said in the past, but I would not be offended if people other than lawyers and judicial people in the various provinces were consulted. I would not mind at all having an extra body on the advisory committees to help put forward names for judicial appointments.

With regard to the RCMP commissioner, I will not respond in kind to Senator Austin's question, because I think it was rather tongue-in-cheek.

• (1415)

## JUSTICE

### JUDICIAL APPOINTMENTS—PROPOSAL TO PLACE POLICE REPRESENTATIVES ON SELECTION COMMITTEES

**Hon. Jack Austin:** I have a further supplementary question. I do want to differ with the leader on the question of the composition of the judicial advisory committees. As the government leader says, I was a member of cabinet, and I had some experience with the system of consultation with respect to the appointment of judges. The existing system, when I was in the last government, provided for wide consultation, and there was no control of those committees by any particular faction.

Minister Fortier says “except by the Liberal Party.” Actually, the committee was composed of a designate from the Attorney General of a province, someone designated by the Chief Justice of a province, two lay people and someone from the law society of the province in question. Therefore, most members, the majority, of the judicial advisory committees in our time were not appointed by the Liberal Minister of Justice. Of course, the

cabinet had the ultimate decision of appointment, and that should be as it is because the political responsibility should be with the cabinet.

Has the Leader of the Government in the Senate taken into account the reaction of the Chief Justice of Canada and other judges, the entire judicial council of all Chief Justices of Canada, regarding their concern with respect to the addition of representatives of the police forces of Canada on judicial advisory committees?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for his question. I am familiar with the setup of judicial advisory committees, because they were established under a Conservative government.

**Senator Segal:** Hear, hear!

**Senator LeBreton:** The advisory committees were made up of the Attorney General of the province in question and someone from the law society of the province in question, but they were all people of the legal community. There were no lay people.

**Senator Austin:** Yes, there were.

**Senator Carstairs:** That is not true.

**Senator LeBreton:** I am sorry, you are correct.

The Minister of Justice took recommendations from those lists. With respect to having an individual who is not part of the legal community on the committee, Senator Milne asked the other day whether prostitutes could be on this list as well, which was a rather facetious question. Many people in the public feel that other voices are needed in the selection of judges. If you use the logic that only people who are knowledgeable about legal matters should be part of the group that decides, and no one else — and Senator Milne used the argument that all these other interest groups should not be involved as well — then defence lawyers and Crown attorneys should not be part of the process.

Adding a police representative to committees in the various jurisdictions does not in any way compromise the selection process; rather, it strengthens the process. In no way will the addition of a police representative undermine the ability of the government to appoint qualified people to serve in our judicial positions.

[Translation]

## INTERGOVERNMENTAL AFFAIRS

### FEDERAL PROGRAMS—OPTION OF PROVINCES TO DECLINE INVOLVEMENT

**Hon. Francis Fox:** Honourable senators, my question is for the Leader of the Government in the Senate. I would like to have a better understanding of the philosophy of the new government.

In recent months, the government has indicated on several occasions that it intends to scrupulously respect the division of powers set out in the Constitution. In fact, it used this argument to justify cuts to certain programs.

Can the Leader of the Government in the Senate tell us whether the government intends to formalize this approach through

[ Senator LeBreton ]

legislation or some other means, in order to limit the federal government's spending authority, or to pass legislation to contain that authority itself by allowing the provinces to opt out of any new federal programs in areas of exclusive provincial jurisdiction, with full compensation?

• (1420)

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I will take that question as notice. The whole question of provincial rights and jurisdiction is one that the Prime Minister campaigned on: issues such as fiscal imbalance and recognizing certain unique characteristics of the different jurisdictions, UNESCO being a case in point for Quebec.

In terms of the details of the honourable senator's question, Minister Flaherty has met with the various ministers of finance. Minister Chong and now Minister Van Loan have been working on the federal-provincial side. I will attempt, as much as I can prior to the development of the budget to give the honourable senator at least some broad direction of where the government is going in this particular area.

[Translation]

**Senator Fox:** How does the government intend to formalize this approach? As the minister is aware, millions of Canadians are currently taking advantage of highly progressive social programs that the federal government brought in by exercising its spending authority in areas of provincial jurisdiction, but often with the provinces' agreement.

Can the minister at least tell us whether, in her discussions with her colleagues, she would endorse the position of an eminent Prime Minister of Canada who, on the occasion of the Meech Lake Accord, said that, if any province opted out, that province would first have to put in place a measure compatible with the national objectives?

In Canada, for example, people in several provinces do not have catastrophic drug coverage. It would likely take action by the federal government to implement such a program. However, if the current government persists in thinking that it has to respect provincial jurisdictions, some Canadians will never have the opportunity to take advantage of the catastrophic drug coverage in place in Quebec, for example. This is an especially important issue for the provinces in Eastern Canada.

[English]

**Senator LeBreton:** There have been many examples in the past of the federal government opting out and respecting provincial jurisdictions in certain areas. The most glaring one was under the government of Lester Pearson: the Quebec Pension Plan versus the Canada Pension Plan. These areas are all negotiated at the federal-provincial level.

The honourable senator raised the issue of catastrophic drugs and our health care system. There is no question that the committee of which Senator Kirby was chair and I was deputy

chair spent some time on this matter and came up with a formula on catastrophic drugs. Then Mr. Romanow, with his study that was much more expensive than the Senate study, did a "me, too," and had a reference to catastrophic drugs put in his report.

In the case of health care, the federal government supports the five principles of the Canada Health Act. As we know, the delivery of the system varies from one jurisdiction to another in terms of what some provinces cover. This issue is all a matter of thought for the provincial and territorial ministers of health when they meet next week with Minister Clement.

As I said in my earlier answer, if I am able to provide a broad definition of the area that the honourable senator questioned me about, I will be happy to do so.

• (1425)

## PUBLIC SAFETY

### ROYAL CANADIAN MOUNTED POLICE— SEARCH FOR NEW COMMISSIONER

**Hon. Marcel Prud'homme:** Honourable Senator Fox, my old friend, was quick on his feet to ask a question of the minister. I thought he was asking a supplementary question about the search for a new RCMP Commissioner. I did not agree with the questioning by Senator Austin. My question to the Leader of the Government in the Senate will be in the form of a proposal.

Last night I listened to the House of Commons until after midnight. I was shocked to hear some of the views in the House of Commons last night. I encourage you all to listen to the speeches made last night. If you do not become sick, come and tell me.

Having said that, I would make a proposal along the same line as I did for the accountability bill when we talked about protecting the rights of the Senate. Would it not be wise for the Prime Minister, in the process of consultation to appoint the next Commissioner of the RCMP, to have a talk, a conversation — not a directive — with all the ex-solicitors general who dealt with the RCMP? I tell you seriously; commissioners often lie through the eyes of solicitors general, both Conservative and Liberal. One of those solicitors generals is here and he can challenge me. I have experienced that in my 43 years as a politician.

Would it not be wise to ask the Prime Minister — not to "consult", I do not like that word — to have an exchange of views with Senator Fox, former Senator Kelleher and many others who have had the experience of dealing with the RCMP every day.

**Senator Oliver:** Elmer MacKay.

**Senator Dawson:** Warren Allmand.

**Hon. Marjory LeBreton (Leader of the Government):** That is an excellent suggestion.

**Senator Romkey:** Perrin Beatty.

**Senator LeBreton:** I do not know whether the Prime Minister will follow the suggestion, but it is an excellent one, and I will be happy to follow up on that.

## HERITAGE

### LOCATION OF NATIONAL PORTRAIT GALLERY

**Hon. Jim Munson:** Honourable senators, I have a question for the Leader of the Government in the Senate.

It has been widely reported that the government is considering moving the National Portrait Gallery to Calgary. Can the minister confirm that this change is contemplated? If so, can she tell us why? Is it part of the government policy to take national institutions out of the nation's capital —

**Senator Tkachuk:** It is part of Canada.

**Senator Munson:** Or is it only a “one-off” to please the Prime Minister's constituents?

**Senator Rompkey:** Or Jason Kenney?

**Hon. Marjory LeBreton (Leader of the Government):** Senator Fortier joked it was going into Vaudreuil.

Honourable senators, at the moment, there is nothing to move. The National Portrait Gallery is not a unit that can be moved because it has not yet been built or formulated.

**Senator Rompkey:** Shame!

**Senator LeBreton:** This move is all speculation in the media. At this point in time, it is speculation only, and we will stay tuned.

**Senator Munson:** I will “stay tuned.”

Along the lines of speculation, can the Leader of the Government comment on the idea that the gallery may be in the head office of the EnCana corporation? Does the government think it is appropriate to put major national institutions of this importance into corporate head offices?

**Senator LeBreton:** I heard about the speculation in the *Ottawa Citizen*, compliments of Marion Dewar's son, Paul Dewar. I had not seen speculation of it being in Calgary. I had not seen speculation about where it would be located.

I will say again, Senator Munson, I will not respond to speculation and I will be happy to answer questions if and when a decision is made on the National Portrait Gallery.

**Senator Fraser:** After? That is too late.

**Senator Munson:** The Leader of the Government in the Senate said “if and when.”

**Senator LeBreton:** If and when a decision is made.

**Senator Munson:** I assume a decision would have to be made. Can she tell us when the decision might be made?

• (1430)

**Senator LeBreton:** I said “if and when a decision is made.” I do not know what the decision may be; nor do I know where the gallery will be located if, in fact, there is one. All I can say is that I will be happy to answer the honourable senator's question when I have further information.

**Senator Austin:** Ask the Minister of Public Works.

**Senator Fortier:** You missed your chance.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting, in both official languages, delayed answers to the oral questions raised by the Honourable Senator Hays on November 7, 2006, regarding the beef importation quota, issuance of supplemental permits, and by the Honourable Senator Carstairs on November 21, 2006, regarding the program cuts to the Secretariat on Palliative and End-of-Life Care.

## AGRICULTURE AND AGRI-FOOD

### BEEF IMPORTATION QUOTA— ISSUANCE OF SUPPLEMENTAL PERMITS

*(Response to question raised by Hon. Daniel Hays on November 7, 2006)*

The Government is following the developments on the re-opening of the U.S. market to cattle over 30 months very closely. We agree that once the border is re-opened and the market normalizes, the Government, in consultation with the beef industry, will need to review the supplementary import policy.

Import permits for beef are issued by the Export and Import Controls Bureau in the Department of Foreign Affairs and International Trade (DFAIT). On April 26, 2004, a supplementary import policy for beef and veal was announced by the Government of Canada in order to support domestic beef and veal producers facing the challenges and uncertainty brought on by BSE. This policy was intended to deal with exceptional circumstances where neither the needed product nor a close substitute was available in Canada at a competitive price. It was also consistent with the recommendations made by the Ad Hoc Beef Industry Committee, of which the Canadian Cattlemen Association (CCA) is a member. As a result, only three supplementary import authorizations have been issued under the present supplementary import policy for a total amount of 154,757 kg.

Issues related to the administration of the beef TRQ and the supplementary import policy are discussed at joint meetings of the Ad Hoc Beef and Veal Industry Committee and Tariff Rate Quota Advisory Committee co-chaired by representatives of Agriculture and Agri-Food Canada and DFAIT. These committees have traditionally provided useful advice to government concerning the policy objectives and administration of the beef TRQ and supplementary import policy.

It is expected that these committees will reconsider the existing policy on supplementary import permits once the U.S. border is fully reopened to Canadian cattle and beef. Any result will need to reflect the integrated nature of the North American beef market. An integration that

includes not only producers and primary processors, but also Canadian secondary processors which require access to competitively priced inputs if they are to compete with American-based firms.

The willingness of the beef industry to work together to find mutually beneficial solutions is one of the competitive advantages of the Canadian cattle and beef industry. The Government trusts that the CCA will continue its active participation in this process and contribute to the development of a comprehensive policy that will serve the interests of all stakeholders.

## HEALTH

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

*(Response to question raised by Hon. Sharon Carstairs on November 21, 2006)*

This government, and indeed Minister Clement, is committed to ensuring quality health care for all Canadians, including palliative and end-of-life care. Further, this government is appreciative of the important work of all Canada's volunteers.

Senator Carstairs continues to allude to palliative care budget cuts within Health Canada, and this misconception should be clarified.

Health Canada provides support for palliative care through the Secretariat on Palliative and End-of-Life Care. The Secretariat's budget is determined on a year-by-year basis by allocation from within departmental resources. The five working groups under the Secretariat are aware that funding is not ongoing and that there is no pre-set annual budget. Consequently, it is inaccurate to refer to this budget as having been "cut". Funding to the Secretariat has no connection to the government's September announcement of budget reductions to certain programs.

Further, this year, along with a range of other health care priorities, the government continues to support the Secretariat as it works with the palliative care community to implement national-level enhancements to Canada's infrastructure for end-of-life care. For example, Health Canada is working with the Canadian Virtual Hospice to build an interactive website for researchers to help improve the capacity in Canada for palliative care research. Work is also underway with the Canadian Association of Schools of Nursing to secure consensus on palliative care competencies for nurses, which can be used by nursing schools to improve curriculum and thereby enhance the quality of palliative care in Canada. In addition, the Secretariat is working with stakeholders to determine the information needed to better understand palliative care. This will help policy makers, program managers and health care providers make more informed decisions regarding palliative care.

Senator Carstairs has also posed questions regarding federal funding to palliative care volunteers. Senator Carstairs has implied that the Secretariat houses a program for palliative care volunteers, a program to which funding has been cut—this is misleading. There is no program for palliative care volunteers embedded within the Secretariat; however, facilitated by the *Best Practices and Quality Care Working Group* under the Secretariat, funding has been provided to external recipients for past work on this issue. A proposal requesting funding for further work in this area is currently under consideration with Minister Clement. A decision regarding this proposal should soon be provided to the applicant.

In addition to funding provided through the Secretariat, the federal government supports palliative and end-of-life care through other means. Other important initiatives funded by Health Canada include the \$1.2 million *Educating Future Physicians in Palliative and End-of-Life Care*, the \$750,000 *Teaching Interprofessional Collaborative Patient-Centred Practice Through the Humanities*, and the \$4.3 million *Pallium Integrated Care Capacity Building Initiative*.

Furthermore, Human Resources and Social Development Canada is administering Employment Insurance Compassionate Care Benefits which allow Canadians to take time away from their jobs to care for gravely ill loved ones. Such federal initiatives are enhancing Canada's capacity to handle end-of-life issues.

## TAX CONVENTIONS IMPLEMENTATION BILL, 2006

### MESSAGE FROM COMMONS

**The Hon. the Speaker:** Honourable senators, a message has been received from the House of Commons returning Bill S-5, 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, and acquainting the Senate that they have passed this bill without amendment.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 3 under Reports of Committees followed by the other items in the order in which they stand on the Order Paper.

[English]

## FEDERAL ACCOUNTABILITY BILL

### MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND FOR NON-INSISTENCE UPON SENATE AMENDMENTS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs (motion and message concerning Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability), presented in the Senate earlier this day.

**Hon. Donald H. Oliver** moved the adoption of the report.

He said: Honourable senators, I am pleased today to rise to speak to the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs.

As I said in my third reading speech, the study of Bill C-2 has been one the most incredible legislative experiences of my life. I said this because, in the day-to-day discourse of the political intrigue of this place, we often forget to see the forest for the trees.

Honourable senators, the proposed federal accountability act, aside from being one of the most sweeping pieces of accountability legislation ever introduced in Canada, will be one of the most impressive pieces of accountability legislation in the world. To play an active part in the development and passage of such legislation is indeed humbling.

Because some of the language in the report is somewhat technical, I should like, with honourable senators' permission, to provide some background as to how we got to where we are.

The order of reference required the committee to consider the motion of the Honourable Senator LeBreton in relation to the message from the House of Commons concerning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability. Bill C-2 is more commonly known as the proposed federal accountability act.

An amendment to the motion in the Senate referred the actual message from the House of Commons to our committee, as well as a report dated December 7, 2006, which is today.

Let me begin by saying that Bill C-2 received first reading in the House of Commons on April 11, 2006, and was passed by that House on June 21. The bill received first reading in the Senate on June 22 and was referred to our committee on June 27, the day we commenced our hearings.

Over several months, the committee heard from in excess of 160 witnesses and spent more than 100 hours studying the bill. In our report, presented on October 26, 2006, the committee recommended 156 amendments to the bill, and further amendments were made at report stage and at third reading.

With respect to the message from the House of Commons, our committee had to deal with amendment numbers that were referred to in the amendments adopted by the Senate at all stages.

In our fourth report, our committee made 156 amendments to Bill C-2. Additional amendments were made to the report at third reading. Therefore, the message from the House of Commons to our committee dealt with 158 amendments.

In this message, the House of Commons agreed with the Senate to about 53 or 54 amendments, numbered from 1 to 158. Consequently, none of those amendments was before our committee.

The House of Commons rejected another 70 or so, numbered from 2 to 157, and Senator LeBreton's motion requested the Senate do not insist on those amendments.

Finally, the House of Commons agreed with the principles set out in parts of amendments 29, 98 and 153 but proposed revised wording to those amendments. Senator LeBreton's motion asked that the Senate concur in the House of Commons amendments.

In looking at the eighth report that was tabled today, honourable senators will see a sentence that reads, in part:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98, 153 to Bill C-2...

That explains that section.

Honourable senators, as chair of the Standing Senate Committee on Legal and Constitutional Affairs, it has been my privilege to work with all the senators on the committee as we sailed through the sometimes tumultuous waters of reviewing the proposed federal accountability act.

