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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 16, 2007

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

Prayers.

[Translation]

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

NOTICE

The Hon. the Speaker: Honourable senators, pursuant to rule 43(5) of the *Rules of the Senate of Canada*, this morning the clerk received notice of a question of privilege from Senator Tkachuk. In accordance with rule 43(7), I now recognize Senator Tkachuk.

[English]

Hon. David Tkachuk: Honourable senators, I rise to give notice of my intention to raise a question of privilege later today about what took place last night at the Standing Senate Committee on Energy, the Environment and Natural Resources. The committee, as you know, was preparing to go clause by clause on a very contentious bill, Bill C-288.

We, as a minority in the Senate, were doing all we could to give careful and full consideration to this bill — a bill that its sponsor, Senator Mitchell, says deals with the most important issue facing this country in more than 50 years. We wanted to hear from more witnesses. We had, after all, only heard from 16, many of them speaking with one voice. We wanted to hear from more expert witnesses who had relevant and important testimony to relay; testimony that would contribute to the debate. The Liberal majority denied us our right to hear from those witnesses. The unelected Liberal majority also forced clause by clause on us earlier than we would have liked in a bid to force this bill through.

For our part, as a minority, we availed ourselves of the few procedural tools available to try, at the very least, to ensure that this bill was properly considered in committee. We knew, in the end, that the numbers on the other side would overwhelm us and that we would eventually have to fight the matter out in committee.

• (1335)

You can imagine my surprise last night when arriving at the committee meeting and being quickly disabused of that notion. In the time it took me to get from the chamber to the committee room — and I left along with my colleagues as soon as the mace was removed from the table — I found that the bill had been dealt with by the Liberal senators, aided by the independent Senator McCoy and the independent Senator Spivak, and that the meeting had been adjourned. Not a dissenting voice was heard. Why? Because the committee passed the bill without one Conservative

member of the committee being present. I was denied my right to participate in the committee and to vote on this bill, which is not only an affront to my privileges but to the privileges of all honourable senators.

On that note, honourable senators, I will be raising a question of privilege. Accordingly, I am prepared to move at the appropriate time a motion to seek remedy from the Senate directly.

THE HONOURABLE SHARON CARSTAIRS, P.C.

CONGRATULATIONS ON RECEIVING DOCTOR OF LAWS DEGREE

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to pay tribute to a colleague whose tireless work in support of palliative care has not only reflected positively on this institution, it has earned her a degree of Doctor of Laws — *honoris causa* — from the University of Manitoba. Of course, I am speaking of the Honourable Sharon Carstairs, whose accomplishments extend far beyond those she has realized during her many years of advocacy in the field of quality end-of-life care.

As Senator Carstairs noted in a speech to medical school graduates at last week's convocation ceremony, her career path might have been quite different had political science not lured her away from pre-med studies during her undergraduate years. Of course, her change of heart led her to a career in politics, during which she had a remarkable influence on the political landscape in Alberta and Manitoba.

Honourable senators, as is noted in her Senate biography, Senator Carstairs is a woman of many firsts. She served as the first female president of the Liberal Party of Alberta; the first woman leader of a major political party, leading the Manitoba Liberal Party from 1984 to 1993; and the first female Deputy Leader of the Government in the Senate, just to name a few.

• (1340)

In recognition of her outstanding contribution to public service at provincial and federal levels, the University of Brandon decorated Senator Carstairs with her first honorary degree in 2003.

Senator Carstairs has undoubtedly influenced countless men and women in the political sphere, but it is her commitment to providing dignity to some of the most vulnerable members of society — the dying — that will likely serve as her most enduring legacy. For more than a decade, she has pushed for improved access to quality end-of-life care for Canadians and has challenged policy-makers and all Canadians to acknowledge and address the many unmet needs in the fields of service delivery and education.

In 2001, Prime Minister Jean Chrétien had the wisdom to give Senator Carstairs special responsibilities for palliative care. One of her greatest feats has involved her important role in the initial

development and subsequent revisions of the Employment Insurance Compassionate Care Benefits, which support those who must miss work in order to care for someone who is terminally ill.

Honourable senators, as a fellow senator, a Manitoban and a Canadian, I find great inspiration in the work of Senator Carstairs. In addition to the efforts for which she has received formal credit, she has acted as a mentor to many fellow senators, including me, and what an exceptional role model she has been. She is my political godmother.

I know you will join me in congratulating the Honourable Senator Carstairs on her most recent commendation.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETINGS TO REVIEW BILL C-288

Hon. W. David Angus: I rise to draw the attention of honourable senators — and that of all Canadians — to certain events that occurred last Thursday evening and last evening at the Standing Senate Committee on Energy, the Environment and Natural Resources.

