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Thursday, February 22, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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THE SENATE

Thursday, February 22, 2007

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

Prayers.

SENATORS' STATEMENTS

STATISTICS CANADA REPORT ON THE ARTS AND CULTURAL INDUSTRIES

Hon. Tommy Banks: Honourable senators, every once in a while there is good news for the arts and cultural industries in Canada.

Statistics Canada issued its biannual report this year, which shows that we can all be proud of the fact that in the Ottawa-Gatineau region the consumption by individuals on the arts and cultural sectors is the highest per capita in the country, and the news is good across the country.

While total cultural spending in Canada by all three orders of government is a minuscule \$7.7 billion, consumer cultural spending is more than three times that amount. Canadians spent \$1.2 billion on admissions to live performing-arts presentations, more than twice what they paid to attend sporting events. They also spent \$500 million on admissions to museums, almost the same amount as the \$540 million they spent to attend sporting events.

In my own province, Albertans spent more than \$140 million on admissions to live performing-arts presentations, almost twice the \$81 million they spent on hockey and football games. In fact, Albertans spent the most money per capita of all Canadians on cultural goods, services and activities.

This survey has been conducted once every two years since 2001. This is the third time, I am proud to say, that Alberta has been at the top of cultural consumer spending among Canada's provinces.

• (1335)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PARTING WORDS OF FORMER CHAIRMAN

Hon. Hugh Segal: Honourable senators, I rise to express my appreciation to my own leadership and to my colleagues on both sides of the chamber for the remarkable opportunity I have had of serving as Chair of the Standing Senate Committee on Foreign Affairs and International Trade.

The last year was a remarkable experience for which I shall always be grateful. The privilege of being in this place and having the chance to work on issues that relate to Canada's role in the

world, our interests, values, allies, challenges and purposes was very much appreciated. I am gratified that my own party leadership has allowed me to continue on the committee as a member.

Honourable senators, as a new member of this body, I have much to learn. However, I have learned that no chairmanship, no role on a committee, for example, is owned by the incumbent. The leadership on both sides sort out various considerations relative to how these matters are determined for whatever periods seem appropriate. How this is sorted out between the parties is a little beyond my pay grade, but I assume there is a mix of normal governing prerogative, majority influence and, on occasion, partisan considerations. I leave that to the leadership on both sides.

I unequivocally support my leadership's right to make changes that relate to the assignments of government caucus members.

I was informed some time ago, on February 9, of the need for me to step down to facilitate those changes, which I do happily and without complaint. I wish every success to whomever is duly nominated and chosen as my successor.

I have very high regard for the stress and burden carried by the leadership on both sides of this chamber with the disproportionate numbers and lack of equilibrium between the two parties. My own leadership has my loyal and determined support, and the leadership across the way my understanding and goodwill.

My long-time membership in the Conservative family is broader and deeper than who may or may not be chair of this or that committee. The Conservative Party is a broad tent, and since coming into this chamber I have never experienced the slightest pressure from any source — not from my leadership in the Senate or the government or the Prime Minister — relative to views, aspirations, preferences or policy directions I might advocate or express honourably and freely.

The collegiality on both sides of the committee from all present was a rewarding experience and made it possible for us to achieve what we did, for example, on our Africa report. I am grateful to those from all sides who have been supportive of my role as chair. I hope and expect that the new chair, whoever it is and whenever that individual is chosen and agreed to, can count on that same collegial support and understanding. The work of the committee on democratization and on the lessons learned from the evacuation of Canadians in Lebanon, which constitute the two references before it now, and on other references this chamber in its wisdom may direct, is too important for the situation to be otherwise.

Again, I thank my own leadership and colleagues on all sides for the chance to have served.

Senator Corbin: We want you back.

VIOLENCE AGAINST WOMEN

PAKISTAN—ASSASSINATION OF FEMALE PROVINCIAL MINISTER OF SOCIAL WELFARE

Hon. Mobina S.B. Jaffer: Honourable senators, on February 20, 2007, Zill-e-Huma Usman, a provincial minister of social welfare in Pakistan, was murdered. Prime Minister Shaukat Aziz described her as a “committed and dedicated politician.” He said that, “During her short span as minister, she took several steps for the welfare of the people of Punjab.” Her activist role within the ruling Pakistani Muslim League made her a target for Islamic fundamentalists.

Minister Usman was a mentor, a leader and a role model for women in Pakistan who wanted to rise above the harsh injustices inflicted upon her gender, injustices that barred women to the private sphere.

The fanatic man who killed Minister Usman stated, “I have no regrets. I just obeyed Allah’s commandment.” It was his belief that Islam does not allow women to hold positions of leadership. He went on to say, “I will kill all those women who do not follow the right path, if I am freed again.”

Her attacker, Mohammad Sarwar, was held in 2002 for his connection with the killing and mutilation of four prostitutes but was never convicted due to lack of evidence. It is acts such as these that perpetuate the cyclical behaviour of violence against women.

To add further pain to the death of this female parliamentarian, Police Chief Abdul Qadir Qayyum stated, “. . . since fashionable women spread obscenity in the society,” the killer “has been targeting them . . . to purge the society of evil.”

• (1340)

Honourable senators, we all know the Muslim faith respects the social position of women and acknowledges the female face. It does not impose any restrictions that may hamper the social growth and development of the woman. Some progress has been made in bringing the issue of violence against women into the political arena, but much remains to be done.

Zobaida Jalal, Pakistan’s federal Minister of Social Welfare condemned the slaying, calling it an “unbearable loss to the cause of women’s rights” and further stating that we, as leaders, must ensure that women always have a voice. General Musharraf has promised to address women’s rights as part of his moderate agenda and policy of enlightened moderation designed to tackle extremism.

Honourable senators, as parliamentarians, we need to encourage him to do more. We, as parliamentarians, need to work to protect all parliamentarians and all women, not only in our own society but also around the world.

FEDERAL ACCOUNTABILITY ACT

PROGRESS REPORT

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to report on the progress of the Accountability Act and the effect that it has already made both in the public service and in Parliament.

The Federal Accountability Act, which became law on December 12, 2006, is now a reality in Canada and it seems that it is working. The vital reforms implemented by this act conferred a new obligation on deputy ministers, making them accounting officers for their departments and, therefore, answerable before the appropriate committees of the Senate and the House of Commons.

There is already evidence that the act is significant and it is relevant. A recent incident merited an editorial in the *Ottawa Citizen*. Let me explain what that newspaper said. When problems were raised and identified by the Auditor General concerning a \$500 million contract for relocating public servants across the country, Mr. David Marshall, one of our most senior and talented bureaucrats became the first deputy minister to testify under the new Federal Accountability Act.

When he was recently summoned before the House of Commons Standing Committee on Public Accounts and was asked who was responsible, he said the following:

The department is. This was an administrative issue. It was handled by departmental officials so, as the accounting officer, I would take responsibility for that.

Earlier, honourable senators, he would have had to say that because of ministerial responsibility, the minister would be responsible. Clarifying the ambiguity of accountability, and with greater transparency in parliamentary procedures, this historic precedent was possible. Parliamentary scrutiny is now easier, more efficient and more democratic since the act became law.

A procedure is now in place so that when problems arise, they can be addressed, rectified and responsibility for blame accepted. However, honourable senators, we must remind ourselves that to blame does not just mean pointing the finger at someone but, more importantly, Mr. Marshall had an opportunity, when answering questions before committee members, to provide his honest assessment to help correct the policy in question. This procedure establishes a healthy dialogue between those accountable and parliamentary committees. It is not to simply lay blame and then sweep the issue under the rug for another day. This act is about settling dilemmas, crises, problems and disputes with accounting officers.

Honourable senators, I believe this precedent will be greeted by many Canadians as an important change in moving the country forward into a new period of open transparency, accountability and democratic reform. Many Canadians had lost touch with the federal government, and our government set out to fix that. We delivered on our commitment to make government more accountable and one way was enhancing the accountability of deputy ministers. Canadians’ confidence in the parliamentary system has just received another important plank in its renewal.