The story of how the federal accountability act came to be is one that is rooted in the people of Canada. In January 2006, when Canadians elected the new government, Canadians expected the new government to honour its promise to introduce comprehensive accountability legislation to address the concerns of many Canadians that the federal government had lost touch with Canadians in respect to openness, transparency and accountability. Our government did just that. It delivered on its commitment to make government more accountable.

As honourable senators know, for the last several years, accountability and transparency was a common theme and topic of discussion among Canadians. The benefits of this proposed legislation are many, and those benefits will help to assuage the concerns of many Canadians and help restore the faith people have in the federal government.

For example, honourable senators, once this legislation is enacted, Canadians will find that more government agencies and foundations will be subject to the Access to Information Act and the Privacy Act than ever before. It will give Canadians more access to how their tax dollars are spent and how decisions on their expenditure are made.

Whistle-blowers will have new protections so that, when brave individuals who uncover wrongdoings come forward with information, they can do so without fear of undue reprisal.

The director of public prosecutions will be created to enhance the federal prosecution service, which will remove this part of the administration of justice from possible interference.

Procurement and audit functions with the federal government will be strengthened to restore the trust Canadians have in how their money is spent and to ensure that the government receives the best value for money.

The Auditor General will receive new powers to allow her to better follow wrongdoing and to shine light on where there has been darkness.

New political donation limits will be imposed to ensure that big money does not influence the political corridors of Ottawa.

• (1440)

Honourable senators, it is important to note, too, that as a result of the spirit of cooperation and negotiation taking place over the last few days, the Senate of Canada will retain its independent Ethics Officer in its current form.

Honourable senators should note that the government, in a spirit of cooperation and compromise, agreed to delete amendments pertaining to the Senate Ethics Officer. The government also agreed to remove both the House of Commons and the Senate from what are called “public sector entities.” These compromises signal a level of cooperation on the part of both the government and the opposition to ensure that the proposed federal accountability act becomes law so that the confidence Canadians have in their government can be restored after years of erosion. The federal accountability bill is a ground-breaking piece of proposed legislation. We should be proud that we have such a bill before us that will serve as a model to the world for openness, transparency and accountability.

As I did in my third reading speech on Bill C-2, I wish to thank again many of the people involved in the execution of this legislation. First, I would like to thank the Clerk of the Committee, Mr. Gérald Lafrenière, and his entire staff; the team at the Library of Parliament for their exceptional hard work and support provided to the committee throughout many late evenings — sometimes through an entire night. Honourable senators, we could not have accomplished this work without their support.

I also want to thank Treasury Board officials, Mr. Joe Wild and Ms. Catrina Tapley, and Mr. Michel Patrice from Senate Legal Services, for their clear explanations on proposed amendments, which greatly aided our two-day clause-by-clause marathon.

I thank as well literally dozens of departmental officials who gave up many evenings to be available to the committee for the clause-by-clause process. I also thank many colleagues opposite, such as Senator Zimmer, Senator Baker, Senator Ringuette, Senator Milne, Senator Cowan, Senator Joyal and many others who sat in on the deliberations. They worked long hours, gave up time with family and friends, and underwent a gruelling schedule for the committee’s study of the government’s number-one-priority piece of proposed legislation.

I also thank Senator Day, in particular, who, as the opposition critic, devoted hundreds of hours to Bill C-2. He worked with me tirelessly to ensure that the wheels of this process kept turning. I thank him for all his hard work and dedication to make the federal accountability bill a better piece of proposed legislation.

I also want to thank the Senators on the government side who, like their Liberal counterparts, went above and beyond the call of duty in their analysis of Bill C-2. I refer specifically to Senator Andreychuk, Senator Nolin, Senator Comeau, Senator LeBreton and finally, Senator Stratton, who I singled out for exceptional work in my third reading speech. The Bill C-2 process was unlike any the Senate has ever seen before. The people who worked on this bill are certainly entitled to our thanks.

Honourable senators, I was deeply honoured to have been part of the process to enact the federal accountability bill.

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, speaking to the motion, let me begin by thanking and congratulating Senator Oliver, Chairman of our Standing Senate Committee on Legal and Constitutional Affairs, for his good work as Chair and also for his speech and his comments, in particular those that related to the government’s position on the Senate Ethics Officer.

I also congratulate the Deputy Chair, Senator Milne, and our critic, Senator Day, and all senators who served on the committee. Senator Oliver described the enormous amount of work that has been put into Bill C-2. Of course, the bill is still on the minds of honourable senators.

We have reached a crossroads today in the long process of our examination of Bill C-2, the so-called “new government’s” so-called “accountability act.” This process has been both a satisfying one and a disappointing one for me, particularly as a long-serving member of the Senate who strongly believes in the role of a second chamber in a federal system of democratic government.

I say “satisfying” because we have faithfully performed our role as a chamber of sober second thought in correcting obvious errors in the proposed legislation. In that role, we have also brought to the attention of the other place, and Canadians, the glaring deficiencies in this bill that prevent it from fully living up to its name. Some 50 of our amendments have been accepted by the government and members of the other place. Unfortunately, these amendments have been primarily to correct drafting errors and hence my disappointment that our more substantive amendments were, by and large, not given serious consideration. However, it would be difficult not to agree that what we have achieved so far has certainly improved Bill C-2.

As we prepare to send our message to the other place, I believe it would be useful to highlight some of the serious flaws that still remain. Though the government has finally shown its willingness to accept some of our amendments dealing with the constitutional realities of a bicameral system of government, I am nevertheless disappointed that, on some major accountability issues, the government failed to respond in a reasonable way.

When I last spoke to Bill C-2, I spent time on the gift provisions contained in the bill. I want to re-emphasize my arguments so that there can be no misunderstanding in the public about what the government demands as we approach the third anniversary of the Right Honourable Paul Martin's cancellation of the sponsorship program.

On December 12, 2003, Paul Martin's first official act as the new Prime Minister of Canada was the cancellation of the sponsorship program. Through the Gomery Commission, which he established, we learned much about the myriad relationships that existed between the private and public sectors and what their results could be. In a chapter entitled "Politics and Friendship," Justice Gomery wrote about the relationship between Mr. Chuck Guité, a senior official in the Department of Public Works and Government Services Canada, and Mr. André Gosselin, of Gosselin Communications. Mr. Gomery said:

It is safe to conclude that their friendship was at least one of the reasons for the sudden prosperity of Gosselin Communications and the Gosselin family.

Given this finding, it is incomprehensible to me why the self-styled new Government of Canada continues to insist that senior government officials be allowed to accept gifts from friends. Bill C-2 would allow ministers and other public office-holders to accept expensive gifts, including gifts that appear to have been to influence their behaviour. As drafted, no one need be told anything — not the new Conflict of Interest and Ethics Commissioner and not the public.

[Translation]

In the current version of the conflict of interest bill, clause 11 provides that no public office holder shall accept any gift that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function unless the gift is given by a relative or friend.

[English]

In other words, even if a gift might reasonably be seen to have been given to influence an office-holder, it can be accepted so long as it is from a so-called "friend."

Sections 23 and 25 of the proposed accountability act provide the general rule that gifts worth \$200 or more must be disclosed to the commissioner and entered in the public register so that everyone can see who is giving expensive gifts to public office-holders. However, gifts from friends are specifically exempted from any disclosure.

[Translation]

The Senate's amendments attempted to change that situation. First, we amended subclause 11(2) to limit acceptable gifts to those from close personal friends. Most important, we amended clause 23 and subclause 25(5) to require that any gift exceeding \$200 from someone other than a family member be declared to both the commissioner and the public.

[ Senator Hays ]

• (1450)

[English]

The government rejected these amendments, saying they were "an inappropriate intrusion into the private lives of public office-holders and their families."

We do not believe that the transparency we were proposing for the dealings of senior government officials was an inappropriate intrusion into their lives. In fact, we believe that it would be manifestly inappropriate for senior officials to be able to accept expensive gifts from their so-called "friends" without needing to disclose anything, even when such gifts could be seen as being made in order to influence the performance of their official duties.

Bill C-2 was presented to us and to the Canadian people as necessary to prevent another sponsorship affair. However, in the sponsorship affair, as Mr. Gomery pointed out, there were many "friends." Under the provisions the government insists on keeping in the bill, a minister or senior public servant will lawfully be able to accept gifts worth thousands of dollars, even ones that most Canadians would consider to have been made in order to buy influence.

The government needs to provide a better explanation to Canadians of how this loophole they have created for their most senior members strengthens transparency and accountability and why they are so determined to protect it from any amendment. That this glaring loophole is intentional, and not merely inadvertent, is reinforced by how the government is limiting the definition of "conflict of interest."

For more than 20 years, Canadian prime ministers have required their ministers and other public office-holders to avoid not only so-called real conflicts of interest but also potential and apparent conflicts of interest. Bill C-2 would change this. For the first time in decades, ministers and other public office-holders will be permitted to make decisions and participate in decision-making, for example, around the cabinet table, even where they are in a potential or apparent conflict of interest.

Furthermore, by virtue of section 16 of the proposed conflict of interest act, ministers and other senior officials will be able to personally solicit funds from individuals or organizations, even if it will place the official in a potential or apparent conflict of interest. For the first time in over 20 years, the only issue of concern will be whether the public office-holder is in a so-called "real" conflict of interest; potential and apparent conflicts are henceforth to be ignored.

As I have already described, it will be perfectly acceptable for a minister or senior official in Prime Minister Harper's government, or any prime minister's government — this stays as it is — to accept secret gifts from so-called "friends," be they new-found friends or even lobbyist friends; there is no limitation. Had apparent and potential conflicts of interest remained in the definition, the ability for a senior official to accept such gifts would have been circumscribed, because a gift from a lobbyist would certainly put a public office-holder in a potential conflict of interest in the eyes of most Canadians. However, as I have already described, Canadians will never know about such gifts.



Bill C-2 was presented by Minister Baird as going “farther than any government has ever proposed.” Canadians, therefore, had a right to expect that ministers and other senior officials serving the Prime Minister would be held to at least as high a standard as that applied by previous governments. The reality is, by eliminating all references to potential and apparent conflicts, the standard has been seriously eroded.

We amended the bill to return potential and apparent conflicts of interest to the rules governing the behaviour of senior government officials. The government rejected our amendments. It said the amendments “would undermine the ability of public office-holders to discharge their duties.”

We do not believe Canadians want their ministers and other senior officials to “discharge their duties” when they are in a potential or apparent conflict of interest. For this government, however, apparent or potential conflicts of interest are totally irrelevant to how government should operate. Again, Canadians will never know, because everything will be done in secret.

This obsession with secrecy is displayed not only in how the government treats gifts to senior public officials, and their day-to-day dealings with the media, but also in its determination to limit the freedom of speech of parliamentarians themselves.

Section 44(5) and (6) of the proposed conflict of interest act are designed to muzzle parliamentarians if a member of the public tells them about possible unethical behaviour committed by a cabinet minister or other senior government official.

Although Bill C-2 does not expressly allow members of the public to lodge complaints with the Conflict of Interest and Ethics Commissioner, it does provide that they may bring such complaints to members of the Senate and House of Commons. However, if a parliamentarian receives such information from the public, “the member, while considering whether to bring that information to the attention of the Commissioner, shall not disclose that information to anyone.” Furthermore, if the parliamentarian does not bring that information to the commissioner’s attention, subsection 44(5) goes on to provide that “the member shall not disclose that information to anyone until the Commissioner has issued a report.”

There is no requirement that the commissioner issue a report within a certain period of time. The prohibition would apply only to parliamentarians and not to anyone in the general public or media.

Amendment 19 made by the Senate removed this gag order. Senators, on the advice of our law clerk, concluded that the provision infringed on the fundamental parliamentary right of freedom of speech and was the antithesis of transparency and accountability.

The government rejected this amendment, claiming that it would “deter the public from bringing matters to the attention of...a member of either House, create unfairness to individuals who are subject to complaints whose merits have not been substantiated...”

What this provision actually undermines is the freedom of speech of all parliamentarians and the ability of parliamentarians to discuss with anyone, including their parliamentary colleagues privately or the general public openly, information they receive

about alleged wrongdoing committed by the most senior of government officials. It is still not clear to us how this gag order would promote transparency and openness in government.

[Translation]

From a practical point of view, this measure could in fact discourage members from contacting the ethics commissioner to pass on information about an alleged wrongdoing because, in doing so, they would immediately lose their freedom of expression. Members would maintain that freedom of expression if they raise the same allegation on the floor of the House or with the media instead of contacting the commissioner.

[English]

This gag order is but another unfortunate example of provisions that would deter openness and accountability instead of enhancing it. As in so many other instances, when it comes to this legislation, the government’s refusal to give serious consideration to our amendments makes me question whether Bill C-2 is about accountability or whether it is primarily a public relations exercise. However, this is something Canadians will have an opportunity to judge in the not-too-distant future.

Honourable senators, the members of the other place are directly accountable to Canadians in a way that we are not, and we are mindful of that reality. We are also mindful that the current government did receive a mandate from the electorate, albeit a very tenuous minority mandate. It is for those reasons that we believe we have gone as far as we can in bringing much-needed improvements to this legislation.

Unfortunately, notwithstanding the improvements we have successfully made to Bill C-2, it remains a badly flawed piece of legislation that will undoubtedly need to be revised by future governments. This is regrettable for Canadians, who were promised more.

**Hon. Joseph A. Day:** Honourable senators, listening to Senator Hays reminds me of the wonderful opening line to *A Tale of Two Cities* by Dickens, when he says, “It was the best of times, it was the worst of times.” This is the best of legislation, but the legislation and the policy that it purported to cover has a long way to go yet.

Honourable senators, this is my sixth time speaking on this bill. When I spoke previously, I had indicated that there was confusion with respect to the numbering of the proposed amendments. I had before me at that time a document that numbered all of the amendments that came out of our committee.

At report stage and third reading debate, other amendments were put forward, as my colleague has indicated. Therefore, the numbering was changed. The numbering is consecutive, so the amendments were not just added at the end.

There was no confusion with the numbering that went from here to the House of Commons. If I misled honourable senators by pointing out my confusion, I apologize. If I in any way have suggested that the very capable work of our table officers was lacking, I apologize, because that is certainly not the case.

• (1500)

Honourable senators, let me join Honourable Senator Oliver in thanking all of the members of the committee and all of the support staff who helped us with respect to this monumental piece of proposed legislation.

Honourable senators will know, having heard that there were over 150 proposed amendments, that this was not a piece of legislation that we would normally see in this place. This was not good legislation. It was not well-drafted legislation. It was hurriedly drafted, and we had a significant amount of work to do to improve upon it.

Honourable senators, I believe we have done so; I believe we have improved upon the legislation. The fact is, I hope, that over 90 of the amendments that were proposed by this chamber will be accepted — including these amendments. If the amendments in this report that we are sending back to the House of Commons are accepted, along with the previous ones, then more than 90 amendments will have been agreed to between this chamber and the other place — but the amendments were initiated here. I think that is justification for the tremendous amount of work that our committee has done on this matter.

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

**Senator Day:** Honourable senators, the legislation is still not perfect, as has been pointed out by Senator Hays; Bill C-2 is still not even really good legislation. However, given the parameters within which we had to operate, given the political realities, given our role in a bicameral system, two chambers with different priorities and different pressures, I believe we have the best legislation that we could get under those circumstance and those constraints.

We will be disappointing many people. We are leaving on the table many amendments that our committee believes — and I certainly believe — would be very good policy initiatives, but we could not get everything in this round with Bill C-2. However, there will be other opportunities.

Those who have been following our deliberations will be disappointed — for example, some of the witnesses who came before us and who had hoped that we would be able to achieve some important changes with respect to whistle-blowing legislation. Joanna Gualtieri made some wonderful suggestions in that area. Democracy Watch appeared before us. They were encouraged — and encouraged senators and members of the House of Commons to support those amendments that we had proposed.

Honourable senators, there are officers of Parliament who appeared before us and asked for changes. We incorporated much of what they recommended. The Information Commissioner suggested some changes. We heard again from that office, and they were supportive of some amendments; they were not supportive of others. Even some of those they supported will not be accepted at this time.

The Public Service Integrity Officer, who looks after whistle-blowing legislation, recommended some changes. The Privacy Commissioner of Canada recommended changes, and we

incorporated some of those. These are ideas that came from officers of Parliament who work in this area every day and are very knowledgeable but who were not even consulted before this legislation was drafted. All of those individuals will be disappointed.

Mr. Justice Gomery will be disappointed with this legislation if it purports to be legislation that deals with the matters that he raised and the recommendations that he made with respect to his investigation into the sponsorship program.

Honourable senators, there will be opportunities to continue to follow these issues. We recognized that ultimately in a political system there would be compromises made. Our report from committee, with observations, well outlines further initiatives that should be taken that we were not taking in this particular legislation, because of the political realities, but items that still need our attention.

I am hopeful, honourable senators, that we will continue to follow up on those issues.

In the lobbyist legislation, there is still a built-in five-year review. The current government was not prepared to wait for that five-year review, but it will be coming and we will have an opportunity for review at that time.

With respect to the whistle-blower legislation, honourable senators will know that the earlier legislation that was passed, Bill C-11, was not proclaimed even though it received Royal Assent. We were dealing with amendments to an unproclaimed act. There will be opportunities there for us to again look at that legislation. We left many important initiatives and pieces of policy legislation on the table.