In my respectful submission, these events can best be described as deplorable, indeed disgraceful, and they will undoubtedly cause shame and disrepute to be visited upon our beloved institution, the Senate of Canada, as well as its members.

In some 46 years of private practice in law as a member of the Montreal, Quebec and Canadian bar associations, I believe I have developed a reasonable knowledge, appreciation and respect for the principles of natural justice, fair procedure and individual rights, all of which are fundamental and valuable elements of our precious democracy in Canada.

In the matter at hand, as will be described in more detail later today, my Conservative colleagues Senator Tkachuk and Senator Cochrane and I consider that our basic rights as senators were severely violated and the process of the Senate abused.

The events in question have unfolded in the context and review of Bill C-288, a private member's bill entitled An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol, the Kyoto Protocol Implementation Act. At last Thursday evening's committee session, the bill's official critic, Senator Tkachuk, was summarily and abruptly denied the right to question witnesses and/or to call additional key witnesses who were available and prepared to give relevant testimony on the provisions of the bill, which involve climate change and the Kyoto Protocol, which indeed tops the list of the most important issues of public policy being debated in our nation today. A decision was arbitrarily made to conduct clause-by-clause consideration on Tuesday, May 15 — last evening — at 5:30 p.m. or when the Senate adjourned.

As matters evolved, there were procedural issues, including the call of a vote in this chamber. It turned out that members of the official opposition were absent for the vote called for 6:55 p.m. No quorum was achieved, and at or about 7:26 p.m., the Speaker adjourned the sitting.

My said colleagues and I then made our way with all due dispatch to room 257 in the East Block for the committee meeting to conduct clause-by-clause review. Some of us and our staff had worked all weekend, and indeed on Monday and Tuesday, reviewing the evidence and preparing speeches and possible amendments to the bill. To our horror, when we arrived at room 257, we were appalled to find that the meeting was over, Chairman Senator Banks having called the meeting to order as soon as the Speaker's gavel adjourned proceedings in this chamber. He proceeded to race through clause-by-clause consideration in a matter of seconds. We are informed that the session lasted indeed less than two and a half minutes, after which Senator Banks adjourned the meeting.

• (1345)

As a consequence, honourable senators, after five days of hearings, nine witnesses, and countless documents, we were denied our fundamental right as senators to attend clause-by-clause review and to vote on this bill.

AUTISM SOCIETY OF NOVA SCOTIA

CUTBACK TO FUNDING FOR JOBS AT SUMMER DAY CAMP

Hon. Jim Munson: Honourable senators, I rise on a troubling issue. Today I will read excerpts from the Halifax *Chronicle-Herald*. As honourable senators know, autism is a passion in my life since committees here in the Senate issued a report *Pay Now Or Pay Later, Autism Families In Crisis*, dealing with families with children with autism.

The excerpts of the article are:

Autism group has no cash for camp.

More than 40 autistic Halifax children may be left home for the summer because of changes to a federally funded student job program.

The Autism Society of Nova Scotia found out Monday afternoon it will not receive money through Canada Summer Jobs to hire staff to run its summer day camp.

Society executive director Vicky Harvey is scrambling to try to save what she terms an 'innovative and special program.'

For the past five years, the society has run a summer day camp in July and August.

'These are kids who are significantly affected by autism,' Ms. Harvey said.

Besides giving children aged six to 16 a chance to attend a structured program, it also gives their caregivers a summer respite. But since last year, the federal program has had a name change — it used to be called Summer Career Placement — and has been revamped.

Funding is determined by a point system. . . .

Last year the autism camp had 30 staffers. Seven of those positions were funded through Service Canada. . . .

As Ms. Harvey goes on to say:

'We just finished interviewing quite a few people.' It costs about \$110,000 to run the camp.

She said that she would be very disappointed to feel that we could not run this camp again this summer.

I would like the new Government of Canada to take a deep breath, to take a look at these particular student placement programs, and take a look, for goodness' sake, at their own website, Summer Work Experience. It says:

Canada Summer Jobs, a new initiative, provides wage subsidies to help Canadian employers of not-for-profit, public sector, and smaller private sector organizations with 50 or fewer employees create career-related summer jobs for students between the ages of 15 and 30 at the start of employment.

The initiative is specifically designed to help students having trouble finding summer jobs because of where they live and/or other barriers.