THE LATE CELIA FRANCA, O.C., O. ONT.

Hon. Elizabeth Hubley: Honourable senators, I am honoured to rise in tribute to the life of a remarkable Canadian. On Monday of this week, Celia Franca passed away in an Ottawa hospital at the age of 85. Miss Franca was a ballerina, choreographer, Artistic Director of the National Ballet of Canada, co-founder of the National Ballet School, inspiration to generations of aspiring young dancers and professionals throughout the world of ballet.

In announcing her death, the front page of the *Ottawa Citizen* simply said, "She taught Canada to dance."

• (1345)

Born in London, England, in 1921, Miss Franca began the study of dance at the age of four. She was a scholarship student at the Guildhall School of Music and the Royal Academy of Dance. By 1941, Celia Franca was recognized as one of the finest dramatic ballerinas in London's Sadler's Wells dance company, which later became the Royal Ballet. In 1947, she joined the Metropolitan Ballet as a soloist and ballet mistress and also began choreographing for television.

Celia Franca came to Canada in 1951 at the invitation of a group of Toronto-area ballet enthusiasts who dreamed of starting a classical dance company in this country. With great determination and skill, she recruited and trained dancers, staged concerts, organized a summer school, gathered a talented artistic staff and opened the National Ballet Company to the public on November 12, 1951, while supporting herself as a file clerk at Eaton's.

In 1959, she and Betty Oliphant founded the National Ballet School.

Honourable senators, this wonderful lady established two national cultural institutions during her lifetime. Her students and contemporaries speak of her drive for professionalism and perfection, her ferocious attention to standards, and her vision and tremendous work ethic. Canada owes her a great debt of gratitude.

Former Prima Ballerina and current Artistic Director of the National Ballet, Karen Kain, had this to say on the passing of her friend and teacher:

She would not accept mediocrity at all. She believed in excellence and she wouldn't give up until she saw it.

Honourable senators, I know you will join with me in expressing our deep sadness on the death of this great Canadian, and extend our sympathy to her family.

PRIME MINISTER

AIR INDIA INQUIRY—COMMENTS REGARDING FATHER-IN-LAW OF MEMBER FOR MISSISSAUGA—BRAMPTON SOUTH

Hon. Grant Mitchell: Honourable senators, yesterday, Canadians witnessed an unprecedented abuse of executive power levelled by the Prime Minister against a vulnerable and innocent Canadian citizen, who is without any recourse to defend himself. It represented an unprecedented attack on an individual with the full force and power of the Prime Minister's office behind it.

That the Prime Minister would attack any individual without a shred of evidence of any wrongdoing in the most public of forums in this country is distressing enough. That he would do it based upon nothing more than a newspaper article replete with innuendo and aspersion is incomprehensible. That this article

may have been based upon information that should have been held by authorities in confidence is a further profound concern. I fear the Prime Minister's office was reduced to nothing more than a bully pulpit.

If ever there were an argument against extending the powers inherent in the Terrorism Act's sunset clause, the Prime Minister's behaviour yesterday is it. It is incumbent upon the Prime Minister of this great country to exercise his or her power with grace, dignity and proportion. None of that was evident in his conduct yesterday.

PROCESS FOR ELECTION OF COMMITTEE CHAIRS

Hon. Sharon Carstairs: Honourable senators, Senator Hugh Segal, a few minutes ago, gave a gracious explanation for his resignation as the Chair of the Standing Senate Committee on Foreign Affairs and International Trade, a decision that this side deeply regrets. He expressed his lack of knowledge about the practices of this place, so I hope I can enlighten him as to the normal process.

At the beginning of a new session, the Leader of the Government in the Senate and the Leader of the Opposition in the Senate meet to discuss who will be members of committees and who will be the chairs of those committees. National Finance has traditionally been given to the opposition, although not always. The remaining committees enter into a bargaining experience.

Senator Segal should know that, at this time, the names of potential chairs are also discussed. He should know that once it was determined that Foreign Affairs would be chaired by a government member, it was also stated that he, Senator Segal, would be acceptable to the opposition.

Once the chairs and deputy chairs are established, these positions are no longer open to political machinations. They now become the creatures of the committees.

There are occasions, such as when a senator retires or dies, that a new chair is elected. On other occasions, a chair or deputy chair makes a personal decision to resign, but this decision is never made as a result of a push from the leadership on either side. This act is unprecedented and unacceptable.

• (1350)

ROUTINE PROCEEDINGS

THE ESTIMATES, 2006-07

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Terry Stratton: Honourable senators, I have the honour to table, in both official languages, Supplementary Estimates (B), 2006-07.

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2007, with the exception of Parliament vote 10.

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

Hon. Senators: Agreed.

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

Motion agreed to.

VOTE 10 OF SUPPLEMENTARY ESTIMATES (B)
REFERRED TO THE STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament vote 10 of the Supplementary Estimates (B) for the fiscal year ending March 31, 2007; and

That a message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Senators: Agreed.

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

Motion agreed to.

ANTI-TERRORISM ACT

INTERIM REPORT OF SPECIAL COMMITTEE TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the third (interim) report of the Special Senate Committee on the Anti-terrorism Act, entitled: *Fundamental Justice in Extraordinary Times: Main Report of the Special Senate Committee on the Anti-Terrorism Act*.

I move that the report be placed on the Orders of the Day for consideration two days hence; and that a 10-page executive summary of this 140-page report be distributed for honourable senators' ease of reference.

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

Motion agreed to and report placed on the Orders of the Day for consideration two days hence.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS, DIRECTIVES
AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES
COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table the fourth interim report of the Standing Senate Committee on Official Languages concerning the proposed regulations introduced in response to the Federal Court decision in *Doucet v. Canada*.

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

• (1355)

[English]

QUESTION PERIOD

PRIME MINISTER

REQUEST FOR APOLOGIES TO MEMBERS FOR
WASCANA AND MISSISSAUGA—BRAMPTON SOUTH

Hon. Céline Hervieux-Payette (Leader of the Opposition): My question is to the Leader of the Government in the Senate.

It is said that power corrupts and absolute power corrupts absolutely. We have seen signs of this in the past weeks by the Prime Minister. The Prime Minister has smeared the integrity of Mr. Goodale, both in person and in television advertisements. Even after the former minister was completely exonerated of any wrongdoing, the Prime Minister has refused to do the honourable thing and apologize. Prime Minister Harper has even refused to withdraw the advertisements, which are factually incorrect.

Yesterday, the Prime Minister attacked an honourable member in the other place and impugned the entire opposition. Again, he refused to apologize.

Will the Leader of the Government in the Senate urge the Prime Minister to regain the dignity of the title "Right Honourable" and advise him to apologize in the best interests of our institutions?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The Prime Minister yesterday was simply pointing out that, for some reason, known only to people on her side, the opposition decided to withdraw its support of their own

anti-terrorism legislation and put in jeopardy the safety of Canadians, take away some well-needed tools for our police officials and, more urgently, cause difficulty in continuing the investigation of the Air India disaster.

AIR INDIA INQUIRY—MEDIA COMMENTS
REGARDING FATHER-IN-LAW OF MEMBER
FOR MISSISSAUGA—BRAMPTON SOUTH—
REQUEST FOR APOLOGY

Hon. Mobina S. B. Jaffer: I have a supplementary question for the Leader of the Government in the Senate.

Has the government leader had an opportunity to investigate the question I asked of her yesterday as to why names of potential witnesses are being leaked to the media? As I understand, these investigative hearings are held before a judge, who not only protects the name of the person being investigated but also protects the names of the third parties and of the families. How did these names get leaked?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. After Question Period yesterday, I turned to page 21 of *Quorum* and read the full article from the *Vancouver Sun*. The article was lengthy and contained some rather startling statements. Knowing newspapers as I do, I am quite certain that the legal authorities responsible for the content of the *Vancouver Sun* would have been very careful to have information that was sourced before printing such a story.