In the Canada Elections Act, there is a built-in review by the Chief Electoral Officer after an election. The CEO is in the process of doing that now. This legislation did not wait for his report, but his report will be forthcoming and we will have an opportunity again to bring out our file and dust it off and look at those items that we looked into in such detail. We have a clear idea of where we should go in relation to those.

Honourable senators, we handled this matter by putting all the amendments into categories. Parliamentary privilege to maintain the integrity of this institution so that we can deal with matters in the future seemed to us to be the most important issue. I am pleased to say that we were successful in achieving many amendments in that area.

We were less successful in achieving the Senate's parliamentary role. Where the House of Commons had a role, we thought the Senate should have a role. We were less successful in that regard.

There were several policy initiatives that we felt would have improved this bill even more. We had many witnesses come to us who wanted us to go into areas such as access to information, whistle-blower legislation, lobbying and procurement. However, we were constrained due to the fact that Bill C-2 did not open up other acts in their entirety. Bill C-2 referred to almost 100 pieces of legislation, but only opened them up in certain areas, so that we could not go as far as we wanted with Bill C-2 to make

further amendments. However, we did document the concerns of witnesses and we have a good record of our deliberations and the issues that we felt require further initiative.

I am hopeful, honourable senators, that we will take that initiative.

While saying that our work is not done and that many people are disappointed with it, I do not wish to neglect to compliment our committee, the Standing Senate Committee on Legal and Constitutional Affairs, and this chamber for a job well done.

I respectfully request, honourable senators, that, under the circumstances, you support this report.

**Hon. James S. Cowan:** Honourable senators, I am pleased to rise today to support the bill as it now stands before this house and the amendments that are proposed.

As we said from the very beginning, all of us support the objectives of this legislation. In our view, we would be well served if this legislation were passed in its present form, imperfect as it is.

• (1510)

Much work has been done in committee and in this house to improve the bill, and we should all be proud of our efforts in that regard.

Having said that, honourable senators, our work has fallen on deaf years in the other place in some areas. For whatever reason, some important amendments arising from the work of the committee and of this chamber did not find support in the other place. Specifically, the amendments proposed to strengthen protection for whistle-blowers would have further improved this bill and brought it closer to realizing its stated objectives.

What are those stated objectives? Much has been said about how the proposed accountability act was born from the Conservative Party's most recent election platform. Perhaps we could take a look at that document, which is entitled, "Stand up for Canada." I shall quote from a paragraph entitled "The plan":

A Conservative government will:

- Give the Public Service Integrity Commissioner the power to enforce compliance with the Public Servants Disclosure Protection Act.

That is the act that, as Senator Day said, has yet to be proclaimed even though it has been on the books for some time.

In fact the Public Service Integrity Commissioner, Dr. Keyserlingk, proposed amendments of his own, which senators on this side of the chamber proposed be brought into this legislation but which our friends on the other side and those in the other place removed.

We also read:

A Conservative government will:

- Ensure that whistleblowers have access to the courts and that they are provided with adequate legal counsel.

In fact, we introduced amendments to bring balance to the system, to increase amounts provided for legal services to whistle-blowers from \$1,500 to \$25,000. Senators on that side, supported by their colleagues in the other place, prevented this from happening.

Quoting again from "Stand up for Canada," it promised:

A Conservative government will:

- Ensure that all Canadians who report government wrongdoing are protected, not just public servants.

We on this side, supported by the Public Service Integrity Commissioner, introduced amendments that would support and bring into law that promise made by the Conservative Party in the last election. Those amendments were removed from this legislation. To that extent, we think there is much work that needs to be done to bring this legislation, which amends, as I said, the Public Servants Disclosure Protection Act, into line with the objectives that are supported on all sides of this house and, hopefully, on all sides in the other place and were the subject of specific, definite promises of the Conservative Party in the last election.

In a number of other areas, including expanding the definition of what constitutes a reprisal, providing longer time periods in which a whistle-blower may come forward to report a reprisal, putting the onus on the employer to prove that the action is not a reprisal, and reversing the onus, senators on our side introduced amendments to protect whistle-blowers, and senators on that side have removed them.

We can always look to the testimony of the Member of Parliament for Nepean-Carleton, Pierre Poilievre, who said in committee in the other place that Bill C-2 seeks to remove cover-up clauses that were included in Bill C-11. In fact, just the other day, we heard from the Deputy Information Commissioner of Canada, Alan Leadbeater, quite to the contrary. Mr. Leadbeater supported the amendments that came from this house and said that they were in fact what the government had promised to do and what the Member of Parliament for Nepean-Carleton thought mistakenly that this bill did. Mr. Leadbeater preferred and would have supported the amendments we proposed. He felt that the removal of those amendments weakens the effect of this legislation and weakens the protection and the scope of the proposed act with respect to whistle-blowers.

Honourable senators, while we support this bill as it has been amended with all-party agreement, we do so with reservations. We recognize that currently in this country there is no whistle-blower protection regime in place, largely due to this government's unwillingness to proclaim Bill C-11, the whistle-blower legislation passed by the previous government.

In the interests of ensuring that we have at least some protection for whistle-blowers, we urge this house to approve this legislation in its present form. We do so with the reservations on this issue that I have mentioned. Our work will not end here. We will continue to fight for these amendments in order to ensure that those who know of wrongdoing will be afforded the protection they deserve. We hope that, when this bill is passed

and receives Royal Assent, the government will proceed to proclaim Bill C-11, finally extending at least some limited protection to whistle-blowers.

In conclusion, I would add my words of thanks to those of my friend and colleague Senator Oliver for the leadership he provided during the rather tumultuous hearings of the committee. He is to be congratulated for the leadership he provided to the committee. I believe all who served on the committee did so in the sincere belief that they were working to advance the objectives on which we all agree. I hope we can return to those objectives and that we will be able to provide further protection, transparency, openness and accountability in our legislation.

I join with others in thanking all staff members who were able, somehow, to make sense of all the conflicting advice we were giving to them. We should proceed now to pass this accountability bill and take some measure of satisfaction from the fact that we have advanced to some extent toward the objectives to which we have all agreed. However, we will be back.

**Hon. Serge Joyal:** Honourable senators, I would be remiss if I did not use the opportunity afforded to us this afternoon to add my voice to those of my colleagues who have worked diligently on the study of Bill C-2, in its first inception, and on the message that we received from the other place some weeks ago, on which we are reporting this afternoon.

My colleagues have described some aspects of the bill on which we have a different perspective than has the government. I shall speak to the issues on which we share views. It is not common that we join together in this chamber to send a message to the other place. However, we did send one paragraph of the message to the other place with a united voice — specifically, the last paragraph of the message that we are sending, I hope this afternoon, to the other place.

The substance of the message that we in this chamber all agree to is that we want to maintain the Senate Ethics Officer because it is —

...of significant importance to the status and privileges of the Senate of Canada as a constitutionally separate and independent House of Parliament, and reflect the practice of other Westminster based parliamentary democracies...

Honourable senators, we are expressing two essential points in a united voice because we are all concerned by this. Some senators may not be concerned about whistle-blowing issues or access to information issues. It depends on where we concentrate our individual attention and expertise. Regardless of which side we sit on in this chamber, we are all concerned about and have a duty to understand the role and status of this house, because this house is essential to the democratic process of Canada as it is enshrined in the Constitution Act of Canada.

What are the two principles at stake in Bill C-2 with which we are concerned? The first principle is that we are the masters of our own house. Expressed in legal terms in old British law, the principle is one of exclusive cognizance. It means we are the only ones that take care of ourselves. We should not suffer intervention from the executive government or courts. Those points are the nature of a Parliament.

• (1520)

Honourable senators, this does not date back to the 19th century because we were constituted as a country in 1867. This dates back to the 16th century in a famous commentary entitled, "The First Institute of the Laws of England" by Sir Edward Coke. He lived from 1552 to 1634.

It states:

...whatever matter arises concerning either house of parliament, ought to be examined, discussed, and adjudged in that house to which it relates, and not elsewhere.

It means we have to take care of ourselves no matter what arises concerning the deliberative and executive function of Parliament.

One issue we need to deal with is the disciplinary function. We need to decide how to sanction a reprehensible conduct or how to deal with a senator who we decide to expel, as the Constitution provides. That function would be by a single vote of this house and not with the concurrence of the other House. It is essentially linked to our capacity to be the master of our own business.

Bill C-2 merged the two positions of commissioner for the conflict of interest in the other place with our Senate Ethics Officer. It is important that we have a system for conflict of interest, and that we have clear rules and a system to implement them through the standing committee that we are invited to form at each Parliament.

By accepting the original proposal of Bill C-2, we jeopardize the constitutional principle dating back to the origin of Parliament in the 16th and 17th century. The principle is enshrined in section 18 of our Constitution.

It states:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively...

Our Constitution established the powers and privileges of both Houses in a separate and autonomous status.

Honourable senators, I am pleased that both sides of the chamber share the view that paragraph 4 of this report indicates that to the other place.

That principle is fundamental because the other place, being the elected chamber, being greater in number and carrying the political weight that our Constitution gives it, would definitely be tempted to intervene in matters of the functioning and the status of the commissioner if there were only one commissioner.

Imagine what would happen if the other place lost confidence in its commissioner, a commissioner we shared. Would we vote on a resolution to dismiss the commissioner even though we were totally satisfied with the commissioner's performance? Imagine the reverse situation. If a majority in this chamber were dissatisfied with the performance of the commissioner to the extent that we would vote to censure the commissioner, we would send a message to the other place, and the other place may declare

itself totally satisfied with the performance of the commissioner. You can imagine what would happen. It would be a nightmare scenario. We would go head to head with the other place.

That is why we must maintain the principle of separation. We must deal with our own affairs in the way we believe proper under the Constitution. Our approach should be different from that of the other place because we bring a second independent review to government legislation. We pronounce after the other place has pronounced. We approach the issues from a different perspective, a long-term perspective, because we have a longer tenure than members of the other place.

Honourable senators, by reaffirming those principles today in this report we send an important message to the other place. Of course, as do other senators, I would have preferred that other weaknesses of the bill be corrected. This chamber is excluded from some of the consultation in the appointment process. You will recall that I have denounced that exclusion on many occasions in this place. There will be an opportunity to correct that. We will reintroduce the bill that proposes to give us equal status to the other place in terms of providing opinions in the appointments process.

I would also have liked to correct clause 44 of the bill, which imposes a limit on our freedom of speech, because freedom of speech is an essential right of all senators, as provided by the Bill of Rights 1689. That old British statute applies as much today as it did in the 17th or 18th century.

Honourable senators, at least we have maintained the fundamental constitutional right to be the master of the business of this place. I contend that, whatever changes are brought to this chamber in the future, to function properly it needs to maintain that status. Otherwise, it will be impossible for us to maintain our function to deliberate upon legislation and difficult issues that are brought to our attention.

I want to commend senators on both sides, particularly Senator Oliver, Senator Stratton and Senator Andreychuk, who have been diligent in the hearings on these issues. I also commend senators who have repeated their points of view throughout all the studies on the bill. I am happy, honourable senators, that we have maintained our essential role and that we have all shared in this work. That augurs well for the future of our chamber.

**Hon. Norman K. Atkins:** Honourable senators, I wish to compliment Senator Oliver, Senator Day, and the committee, for their work. In the early fall, they worked hard to deal with all the provisions of this bill.

I guess today one might conclude it is a win-win situation. The Senate has won, as Senator Joyal has mentioned. The government has won because they got their bill.

In their original recommendations, the committee came forward with a lot of amendments which were not accepted. I did not think they went far enough in dealing with some provisions of the bill. The government turned them down and sent the bill back.

• (1530)

There are provisions in this bill that I think will come back to haunt the government. The result would be very unfortunate for

the country in terms of the way government manages the interests of the country.

For example, I will never understand why the Canada Elections Act was involved in this bill. It does not make any sense to reduce the \$5,000 limit on contributions. They turned the whole responsibility for elections into the hands of the taxpayers who will make the contributions now. I always believed that people who made a contribution, significant or small, to a political party were investing in democracy. Unfortunately, what they have done in this bill will I think come back to haunt them.

Honourable senators, the five-year provision on lobbyists does not make any sense to me. I think it should be challenged under the Charter. If it were, it would be overturned. It is unfair for people to be unable, for five years, to perform in a way that they have been almost trained to do. These are provisions that, frankly, will come back to haunt us. While I am happy that this bill will go back to the House and be approved, I think we will live with the consequences for a very long time.

**Hon. Marcel Prud'homme:** The beauty of the Senate, for some, is in listening to each other and being convinced one way or the other. Today is not a victory for the opposition, and it is not a victory for the government. I think it is a victory for the institution we represent, and I am very proud to be part of it.

Some of my honourable colleagues are more attentive to details. Remember something that is written right on our walls: *Nihil ordinatum est quod praecipitur et properat*. Seneca says that nothing is well ordered that is hasty and precipitant. I could continue: Let reason prevail more than popular opinion. That was Mr. Trudeau's favourite, a quote from Cicero. All of this is written on the walls of the Senate chamber.

We did not reach perfection. I listened very attentively to Senator Cowan and others who participated. I would have preferred to see more debate on the whistle-blower legislation, but at least we have shown that the Senate can play its role.

Honourable senators, I sat in the House of Commons for close to 30 years. I was very proud. I sit now in the Senate and am very proud. I will never refuse to fight, if need be, with the House of Commons. Until Canadians decide otherwise, there are two parliamentary houses in Canada and each has a role to play. I am ready to bow to the House of Commons at times, but if we feel strongly, as we did with this bill, I think it is our duty, first, not to bow and, second, to explain to the Canadian population what this institution is all about. Either we believe in ourselves, in the Senate, in the institution, or we do not. If we do not, I wonder why we stay here and do not go back home. If we believe that Canada is comprised of two houses, one more in the front and the other more in the back, we can still say, "No, sorry, but we will not give in."

I have said before that perhaps we should bow on certain issues, some of which my honourable friend Senator Atkins would not agree with. We had the beginning of a discussion, and things could be corrected eventually.

I will vote in favour of this bill, even though I know it has not reached perfection. Before I do so, I want to thank Senator Oliver. I watched him both on TV and in the committee. All of the senators who participated on the committee did so seriously and with a lot of patience. That is what this institution is all about. It

is about listening to each other. Sometimes I feel partisanship can take over, and I do not like that. If someone makes a good point, I will shake their hand and tell them so. That does not mean I fly by night to change an opinion, but on this bill, I think the opposition did great work. The government stood by their side, and intelligence prevailed. They realized that we can talk with the House of Commons.

By the way, while I have been speaking, a vote has taken place in the House of Commons. The result was 175 to 123 not to revisit the same-sex marriage question. Many ministers of the Crown voted not to revisit that matter. I like the words “Minister of the Crown” because I became a member of the Queen’s Privy Council by her own hand, thanks to a friendship with those who recommended me.

I watched the whole debate last night on the same-sex marriage motion. If you could not watch it, I suggest that you read the transcript of it. Some of you will become sick to your stomach. For a while, I thought that Jesus Christ was back on Earth, or his representatives. I did not agree with some of the speeches. Having said that, I do not want to become partisan. I am very happy we voted for it.

Perfection is not present in this bill, but let the universe unfold. With time, some of your strongly held views may materialize. I thank those who worked hard and saw that the government could accept some things the Senate wanted. I am honoured and happy to be part of this institution.

If need be, I am ready to face the television cameras any time. They will not ask me because, once they give me a mike, I never leave it. However, if they want to have a nice debate on the role of the Senate, I am ready to defend this institution.

You have done good work, and I am proud to have listened to the well-expressed views of colleagues and to be voting for this bill, as imperfect as it may be in the eyes and ears of some of my colleagues.

**Hon. Marjory LeBreton (Leader of the Government):** I thank all honourable senators who participated in the debate today, including the last remarks of Senator Prud’homme notifying us of the vote in the other place on the same-sex marriage motion. I, too, listened to some of the debate last night. Even though I found myself in disagreement with some people, I did not find myself offended because, in my view, they have a right to their opinions. That is what a parliamentary democracy is all about. They have as much right to express those opinions as we have to express others. That is parliamentary democracy.

• (1540)

**Senator Prud’homme:** I agree. I want to put on record that I agree with Senator LeBreton.

**Senator LeBreton:** Thank you, Senator Prud’homme.

Honourable senators, today is indeed a historic day in our chamber. I stand before you, after all this time, proud in knowing that we are about to send an important message to the other place regarding the federal accountability act, Bill C-2, an act that when finally passed will usher in a new era of accountability in Canada.

Since our government’s election in January 2006, we have been determined to deliver on this promise to implement the most

sweeping accountability legislation this country has ever seen. Honourable senators, our chamber has played an important role in shaping this legislation and in helping the government make it even better.

I am thankful to all those involved in developing this legislation and I am confident that Canadians will be proud of the work we have all done in developing and passing it.

When we received the message from the other place that they did not agree with many Senate amendments on Bill C-2, senators from all sides went to work to seek common ground. Senators on the Standing Senate Committee on Legal and Constitutional Affairs went back to work to review the amendments and the work they had completed, in a spirit of cooperation and an effort to find compromise upon which we could all agree.

As honourable senators will know, this bill is the first major piece of legislation Canada’s new government introduced and it remained the government’s number one priority. I am pleased to say that today’s report represents a thorough examination by the Legal and Constitutional Affairs Committee, which met 31 times to listen to over 160 witnesses for a total of 107 hours of meetings. We can always take that to the bank when people say senators do not work hard.