I urge you to take a look at your program and for goodness' sake take a look at what is going on in Nova Scotia, and listen.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETINGS TO REVIEW BILL C-288

Hon. Ethel Cochrane: Honourable senators, I rise today to voice my outrage over the handling of Bill C-288 by the Standing Senate Committee on Energy, the Environment and Natural Resources. I feel that the events of last evening only highlight the underlying concerns that I have had recently.

Last week, at our *in camera* meeting, I once again raised my concerns over the shortage of witnesses and the gaps in the testimony. I implored the committee to hear from more of the witnesses to whom we had originally agreed.

Honourable senators, on April 17, I submitted a list of proposed witnesses to the clerk. That list included the Minister of the Environment and 20 other witnesses. Later that day, this proposal was discussed and accepted at our steering committee meeting. Honourable senators, the committee heard from only five of the other people or organizations that were on that list. While the clerk contacted these individuals, I do not feel that they were offered adequate dates and timelines to appear. For instance, some witnesses, like Dr. David Keith and Mark Jaccard, suggested that they could make themselves available for other dates. Other witnesses indicated that they were not readily available due to previously scheduled commitments for the month of May.

My question is, honourable senators: Why the rush? According to the government's economic model, which has been validated by some of the country's top economists, the changes that would be needed in order to comply with Bill C-288 would result in a sharp decline in GDP, in the loss of hundreds of thousands of Canadian jobs and skyrocketing increases in the cost of electricity, gasoline and natural gas.

• (1350)

These numbers have been questioned in committee, and rightfully so — that is our job. However, we never got to the bottom of them. No other witnesses were able to produce economic analyses of the costs associated with this bill — not even its author, Pablo Rodriguez. Yet, despite all this, the committee refused to hear from witnesses who could inform us on the critically important point.

Honourable senators, given the grave implications of this proposed legislation, Canadians deserve to have this bill treated seriously and investigated fully.

STATE OF CHILD CARE IN MANITOBA

Hon. Mira Spivak: Honourable senators, research supported by Status of Women Canada has revealed disturbing new facts about the state of child care in my province of Manitoba.

In the northern city of Thompson, child care is in crisis. Two centres have closed since 2004 and a third is slated to shut down this summer. There are only 337 spaces to serve the city's 3,290 children under age 12. There is a dire shortage of trained child care providers. When parents can find a space, they face fees as high as \$7,000 a year.

The situation is much the same in rural Manitoba. In the southwestern Parkland region, for example, there are more than 2,500 children and 362 licensed child care spaces. Dauphin has the lion's share of them. Outside of Dauphin, services are scarce. Meanwhile, well over half of all mothers in Parkland are in the paid labour force.

In the Franco-Manitoban community, the picture is only slightly better. In St-Pierre-Jolys, there are 76 spaces to serve 180 children in the village. However, two of the three centres are operating without the minimum number of trained staff and there are no year-round spaces for school-aged children or year-round nursery spaces. The shortage of trained staff is creating a crisis there.

The research has also determined that every dollar spent on child care returns \$1.58 to the community, even before longer-term returns are assessed. In Thompson, child care contributes \$2.1 million directly to the economy annually, and brings indirect benefits of nearly \$3.5 million.

Three points arise from this research. First, it is the kind of research that Status of Women Canada must be funded to support. Second, it points to the dire need for a national child care program in Canada. Finally, it demonstrates that child care contributes to the economies of communities and is sorely needed, including in rural areas.

[Translation]

ROUTINE PROCEEDINGS

DOCUMENTS TABLED PURSUANT TO RULE 28(3)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages, two copies of:

A statement issued by Veterans Affairs Canada entitled *One of Canada's Last Surviving First World War Veterans Dies at 106*.

An EDC document entitled *B.C. Exports to Level Off in 2007 Before Slight Upturn in 2008, Says EDC*.

• (1355)

A document from Heritage Canada entitled *Canada's New Government Supports the Key Theater Society*.

A document from Heritage Canada entitled *Canada's New Government Supports the Centre régional de loisirs culturels de Kapuskasing*.

A document from Heritage Canada entitled *Appointment to the Board of Trustees of the Canadian Museum of Nature*.

A document from Heritage Canada entitled *Virden Collegiate Institute Students Participate in an Exchange Through Society for Educational Visits and Exchanges in Canada*.

A document from the Canada Council for the Arts entitled *Canada Council seeks input on future directions*.

A document from the Office of the Secretary of the Governor General entitled *In Parallel With Scene Quebec, Participants in an Art Matters Forum Discuss the State of Quebec Culture*.

• (1400)

A document from Canadian Heritage entitled *Canada's New Government Supports St. John's International Women's Film Festival*.