How this information was obtained by the *Vancouver Sun*, I have no idea. I am quite certain that the *Vancouver Sun*, like all newspaper organizations and reporters, will protect its sources. I cannot even begin to guess how they came by the information. It is probably a question better addressed to them.

• (1400)

Senator Jaffer: Honourable senators, I believe that we come as parliamentarians to serve our country, and, of all people, the Leader of the Government in the Senate, has served our country for a long time.

The name of a young parliamentarian, who was only nine years of age when this allegation was supposed to have taken place, has been drawn through the dirt. Across the entire country this man's name and that of his family has been dragged in the mud. I urge the Leader of the Government in the Senate to ask the Prime Minister to apologize to this young parliamentarian.

Senator LeBreton: I thank the honourable senator for her question. As the Prime Minister stated yesterday, his intent was to point out to Parliament that the Liberal Party and the Liberal opposition members, for some unknown reason, changed their position on their own legislation. Many people are asking questions about that.

Senator Munson: Civil liberties. Charter of Rights.

Senator LeBreton: The Prime Minister barely spoke the first few sentences of his answer before everyone started to yell. I do not know whether the record even shows whether the Prime Minister said anything, other than reading about an article that appeared in the public venue.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT— DELAY IN IMPLEMENTATION

Hon. Joseph A. Day: Honourable senators, in the *Ottawa Citizen* on October 21, 2006, the former President of the Treasury Board, the Honourable John Baird wrote an editorial entitled, "An Achievement in Foot-dragging." Permit me to quote from this article as an introduction to my question for the Leader of the Government in the Senate.

Mr. Baird wrote the following:

Most Canadians recognize the incredible ability of people to get things done once they set their minds to accomplishing a task. Conversely, most Canadians also recognize the incredible ability of people to dither when they do not want to get something done.

My question for the Leader of the Government in the Senate is why, after 72 days, since Royal Assent of Bill C-2, has the Harper government refused to proclaim or bring into force a staggering number of provisions within the Federal Accountability Act? Why the delay? Why the dithering? Why the foot-dragging? Is this the government's concept of accountability?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As he knows and because he participated in the Senate committee studying the bill, many elements of the bill require written regulations. I will therefore be happy to take the honourable senator's question as notice, raise it with the new President of the Treasury Board and get some guidance on when the president expects these regulations to be completed.

Senator Day: While addressing this chamber on November 22, 2006, the Leader of the Government in the Senate urged her colleagues, on both sides of this chamber, to accept the will of the other place and pass Bill C-2 once and for all. I quote, "Canadians have waited long enough for the Federal Accountability Act. The time is now to pass this legislation."

Honourable senators, not long after those words were spoken in this chamber, we reached a compromise. We in this chamber worked hard to improve that legislation. We did improve it. The bill was passed and received Royal Assent 72 days ago.

• (1405)

Honourable senators, which priority is more important to the current government: the complete and timely implementation of the Federal Accountability Act or merely the creation of the perception among the public that accountability and transparency have been improved?

Senator LeBreton: Honourable senators, the thought crossed my mind that it took a long time for the accountability bill to make its way through both Houses, and I do not think 72 days is an inordinate amount of time to draft regulations for an act as large as this and containing so many elements.

My answer to Senator Day is the same as the one I gave to the first question. I take the honourable senator's question seriously. I will speak to officials and to the new President of the Treasury Board, the Honourable Vic Toews, in an attempt to provide, by delayed answer, a timetable for the parts of the act that still have not been implemented.

Senator Day: I thank the Leader of the Government in the Senate for her reply and I will continue to count the days.

PUBLIC WORKS AND GOVERNMENT SERVICES

CREATION OF POSITION OF PROCUREMENT OMBUDSMAN

Hon. Grant Mitchell: Honourable senators, my question is to the Minister of Public Works and Government Services, on the off-chance that the Leader of the Government in the Senate will actually let him answer it.

Under Bill C-2, the Conservatives promised to establish a procurement ombudsman 72 days ago, after much rushing and pushing. The procurement ombudsman, of course, has not been established and we have not seen the Minister of Public Works stepping up to the plate and forcing the issue to make sure it happens.

Could the Minister of Public Works tell us the reason for his failure to implement the position of procurement ombudsman? Is it because he does not want anyone questioning the sole-source contracts and other questionable procurement practices that have become all but standard operating procedure in his department?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, we are looking into putting the specifications together to find the right person, and we will be publishing something soon. If the honourable senator knows anyone who is interested in that position, let us know.

PRIVY COUNCIL OFFICE

CREATION OF POSITION OF APPOINTMENTS COMMISSIONER

Hon. Grant Mitchell: It is interesting that the Conservatives would be worried about the specifications on that position, because they have not been worried about the specifications on all kinds of political patronage appointments that they have given to former MPs, former ministers, former candidates, former ministerial staffers, former long-time Conservative fundraisers or spouses of Tory staffers. Are those, perhaps, the specifications for those kinds of positions? They have not implemented the public appointments commissioner, who is supposed to set proper objective specifications for those positions. Have they failed to do that because the appointments commissioner would inconveniently come between the government and its priority on patronage politics?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, all who have been appointed by this government have been properly vetted and are competent appointees. We have appointed people of all political stripes, including Liberals, and we have left quite a few Liberals on the books.

Senator Mitchell: If the government has not put in place the specifications for this particular position, and probably has not put in place the specifications for the procurement auditor, why were they in such a rush to push Bill C-2 through the Senate? Could they not have given us a little more time while they prepared themselves to be in a position to implement it once it passed?

Senator LeBreton: My honourable friend was a member of a provincial legislature. Surely he must know that legislation must be passed prior to the process of writing regulations and implementing the act.

• (1410)

CITIZENSHIP AND IMMIGRATION

VETTING OF CITIZENSHIP JUDGE APPOINTMENTS

Hon. Percy Downe: Honourable senators, I believe the minister misspoke. She indicated that all appointments have been vetted. I have read in the newspaper that people have been appointed to the citizenship judge position that were not vetted at all, and the chair of the commission has indicated that publicly.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Far be it from me to get into a debate with Senator Downe on the question of political appointments.

I believe it is on the public record that the government has appointed competent individuals — and I am not sure to which particular individual the honourable senator is referring.

Honourable senators, I must be careful when I refer to Jeffrey Simpson, who became quite incensed the last time I mentioned him in this place. He thought I had accused him of being a Liberal. In any event, even Jeffrey Simpson, in a column last week, was quite complimentary to this government's appointments.

Senator Downe: Honourable senators, that is not quite what the minister said earlier. The minister said on the record that every appointment has been vetted. That is not the case. One of the cases I am referring to is the former Conservative candidate in the Toronto MP's riding who recently crossed the floor to join the Conservative Party. That person was appointed to the citizenship judge position and that position was not vetted; he did not go through the process.

Would the minister withdraw what she said earlier?

Senator LeBreton: No, I shall not withdraw what I said earlier. First, I have not heard any such comments by the person who is in charge of the citizenship judges. As a matter of fact, on the matter of citizenship judges, the previous government indicated it wanted to get rid of citizenship judges altogether and never did. In any event, I know that the appointments process that has been set up is a very thorough one. People are properly vetted. People who are appointed to the positions are competent and are qualified for the positions to which they have been appointed.

However, with respect to that one instance the honourable senator seems to think there is an anomaly; I shall check my facts.