Today I want to take a second opportunity to publicly thank and acknowledge the work of my honourable colleagues opposite. I know Senator Zimmer, Senator Baker, Senator Ringette, Senator Milne, Senator Cowan and Senator Joyal worked exceptionally long hours and worked closely with their staff to carry out functions of due diligence, not only on this bill but on the recent report and the many amendments put forward by the opposition.

I know, too, that Senator Day, as the opposition critic on this bill, worked in a spirit of cooperation and consensus. I personally want to thank him for his hard work.

Thank you very much, Senator Day.

Additionally, my counterpart opposite, Senator Hays and his leadership team, have all played an important role. When this chamber passes legislation of this magnitude and importance to Canadians, it is imperative to stop and thank those involved. Many times Senator Hays and I were mere spectators to the process, I must say.

The process surrounding Bill C-2, the federal accountability act, was one unlike the Senate has ever seen. From our side, I know Senator Donald Oliver, as chair of the committee and sponsor of the bill — and I know this situation was unique and difficult given our numbers — had to take on his shoulders a very onerous task. He worked endless hours on this legislation and conducted his duties with a steady hand. With his dedication and organization, he helped to steer this priority legislation through many difficult moments to ensure we arrived at where we are today.

On behalf of all senators on both sides of the chamber, Senator Oliver, thank you so much.

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

[ Senator Prud’homme ]

**Senator LeBreton:** Senator Andreychuk, an important member of our Bill C-2 team, guided us through our clause-by-clause process, as I said in my earlier statement, and given the number of amendments tabled, that was no easy task. To her I want to personally extend my appreciation and the appreciation of all of us for managing the Bill C-2 responsibilities while she has such onerous responsibilities on other committees.

Senator Nolin, with his keen observations, provided important guidance all through the amendments process. With his legal background, and with his family's experience in the judiciary, Senator Nolin was helpful to us more than he will ever know.

Thank you, Senator Nolin.

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

**Senator LeBreton:** As I stated when I first spoke, I want to say a special word of thanks to our colleague, my colleague, Senator Stratton, who has been a stalwart for us on our Bill C-2 team throughout the whole process. He was the voice of our Senate leadership during the process and he was always willing to help wherever and whenever he was needed. To my colleague Senator Terry Stratton, I want to express my own personal thanks as well.

Finally, honourable senators, I want to extend a warm thank you as Leader of the Government in the Senate to all Senate staff. I would like to thank the committee staff, the clerk of the committee, the translators, the stenographers, researchers, writers, the sound and television people, the procedural experts, the Treasury Board officials, the Senate law clerk's office, and all of the other staff involved who were key in the success of getting this legislation through. Without these staff members, this task would have been impossible. Honourable senators, it is important to acknowledge their dedication and long hours in supporting our parliamentary function. We often tend to overlook their importance to us. On behalf of all senators, I want to thank them.

We, honourable senators, were all part of history at work as we undertook the federal accountability act. Honourable senators, the Senate has now done its job. Soon a new culture of accountability will be upon us and I am proud of the accomplishment of all honourable senators and of the government in reaching a compromise deal that will ensure this era is finally upon us.

The compromise reached will see the Senate retain its Senate Ethics Officer as currently constituted, and the Senate will insist that the House of Commons and the Senate are removed from the definition of what will constitute a public sector entity.

Honourable senators, this compromise required both sides to move significantly, but at the end of the day we, as the Senate, have done our job, and it is time to move forward. I stand before you proudly today, honourable senators, to say to you again that the federal accountability act, the first major piece of legislation to come from Prime Minister Stephen Harper's Conservative government, is now on the verge of becoming law and, as such, we shall all be proud of this moment.

When Royal Assent is granted, the partisan divide will disappear and the politics of this legislation will have come to an end, and it will be a time to celebrate. We can celebrate the fact that the passage of this legislation will turn a page in the history of Parliament and we can celebrate the hard work of many.

Honourable senators, history will record those involved in this legislation as being at the forefront of forward thinking with respect to accountability, transparency and ethical political discourse. History will record that the passage of the federal accountability act will be the moment when faith by Canadians and for Canadians was restored in and by their government.

Honourable senators, the time has now come to pass this legislation for the benefit of the country. Again, on behalf of our side and on behalf of the government, I want to thank everyone for their efforts.

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, it is unfortunate that I must take the last word away from my honourable colleague, Senator LeBreton, but I must point out a small discrepancy between the English and French versions of the report.

With your leave, I would like to move an amendment to correct the discrepancy. I must congratulate the clerks of the Senate whose eagle eyes picked it up. The amendment would bring the French version in line with the English version.

#### MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I move:

That the report be amended in the French version by replacing, in the second line of the paragraph beginning with the words "Que le Sénat insiste sur l'amendement 2", the word "reconnait" with the words "faut reconnaître" and by replacing, in the same paragraph on the fifth line, the words "mais qu'elles sont plutôt" by the words "qui sont en fait".

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

**Some Hon. Senators:** Yes.

Motion agreed to and report, as amended, adopted.

• (1550)

[English]

### NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

**Hon. Donald H. Oliver** moved third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

He said: I made my remarks earlier, honourable senators.

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

[*Translation*]

**Hon. Serge Joyal:** Honourable senators, this bill is now at third reading, and I would like to draw the attention of the Senate to two aspects of the bill.

With your permission, I would like to continue presenting my comments at the next sitting of the Senate, as I do not have my reference documents with me. If I were to speak from memory, I would run the risk of forgetting some important information. That is why, with your consent, I would like to continue my comments at the next sitting of the Senate.

On motion of Senator Carstairs, debate adjourned.

[*English*]

### JUDGES ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, Senator Cools had wanted to speak on this bill, but she is not in the chamber at the moment. I know she has a deep and long-standing interest in the whole subject of judges.

In order to afford Senator Cools the opportunity to speak on this bill, I suggest we adjourn debate until Monday. I know we need to deal with the matter by, at the latest, Monday night. I move adjournment until Monday.

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

### FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Hugh Segal** moved second reading of Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

He said: Honourable senators, it is an honour for me to lend my support to Bill C-34, to provide for jurisdiction over education on First Nations lands in British Columbia. This legislation will enable First Nations in British Columbia to assume greater control over and responsibility for on-reserve education. The

advantages of this approach to First Nation education are both plentiful and well documented: better student outcomes, more relevant curricula and greater involvement with parents and community residents in school affairs, to mention but a few.

[*Translation*]

Bill C-34 will enable the implementation of the agreements on education negotiated with First Nations in British Columbia. First Nations will therefore be able to truly assume control of the elementary and secondary on-reserve education system. With the adoption of Bill C-34, First Nations will be able to assume responsibility for local schools.

[*English*]

Honourable senators, few Canadians appreciate the direct relationship between local control and a high-quality education. Perhaps this is because we all take it too much for granted. Most of us attended schools closely connected to our communities. Parent councils and voters in the community exerted a direct influence on the policies of school boards and provincial ministries of education. Local taxpayers contributed much of the money that paid for teachers, classrooms, books and other supplies.

First Nations schools, however, currently operate in a very different context. Under the terms of the ancient Indian Act, the Government of Canada serves as the de facto ministry of education for all on-reserve schools. Given the remote location of many First Nations communities, the system disconnects many on-reserve schools from the people who oversee them.

While band councils receive federal money to manage the day-to-day operations of on-reserve schools, these local officials have no mandate to address issues related to curriculum, teacher certification and educational standards.

Honourable senators, local control over these matters contributes to the success not only of the schools but also, most important, individual students. At its core, education is about establishing connections between ideas, teachers, students, schools, communities, administrators and taxpayers. Sever these connections, and you also rob students of the motivation to learn, discourage parents from involving themselves in their children's education and erode public support for the school system. I am convinced that the fundamental disconnect fostered by Canada's current approach is largely responsible for the disheartening truth about First Nations education in this country.

Recent reports by the Auditor General of Canada as well as groups such as the Fraser and C.D. Howe Institutes reconfirm the fact: Students who attend on-reserve schools are much less likely than those in the public system to complete high school or to attend college or university. I believe this sobering reality has serious repercussions for all Canadians.

[*Translation*]

Today, approximately 120,000 First Nations students attend elementary and secondary schools on reserves in Canada, and the Aboriginal population is growing much faster than the non-Aboriginal population.



As we know, children's academic success is one of the most decisive predictors of their standard of living as adults. Because of unsatisfactory outcomes in the current education system, students who attend on-reserve schools are more likely than students elsewhere in Canada to go through periods of unemployment and suffer health problems. The combination of all these factors will drive up the demand for social programs and the related costs.

• (1600)

[English]

Clearly a remedy is needed. Bill C-34 is part of the solution by empowering First Nations in British Columbia to improve the educational outcomes achieved by students attending on-reserve schools.

To appreciate the advantages of local control over on-reserve schools, consider the story of the First Nations Education Steering Committee, or FNEC, the province-wide First Nations education organization in B.C. FNEC is a non-profit group dedicated to improving the quality of education delivered in British Columbia's band schools. Founded by a consortium of First Nations in the 1990s, FNEC has since attracted dozens of partners from the private and public sectors, including all of the key players in the field of provincial education. British Columbia's Ministry of Education and teachers' college, along with the professional associations that represent the province's teachers, principals and superintendents, all collaborate enthusiastically with FNEC.

[Translation]

With their help and that of other partners, the First Nations Education Steering Committee has taken an important step for the on-reserve schools in the province and it has implemented a wide range of new programs and new initiatives.

[English]

FNEC established a club for students to promote the value of education. Thousands of students belong to the club, and school attendance is climbing steadily. To ensure that parents have the tools and skills they need to support their children's education, FNEC established a club for parents. FNEC has also addressed many of the practical issues facing individual schools, helping to recruit qualified teachers, apply for federal grants and access bulk-purchase discounts for books and academic supplies.

Among its many accomplishments, FNEC has also developed secondary-level courses imbued with First Nations cultural content and devised a certification system for on-reserve schools.

Each year FNEC and B.C.'s Ministry of Education hold a joint conference on First Nation education. Each year the Ministry of Education reports on the progress made by Aboriginal students attending public schools. By the spring of 2005, the high school graduation rate amongst Aboriginal students was up to 48 per cent — still well behind the 79 per cent rate for non-Aboriginal students, but closing steadily. Clearly, FNEC's efforts are paying off.

[Translation]

I strongly believe that the bill before us today will lead to other improvements in the education system of the entire province. Even though it only targets on-reserve schools in British

Columbia, the bill also introduces an approach that allows First Nations to take matters into their own hands, which is something other regions in the country could do as well. The many advantages to this approach led to the particularly quick passage of Bill C-34.

[English]

Honourable senators, today members of this chamber have an opportunity to show, as they always have, support for our First Nations across Canada. We have an opportunity to provide First Nations in British Columbia the means to deliver a high-quality, meaningful education to their children, and to inspire new hope in their communities. Colleagues will know that there was unanimous support for this same measure in the other place.

I urge my honourable colleagues on all sides to join me in supporting Bill C-34.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, on the one hand, Senator Segal is recommending quick passage of this bill — and I certainly am not going to hold things up, but on the other hand, clause 35 of the bill, on its implementation, says:

The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

Are we to assume that there is no absolute urgency to pass the bill? Perhaps I am mistaken in my interpretation of this paragraph. Could Senator Segal please clarify this for me?

**Senator Segal:** With pleasure. We are dealing with an agreement between the Province of British Columbia, the First Nations and the federal Government of Canada. This agreement will create a federally funded school board with a certification process, teachers and schools in order to establish rules for a curriculum for all the First Nations in the province.

Once that is done, there must be financial negotiations between the Government of Canada and the schools on the First Nations reserves in order to obtain funding for their educational needs. I am of the opinion that we need to have a debate in this chamber and discussions in committee next week in order to move on to third reading of this bill, which the government wants to implement as soon as possible.

[English]

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, before Senator Sibbeston speaks, the speaker on this side will be the second speaker, and the rules provide for 45 minutes. Our critic on this matter is Senator Fraser. I am seeking an understanding that her 45 minutes be reserved.

**Senator Comeau:** As the second speaker, agreed.

**The Hon. the Speaker *pro tempore*:** Senator Sibbeston may speak now, but the critic will be Senator Fraser.

**Hon. Nick G. Sibbeston:** Honourable senators, I made up my mind earlier today that I will speak on this bill. I am very interested in the subject. I met with First Nations representatives a number of weeks ago about this bill, so I very much wanted to say something about it.

Colleagues, I must tell you that just a few moments ago I was approached by Joan Fraser asking if I wished to speak on this bill. I said, "yes," innocently, enthusiastic about the possibility of speaking to the bill. Her reaction was anger, threatening; as if I had done something wrong. After a long, long stare, I told her I was going to speak anyway and to bugger off.

I would ask Her Honour if this constitutes a denial of privilege and of my freedom as a senator to speak freely for the people of the Northwest Territories. Does the Deputy Leader of the Opposition have the right to influence or discourage or stare at a person in anger, thus affecting my ability to speak? What is the protocol? What is the procedure?

This is not the first time. Yesterday, or the day before, Senator Fraser approached me and asked if I intended to be here next week. I said "no," and she swore at me. I said, "Madam, this is the first time I have heard you swear." She basically walked away in anger again. I am puzzled. Maybe someone can enlighten me about the proper conduct of the leadership with respect to ordinary senators. Is this the way things are conducted in this place?

**The Hon. the Speaker *pro tempore*:** The chair has recognized Senator Sibbeston. If he wishes to speak on the bill, he can do so now.

**Senator Sibbeston:** Your Honour, it is more than that. I want a ruling on my privilege. My privilege in some way has been affected. Joan Fraser is angry with me because I want to speak today. In this way, my right, my freedom, my ability to speak has been influenced. Unless she apologizes or she agrees to take some therapy to deal with her disposition so she can properly and respectfully deal with senators, I would consider that the matter needs to be dealt with by this house.

• (1610)

**Senator Hays:** Honourable senators, I think this is a point of order. It cannot be a point of privilege because we have a procedure for privilege. As a point of order, to the extent that Senator Sibbeston is being prevented from speaking, that is not the case. He is free to speak —

**Senator Sibbeston:** No, she stared at me. She stared at me to the point where I did not know how to behave.

**The Hon. the Speaker *pro tempore*:** The chair has recognized the Leader of the Opposition.

**Senator Sibbeston:** You are making bloody excuses.

**Senator Hays:** If the point of order is that Senator Sibbeston does not have the right to speak, I submit to Her Honour that he is not being prevented from speaking.

**Senator Sibbeston:** Tell her, Mr. Leader. Are you saying that or is she saying that? I would like to hear from her.

**Senator Hays:** Given that it is unusual for these kinds of things to be raised when they did not occur on the floor of the chamber, I think Senator Sibbeston is talking about something that took place between Senator Fraser and himself.

**Senator Sibbeston:** It took place in this house, right here.

**Senator Hays:** Obviously, the honourable senator is offended by that. I am not sure, Your Honour, whether our rules deal with sharp and taxing language, but that is something that takes place within the chamber.

In terms of an exchange between senators that is not part of our proceeding or that has not been brought to the floor of the chamber, that is between the senators involved.

Certainly Senator Sibbeston's question about his right to speak is a good one. I put it to Your Honour that he does have the right to speak. I only rose to ensure that the second speaker would be provided the 45 minutes because my understanding is that Senator Sibbeston is not the critic, which was agreed to. If the suggestion is that he is not being given a right to speak, I do not believe there is a point of order, because he is.

**The Hon. the Speaker *pro tempore*:** I believe what we have in our rules regarding decorum in this chamber relates to the language the Speaker hears. There was no exchange; I was not aware of anything.

Senator Sibbeston stood to speak and I gave him the right to speak. I do not think there is any point of order with respect to the way the discussions were held here in this room.

I now recognize Senator Carstairs.

**Hon. Sharon Carstairs:** I believe Her Honour has dealt adequately with this matter.

**The Hon. the Speaker *pro tempore*:** Does Senator Sibbeston still want to speak on the bill?

**Senator Sibbeston:** Yes.

**The Hon. the Speaker *pro tempore*:** You may then speak on the bill, Senator Sibbeston.

**Senator Sibbeston:** I do not know if I have a right to speak on the subject or whether Joan Fraser will, in some way, punish me. Will you punish me if I speak about this bill?

**Senator Grafstein:** The leader has just said "speak."

**The Hon. the Speaker *pro tempore*:** The rules state that either the Speaker or the chair recognizes the senator who stands and wants to speak, so if you want to speak, you are free to speak on second reading of this bill.

**Senator Sibbeston:** Thank you.

Honourable senators, I am pleased to speak briefly to support Bill C-34. I do not know whether Joan Fraser approves of this or not. I do not know if what I have to say will make her angrier with me than she was before.

Honourable senators, Bill C-34 will implement an agreement negotiated between Canada, British Columbia and the First Nations Education Steering Committee, which represents a large number of First Nations in British Columbia. The bill would establish a First Nations education authority to ensure that schools on First Nations would operate at high standards and under the control of First Nations people.

The bill is voluntary. All those First Nations who initially come under the bill are willing participants. Provisions allow other B.C. First Nations to eventually become part of this system. First Nations that choose to take part will no longer be governed by the Indian Act with respect to education. Getting out from under the Indian Act is always a good thing.

The bill represents an important step in improving the lives of Aboriginal people. The importance of having local control over education and particularly of having Aboriginal input into Aboriginal schools cannot be denied.