INDUSTRY

ACCESS TO INFORMATION ACT— PROPOSALS TO STRENGTHEN ACCESS

Hon. Lorna Milne: Honourable senators, as Senator Day has pointed out, this is day 72 since this government has had the ability to bring into force the access to information provisions of the Federal Accountability Act and has chosen not to do so. Senator LeBreton has just reminded me that for weeks we on this side of the chamber had to endure complaints and outright harassment from senators opposite, as well as outside observers, who were clamouring to have this hastily constructed and ill-advised bill rushed through this chamber.

Can the Leader of the Government in the Senate tell honourable senators why this government has chosen to largely ignore the section in its election platform entitled, Strengthen Access to Information Legislation? In it, you will read that a Conservative government will, among other things: “Implement the Information Commissioner’s recommendations for reform of the Access to Information Act.” This government also promised to “give the Information Commissioner the power to order the release of information” and to “provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government.”

In fact, every promise made by this government in its own election platform regarding the Access to Information Act has been ignored or violated in some way by what is in Bill C-2. Now, to make matters worse, the government has not proclaimed many of the provisions of Bill C-2 into force.

Could the Leader of the Government in the Senate advise honourable senators, if she is not accountable to her own supporters, to whom she and her party are accountable?

• (1415)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for reading our platform into the record. When political parties put out election platforms, they are meant to extend over a four to five-year mandate.

I shall investigate the specific question on access to information. Although I have not checked on it lately, I believe this matter was before a special committee in the other House; however, I do not know whether the matter has been dealt with by that committee yet. There is also a new Access to Information Commissioner.

This government has been in power for only a year, during which time we have done a very good job of living up to our commitments. We still have three years left in our mandate.

PRIVY COUNCIL OFFICE

CREATION OF PUBLIC APPOINTMENTS COMMISSION

Hon. Lorna Milne: Honourable senators, I shall not mention income trusts.

I thank the leader for her response, but I must warn her that Canadians will see her remarks for what they are — rhetoric. Governing is about more than rhetoric; it is about leadership and making commitments and following through on them.

Speaking of commitments, one of this government’s commitments in what is slowly becoming my favourite fictional document, “Stand Up for Canada,” was the establishment of a “Public Appointments Commission to set merit-based requirements for appointments to government boards, commissions and agencies, to ensure that competitions for posts are widely publicized and fairly conducted.” That commitment found its way into the Federal Accountability Act, but one would never know it from the recent questionable appointments made by this government.

Will the words of Brian Mulroney ring true again — that only once every Conservative in Canada is appointed to something will a public appointments commission be established?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Milne for that question. The public appointments commission is not in the Federal Accountability Act. An outstanding individual was prepared to do the job for \$1 a year. Unfortunately, actions on the other side derailed that appointment.

I do not know to what questionable appointment the honourable senator is referring. We have made outstanding appointments.

My words are not empty rhetoric. We are all working hard to provide good government for the public. We are responsible and respectful of taxpayers’ dollars. Judging by public opinion polls, we are also getting high marks for leadership.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT— DELAY IN IMPLEMENTATION

Hon. James S. Cowan: Honourable senators, the Leader of the Government in the Senate has repeatedly said that it takes time to prepare the regulations and that that is why many of the things that were promised in the act have not come to pass.

By my count, there were 64 days from the time the government was sworn in until Bill C-2 was introduced in the House of Commons. Can the Leader of the Government explain why, 72 days after proclamation, some of these regulations are still not in place? What possible explanation can there be for that?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, the government was sworn in on February 6, and we could not introduce legislation until Parliament resumed sitting. In his arithmetic, Senator Cowan is factoring in days that Parliament was not even sitting.

Anyone who has been involved in government knows that, with a large and complex piece of legislation like the Federal Accountability Act, it takes some time to complete the regulations. It has not taken an inordinately long period of

time. In his statement, Senator Oliver gave a good example of how the Federal Accountability Act is working. I see no evidence, nor has the public, of the government conducting itself improperly or abusing taxpayers' money.

• (1420)

Senator Cowan: The minister misunderstood my question. My point was that it only took 64 days to get this abomination of a bill before the House of Commons. She is now saying that 72 days is not long enough to produce some of the regulations and to implement promises such as the public appointments commission. Furthermore, the Standing Senate Committee on National Finance will begin its study of the estimates within the next few days, and there has been no establishment of the parliamentary budgets office, which is another part of this act. Why have these bodies not been established?

Senator LeBreton: My answer to the honourable senator will be precisely the same as my answer to Senator Day. I will take his question as genuinely sincere and try to ascertain, as quickly as possible, the timeline for the various regulations that must be put in place to enact certain portions of the Federal Accountability Act.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

QUESTIONS TO CHAIRMAN

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. Out of curiosity, if I wished to ask a question of the Chair of Foreign Affairs either today or next week, to whom would I address that question?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this is supposedly a chamber of sober second thought. A childish question like that does not warrant an answer.

THE SENATE

CHANGES TO COMMITTEE LEADERSHIP

Hon. Anne C. Cools: Honourable senators, I would like to put a question to the Leader of the Government in the Senate. Yesterday, in her responses to a series of questions about the removal of chairs and deputy chairs of committees, she, the minister, responded by stating, as found on page 1807 of the *Debates of the Senate*:

There are all kinds of precedents for committees to change their membership and, in fact, the chairs and deputy chairs.

First, could the leader tell me what precedents exist? I would like to know them. Second, when she removed me as deputy chair, upon which of those precedents did she rely?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question, and I will simply take it as notice.

Senator Cools: I think that is totally insufficient as an answer, honourable senators. The problem with this present rubric, Question Period, is that we cannot debate the responses. In

fact, it is an abbreviated situation. All that happens is the leader says either she will not answer or that she will answer later, which I find to be quite unsatisfactory

Yesterday, honourable senators, Senator Campbell asked the government leader about my situation, and the honourable minister responded, at page 1807 of the *Debates of the Senate*, by saying:

... I will not answer it as this is an internal caucus matter.

Either it is "an internal caucus matter" or one that is relying on non-existent precedents. It certainly cannot be both. Since the Leader of the Government in the Senate knows very well that I do not accept what she did, what they did — and I have no plans of accepting it because it is so frightfully barbaric — she should tell us here, on the floor of this chamber, what those precedents were and which ones she applied.

Senator LeBreton: I thank the honourable senator for her question. My answer yesterday was in relation to decisions that were made in caucus. I do not believe matters that are discussed in caucus belong on the floor of either chamber.

• (1425)

I am quite certain that if we were to ask questions concerning the internal affairs of the caucus opposite, there would be much indignation. We did not ask questions in this place about what process was undertaken when the leadership changed on the other side. We do not get into caucus matters.

When I answered Senator Campbell, I simply said that I would not get into discussions about matters that belong within the privacy of the four walls of the individual caucus meetings. Otherwise, why would we not just hold all of our caucuses here on the floor of the Senate.

Senator Cools: I would like to ask a question.

The Hon. the Speaker: Order. The time for Question Period has expired.

DELAYED ANSWER TO ORAL QUESTION

Hon. Terry Stratton: Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Callbeck on February 13, 2007, concerning the creation of a mental health commission.

HEALTH

PROPOSAL TO CREATE NATIONAL MENTAL HEALTH COMMISSION

(Response to question raised by Hon. Catherine S. Callbeck on February 13, 2007)

There have been regular, ongoing discussions between federal and P/T senior officials since Senators Kirby and Keon presented the concept of a mental health commission to F/P/T Ministers in October 2005.

[Senator LeBreton]

The Government of Canada recognizes that mental health and mental illness are priority issues for Canadians. We thank Senators Kirby and Keon, and the Standing Committee members, for their commitment and outstanding work in studying this important public health challenge.

The Government of Canada recognizes the importance of pursuing action on mental health. The recommendations of the Senate Committee are being extensively reviewed, including the proposal to establish a Commission as a focal point in Canada for mental health. From January 15-25, 2007, the Health Portfolio undertook consultations to seek views on mental health priorities including the mandate, functions and activities of a mental health commission.

As part of its response to mental health and mental illness in Canada, the Government of Canada remains committed to pan-Canadian efforts to advance mental health issues, in collaboration with the provinces, territories and other stakeholders, including various organizations and Aboriginal groups.

ORDERS OF THE DAY

CRIMINAL CODE

MOTION PURSUANT TO SUBSECTION 83.32(1)— DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)), pursuant to notice of February 8, 2007, moved:

1. That pursuant to subsection 83.32(1) of the Criminal Code, the application of sections 83.28, 83.29 and 83.3 of that Act be extended for a period of three years from the first day on which this resolution is passed by both Houses of Parliament.

2. That this Resolution come into force on the day on which it has been passed by both Houses of Parliament.

She said: Honourable senators, I rise today to speak in support of this very important motion, which extends the investigative hearing and recognizance-with-conditions provisions of the Anti-terrorism Act. It is not hyperbole to suggest these provisions could save lives and I urge this chamber to extend them for a three-year period.

Honourable senators may recall that I had grave reservations myself, as Senator Andreychuk has said about herself, when the Anti-terrorism Act was being considered in the Senate as Bill C-36. That was in the aftermath of the terrorist attack on the United States in 2001, which we all remember so well.

My words were:

I am terribly troubled by Bill C-36. Like Senator Andreychuk and many of my colleagues, I could have supported it had there been a proper oversight provision and a sunset clause.

The provisions under discussion today had a sunset clause, which is the reason this matter is now before us. My fears at the time have been properly addressed because, as we know, the provisions are there and there are stringent rules in place to protect the rights of individuals. A sunset clause is being re-established in the current motion, albeit with a three-year limitation, as recommended by our Special Senate Committee on the Anti-terrorism Act in its interim report tabled earlier this afternoon.

Honourable senators, I think it might be helpful if I take a moment to describe briefly the provisions that are the subject of today's discussion.

The investigative hearing provisions of the Anti-terrorism Act permit a peace officer, with the prior consent of the Attorney General, to apply to a judge for an order for the gathering of information where there are reasonable grounds to believe that a terrorism offence has been or will be committed. If it is granted, the order compels a person to attend a hearing before a judge, answer questions and bring along anything in their possession. Any person ordered to attend such a hearing is entitled to retain and instruct counsel. They can be required to answer questions, but may object to doing so on the basis of the laws relating to disclosure or privilege. There are also robust protections against self-incrimination: use and derivative immunity is provided by the legislation.

• (1430)

I would ask honourable senators to note that the Supreme Court of Canada in June 2004 upheld the constitutional validity of the investigative hearing provisions. The majority referred to the legislation's procedural safeguards, emphasizing that this new tool is not about eliciting self-incriminating testimony; it is about investigating and preventing potentially disastrous incidents.

The other provision the motion seeks to extend is the recognizance with conditions, sometimes referred to as preventive arrest, although a more apt term might be preventive release.

With the prior consent of the Attorney General, a peace officer, having reasonable grounds to believe that a terrorist activity will be carried out, and having reasonable grounds to suspect that the imposition of a recognizance with conditions or the arrest of a person is necessary to prevent the carrying out of the terrorist activity, may lay an information before a provincial court judge. That judge may order that person to appear before him or her.

If the judge determines there is no need for the person to enter into a recognizance, the person will be released. If the court determines the person should enter into a recognizance, the person will be bound to keep the peace, be of good behaviour and respect other specified reasonable conditions for up to twelve months including possibly prohibiting the possession of a weapon. Only if the person refuses to enter into such a recognizance can the judge order they be detained for up to twelve months.

Honourable senators, detention is not the goal of this provision. The clear and stated objective is to release the person, but under reasonable conditions that will help prevent terrorist activity from taking place.

Thankfully, to date, the law enforcement community has not found it necessary to resort to these powers to prevent an act of terrorism. Although an application for an investigative hearing in the Air India prosecution was upheld as constitutional — as I have mentioned — the hearing was never actually convened.

While to our knowledge there has been no use of either the investigative hearing or recognizance with conditions, albeit the investigative hearing has been invoked once, this should not suggest that they are not important or may not be needed in the future. There are numerous provisions in our criminal law that are employed infrequently. They are still an essential part of our criminal legislative framework. Frankly, we should take comfort in the fact that restraint has been demonstrated with respect to these Anti-terrorism Act powers.

Honourable senators, I would also like to emphasize the limited scope of these provisions. While the investigative hearing applies to past or future terrorism offences, the recognizance with conditions applies only in respect of potential future terrorist activity. They are not laws of general application, but rather have been specifically tailored to meet what is perhaps the most significant threat our society faces.

The majority of the Supreme Court of Canada had this to say in the decision confirming the constitutionality of the investigative hearing process:

The challenge for democracies in the battle against terrorism is not whether to respond but rather how to do so. This is because Canadians value the importance of human life and liberty and the protection of society through respect for the rule of law. Indeed, a democracy cannot exist without the rule of law. So, while Cicero long ago wrote “*inter arma silent leges*” (the laws are silent in battle) . . . we, like others, must strongly disagree.

Although terrorism necessarily changed the context in which the rule of law must operate, it does not call for the abdication of law. Yet, at the same time, while respect for the rule of law must be maintained in the response to terrorism, the Constitution is not a suicide pact

Consequently, the challenge for a democratic state’s answer to terrorism calls for a balancing of what is required for an effective response to terrorism in a way that appropriately recognizes the fundamental values of the rule of law.

The court held that the investigative hearing process respects the rule of law, does not violate protections against self-incrimination and is an appropriate response for a democratic state faced with challenges to its very existence.

To our knowledge, the recognizance with conditions provision has yet to be used. Thus, we have yet to receive any similar guidance from the courts on this section of the Anti-terrorism Act. I ask my honourable colleagues to note, however, that powers similar to the recognizance with conditions have existed in Canadian law for some time.

Section 810 of the Criminal Code, which many senators know as the “peace bond” provision, provides that any person who believes on reasonable grounds that another person will cause personal injury to the person, his or her spouse, common-law partner or child may lay an information before a judge and the judge may then cause the parties to attend court to decide if a recognizance with conditions should be imposed on the other person.

Honourable senators should also note that if a person breaches or refuses to enter into a section 810 recognizance, the court can commit them to prison for up to twelve months.

Similar provisions exist under section 810.01 of the Criminal Code if a person fears on reasonable grounds that a person will commit, for example, a “criminal organization offence,” and under section 810.1 of the Criminal Code if a person fears on reasonable grounds that a person will commit sexual offences, such as sexual touching or incest, in respect of a person under 14 years of age. Here, too, a court can commit the person to prison for up to twelve months for failing or refusing to enter into the recognizance.

In contrast, the investigative hearing power is new to the Canadian Criminal Code, although not to Canadian law, given the existence of a process for the making of an evidence-gathering order in the Mutual Legal Assistance in Criminal Matters Act. While compelling testimony has long been acceptable at the trial stage, it has not been a feature of the investigative phase of our criminal justice system. Other developed countries grant the state the power to compel testimony before trial. The United States, for example, has its long-standing grand jury system. In the United Kingdom, there exists the offence of failure to disclose material information to a constable in relation to terrorist investigations.

Our Supreme Court has upheld as constitutional the investigative hearing, and I am confident that the recognizance with conditions provision, essentially a peace bond, would also be found to be constitutional. While the recognizance with conditions provision has yet to be considered by the courts, we must recognize that imposing conditions on a person after a judicial hearing in order to prevent terrorist activity is a legitimate and proportional response to the threat posed by such activity. If we accept that a peace bond may be issued to prevent spousal abuse, sexual abuse or a criminal organization offence, why would we not extend a similar power to prevent terrorist activity?

Another important aspect of this discussion involves Canada’s international commitments. Security Council Resolution 1373 of 2001 called upon all states to implement their counter-terrorism obligations “as a matter of priority.” Specifically, the Security Council recognized:

. . . the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism.