Aboriginal people do know the importance of education in today's technological society. It is a world of computers and advance science. I have no doubt that Aboriginal people will take their responsibility very seriously.

In the Northwest Territories, the Tlicho people became the first Aboriginals to assume authority over education. This happened way back in the 1960s. Their visionary chief, Chief Jimmy Bruneau, recognized the importance of education early on and said that through education "the Tlicho people could be strong like two people." By controlling their schools they could get the advantage of Western education while maintaining the strength of their own culture and language. This has been a big success and underlies all the accomplishments that the Tlicho people have achieved in the last 40 years.

I am pleased to support this bill and urge senators to give it quick passage so the people of B.C.'s First Nations can get on with the important job of educating their children.

On motion of Senator Fraser, debate adjourned.

### **SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE BILL, 2006**

#### **SECOND READING—DEBATE ADJOURNED**

**Hon. David Tkachuk** moved second reading of Bill C-24, to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence.

He said: Honourable senators, it is with great pleasure that I speak to Bill C-24, a bill which will implement Canada's obligation under the softwood lumber agreement.

The softwood lumber dispute with the United States has been a long-standing trade irritant for Canada. Over the years, it became the single most heavily litigated trade case in Canadian history. There was agreement only for short periods of time when our colleague Pat Carney was minister — 1986 to 1991 —

and between 1996 and 2001, which agreement was signed by the previous government. For five years, from 1991 to 1996, we had no agreement and then again from 2001 to 2006.

I think there is a reason for that. It probably has a lot to do with past negotiators feeling the need to achieve perfection. As we all know, in international trade agreements there is no such thing. That is why they call them negotiations. That is why the free trade agreement and then NAFTA was such a great achievement.

Even though there have been disputes, considering the amount and variety of trade, there is relative peace and harmony. Indeed, some 95 per cent of our trade with the United States is dispute free. It was such an achievement that today Canadian fiefdoms, otherwise known as provinces, are negotiating free trade agreements among themselves. In our country, we have a free trade agreement with the United States and Mexico but not between Ontario and Quebec.

In the United States, the lumber industry has always seen stumpage fees as an indirect subsidy. Now, Americans dislike subsidies, unless, of course, they are the ones receiving them. They see the amount the Canadian lumber industry pays in stumpage fees as less than they do as private woodlot operators to reforest and obey environmental regulatory rules and environmental laws.

How do they treat the Maritime competition that operates in the same economic framework as they do but manages to give better prices? "Oh, they are dumping," they say.

It is a testament to our "lumber barons," as the Liberal critic in the other place called the Americans; American lumber barons as opposed to Canadian non-barons. I would like to have a few barons and baronesses of our own. Ours seem to be more efficient and therefore offer better prices, as every NAFTA and World Trade Organization trade panel pointed out, with great frequency. Nonetheless, the American lumber industry appealed every decision that did not favour them.

Behaving rationally is not the norm in trade disputes, and in the end everyone acts in their own self-interest. Make no mistake: The softwood lumber conflict weakened our industry and affected thousands of Canadians who worked in our sawmills. It took a crushing economic — and often personal — toll on workers in communities across the country, and it strained relations with our most important trade partner.

• (1620)

Therefore, it was a great relief earlier this year when the Prime Minister and President Bush agreed to press for a lasting solution to this issue. On October 12, the softwood lumber agreement came into force.

The philosophy of this agreement was stability in the marketplace. Investments and growth are deterred by instability. While the marketplace is, by itself, unstable, it sends real economic messages. Courts, lawyers and irrational behaviour exhibited through the legal process send only one message: Who needs it? Investment in plants, equipment and growth are put on hold.

Trade Minister Emerson and Ambassador Wilson, operating under the rational behaviour of mutual respect exhibited by our Prime Minister toward Americans, led us to plan a strategy and

come to an agreement with the Americans that did not achieve perfection, but did achieve stability — and on terms favourable to our industry. This occasion marked the beginning of a new era for Canada's softwood lumber industry, an era of stability and predictability, which have eluded the industry for far too long.

The agreement does many things. It eliminates punitive U.S. duties; it ends costly litigation, which has gone on far too long; and it takes our lumber producers out of the courts and puts them back where they belong — in communities across the country, growing their enterprises and contributing to Canada's economy.

The agreement provides stability for an industry hit hard by years of trade action and drawn-out litigation; and the agreement returns more than \$5 billion, a significant infusion of capital for the lumber industry, workers and communities that rely on it. Within the agreement, there are mechanisms to continue negotiations so that we may achieve real free trade in the years ahead.

The refunded money, and the stability and predictability provided by this agreement, comes at an extremely critical time for Canada's timber industry — and for the sawmills, the producers and many of the more than 300 forestry-dependent communities across the country. Our lumber industry is facing tough times. Lumber prices are at the low end of their cycles and production costs are rising.

Combine these challenges with the continued strength of the Canadian dollar and you can begin to understand what our industry is up against. The badly needed money provided by the agreement breathes new life into this sector. In fact, it is already helping our lumber producers to reinvest in their enterprises, improve efficiency and weather the current downturn in lumber prices.

I want to report that the refund process is almost completed. Thanks to the accelerated process developed by our minister, Export Development Canada has ensured most lumber companies have already received their funds. More than \$3 billion has already been dispersed to companies ahead of schedule, and Export Development Canada will continue to make expedited refunds over the coming weeks.

While the money is good news in itself, let us also consider the other benefits of the agreement for forestry workers and communities. The agreement provides a stable, predictable trade environment, where the rules are clear and do not change with every new legal ruling. The importance of this kind of stable environment to our lumber industry cannot be overstated. It gives our lumber companies a chance to make longer-term plans and to grow.

The agreement also puts us on the right path toward fostering the further development and integration of a strong North America lumber market, one where Canadian companies can play an essential and leading role.

We do not need to look too far back into the past to remember what life was like before the agreement, and the serious setbacks caused by this trade dispute over the years. This trade case was the most heavily litigated in history. Our lumber producers have

spent the better part of the last two decades engaged in a number of drawn-out legal battles with the United States.

Our victories in a number of trade courts, including the North American Free Trade Agreement, and the World Trade Organization were simply appealed by the United States, triggering millions of dollars in legal fees. The enormity of those fees stand as a testament to the high price of continuing with a strategy built entirely around litigation — and to the old adage that because you win the battle does not mean you win the war.

Yet some continue to suggest that Canada should have held out for a promised win in litigation some time in 2007 or beyond. We should be clear on this point. Even if Canada were successful in its case, the United States, or its softwood lumber lobby, would file a new case the next day. Only an agreement such as the one we have reached can prevent new cases and a new dispute from erupting.

Continuing litigation will be too steep a price to pay, with an extremely uncertain outcome waiting at the other end. This is a case where there is simply no trade peace waiting for us.

The softwood lumber industry is a key supporter of this agreement. In fact, the agreement received over 90-per-cent support from the industry and was supported by all three major softwood producing provinces. Not one province or territory sent a letter disagreeing with the final agreement, as normally would happen.

Throughout the negotiation process, the concerns of industry and provinces became active parts of Canada's negotiating position. In fact, these concerns continued to inform the process as this bill made its way through the House of Commons Standing Committee on International Trade, where it became subject to a number of amendments that stemmed, in large part, from industry and the provincial governments.

One key factor driving the broad support for this agreement is that it respects the diversity of Canada's lumber industry. The lumber industry across the country is varied, and different regions have unique challenges and opportunities. I want to take a few moments to highlight some of the regional benefits of the agreement and explain how it responds to a wide variety of needs across the country.

First, the agreement gives provinces flexibility in choosing the border measure that best suits their particular economic needs. Exporters will only pay an import charge when the lumber price is at or below \$355 per thousand board feet. When prices reach this threshold, Canadian regions, as defined in the agreement — the B.C. coast and the B.C. interior, because British Columbia is split in two; Alberta; Saskatchewan; Manitoba; Ontario; and Quebec — can select one of the following two export-charge regimes: option A, an export charge with the charge varying with price; or option B, an export charge plus volume restraint where both the rate and the volume of restraint vary with the price. Volume restraint means not producing as much lumber.

This mechanism allows provinces to choose the export charge that is right for their individual economic and commercial situation. Funds collected under either option will stay in Canada and not end up in the U.S. treasury, as was the case in the past.

The provinces and industry also asked for flexibility in export quota rules to meet their U.S. customers' requirements. In response, the government negotiated provisions allowing companies to carry forward or carry back up to 12 per cent of their monthly export quota volume from the previous or the next month.

These provisions are a significant improvement over the old environment. Under that system, the duties imposed by the U.S. are reassessed annually. The industry never knows from year to year what duty rate will apply. Under this agreement, they will know and can take full advantage of a stable and predictable business environment.

The agreement also contains a provision allowing provinces to seek an exit from the border measures, based on a process to be developed by Canada and the United States in full consultation with provinces, within 18 months of the agreement coming into force. The agreement provides for reduced export charges when other lumber-producing countries significantly increase their exports to the United States at Canada's expense. It protects provincial jurisdiction in undertaking forest management policy reforms, including updates and modifications to the system, actions or programs for environmental protection, and in providing compensation to First Nations to address claims.

Part of the problem with the last agreement was that whenever a provincial government set a new policy or perhaps developed new environmental regulations the Americans saw that as a change in the way the forests were managed. Therefore, the Americans used that change as an excuse to begin some sort of litigation against Canada. In this particular agreement, those things have been dealt with.

• (1630)

Bill C-24 includes a mechanism to ensure that returned duties will be back in the hands of our exporters within weeks of the agreement's entry into force — a refund process that, as I explained earlier, is nearly complete. It ensures that independent lumber re-manufacturers who do not hold tenure, and are independent from tenure holders, do not have to pay an export charge on the value-added component of their products. This represents a significant improvement on treatment compared to previous agreements. Re-manufacturers will select poorer quality lumber at a saw mill and produce a different kind of product. They will be exempt from this agreement.

In addition to these benefits and the flexibility built in for the provinces, the agreement also addresses region-specific concerns raised by different provinces and stakeholders throughout the negotiation process. For example, the agreement provides a limit on the export charge imposed on high-value lumber products, such as western red cedar, which is primarily produced on the B.C. coast. Through the agreement's anti-circumvention provisions, it also recognizes the importance of B.C.'s forest policy. B.C.'s market pricing system and any updates or modifications to that system have been given a full exemption under the agreement.

In response to Canadian industry concerns regarding the exemption of coastal logs, lumber and running rules that govern the administration of export measures, the U.S. has also confirmed that it is prepared to engage in early discussions to ensure that the agreement operates in a commercially viable manner. The agreement directly responds to concerns expressed

by Quebec, Atlantic Canada and the territories. For example, the border measures will not apply to the export of lumber products manufactured at Quebec border mills, a key position supported by the Government of Quebec and its industry. In fact, the government achieved exclusions from border measures for a total of 32 companies in Quebec and Ontario, including the Quebec border mills.

The agreement ensures that lumber produced from logs harvested in the Atlantic provinces, which are certified by the Maritime Lumber Bureau, will not be subject to border measures. It ensures that lumber produced in the Atlantic provinces from logs harvested in the State of Maine is exempt from border measures, a key component of bilateral trade in that region. It also exempts lumber produced in the territories from border measures.

It has been clear throughout the negotiating process, and it is reflected in the bill, that the concerns of industry and provinces have played a major role in shaping the government's approach. I am not saying that there are not provinces without remaining concerns. If that were the case, this would not be Canada. However, the newly amended Bill C-24 before us represents the result of a vast amount of work to address most of the concerns of the provinces and the industry. In particular, it provides authority to impose export charges when lumber prices fall below \$355 per 1,000 board feet. It gives the provinces the flexibility that they need to choose the right border option for their economic situation. There will be a permanent committee of Americans and Canadians who will discuss new issues that arise out of the agreement as well as outstanding issues. The Canadian government hopes that this agreement will lead ultimately to a free trade agreement on lumber between the two countries, which would be the best solution.

It is now up to honourable senators to consider the merits of this bill. I would ask that we do so in a timely manner. Indeed, time is of the essence. As I said earlier, the lumber companies that will receive over \$5 billion back to re-invest in their enterprises need not only money but also a stable trade environment to weather these tough economic times. Honourable senators should note that I speak of Canadian dollars. Dollar figures heard elsewhere are likely in American funds.

This agreement provides such stability for the companies and for the hundreds of thousands of people in lumber-producing provinces across this country who rely on this industry for their livelihoods. The government believes that our lumber communities have suffered long enough; and industry and the provinces agree. We believe that they need the stability and the resources that this agreement provides and that this agreement is the single best way forward for our softwood lumber industry and the more than 300,000 Canadians who rely on it.

That is why I ask for the support of honourable senators on Bill C-24.

**Hon. Daniel Hays (Leader of the Opposition):** Would Senator Tkachuk take one or two questions?

**Senator Tkachuk:** Yes. I will do my best to answer.

**Senator Hays:** This matter is very important and the honourable senator provided the house with an excellent overview of a highly complex matter. I will have to read it to gain a full understanding of the proposed agreement. Perhaps the honourable senator can help me with a couple of things. First, I am looking for an indication of the provinces that favour the proposed agreement and the provinces that still have concerns about it. I appreciate that there are differences between the regions. For instance, the Atlantic region has fewer issues because they do not have the Crown land that other regions have.

Second, are the benefits of the proposed agreement available now in terms of our softwood lumber trade or are some of them deferred until such time as Bill C-24, implementing the agreement, is passed?

**Senator Tkachuk:** The payments are being made now. The agreement took effect on October 12. There were a number of outstanding issues but those of the key lumber-producing provinces of British Columbia, Ontario and Quebec have been resolved to their satisfaction; and they support the agreement.

The Atlantic provinces also support the agreement but disagree with certain elements of Bill C-24 to implement that agreement. There were a number of outstanding issues, some of which were addressed in the House and are on the record of the committee, and some of which were addressed by amendment.

One outstanding issue is still held by the Maritime Lumber Bureau. They are working on it but have not come to a resolution yet. All of the other outstanding issues have been dealt with to their respective satisfaction, I believe.

The territories' amendments on excluded companies were added to the bill at committee. There are only a few issues remaining, one in Atlantic Canada and one perhaps in Saskatchewan, although I am not positive because I am unaware of the progress in recent negotiations.

On motion of Senator Hays, for Senator Mitchell, debate adjourned.

## 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. Jeremiah S. Grafstein:** Honourable senators, I will begin by commending Mr. Harper as a party leader for unifying his party and giving Canadians a clear political choice of both people and policies. Some of the members of the Senate and the other place may disagree, but I have always believed in a robust two-party system. I believe that a two-party system would give Canadians clear-cut choices in the best interests of every region of Canada.

The Liberal Party is in the process of emulating the Conservative Party by uniting its warring classes, clans and tribes in order to give Canadians a clear choice by unifying under our new leader, Stéphane Dion.

Therefore, I have a grudging respect for the Prime Minister for his intelligence and strategic thinking on the party front. However, I must say that I am growing increasingly critical of his legislative actions and thinking on the parliamentary front as demonstrated by Bill S-4.

• (1640)

This bill purports to reform, without constitutional amendment, the essential characteristics of the Senate. Many of us on this side believe this is unconstitutional.

As one house changes, the other house changes. As the other house changes, the executive changes. In establishing our bicameral Parliament, the Fathers of Confederation carefully balanced the Houses of Parliament, representation, popularity, regional and sectoral interests and minority rights. Everything shifts in Parliament if one serious component, one serious element, one serious characteristic of one house changes. Nothing stays the same. The delicate balance — the constitutional balance — has now been disrupted.

Earlier in the Senate, I referred to the attitude of the Alberta school. Now I should like to talk about the Harper legislative mind at work here in Parliament.

We have learned on this side that Parliament should not be trifled with by half measures, imprecise resolutions, quick fixes and tricky strategies that undermine Parliament as an institution, as the people's house. Constitutional changes, we have learned, on both sides, require care, fulsome political investment and political, capital in order to persuade not only the population of Canada, but also the various institutions that make up the institution of Parliament here and the provincial houses that we are all moving in a coherent way.

All parliamentarians, both here and in the other place, have a duty to ensure that the people's interests are safeguarded, as we are, collectively, the supreme court of public opinion. This supreme court of public opinion is something Canadians have given their lives for, to support the principles of democracy and responsible government.

When we turn to the legislative manoeuvres of Mr. Harper, we see a suspicious and perhaps dangerous pattern emerging. What does Mr. Harper have in mind, we ask. What does he think? How does he think in legislative terms? We understand how he thinks in policy terms — we have heard him on the platform and on the campaign trail. However, changing policy and slogans into legislation is another craft. It requires care and precision. Parliamentary changes do not come easily.

We have learned on this side that snap motions, rush to judgment, whether with respect to legislation or motions, almost all the time are absolutely wrong. We have learned that. That is the experience of this side and I am sure of the other side.

I shall give two recent examples — namely, the motion in the other House with respect to Quebec and the motion today with respect to same-sex marriage. Read these motions, honourable senators. We are a house of words. Read those motions, and you will find that they are imprecise and confusing. They do not give Parliament or the public a clear understanding or a clear choice. Neither deals with the aspirations of Canadians for a strong and united Canada that accepts equality as the value most accepted by all Canadians.