• (1440)

In the resolution, one can see a strong emphasis on prevention. For example, the resolution calls upon states, among other things, to take necessary steps to prevent the commission of terrorist acts, ensure that any person who participates in the financing,

planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other states or their citizens, and prevent and suppress the financing of terrorist acts.

The investigative hearing and recognizance with conditions provisions are preventive measures and can assist these objectives. Indeed, even where provision is made for an investigative hearing to take place in respect of a terrorism offence that has already taken place, it can be used as a means to assist in the apprehension and conviction of a person who perpetrated a past attack, who could thereafter be prevented from participating in future attacks.

Similarly, the United Nations Global Counter-Terrorism Strategy, which was adopted by member states on September 8, 2006, also emphasizes the importance of preventive measures. The strategy is based upon a call for action with respect to specified goals, including, for example, taking measures to prevent and combat terrorism and ensuring the respect of human rights while countering terrorism. Canada is, of course, committed to these principles, which are reflected in the Anti-terrorism Act. The provisions that we are discussing today are essential elements of that legislation.

To further help understand the need for these provisions and the lengthy and thorough parliamentary review that they have undergone, I will harken back to 9/11, when the terrorist attacks forced us all to once again acknowledge the reality of international terrorism. The scale of the momentous and horrifying events of September 11 spurred the government of the day into action. Like many of our allies, Canada moved with all deliberate speed to enact new legislation to target terrorist activity. Good for them. Our laws up to that point focused primarily on addressing criminal activity after it had taken place. With the scale of the threat to our society posed by terrorism, it was clear that prevention had to be the goal. Prosecuting such acts after the fact is simply inadequate. Criminal sanctions, for example, do not deter perpetrators of suicide attacks.

The work undertaken in the Senate during those tumultuous days demonstrates the important contribution that this body makes to Canadian legislation. In 2001, when Bill C-36 was still in the other place, the Senate Special Committee on the Subject Matter of Bill C-36 was established and began its review of the bill using a special rarely used process called pre-study. The extraordinary work of that committee was widely recognized and lauded. That committee's pre-study report made various important recommendations, but perhaps most noteworthy in the context of today's motion was the recommendation that a sunset clause be applied to the bill. In its pre-study report, the committee stated:

In this way, the government would be required to return to Parliament to justify the continuance of the powers granted, assuring Canadians that the tools are sufficient, yet not exorbitant, and that they continue to be justifiable and necessary in the battle against terrorism.

In response to this recommendation, the investigative hearing power and the recognizance with conditions provisions were

sunsetting. The important contributions of this chamber have continued. In 2004, a review of the Anti-terrorism Act and its operation was begun by another special Senate committee comprised of some of the institution's most experienced and august members. Over the course of the Thirty-eighth and Thirty-ninth Parliaments, that committee heard from approximately 150 witnesses, travelled to London and Washington for consultations, and commissioned extensive research from the Library of Parliament and the Department of Justice.

I should like to close my remarks, honourable senators, by recalling the most egregious terrorist attack perpetrated against Canadians — that is, the Air India bombing of 1985, the largest mass murder in our country's history. We lost more people on a per capita basis than the Americans lost on 9/11. We, as legislators, have an obligation to the victims and their families to do all that we can to ensure that similar acts of terror are not perpetrated against our society again. When the Air India 182 Victims Families Association appeared before the Special Senate Committee on the Anti-terrorism Act in late 2005, their frustration was palpable. One member of the association's executive, Nicola Kelly, stated:

We have failed utterly, not only to prevent this tragedy and convict the perpetrators, but to incorporate the terrorist attack into our history. This has been hurtful to both the families and the entire nation. As a result, we collectively act as if terrorism has never happened here; as if somehow we are immune to the threat of global terrorism. Terrorism in Canada is already a fait accompli. The sooner we learn from it, the better.

Ms. Kelly went on to express the association's views with respect to the Anti-terrorism Act. She stated:

We need stronger tools to compel witnesses to testify. The law enforcement agencies also need to be able to break through the culture of fear that envelops any community in a terrorist case. . . .

We urge that any changes to the anti-terrorist legislation should aim to strengthen it by closing loopholes and gaps that exist now, not to weaken it. We need to send a strong message to the international community that Canada is able to deal with the threat of terrorism swiftly and effectively.

Honourable senators, I likewise urge you not to weaken the tools available to our law enforcement agencies. Even those of you who harbour doubts about the necessity of these tools must realize that the motion before you today calls for only a three-year extension, during which time further review of these powers will be undertaken by Parliament and possibly by the courts. Do not weaken our counter-terrorism arsenal by allowing these important provisions to expire.

I thank you, honourable senators, for hearing me out.

Hon. Mobina S. B. Jaffer: Will the honourable senator take a question?

Senator LeBreton: Absolutely.

Senator Jaffer: The honourable senator spoke about assault convictions and people entering into peace bonds. I am sure the honourable senator will agree with me that investigative hearings are not trials. People have to enter peace bonds before it has been proven that they have committed any acts. Would the government leader agree that these are extraordinary powers?

Can the government leader explain why, when we have extraordinary powers that have not been exercised for five years, we need to continue these powers? Obviously, the police have found other powers to exercise.

For example, 19 people were arrested under the Anti-terrorism Act, yet these powers were not used. From what the honourable senator said, I understand that the investigative hearings are to prevent future terrorist acts, not past terrorist acts. Therefore, why do we need these powers?

Senator LeBreton: I thank the honourable senator for that question, which could best be answered by some of the people directly involved in developing the federal anti-terrorism bill; the former Minister of Justice and the former Deputy Prime Minister. I have listened to debate on both sides.

The tools in question are investigative tools for authorities, who were not able to use them without very strong oversight, as I mentioned in my remarks. The use of these tools requires the approval of the Attorney General and a judge. Some would argue that the mere fact that we have such investigative tools acts as a deterrent. As well, it is important that Canada honour its international obligations set by the United Nations and the obligations to member states in the United Nations.

Great Britain had a provision whereby authorities could hold someone for seven days, which was later doubled to 14 days and is now at 20 days. That provision in the laws of the United Kingdom allowed authorities to prevent another horrific tragedy by arresting suspects before they were able to board an aircraft from Great Britain to the United States. Tools like this are preventive.

• (1450)

Many share the view that we would be sending a bad signal to our global neighbours if we took away from our authorities a provision that they could use to intervene and perhaps prevent a terrible tragedy.

Our ambassador to the United States eloquently expressed another serious matter concerning our international reputation. He pointed out that he has spent much of his time convincing people that Canada is not a safe haven for terrorists.

It is possible for people to misunderstand or misrepresent the intention. If this provision were not allowed, we would have to battle the perception, not only of our neighbours to the south but of all the people in the world with whom we deal who are part of the instruction from the United Nations, that we are no longer able to assist or work with them using these preventive tools.

On motion of Senator Tardif, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Lorna Milne: Honourable senators, I would like to join the debate today about the importance of supporting literacy in Canada.

As the United Nations states, “Literacy is a human right, a tool of personal empowerment and a means for cultural development.”

Literacy today means so much more than just reading and writing. Promoting higher levels of literacy in this country means that Canadians will become greater contributors to a skills- and knowledge-based economy, be better equipped to understand and act on a variety of health care information, including doctors’ instructions, dosage schedules, consent forms and insurance paperwork, and will be better able to help their children in their social and educational development, not to mention the improvements individuals will see in their own career development and quality of life. Recent research in Canada also suggests that higher levels of prose literacy is linked to higher levels of community involvement and volunteer activity.

However, for economic reasons alone, the impact of meeting our literacy challenges could be even more significant. The Canadian Policy Research Network and the C.D. Howe Institute have both reported that recent research shows that the returns to investment in skills upgrading of less educated workers are three times as great as for investment in physical capital. The research indicates that raising literacy and numeracy for people with the fewest skills is more important to economic growth than producing more highly skilled graduates. Statistics Canada’s research also shows that adult learning can make a significant difference in terms of the economic well-being of those with relatively low educational attainment.