The Charter has become the most revered and important institution of Canadian unity in Quebec and, indeed, in every province. Over 80 per cent of the Canadian population across the country consider the Charter the most important Canadian institution, the Constitution of Canada. Only one word sums up the Constitution and the Charter — that is, equality. The Charter is the paramount check on parliamentary power. The Charter is meant to exert paramount power against the excesses of parliamentary power.

Let me turn more precisely to Bill S-4, which is another snap half measure, an unfinished idea, a charade that reminds me, honourable senators, of the old switch-and-bait game — what you see is not what you get. There is not a senator in this chamber who is not interested in parliamentary reform. However, it is equally important to remember the old African Uhuru saying — that is, if you want to have change, make sure you replace it with something of greater value.

Mr. Harper talks about reform and provides us with half-finished, half-considered, half-baked measures, tantalizing tidbits no less, and I ask myself, why so? Why throw these out? At first blush, this bill on Senate reform has a very seductive measure of persuasion. It is meant to address the issue on the campaign trail of Senate reform. In fact, it has an alluring, facile attraction at first blush. When I first read it, I said, “This may not be a bad idea.” However, on second thought — and not even on second sober thought — it is deeply flawed and is inimical to the best interests of parliamentary reform.

Surely, honourable senators, this bright, intelligent leader, Mr. Harper, can do better than this flawed bill. Surely, he has another shoe to drop. We have been tantalizingly told by the other side that there is more to come. Yet, he will not put all his shoes in order. We have one shoe; we do not know what is in the other shoe. He expects us to buy a pair of shoes, only seeing one shoe. It makes no sense. Perhaps we should wait to see what is in the other shoe, to see if Parliament can walk in these brand new shoes he is preparing for us. Let us see his cards. Let us see all of his cards. Let us be fair.

Senator Bryden, in a classic speech the day before yesterday, gave a superb constitutional analysis of this bill. He pointed out carefully how the Fathers of Confederation and all the esteemed critics had constructed a different Parliament, a different democratic infrastructure, different from the U.K., similar to the U.K., different from the U.S., to balance in Canada the popular house with a regionally selected upper chamber to ensure that the regions were properly supported and that minority interests were protected to offset the popularly elected lower House. That is deeply embedded in our parliamentary constitution.

In this magnificent way, the philosophic theses of Blackstone, Locke and Montesquieu came to life in a carefully honed Parliament with checks and balances against the executive, lower House and upper chamber to curb the untrammelled lust for power.

Senator Bryden makes a devastating point as to why this bill should be pushed aside — not only because of its constitutional unacceptability. Mr. Trudeau, he reports, would have been able to appoint 200 senators. Mr. Mulroney would have been able to appoint a full Conservative Senate. Mr. Chrétien would have appointed 100 senators, making this chamber accountable to one party.

I am not suggesting that Mr. Trudeau, Mr. Mulroney or Mr. Chrétien would have been removed from temptation to do that. They might have been tempted to do that. Indeed, Mr. Mulroney did on one occasion appoint eight additional senators, as provided for in the Constitution. He did that appropriately and powerfully. I do not comment on that.

However, this proposed act will accumulate more power in the hands of the executive, which goes to the very essence of the careful checks and balances established at Confederation.

Honourable senators, there is another trend I should like to talk to before returning to Bill S-4, a dangerous trend that we saw on this side and now on the other side, that is, a subtle transformation from a parliamentary system to a presidential system.

Here are the danger signs: When the Prime Minister stands up and says “I” as opposed to “we”; when the Prime Minister stands up and says “I say to my cabinet ministers, this is what we stand for,” as opposed to allowing his cabinet freedom. In fact, under our Constitution, cabinet was carefully constructed to afford another check on the Prime Minister’s power.

• (1650)

When I first came to Ottawa, the ministers of the Crown were powerful, independent and strong, and they represented their regional and sectoral interests as provided by the Fathers of Confederation. Now ministers are not allowed to speak without checking their words with the Prime Minister. That is not the parliamentary system. I am offended when I hear a prime minister or a leader say, “I believe.” It is not “I believe,” it is “we believe,” which means that the prime minister has been to the cabinet, the caucus, and the parliamentary wing, and the prime minister has a consensus. The prime minister leads by consensus.

I will not repeat what the Supreme Court of Canada has said, other than to reiterate what Senator Bryden said so eloquently, that is, to change the essential characteristics of this chamber requires a full constitutional amendment by the provinces, and we know the amending process.

Turning back to Bill S-4 for a moment, we on this side cannot shake and stir this chamber without affecting the other. It does not work. What does Mr. Harper have in mind? It seems, as I have said, that he is moving toward a presidential system with a lower House and a Senate. To demonstrate this case, Mr. Harper has introduced another bill, Bill C-16, which will require four-year terms for elections, which I think is contrary to the notion of responsible, accountable government.

I hope that Parliament will reject that notion because, on the face of it, as we have pointed out, it is *prima facie* unconstitutional because the Constitution calls for Parliaments to last for not more than five years. That is clear, and I believe there is a conflict there.

By the way, this notion is not unique to Mr. Harper. Other provincial parliaments are moving in the same direction. That change makes governments not more sensitive but less sensitive to the public interest and the public needs.

Mr. Harper is turning away from the parliamentary system. I believe he is moving toward the American system. By the way, I respect the American system. Many of you know that I am co-chair of the Canada-U.S. Inter-Parliamentary Group. I have spent much time in the United States and respect their system, but that is their system. Our system is different. If we respect ourselves, we will respect the principles of our system.

The Prime Minister started off by talking about term limits — an alluring idea. We all like the idea of term limits. Why do we not impose term limits on the other House? Why have term limits on this side without having them on the other side? The American system is better balanced. They have term limits — two years for the lower house and six years for the upper chamber, but one third of the upper chamber rotates on an electoral basis every two years.

Why make that change here without changing the other place? If term limits are good here, why are they not good there? We must maintain a balance and structure that makes asymmetrical sense.

Has the Prime Minister thought this notion through? He is a thoughtful man, but I do not believe he has thought this through. We on this side are open to parliamentary reform. We spend much time and energy on our Parliament; we dedicate our lives to it. A great example of that is the last several weeks during which both sides worked laboriously to come up with an acceptable, albeit flawed, bill. That example was the Senate at its best. I commend all senators who were involved in that process.

We are proud of Parliament and proud to be called parliamentarians. We are here to meet the needs of the people. However, we on this side are not prepared for a bait and switch, for an ill-conceived, half-cooked tidbit.

**The Hon. the Speaker:** I must advise the honourable senator that his 15 minutes have expired.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** We will grant an extension of five minutes.

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

**Hon. Senators:** Agreed.

**Senator Grafstein:** In conclusion, I urge all honourable senators to reject this bill and, at the very best, to refer the subject matter to the Standing Senate Committee on Legal and Constitutional Affairs for thorough consideration, particularly on its constitutionality, because I believe it is truly unconstitutional. The bill changes the essential characteristics of Parliament. The

Supreme Court has said that if Parliament wants to do that, it should, but it must ensure that the amendment is constitutional.

I believe that if we study the subject matter of this bill, we should study its functionality, as it impacts not only this chamber but also the executive and the other place.

Liberals believe in intrinsic reform. We do not believe in half-baked, ill-conceived, flawed resolutions or bills that weaken the heart of the institution of Canada that we so love — Parliament.

This Parliament has stood proudly since 1867. It has served the country well. We are one of the greatest countries in the world. We have brought prosperity to every region of the country, and it does not do us justice to have half-baked, ill-considered measures introduced into this parliamentary assembly. I respectfully demur on this bill.

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

[Translation]

## THE SENATE

### ROYAL ASSENT—MOTION TO PERMIT ELECTRONIC COVERAGE ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of December 6, 2006, moved:

That television cameras be permitted in the Senate Chamber to record the Royal Assent Ceremony on Tuesday, December 12, 2006, with the least possible disruption of the proceedings.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I have a question for the Deputy Leader of the Government. The motion speaks of recording the ceremony rather than broadcasting it. I do not know what such a motion usually refers to. Is there a difference? Are we talking about broadcasting or recording? I know that the Senate keeps visual records for the purpose of showing them at schools and other institutions. Is that what we are talking about?

**Senator Comeau:** Honourable senators, I notice that the French version refers to recording whereas the English version says something different. You have raised an excellent question that I would like to answer. From time to time we take advantage of occasions such as this one to record events that are excellent archival material. Sometimes they are used by schools, universities or other institutions. In this case, I believe it is a recording. If not, I will let you know.

**Senator Fraser:** For our part, it does not matter one way or the other. Perhaps next week you could tell us exactly what it is.

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

Motion agreed to.



## ADJOURNMENT

### MOTION ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of December 6, 2006, moved:

That when the Senate adjourns on Thursday, December 7, 2006, it do stand adjourned until Monday, December 11, 2006, at 6 p.m. and that rule 13(1) be suspended in relation thereto.

Motion agreed to.

• (1700)

[English]

## SCOUTS CANADA

### PRIVATE BILL TO AMEND ACT OF INCORPORATION— THIRD READING

**Hon. Consiglio Di Nino** moved third reading of Bill S-1001, respecting Scouts Canada.

He said: Honourable senators, I wish to add some brief comments to those that have already been made on this issue, but first I should like to thank all colleagues who directly or indirectly contributed to the debate.

Honourable senators, Bill S-1001, if passed, will result in three simple amendments. First, it will change the legal name of Boy Scouts of Canada to Scouts Canada. Second, if passed, the bill will change the purpose of the organization to reflect the fact that it now serves all young persons in its programs, including boys and girls. Third, Bill S-1001 deletes the reference to Scouts Canada being a branch of the Scouts Association of England, reflecting a reality that has now existed for decades.

Honourable senators, the bill also consolidates various provisions that already exist, in some cases since 1917, and puts them together in one place for convenience and clarity.

I shall now turn to another part of this discussion, although not related to this bill, and make a few comments about the objections and opposition raised by a number of people about this bill.

As I see it, and as we heard at committee, and with due respect for those who raised them, these objections deal with administrative matters that are the responsibility of Scouts Canada. Although these matters are of interest, it is not our role to deal with an organization's administrative matters. The administration and operation of Scouts Canada are governed by its bylaws, and it is Scouts Canada that is responsible for managing its affairs. Having said this, I recognize the interest many of us have shown in this matter.

I personally encourage constructive criticism, which, as we well know, usually results in positive change and more balanced results. Without commenting on the merits of either side of the administrative questions raised, I have contacted the Scouts Canada CEO and Chief Commissioner and, because of what we heard, urged them to redouble their efforts to continue to reach out to all interested parties to ensure that Scouting is open,

transparent and democratic, without us, in effect, interfering in their affairs. I have been given assurance that, in the Scouting spirit, this is being done and will continue to be done.

I urge all colleagues to join me in passing this bill so that it can be sent to the other place for their consideration.

**Hon. Lorna Milne:** Will the honourable senator accept a question?

**Senator Di Nino:** Please.

**Senator Milne:** We heard evidence from one particular group, Scout eh!, when we were in committee, that raised concerns about what they diagrammed for us as a circular group within the voting members of Scouts Canada. They had concerns about how an ordinary member, a non-voting member, could break into that circle. I believe you referred to that a bit in your speech, but I should like you to say a bit more about that, if you would, please, senator.

**Senator Di Nino:** I have tried not to involve my personal and extensive involvement with Scouting over the years, but if I may, with apologies if I am not doing this in the proper senatorial manner, the discussion of the issue of the bylaws that governed Scouts actually started when I was still the national vice-president, somewhere in the early to mid-1990s. There was some realization that the bylaws needed to be changed. The bylaws were antiquated, and we certainly had a lot of desire for change.

A process was started that, over a number of years, resulted in a new bylaw being presented. I was at this time no longer active in the organization, although I was still involved because of my participation in many of their events as well as being a board member of the Scouts Canada Foundation. This bylaw was then presented, and it was totally trashed. Once again, it was back to the drawing boards. A committee was struck and, as one of the ex-members and because of my continuing association with them, I was asked to comment on this new bylaw, and I did so. The organization went across the country for some 10 to 12 months and came up with a new bylaw created by a number of people. I know that participation was sought by the councils. I was not involved in this, but I honestly believed that a process was put in place to democratically engage large numbers of people to come up with this new bylaw. Glen Armstrong, who is now the chairman of the board and the chief commissioner, the big boss, in effect, actually led the charge against changing the bylaw.

Although not perfect, as nothing ever is, the bylaw was accepted by the board of directors, which is made up of three members from each council — there are 20 councils, which totals 60 members — plus a number of other individuals, including ex officio members. I think my name is still on there, but I am not sure. Senator Trenholme Counsell was an ex officio member, but again, she may not be any longer. There were then 14 appointments from the board.

It is very much like the way Liberals choose their leaders.

**Senator Milne:** Oh, oh.

**Senator Di Nino:** I did not mean that in a negative sense. I meant that people are elected from their regions. Frankly, from this side, I would love to have had a convention like the Liberals just had. Unlike us, the Liberals got \$1 billion worth of publicity — but that is another issue.

**Senator Rompkey:** That is better.

**Senator Stratton:** Undemocratic.

• (1710)

**Senator Di Nino:** Each council elects three members, and they are the vast majority of the board. Having said that, it is an issue that deals with the operation and administration of the organization.

I confessed to Senator Milne privately, and I will say it here, that I was asked if I wanted to have hordes of emails sent to our colleagues in support of the bill. My response was that Scouts plant millions of trees a year. That is one of the things that they do. I really do not want to destroy any more trees.

Let us listen with an open mind to anyone who has objections, fully understanding that it is an administrative matter. I think it is of some value to place it on the record. The committees meetings were televised and speeches have been made. In my opinion, first, I would never discourage criticism. I do not believe it is a large group; it is certainly a strong minority and they were heard.

I made that last comment because I told both the CEO and the chief commissioner that this was hurting them. I advised them to do something about it, and they agreed with me.

I cannot add anything more than that.

**Hon. Mobina S. B. Jaffer:** Honourable senators, originally many other witnesses wished to appear before the committee to give another point of view on the empowerment of Scouting and what this bill will do. Would the Honourable Senator Di Nino agree that for reasons of time they were not called, especially young women who had benefited and wanted this change?

**Senator Di Nino:** Yes, honourable senators, that is very true.

Senator Jaffer is a great Scouter, by the way. I should have mentioned her. She has probably been as active as I have, if not more so. I had been talking about bringing a number of people to tell the other side of the story, but I think we all know about the pressure that the Standing Senate Committee on Legal and Constitutional Affairs is under.

This bill has been around since 2003. As I said, in 2007 we will celebrate the centenary of Scouting, which is now around the corner. We will be recessing soon and this bill must still go to the House of Commons. Hopefully the bill will be passed before February 24, which is when the gala celebrations will take place. That is my wish, but I do not know if that can happen. I hope that honourable senators will attend. It will be held here in Ottawa.

The committee decided not to invite any witnesses to speak on the other side of the issue simply because time did not permit. I thank the Chair of the Standing Senate Committee on Legal and Constitutional Affairs for taking this bill on for the purposes that I mentioned.

**Hon. Serge Joyal:** Senator Di Nino will remember that when we had the opportunity to study this bill and hear witnesses, I had a concern with clause 3. I will read it to remind the honourable senator of the exact subject of my concern. It states:

The Corporation has the capacity of a natural person and, subject to this Act, all the powers, rights and privileges of a natural person.

At first sight, a corporation would have the rights of a natural person. I will give an example of the right of a natural person: The right to draft a will is the right of a natural person and is protected in law. One cannot abandon that right because it is inherent to the person, so we are told with respect to the civil law of Quebec. It is very well protected in the Civil Code of Quebec.

When I read that section of the bill, I wondered how a corporation could have all the rights, powers and privileges of a natural person. A corporation, of course, will not exercise some of those rights. I know there is an answer to why this clause is in the bill. Perhaps Senator Di Nino received the same answer I did, but for purposes of the record, I think the meaning of the clause should be clarified before we vote on this bill, because it is rather unusual.

**Senator Di Nino:** I thank Senator Joyal for his question. I appreciate the fact that he gave me notice that he would be asking this question. He understood that I would not have been able to give an answer without having done some research. I thank him for that as well.

As Senator Joyal says, clause 3 of the bill deals with the corporate capacity of Scouts Canada. As we were informed at committee, the bill was drafted a number of years ago. As a matter of fact, it was originally drafted by the Law Clerk of the Senate at that time, Raymond du Plessis, who suggested that this clause be inserted. After consultation with Michel Patrice of the Office of the Law Clerk and Parliamentary Counsel, he advised that such provision is not uncommon.

I am again in an area on which I do not consider myself an expert, but Scouts Canada is now governed by the Canada Corporations Act, which does not contain this opportunity or this power. However, the new Canada Business Corporations Act, under which most of the new companies are governed, contains, under section 15, the capacity for a corporation to be a natural person and to be given that kind of authority.

I will give as examples a couple of other entities that have similar provisions. The Nunavut Land Claims Agreement Act has a similar provision, as well as the Canada Lands Surveyors Act. The Dickerson report led to the updating of the Canada Business Corporations Act and expressed the view that the law should vest corporations with the legal capacity of a natural person. At the time of the report, a number of technical and legal arguments and considerable confusion surrounded the subject of corporate capacity, which the Dickerson report identified as “little more than a playground for the legal scholar and sometimes a pitfall for the unadvised.”

If I can paraphrase — and Senator Joyal will forgive me if I do not do it in legal terms — this is really the updating of the legal documents that govern the corporations from the Canada Corporations Act to the Canada Business Corporations Act. Again, I repeat: The suggestion for the inclusion of this provision was provided by our own law clerk and parliamentary counsel.