Based on the research, I think we can all agree that the benefits of higher literacy levels are varied, wide-ranging and cumulative. Any decrease in efforts will have negative ramifications, not only now, but also for future generations who will pay for what we have neglected — lost opportunities.

Where are we now and how are we doing compared to other countries? Not badly. Results of the OECD Programme for International Student Assessment have demonstrated that Canadian students are performing relatively well in reading in the majority of provinces, and that overall we are doing better than many other countries in ensuring that all students are learning to read and write, regardless of their household income.

Research has also shown that the literacy scores of Canadians without a high school diploma are lower than their counterparts in countries such as the United Kingdom, Australia, Germany,

Sweden, Finland and Denmark, even though we are better off than those in the U.S. This is troubling because the population in Canada 35 years and older without a high school diploma, according to the 2001 census, is 5.8 million, roughly the size of the population of Greater Toronto.

Generally speaking, four in 10 Canadians of working age still fall below the literacy benchmark widely considered necessary for success in today's knowledge economy. The situation is even bleaker for the unemployed because over one half have literacy skills below this threshold. As further proof of the link between literacy and employment, far fewer Canadians with jobs are below the literacy benchmark, about one third. Of course, many adults with substandard literacy levels are indeed working, but most hold jobs with a low literacy requirement, jobs that, as we all know, are becoming harder to find and harder to find and keep as the technology and literacy demands of our society increase.

Concerns about literacy are obviously not restricted to Canada. Literacy is of such concern worldwide that the United Nations General Assembly declared the period from 2003 to 2012 as the United Nations Literacy Decade, because of three reasons.

First, over 861 million people worldwide are without access to literacy. Second, literacy is a human right, as it is the linchpin to basic education, which was recognized as a human right over 50 years ago in the Universal Declaration of Human Rights. Third, literacy efforts up to now have proven inadequate, at national and international levels.

How is Canada celebrating this United Nations Literacy Decade? Surely, if the United Nations saw fit to devote an entire decade to literacy, the federal government must be doing everything it can to ensure that this country does its part. Not so.

In September 2006, Prime Minister Harper announced a shocking \$17.7 million cut over two years to the Adult Learning, Literacy and Essential Skills Program. This program operated in partnership with the provinces and territories to promote literacy across the country by supporting coordination, promotion and learner recruitment, professional development, research, partnership development and sharing of best practices.

As we have heard, the work that has been conducted and the infrastructure that has been created over the past 20 years is now being lost and Canadians who have the most to lose will suffer the most as a result.

An investment in literacy and lifelong learning is a direct investment in Canada, both today and for our future. We all pay the price when we ignore this critical issue.

• (1500)

Honourable senators, I hope the government will come to its senses and recognize the importance of literacy promotion. I urge senators opposite, even those who are not listening to me, to push for greater investment on this vital issue without delay. Just put it into the upcoming budget.

On motion of Senator Stratton, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;

5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly

in its efforts to implement the above demands.
—(*Honourable Senator Segal*)

Hon. Terry Stratton: Honourable senators, Senator Segal would like to speak to this motion; however, unfortunately, he is unable to do so today and asks permission of this chamber to rewind the clock.

The Hon. the Speaker: We will have to follow the *Rules of the Senate* in that a substantive intervention has to be made. If a substantive intervention is made, the adjournment would then be in order.

Hon. Sharon Carstairs: Honourable senators, I shall say a few words on this motion, following which I should like to see it adjourned in the name of Senator Segal.

This motion has been put forward with respect to a resolution on combatting anti-Semitism and other forms of intolerance — which is, I believe, something to which we can all concur. I should like to see this matter immediately pass this chamber, but a reference has been made to send the matter to the Standing Senate Committee on Human Rights. I have asked Senator Grafstein in the past what exactly he would like the committee to do with it. I must assure Senator Grafstein, and all members of this chamber, that all of the members of the Standing Senate Committee on Human Rights are in complete accord on the acceptance of this resolution. The concern is about what should happen with the resolution in terms of the activities of this chamber. My own view is that we should pass it, because it is an important motion for us to pass.

On motion of Senator Carstairs, for Senator Segal, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks, pursuant to notice of February 21, 2007, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m., Tuesday, February 27, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, the Minister of Natural Resources and the Deputy Minister of Natural Resources are free to appear before our committee between 5:30, which is the appointed earliest time the committee can meet, and exactly 7:00, at which time they will leave, so we must spend that hour and one half with the minister and the deputy minister. I hope honourable senators will agree to pass the motion.

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

Motion agreed to.

ADJOURNMENT

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

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourn today, it do stand adjourned until Tuesday, February 27, 2007, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 27, 2007, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

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

(1st Session, 39th Parliament)

Thursday, February 22, 2007

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

GOVERNMENT BILLS
(SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|--|-------------------------------------|---------------------------|-----------------|----------|-------|
| S-2 | An Act to amend the Hazardous Materials Information Review Act | 06/04/25 | 06/05/04 | Social Affairs, Science and Technology | 06/05/18 | 0 | 06/05/30 | | |
| S-3 | An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act | 06/04/25 | 06/06/22 | Legal and Constitutional Affairs | 06/12/06 | 0 observations + 2 at 3rd | 07/02/15 | | |
| S-4 | An Act to amend the Constitution Act, 1867 (Senate tenure) | 06/05/30 | 07/02/20 | (subject-matter 06/06/28 Special Committee on Senate Reform) (bill 07/02/20 Legal and Constitutional Affairs) | (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 | 06/12/12 | 8/06 |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|--|----------|---|--|-----------|-------|
| C-2 | An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability | 06/06/22 | 06/06/27 | Legal and Constitutional Affairs | 06/10/26 | 156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 Total 158 | 06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23 Report adopted 06/12/07 Message from Commons- agree with Senate amendments 06/12/11 | 06/12/12 | 9/06 |
| 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 | 06/12/12 | 3 observations | 06/12/13 | 07/02/01* | 1/07 |
| C-4 | An Act to amend the Canada Elections Act and the Income Tax Act | 06/05/02 | 06/05/03 | Legal and Constitutional Affairs | 06/05/04 | 0 | 06/05/09 | 06/05/11 | 1/06 |
| C-5 | An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts | 06/06/20 | 06/09/28 | Social Affairs, Science and Technology | 06/11/02 | 0 observations | 06/11/03 | 06/12/12 | 5/06 |
| 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-12 | An Act to provide for emergency management and to amend and repeal certain Acts | 06/12/11 | | | | | | | |
| 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 |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|---|----------|----------------|-----------------|-----------|-------|
| 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 | 07/02/15 | 0 | | | |
| C-17 | An Act to amend the Judges Act and certain other Acts in relation to courts | 06/11/21 | 06/12/11 | National Finance | 06/12/12 | 0 observations | 06/12/13 | 06/12/14* | 11/06 |
| C-19 | An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act | 06/11/02 | 06/11/21 | Legal and Constitutional Affairs | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 14/06 |
| 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 | 06/12/12 | National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 13/06 |
| 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 | 06/12/14 | 0 observations | 06/12/14 | 06/12/14* | 12/06 |
| C-26 | An Act to amend the Criminal Code (criminal interest rate) | 07/02/07 | | | | | | | |
| C-28 | A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 | 06/12/11 | 07/01/31 | National Finance | 07/02/13 | 0 | 07/02/14 | 07/02/21* | 2/07 |
| C-31 | An Act to amend the Canada Elections Act and the Public Service Employment Act | 07/02/21 | | | | | | | |
| C-34 | An Act to provide for jurisdiction over education on First Nation lands in British Columbia | 06/12/06 | 06/12/11 | Aboriginal Peoples | 06/12/12 | 0 | 06/12/12 | 06/12/12 | 10/06 |
| 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 | 06/12/12 | 6/06 |
| 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 | 06/12/12 | 7/06 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
| C-288 | An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol | 07/02/15 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1st | 2nd | Committee | Report | Amend | 3rd | R.A. | Chap. |
|------------|--|-----------------------|--|---|---------------|--------------|-----------------------|-------------|--------------|
| S-201 | An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette) | 06/04/05 | 06/06/22 | National Finance | 06/10/03 | 1 | | | |
| S-202 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 06/04/05 | 06/05/31 | Legal and Constitutional Affairs | 06/06/15 | 1 | 06/06/22 | | |
| S-203 | An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe) | 06/04/05 | Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08 | | | | | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 06/04/05 | | | | | | | |
| S-205 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 06/04/05 | 06/10/31 | Energy, the Environment and Natural Resources | 07/02/14 | 0 | | | |
| 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 | 06/12/14 | Human Rights | | | | | |
| 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 | 06/12/14 | Energy, the Environment and Natural Resources | | | | | |
| S-210 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak) | 06/04/25 | 06/12/13 | Energy, the Environment and Natural Resources | | | | | |
| S-211 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 06/04/25 | 06/05/10 | Social Affairs, Science and Technology | 06/06/13 | 0 | 06/10/17 | | |
| S-212 | An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.) | 06/04/26 | Bill withdrawn pursuant to Speaker's Ruling 06/05/11 | | | | | | |
| S-213 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 06/04/26 | 06/09/26 | Legal and Constitutional Affairs | 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 | 06/12/14 | 0 | 06/12/14 | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-215 | An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.) | 06/05/17 | 07/02/20 | National Finance | | | | | |
| 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 | 06/12/13 | Aboriginal Peoples | | | | | |
| 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 | 06/12/11 | 16 | 06/12/14 | | |
| S-221 | An Act to establish and maintain a national registry of medical devices (Sen. Harb) | 06/11/01 | | | | | | | |
| S-222 | An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen) | 07/02/01 | | | | | | | |
| S-223 | An Act to amend the Access to Information Act (Sen. Milne) | 07/02/15 | | | | | | | |