**Hon. Tommy Banks:** May I ask a question?

**The Hon. the Speaker *pro tempore*:** I know that the Honourable Senator Banks has a question, but Senator Di Nino's time is has expired.

Is the Honourable Senator Di Nino asking for more time?

**Senator Di Nino:** Yes, I would be willing to take one more question.

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

**Hon. Senators:** Agreed.

**Senator Banks:** Senator Di Nino knows the nature of my question because he and I have discussed this bill before. I apologize for not having checked this out in the transcripts of the committee meeting at which this bill was considered, but Senator Di Nino and I discussed some reservations that had been expressed by current members of Scouting and, in particular from a group called Scout eh!, I believe. Was some representation made by that group before the committee that considered this bill?

**Senator Di Nino:** Yes, they appeared before the committee and made an extensive presentation. A number of discussions were held between the two sides as well.

**Senator Rompkey:** Question!

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

**Hon. Senators:** Question!

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

Motion agreed to and bill read third time and passed.

• (1720)

## CRIMINAL CODE

### BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-213, to amend the Criminal Code (cruelty to animals), with an amendment), presented in the Senate on December 6, 2006. —(*Honourable Senator Oliver*)

**Hon. Donald H. Oliver:** Honourable senators, I move adoption of the report standing in my name.

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

**Hon. Sharon Carstairs:** Honourable senators, I wish to speak to this report because, frankly, I do not support the report of the committee because I do not support the bill. I do not support the bill because the bill is woefully inadequate.

There have been similar types of legislation before us. The government introduced a cruelty to animals bill on a number of occasions. The last one, unfortunately, died on the Order Paper in December 2003. It was a much stronger piece of legislation and, I believe, a much better piece of legislation. I recommend to all honourable senators a notice they received in their office this afternoon from the Canadian Federation of Humane Societies in which the organization indicates a strong objection to this bill because, in their view, it is also woefully inadequate.

I have a particular concern, honourable senators, that I want to bring to your attention. A private member's bill in the other place, Bill C-373, is a much stronger bill. It is sponsored by Mark Holland, member of Parliament for Ajax-Pickering. I can give clear support to this bill. My concern has to do with rule 80 in this chamber, which states:

When a bill originating in the Senate has been passed or negated a new bill for the same object shall not afterwards be originated in the Senate during the same session.

Does this rule mean that when we get a stronger bill, which I hope we will, we cannot deal with it because we have passed this bill? It is not that this issue is not still in the minds and hearts of many people in Canada. I never did buy into the argument that this bill was flawed. That is interesting because some honourable senators in this chamber thought I was just touting the position of the government because I was the Leader of the Government in the Senate at the time and gave a number of speeches in favour of the bill in 2003. The reality is that I believed in it absolutely. I did not state what I stated simply because I was the Leader of the Government in the Senate and was, therefore, required by my ministerial position to accept the position taken by government. I supported the bill because I believed in it. I still believe in it. We need to move into the 21st century. The legislation on this has not been changed substantively since 1892. It is not good enough that the only change that would be made by this bill is to increase penalties. I cannot support the bill, and I will not.

**Senator Bryden:** Question!

**Senator Stratton:** Question!

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

**Some Hon. Senators:** Agreed.

**Senator Carstairs:** On division.

Motion agreed to and report adopted, on division.

## THIRD READING

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

**Hon. John G. Bryden:** With leave, now, honourable senators.

**The Hon. the Speaker *pro tempore*:** Is leave granted?

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

**Senator Carstairs:** On division.

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

### AGING

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICE— REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Special Senate Committee on Aging (budget—study on the implications of an aging society in Canada—power to hire staff), presented in the Senate earlier this day.

**Hon. Sharon Carstairs:** Honourable senators, I move adoption of the report standing in my name.

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

**Hon. Eymard G. Corbin:** I am in the strange position of seconding this motion. Nevertheless, it is with tongue in cheek that I would like to ask Senator Carstairs why it is that this budget is three and a half times what she informed us, or at least expressed the wish, it would be when she spoke to the motion to have this study done?

I will quote from page 1053 of the *Debates of the Senate* of October 31, 2006, where Senator Carstairs states:

I have done one other special study since I came to the Senate, that being end-of-life care, the right of every Canadian, and it cost the Senate a total of \$7,000.

Senator Carstairs then said she did not anticipate that this study will be quite as expensive as that.

Here we are, and, as I say, with tongue in cheek. Has Senator Carstairs let her guard down when she comes back to the Senate and asks for a little over 3.5 times what her original estimate was? Could she give us an explanation of what she intends to do with that money or the committee?

**Senator Carstairs:** Thank you, Senator Corbin. I had intended to say “quite as inexpensive as that one.” If that is not how it was recorded, I blame it on myself because I know that our Hansard reporters are much more astute than I.

**Senator Stratton:** Question!

**Senator Banks:** Question!

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

Motion agreed to and report adopted.

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON MATTERS RELATING TO MANDATE— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—study on emerging issues related to its mandate—power to travel*), presented in the Senate earlier this day.

**Hon. Tommy Banks** moved the adoption of the report.

He said: Honourable senators, this report has to do with two members of a delegation going to London with the Commissioner of the Environment and Sustainable Development. This meeting has been in the works for some time, the dates for which were not nailed down until the week before last.

• (1730)

This could not have come before us for budget application until that time. It is the intention of the two members of the Senate to leave for London tomorrow for meetings with members of the British Parliament and other officials of British organizations having to do with the environment and natural resources. There are some aspects of removal of greenhouse gases, including CO<sub>2</sub> in sequestration thereof, in which Great Britain is somewhat ahead of this country, as we learned from a delegation of that Parliament that came here last year. The committee members are travelling with the Commissioner of the Environment and Sustainable Development to meet with members of the British Parliament as well as other officials and shall return and report to the committee information they derive that I hope will be useful. Two members of the committee will be travelling to London.

As is the tradition, and a convention to which I certainly subscribe, there is one member from the government side and one member from the opposition side going on this trip, which will last for five days. The details are before honourable senators.

It was originally our intention, having fully circularized all members of committee, since we had planned on sending two members, that those two members would both be from the opposition side. However, in a meeting of the Standing Committee on Internal Economy, Budgets, and Administration, that committee asked if a Conservative member could be found who would go on the trip with the commissioner and the opposition senator, if it would be agreeable for that to happen, and that is a convention to which I wholeheartedly subscribe. That was done.

Senator Nancy Ruth is the member of the government side who was selected to go with Senator Tardif, the opposition member. I am happy to say that we have received a note stating that

Senator Nancy Ruth is now a member of the Standing Senate Committee on Energy, the Environment, and Natural Resources, replacing Senator Carney until further notice.

That is the nature of what this application is for, honourable senators.

**Hon. Willie Adams:** Honourable senators, I did not agree with the budget proposed by the Standing Senate Committee on Energy, the Environment, and Natural Resources.

Therefore, honourable senators, I give notice, notwithstanding rule 57(1), that two days hence I shall bring a motion, seconded by Senator Sibbeston, that the trip planned for the Standing Senate Committee on Energy, the Environment and Natural Resources be cancelled.

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

**Senator Banks:** No.

**The Hon. the Speaker *pro tempore*:** Leave is not granted.

**Hon. Nick G. Sibbeston:** Madame Speaker, having ruled the motion is not in order, is it not possible to make a motion with respect to that? Are we not able to in any way affect the budget before us? Is it not possible to move to strike out the amount of the budget and replace it with half the amount, or something of that sort?

**Senator Banks:** Yes.

**The Hon. the Speaker *pro tempore*:** You can amend the report or vote against the report.

#### MOTION IN AMENDMENT

**Hon. Nick G. Sibbeston:** Honourable senators, I move to cut by one half the amount proposed in the report.

**The Hon. the Speaker *pro tempore*:** It is moved by Senator Sibbeston, seconded by Senator Adams, that the budget allocated in the third report of the Standing Senate Committee on Energy, the Environment, and Natural Resources be cut in half.

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

**Some Hon. Senators:** No.

**Hon. Tommy Banks:** I wish to speak in opposition to the motion. I understand perfectly Senator Sibbeston's reservation with respect to this matter. He and I have discussed it. I understand it perfectly. In the application of a certain kind of logic, his position would make sense.

However, there is a tradition and a convention in this place to which I subscribe, and in which I believe, that would prevent by way of example of the opposite. One must always look at the exact opposite.

If the government were to decide to send two senators from a committee to examine a particular subject, whether in Canada or elsewhere, and to send only members of the government,

I would be opposed to that. I think it is inappropriate, in this place in particular, that any delegation representing any committee of this place should go anywhere to obtain any information without being accompanied by a member from the other side, as we call it.

What goes around comes around. That is a useful convention, to which I believe most people here subscribe. It is on the basis of my understanding of that convention that I agreed, in my meeting with the Internal Economy Committee when discussing the budget, that it was appropriate, if one could be found, that a member of the government side should be part of the delegation of the committee going on this trip. It turns out that a member has been found. That member has now been made a member of the committee, albeit only today.

**Senator Sibbeston:** That is trickery.

**Senator Banks:** I do not think trickery is an appropriate description of it. We all do that. I shall not be here next week for a meeting of a committee of which I am a member, and I have recruited another person to stand in for me that day.

**Senator Sibbeston:** It is not the same thing.

**Hon. Willie Adams:** About a week and a half ago, we were in an in-camera meeting regarding the trip for the two members to London, England. There were five of us — Senators Banks, Cochrane, Angus, Sibbeston and I. Senator Banks inquired as to who wanted to go on the trip. Senators Cochrane and Angus both said that they could not go to London. Senator Banks said that he could not go as a result of a previous commitment. The chairman asked Senator Sibbeston and me if we were able to go.

• (1740)

I looked into it and checked my schedule. He asked Senator Sibbeston if he was able to go. We had a caucus Tuesday afternoon in the Senate; I told the chairman I was very concerned about the trip. I asked him what was happening with the budget. Senator Banks said last Tuesday he would not know until Thursday.

Yesterday, I spoke to the Chairman of the Standing Committee on Internal Economy, Budgets and Administration, Senator Furey. He was saying that he had not received a request yet from the subcommittee regarding the budget for two persons to travel to London, England. I asked Senator Sibbeston whether the chairman received a proposal for the budget.

This morning I did not go directly to my office. I went to the committee and we found out that two people had been chosen without consulting us. No one said, "Senator Adams, if you do not want to go, we will pick someone else; if Senator Sibbeston does not want to go, we will pick someone else."

I asked Senator Angus this afternoon how they made out at the subcommittee with respect to the budget for the trip. He said they were not consulted. Something is going on here. According to the *Rules of the Senate*, the subcommittee must report to Internal Economy, not only the chairman.

Members of the Energy Committee do a good job. Nunavut is affected by climate change. I have to travel there a lot. We do not have any highways. There are senators who live in Calgary and Toronto, and it is a lot different living in the Arctic. My concern is with where we live. I talk to friends living in the Arctic.

Honourable senators, I think we should vote on the motion; that is what we are here for. Climate change is affecting the land, the water, the lakes and the people living in northern communities. It would be nice if the committee members from there, those who know what is happening in the North, were able to visit other countries.

**The Hon. the Speaker *pro tempore*:** Senator Adams, will you accept a question from Senator Banks?

**Senator Adams:** No.

**Hon. Michel Biron:** Can I move an amendment to increase the budget by \$11,000 so Senator Adams can go to London?

**Senator Cochrane:** Senator Sibbeston wants to go, not Senator Adams.

**The Hon. the Speaker *pro tempore*:** Senator Sibbeston, do you wish to speak to your motion right now?

When I mentioned the motion a while ago, I said that the budget was accepted. The budget has been submitted in this report, but it has not been accepted.

We are dealing with Senator Sibbeston's motion that the budget that has been submitted be cut in half.

**Senator Sibbeston:** Honourable senators understand that being on a committee is hard work. It means going to committee meetings day after day, night after night. This morning we attended a committee meeting at 8 a.m. dealing with the Minister of the Environment. We all know the situation. We put a lot of work and effort into the work of a committee. I speak about the Senate whenever I can, and I talk about it in terms of senators being able to represent their regions. I always say that our committees are where most of the work gets done.

I can honestly say that the Aboriginal Peoples Committee is doing wonderful work these days. In our economic study, we have travelled to Inuvik, Yellowknife, Prince George, Kelowna, Northern Saskatchewan, Northern Manitoba and Nova Scotia; we have been to all regions of the country. This is the kind of effort and commitment that I and other senators put into committee work.

I also sit on the Energy Committee, and Senator Adams and I attend faithfully. Whenever we can, we raise issues about the North. We talked yesterday, and this morning, too, about the North when the minister was before us. Global warming is indeed a reality, and we are beginning to see how it affects the North in many little ways that are noticeable. We said we hoped the North would not get too warm so too many people from the South would come North. We like the North the way it is — cold, with few people — and we want to keep it that way. That is the nature of the work we do.

The Standing Senate Committee on Energy, the Environment and Natural Resources has done a lot of hard work this fall dealing with the review of the Canadian Environmental

Protection Act. We have heard from several witnesses. We have had the minister before us and at various times we have had other legislation. This fall a delegation from England that met with us; it was a very good exchange of information.

Therefore, the opportunity arose to go on a trip to London with the Commissioner of the Environment and Sustainable Development. This was a number of weeks ago. The chairman asked who around the table would be interested in going to England. I put up my hand, as did Senator Adams and others. I recognized that the chairman and the deputy chairman did not want to go.

A number of days ago, I heard from the clerk of the committee that I was chosen to go to London, and I was very pleased. I was not sure if I could go or not, but I thought if I go to England, I will tell them about our environmental act and about the North and the effects of global warming. I also thought I could talk to them about the explorers who came North. Some froze to death and did not survive, but a few did and adapted to the northern way of life.

I thought it would be a good opportunity to represent the North and the Senate. Innocently, perhaps naively, I thought this would be an opportunity to go to England and see the Queen and talk to people about the environment.

• (1750)

Lo and behold, today or yesterday I was advised that I could not go. There was some kind of process in place that a member from the government and a member from the opposition must go. I was told I could not go and that some other senator was going.

I was told that someone at the Conservative caucus considered allowing me to go but did not have the kindness, gentleness or whatever to allow someone like me to go. Instead, they insisted on a Conservative member.

I object to having someone magically appointed to the committee. I think it is only smoke and mirrors and trickery to say that she is now a member of the committee and can go on the trip. I think that is wrong; that is just lying. It is not right to say, now we have someone on the committee who is going. The person was appointed only today.

I object because the person will not have the knowledge we who have been on the committee for months and years have to contribute to the meeting that will take place. Some kind of archaic rule is in place that prevents committee members from going. At times, it could be the government or the opposition side but as long as we are on the committee, if there is an opportunity, we should be able to go on trips such as this because we are knowledgeable and we can contribute.

It is fine for Senator Tardif to go. She is on the committee and she can contribute to the discussions in England. However, if someone takes part who has not been on our committee, that makes it a junket. We will be criticized by the public for sending a senator to England who has not been involved with our committee for all these months and years.

What will a person from Toronto say about global warming and our whole country?

I made the motion because we should be serious if we do not want any criticism. The trip to Dubai raised a lot of criticism about senators travelling abroad. If a senator who has no knowledge of or experience on our committee goes to London on a trip — a shopping trip or a junket, in my view the Senate will be criticized.

For this reason, I made the motion to cut the budget in half. It should be possible for Senator Tardif, who has been a faithful member of our committee, to go on that trip and contribute. Otherwise, in my view, it will be a waste of money.

Let us do something about this archaic rule. I notice that at the moment there are 62 Liberals and 22 Conservatives in the Senate. On this basis, there will always be three times more opportunities for them than for us.

We have a practice that committee members cannot go on such a trip. If an archaic rule is in our way, let us change it so this sort of thing does not happen again.

Let us not be so partisan. I come from an area where there is no partisanship. I think the Senate works well as long as there is no partisanship, as long as we all do our work based on the merits of the case. Most of our committees work this way. When partisanship shows its face and neck, in my view, it spoils the hard work, energy and good will that we would otherwise have.

**The Hon. the Speaker *pro tempore*:** Senator Sibbeston, Senator Banks wants to ask a question. Will you accept questions?

**Senator Sibbeston:** Yes, of course.

**Senator Banks:** As I said, I understand the honourable senator's thinking perfectly. However, I want to make sure he is aware of a couple of distinctions. I want to make clear to the honourable senator that the proposed schedule of work does not leave much time for shopping. Meetings are scheduled morning, afternoon and evening on the three days that the members will be in London.

I need to ask the honourable senator two things. Does he remember that every member of the committee was asked by email on five occasions, including an occasion before the in-camera meeting to which he and Senator Adams have referred, who might be available if this were to happen and if the date could be solidified? There were five such notifications from the clerk of the committee to every member of the committee.

The first member to respond in the affirmative was Senator Tardif. The second member to respond in the affirmative was Senator Sibbeston. Does he remember that those messages went out before the meeting? I raised it again at several subsequent meetings, as well, always finding out — because the date kept changing — who was available to go. Has the honourable senator's plans changed? Who is available to go?

Second, as members of the Internal Economy Committee know, when committees travel, their budgets must provide for every member of the committee to travel, without exception,

whether the committee is holding hearings or is on a fact-finding mission, regardless of whether all the members are able to go. That is a practice we should follow.

I want to ensure that the honourable senator understands that this is neither committee hearing travel nor committee-fact-finding travel. This travel is in response to an invitation channelled through the British High Commission in Ottawa for the Senate committee to send two members to accompany the commissioner to London.

Therefore, the plan is to send two senators on this trip, which is not for shopping but for meetings morning, afternoon and evening. It is correct that Senator Tardif and Senator Sibbeston were selected because, at the time, they were available. That was what was presented to the budget subcommittee, as members of that subcommittee will attest.

At that meeting, I was asked whether, if a Conservative could be found to go, given the convention, I would agree to that. Since I agree with that convention, I could not disagree.

I want to ensure, first, that Senator Sibbeston is aware that we notified every member of the committee, whether they were present or not; and, second, that this travel is not for a committee hearing or fact-finding. It is a delegation responding to an invitation for two members to go.

**Senator Sibbeston:** Honourable senators, of course, the answer to both questions is yes. I was in Fort Simpson when the call came inquiring whether I would be interested. I told my assistant to indicate that of course I would be.

With respect to the second part, I know it is a working group and not the whole committee. I guess where things have gone wrong is that instead of making it possible for committee members to go, the Conservative caucus, when they dealt with it, decided that they must insist on that rule of one other member attending. That is my point.

Did they not have in their heart the kindness and understanding to enable them to send someone like me to England, someone who has been involved with the committee, rather than insisting on one of their Conservative members who is not on the committee and who may not be able to contribute meaningfully to discussions? That is what I do not like about partisan politics. I do not come from that culture. I do not understand it sometimes and I become flustered by it.

• (1800)

Senators come here with all of their good will and energy to work for people but become disappointed and frustrated when they cannot talk and when they are denied an opportunity such as this.

**The Hon. the Speaker *pro tempore*:** Honourable senators, it is six o'clock. Is there agreement to not see the clock?

**Hon. Senators:** Agreed.

**Hon. Mobina S. B. Jaffer:** I shall speak to the motion in amendment. Honourable senators, I feel duty bound to speak because our colleague, Senator Nancy Ruth — who is a credible and knowledgeable person — is not here to defend herself. The issue we are discussing is not about a particular senator; it is an issue of selection, so we should not bring in a particular senator on this issue.

When I came to the Senate, I was told that I was coming to a fairly non-partisan house. One of the things the Senate prides itself in is its representation of minorities. Today, two honourable senators have expressed clearly that they have a role to play in going to London. I am saddened that the leadership worked this out privately before today's sitting. I urge both leaders to work this issue out so that it is not aired in the house for continued debate. I would ask that the opposition leader and the government leader work this out. There is a convention, and I respect the convention, but we must consider the representation that we are all so proud of. I urge both leaders to find a way to give voice to the people who have spoken today.

**Hon. Anne C. Cools:** Honourable senators, although I missed much of this debate, it has captured my interest because I looked up and realized that two of our Aboriginal senators, Senators Adams and Sibbeston, were in a position of being suppliants in this house.

**Senator Banks:** No!

**Senator Cools:** Yes. Senators Adams and Sibbeston are appealing to the house — to all senators — to examine and to consider what has happened. There is a racial division right now, regardless of whether we want to see it. That division is very marked to me. I do not know many of the issues, but it is clear that our two Aboriginal senators, one Dene and one Inuit, have been so moved or bothered by the situation that they have brought the matter before the house. I am bothered by the issue, also, and that is amplified by the fact that Senator Jaffer, another person of colour, saw fit to make such an observation as well.

I am not sure if I am the fourth senator who is a person of colour to speak to this, but we might be creating a coloured corner here, you know. We had better be careful. That is how it is looking and sounding. I do not know what premises, principles or standards were deployed to make such a choice, but I would say, honourable senators, that this does not look good and it does not sound good. I have seen this same situation develop before, not over this particular issue but over other issues. Perhaps it is because of my affection for Senator Adams and Senator Watt and my deep respect for Senator Sibbeston that this issue causes me to rise and speak. Obviously, Senator Adams has raised this because he has been moved by what he perceives to be some kind of injustice or misunderstanding.

I do not know quite what to suggest. Many decisions are made in the Senate about travel that I can only describe as bewildering. Senator Jaffer has spoken for Senator Nancy Ruth, who is not here to add her voice. In listening to the debate, I thought I heard that this trip came about as a result of an invitation. I believe Senator Banks said that this is not a fact-finding mission.

**Senator Banks:** That is correct.

**Senator Cools:** Senator Banks said that the trip is the result of an invitation from the British High Commissioner to the Senate to send two senators. If it is not part of the normal duty of a committee, then even more attention should be paid to the selection process.

For clarification, I quickly rummaged through the papers on my desk and I see before me the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources, signed by Senator Banks, Chairman, and dated Thursday, December 7, 2006. At page 3, the heading reads as follows:

SPECIAL STUDY  
EXPLANATION OF BUDGET ITEMS  
APPLICATION FOR BUDGET AUTHORIZATION  
FOR THE FISCAL YEAR ENDING MARCH 31, 2007

The chart that follows reads, in part: Travel Expenses

Travel for Fact-Finding to London, England

Participation: 2 Senators.

I do not know whether this refers to the same trip or a different trip.

**Senator Sibbeston:** It is the same trip.

**Senator Cools:** That is why I am groping a bit. Is this the same trip that is described on page 3?

**Senator Banks:** Yes.

**Senator Cools:** This page describes it as a fact-finding trip to London, but Senator Banks said a few minutes ago that the trip was not a fact-finding one. Perhaps the honourable senator can provide some clarification.

I sense that Senator Adams feels somewhat offended that he was not considered in the selection process of two people for this trip. I am not proposing or even considering for a moment that Senator Banks might have done anything wrong or improper, so do not misunderstand me.

When a senator rises and literally places his or her heart before this house — as Senator Adams has done — honourable senators have a responsibility to listen. I called one of the staff over to find out a bit more about this. I was told that the trip begins tomorrow. Undoubtedly, that is why Senator Nancy Ruth is not here. I do not know if there is anything that can be done, but is it possible that the committee could accommodate a third senator, Senator Adams? I am not sure whether Senator Adams was even properly considered. Perhaps Senator Banks could help me in understanding this matter.

I wear brown skin and I am very attached to it. I am sensitive when I see a situation develop and divide as this has. We should pay more attention to this issue.



• (1810)

Can I have some explanation? If Senator Adams has found an affirmative response among senators here, is there some way that he can be accommodated? There must be a solution to this matter. It must be difficult for Senator Adams to bring this matter before us. I have no doubt he must feel a degree of embarrassment and shame.

Is it possible that, somehow or other, some accommodation can be made? Is it within the realm of possibility or is it not possible? I have no idea.

**Hon. Sharon Carstairs:** Honourable senators, we are clearly going around in circles here.

**Senator Stratton:** Yes, thank you.

**Senator Carstairs:** I deeply regret the motion that Senator Sibbeston raised, and many of his comments. I would have been much more open to the motion that Senator Biron had in fact proposed, but it was out of order at that moment, which motion was that we add another member to the delegation. That proposal would have given me much more comfort.

Let us be clear what happened here. Five emails went out to senators. Senator Tardif responded immediately. Senator Sibbeston responded later, but he was number two.

**Senator Sibbeston:** No, at the same time.

**Senator Carstairs:** So it went to Senator Tardif and it went to Senator Sibbeston. If Senator Sibbeston had responded first and Senator Tardif second, then presumably Senator Sibbeston would have been the member from this side on the delegation.

**Senator Sibbeston:** We do not know that.

**Senator Carstairs:** That leads to a broader issue, and that is: Should both sides be represented in delegations of any kind, whether they be invitations or fact-finding? I think the staff uses the term "fact-finding," but that is not the correct term in this particular case.

The reality is that both sides should be represented, because when we come back from these trips we tend to talk to our own colleagues about what we saw, what we learned and what was proposed to us. To have the Senate represented by both sides is always a good idea.

I frankly resent the suggestion that if we do not live up North, we do not understand the environment. That is the implication of some things that Senator Sibbeston said. I do not live up North, but I know of the effects of climate change on Canada. I am not a George W. Bush who does not seem to think it exists. I know it exists. I know its implications. I think to categorize another senator, because she lives in Toronto as having no knowledge about climate change is desperately unfair.

I think Canadians are becoming alert to the concept of climate change. We are becoming desirous of making substantive change to the way we do things because of climate change. I will vote against the motion because I think it is petty, frankly, to want to remove a member of the government from attending.

However, if there were a subsequent motion agreeing to raise the amount so that a third person could attend, I would be prepared to support that.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I would like to second wholeheartedly Senator Carstairs' remarks about the importance of senators from all parts of this country learning everything they can about climate change. It is absolutely true that in the North the effects are already severe and will continue to be even more so, but it is true that no part of Canada will escape. No part of Canada is now escaping the effects of climate change. It is vital, in my view, that legislators from all parts of Canada be aware of that.

However, I want to suggest that if we adopt Senator Carstairs' suggestion, which was previously made by Senator Biron, it must be on condition that those who uttered this invitation agree. Senator Banks has explained to us that the invitation was for two senators and only two senators. I have always accepted the convention that both sides of the chamber should be represented on all such trips. There is not one of us in this chamber who has not had to grit their teeth and stand aside to see someone from the other side go on a trip that they would have loved to take.

We cannot impose a third senator. It is important to understand that. We would not want the representatives of a foreign government imposing things on us. All we can do is make it possible, if the chamber so wishes, for a third senator to go. We certainly cannot impose that requirement on anyone.

**Senator Adams:** Honourable senators, in case the motion passes, I do not want to put my name in to be accepted as the third party. I put my name in at the beginning, but even if I were to be chosen as a third party to make a trip to London, England, I will not accept it. I did not receive the request the first time. My secretary had a voicemail this morning at about eight o'clock or nine o'clock that I was not chosen to go on the trip to London. That is why even if the motion passes at this time, I will not go.

**The Hon. the Speaker *pro tempore*:** Honourable senators, to make things clearer, we have the motion of Senator Banks to adopt the third report. We then have a motion in amendment to that report. We will vote now on the motion in amendment.

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

**Some Hon. Senators:** No.

**Senator Sibbeston:** Agreed.

Motion in amendment negated, on division.

**The Hon. the Speaker *pro tempore*:** We go back to the main motion. It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Mahovich, that the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources be adopted now.

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

**Some Hon. Senators:** Agreed.

**Senator Jaffer:** For clarification, there was, I understood, another motion being made by Senator Carstairs or Senator Biron.

**The Hon. the Speaker *pro tempore*:** The motion was not put forward, Senator Jaffer. It was discussed and it was suggested, but it was just a wish.

Motion agreed to and report adopted.

## NATIONAL SECURITY AND DEFENCE

### BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget—study on national security policy for Canada), presented earlier this day.

**Hon. Colin Kenny** moved the adoption of the report.

• (1820)

He said: Honourable senators, the purpose of this report is to include a senator who previously was unable to go and managed to rearrange their schedule so that they could attend this trip. This budget reflects the costs associated with the additional senator.

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

Motion agreed to and report adopted.

## 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.*)

**The Hon. the Speaker *pro tempore*:** Honourable senators, Senator Poy has asked permission to answer a question that was asked during debate on this inquiry.

Is leave granted for Senator Poy to have five minutes to answer that question?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** We agree to five minutes.

**Hon. Vivienne Poy:** Honourable senators, pursuant to rule 37(1), I have sought leave of the Senate to speak a second time on this inquiry to clarify certain parts of my speech given on November 21, 2006, about which Senator Tkachuk raised some questions.

My speech focused on the importance of literacy programs to immigrants of working age, since they score significantly below Canadian-born individuals on literacy tests. I pointed out that an increasing number of immigrants, like me, do not speak English or French as their mother tongues. Yet, they are an important part of our labour market because they are predicted to account for almost all net labour force growth by 2011.

Senator Tkachuk asked how the cuts to literacy funding have affected immigrants. Although all immigrants are foreign born, there is a difference between newcomers and those who have been in Canada for a number of years and are now citizens. It is true that adult newcomers to Canada do receive federal funds for language training provided by Citizenship and Immigration Canada with federal-provincial agreements through the Language Instruction for Newcomers to Canada, LINC, program.

LINC clients can participate for up to three years from the time they start training. Quebec, Manitoba and British Columbia negotiated separate agreements with the federal government but have programs similar to LINC.

Citizenship and Immigration Canada also provides limited funding to the Enhanced Language Training Initiative for higher levels of language training to help foreign-trained professionals find work. However, these programs are not open to Canadian citizens, many of whom are immigrants. As of May 15, 2001, 5.4 million people, or 18.4 per cent of the total population, were foreign born. Today, almost 20 per cent of our total population is foreign born, and in Toronto the proportion is almost 50 per cent.

Eighty-one per cent of immigrants who arrived between 1986 and 1995 have become citizens. Recent immigrants take up citizenship more quickly than earlier immigrants, with most obtaining citizenship after three to four years, as soon as they are eligible.

The executive director of the Ottawa Community Coalition for Literacy notes that immigrants find that LINC training focuses too much on speaking skills and does not give them the document literacy skills they need to function and work in Canada. Once they become citizens, they end up in regular literacy classes.

A study published in the year 2000 found that in Ontario alone 67 per cent of immigrants failed to reach level 3 in document literacy, a level generally considered minimal for functioning adequately in Canadian society.

A list of the literacy cuts across the country can be found on ABC Canada Literacy Foundation's website. All of these cuts affect immigrants who are citizens or no longer eligible for LINC as much as they affect other Canadians.

To summarize, in Alberta, half the literacy funding has been cut. The Saskatchewan Literacy Network is in imminent jeopardy of closing its doors, which means that the support for their literacy system will be eliminated. In Manitoba, Literacy Partners of Manitoba will lose about 80 per cent of its funding. In Ontario, the development of adult literacy teaching resources, research and professional development will be severely reduced. In Quebec, the Quebec English Literacy Alliance in Lachute faces closure, and

the operating budget for Regroupement des groupes populaires en alphabétisation du Québec is effectively cut in half. In Newfoundland and Labrador, the provincial body will only be able to survive on surpluses for about five months. These are only some of the results of the cuts.

As many immigrants are of working age and are crucial to our labour productivity, their success will in many respects determine Canada's future. I firmly believe that cutting literacy funding is hurting Canadians, and I am pleased that the Standing Senate Committee on Social Affairs, Science and Technology has been authorized to examine this issue.

**Hon. Bill Rompkey:** Honourable senators, I want to thank Senator Fairbairn for bringing this issue forward.

I wish to speak on the issue with regard to my home province, and my comments will be in line, to a degree, with what Senator Sibbeston said yesterday. However, I notice that the hour is late. I wonder whether the Senate would allow me to adjourn the debate in my name to continue at a later time.

**Hon. Senators:** Agreed.

On motion of Senator Rompkey, debate adjourned.

• (1830)

[Translation]

## THE SENATE

### MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.—(*Honourable Senator Comeau*)

## MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I move:

That the motion be amended by replacing the words "Official Languages" with "Legal and Constitutional Affairs" in the second paragraph; and

That the words "December 22, 2006; and" be replaced with "Wednesday, February 28, 2007."

That the last paragraph be deleted.

I discussed this motion with Senator Joyal and I believe he will indicate his agreement so that we can adopt the motion as amended.

**Hon. Serge Joyal:** Honourable senators, I would like to confirm the amendments moved by Senator Comeau. They involve three items. The first is to refer the motion to the Standing Senate Committee on Legal and Constitutional Affairs, since the Court Challenges Program does not concern only linguistic rights but also other sections of the Charter, including section 15, which addresses equality, and the sections on the equality of men and women.

Accordingly, since this is a broader mandate, it would be appropriate to refer the matter to the Standing Committee on Legal and Constitutional Affairs.

The second amendment concerns the date of the committee's report. The motion initially gave December 22 as the date for tabling the report. It is clear that the committee will not have enough time before then to conclude its work. That is why Senator Comeau is proposing the end of February.

Finally, the last paragraph is, in a way, a moot point since the other place has already voted on the matter. Thus, there is no need to keep the third paragraph.

I completely support the amendments moved by Senator Comeau.

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

Motion in amendment agreed to.

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

Motion, as amended, agreed to.

[English]

**AGREEMENTS BETWEEN FEDERAL GOVERNMENT  
AND PROVINCES AND TERRITORIES ON CHILD CARE**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled “*Moving Forward on Early Learning and Child Care*”, as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Fraser*)

**Hon. Jim Munson:** Honourable senators, it is late in the day. I will reserve my time and adjourn this debate on child care. I think it is important, and I do not want to rush through a 10-minute speech late in the evening. We will come back to this likely sometime next week.

On motion of Senator Munson, debate adjourned.

**AGING**

**MOTION TO AUTHORIZE SPECIAL COMMITTEE TO  
MEET DURING SITTING OF THE SENATE WITHDRAWN**

**Hon. Sharon Carstairs:** Honourable senators, in that it has been determined that the Senate will not sit until 6:00 p.m. on Monday, I withdraw this motion.

Motion withdraw.

The Senate adjourned until Monday, December 11, 2006, at 6 p.m.

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# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

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

**(1st Session, 39th Parliament)**

**Thursday, December 7, 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 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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	06/12/06	0 observations			
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 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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 <sup>rd</sup> (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 Report adopted 06/12/07		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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 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-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06							
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-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06							
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	06/12/05	—	—	—	06/12/06		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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	06/12/05	—	—	—	06/12/06		

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	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		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	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 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		



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