PRIVATE BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|--------|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|-----------|-------|
| S-1001 | An Act respecting Scouts Canada (Sen. Di Nino) | 06/06/27 | 06/10/26 | Legal and Constitutional Affairs | 06/12/06 | 0 | 06/12/07 | 07/02/21* | |

CONTENTS

Thursday, February 22, 2007

| | PAGE | | PAGE |
|--|------|---|------|
| SENATORS' STATEMENTS | | | |
| Statistics Canada Report on the Arts and Cultural Industries | | | |
| Hon. Tommy Banks | 1817 | Treasury Board | |
| Foreign Affairs and International Trade | | | |
| Parting Words of Former Chairman. | | | |
| Hon. Hugh Segal | 1817 | Federal Accountability Act—Delay in Implementation. | |
| Violence Against Women | | | |
| Pakistan—Assassination of Female Provincial Minister of Social Welfare. | | | |
| Hon. Mobina S. B. Jaffer | 1818 | Hon. Joseph A. Day | 1821 |
| Federal Accountability Act | | | |
| Progress Report. | | | |
| Hon. Donald H. Oliver | 1818 | Hon. Marjory LeBreton | 1821 |
| The Late Celia Franca, O.C., O. Ont. | | | |
| Hon. Elizabeth Hubley | 1818 | Public Works and Government Services | |
| Prime Minister | | | |
| Air India Inquiry—Comments Regarding Father-in-Law of Member for Mississauga—Brampton South. | | | |
| Hon. Grant Mitchell | 1819 | Creation of Position of Procurement Ombudsman. | |
| Process for Election of Committee Chairs | | | |
| Hon. Sharon Carstairs | 1819 | Hon. Grant Mitchell | 1822 |
| | | Hon. Michael Fortier | 1822 |
| <hr/> | | | |
| ROUTINE PROCEEDINGS | | | |
| The Estimates, 2006-07 | | | |
| Supplementary Estimates (B) Tabled. | | | |
| Hon. Terry Stratton | 1819 | Privy Council Office | |
| National Finance Committee Authorized to Study Supplementary Estimates (B). | | | |
| Hon. Terry Stratton | 1820 | Creation of Position of Appointments Commissioner. | |
| Vote 10 of Supplementary Estimates (B) Referred to the Standing Joint Committee on the Library of Parliament. | | | |
| Hon. Terry Stratton | 1820 | Hon. Grant Mitchell | 1822 |
| Anti-terrorism Act | | | |
| Interim Report of Special Committee Tabled. | | | |
| Hon. David P. Smith | 1820 | Hon. Marjory LeBreton | 1822 |
| Study on Operation of Official Languages Act and Relevant Regulations, Directives and Reports | | | |
| Interim Report of Official Languages Committee Tabled. | | | |
| Hon. Maria Chaput | 1820 | Citizenship and Immigration | |
| | | Vetting of Citizenship Judge Appointments. | |
| | | Hon. Percy Downe | 1822 |
| | | Hon. Marjory LeBreton | 1822 |
| <hr/> | | | |
| QUESTION PERIOD | | | |
| Prime Minister | | | |
| Request for Apologies to Members for Wascana and Mississauga—Brampton South. | | | |
| Hon. Céline Hervieux-Payette | 1820 | Industry | |
| Hon. Marjory LeBreton | 1820 | Access to Information Act—Proposals to Strengthen Access. | |
| Air India Inquiry—Media Comments Regarding Father-in-law of Member for Mississauga—Brampton South—Request for Apology. | | | |
| Hon. Mobina S. B. Jaffer | 1821 | Hon. Lorna Milne | 1823 |
| Hon. Marjory LeBreton | 1821 | Hon. Marjory LeBreton | 1823 |
| | | Privy Council Office | |
| | | Creation of Public Appointments Commission. | |
| | | Hon. Lorna Milne | 1823 |
| | | Hon. Marjory LeBreton | 1823 |
| | | Treasury Board | |
| | | Federal Accountability Act—Delay in Implementation. | |
| | | Hon. James S. Cowan | 1823 |
| | | Hon. Marjory LeBreton | 1823 |
| | | Foreign Affairs and International Trade | |
| | | Questions to Chairman. | |
| | | Hon. Tommy Banks | 1824 |
| | | Hon. Marjory LeBreton | 1824 |
| | | The Senate | |
| | | Changes to Committee Leadership. | |
| | | Hon. Anne C. Cools | 1824 |
| | | Hon. Marjory LeBreton | 1824 |
| | | Delayed Answer to Oral Question | |
| | | Hon. Terry Stratton | 1824 |
| | | Health | |
| | | Proposal to Create National Mental Health Commission. | |
| | | Question by Senator Calbeck. | |
| | | Hon. Terry Stratton (Delayed Answer) | 1824 |
| | | <hr/> | |
| | | ORDERS OF THE DAY | |
| | | Criminal Code | |
| | | Motion Pursuant to Subsection 83.32(1)—Debate Adjourned. | |
| | | Hon. Marjory LeBreton | 1825 |
| | | Hon. Mobina S. B. Jaffer | 1827 |
| | | State of Literacy | |
| | | Inquiry—Debate Continued. | |
| | | Hon. Lorna Milne | 1828 |

PAGE

PAGE

Human Rights

Motion to Authorize Committee to Study Organization
for Security and Co-operation in Europe 2006 Resolution
on Anti-Semitism and Intolerance—Debate Continued.
Hon. Terry Stratton 1830
Hon. Sharon Carstairs 1830

Energy, the Environment and Natural Resources

Committee Authorized to Meet During Sitting of the Senate.
Hon. Tommy Banks 1830

Adjournment

Hon. Terry Stratton 1831

Progress of Legislation i



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