A document entitled *Environment Canada Employee Arrested for Leaked Statements*.

A document from the Bank of Canada entitled *Free online guide to help entrepreneurs plan for a flu pandemic and other emergency scenarios*.

A document from Canadian Heritage entitled *Canada's New Government supports the Alliance des radios communautaires du Canada*.

A document from Canadian Heritage entitled *Canada's New Government Supports the French Colleges' Network of Canada*.

A document from National Defence, entitled *Renewing the Canadian Forces' Heavy Truck Capability*.

• (1405)

A document entitled *Public Tip on Illegal Harvest Leads to Fines for Three*.

A document from CMHC entitled *Minister Solberg Announces Winners of CMHC Housing Research Grants*.

A document from the Bank of Canada entitled *Governor Dodge Discusses Need to Support Canada's Private Pension System*.

A document from the Royal Canadian Mounted Police entitled *CLARIFICATION: Environment Canada employee arrested for leaked statements*.

A document from Public Safety Canada entitled *Minister Day Announces \$816,000 for Canadian Red Cross*.

A document from Canada Economic Development entitled *Canada's New Government Awards \$680,560 in Funding to the Fondation du maire de Montréal pour la jeunesse*.

• (1410)

A document from the Transportation Safety Board of Canada entitled *The Transportation Safety Board of Canada's Final Report into the Derailment in MacKay, Alberta, Highlights the Preventable Nature of Heavy Truck and Train Collisions at Rail Crossings*.

A document from the Privy Council Office of the Government of Canada entitled *Canada's New Government Introduces the Expanded Voting Opportunities Bill*.

A document from Fisheries and Oceans Canada entitled *Canada's New Government Announces 55 New Fishery Officers to Take to the Water*.

A document from National Defence entitled *Canada's New Government Announces Several Construction Projects for 12 Wing Shearwater*.

A document from Export Development Canada entitled *Manitoba Export Growth Among Country's Best in 2007 Thanks to Agri-Food Surge, Says EDC*.

A document from the Privy Council Office and the Government of Canada entitled *Canada's New Government Moves to Restore the Principle of Representation by Population*.

• (1415)

A document from Agriculture and Agri-Food Canada, entitled *Federal and Provincial Governments Provide \$7.5 Million for British Columbia Ranchers*.

A document from Canadian Heritage entitled *Canada's New Government Supports Hispanic Arts Society*.

A document from Canadian Heritage entitled *Canada's New Government Supports the Kelowna Visual and Performing Arts Society*.

A document from Canadian Heritage entitled *Canada's New Government Celebrates Asian Heritage Month*.

A document from Parks Canada entitled *Canada's New Government Announces Members of Expert Panel to Promote the Future of the Trent-Severn Waterway*.

A document from Canadian Heritage entitled *Canada's New Government Announces Canada Day Poster Challenge 2007 Winner and Finalists for Manitoba*.

• (1420)

A document from Transport Canada entitled *Canada's New Government Invests \$12.5 million in Marine Security Projects Across the Country*.

A document from Public Safety Canada entitled *Senior expert advisor to RCMP named to bolster fight against white collar crime*.

A document from Natural Resources Canada entitled *Christian Paradis announces \$4 million for Renewable Energies*.

A document from Canada Economic Development entitled *\$2,882,622 Invested in Saint-Bruno-de-Kamouraska for Wastewater Treatment*.

[English]

QUESTION PERIOD

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE— CONDUCT OF STAFF

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators on both sides of this chamber, I just want to remind you that the rules and procedures of our institution have been tarnished by the acts of a single individual.

By now, we are all familiar with what Mr. Jeffrey Kroeker has done, and the Standing Committee on Internal Economy, Budgets and Administration has unanimously concluded that all the information Mr. Kroeker gathered was unpublished, confidential information at the time he gathered it. It further concluded that some of the information he gathered was personal information of identifiable individuals, and that Mr. Kroeker's conduct in gathering and disseminating the information was inappropriate and unethical.

• (1425)

In light of the conclusion of this report that was tabled in the house this week and the fact that Mr. Kroeker was the Senior Special Advisor, Parliamentary Affairs, to the Leader of the Government in the Senate at the time, will the minister rise today to apologize to this chamber for the inappropriate and unethical actions of her staff?

[Senator Comeau]

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): If anyone ever wanted proof of how this chamber has fallen into disfavour with the public, they need only look at these exchanges. The fact that honourable senators, particularly on the other side, are more interested in the internal matters of the Senate speaks volumes about what is wrong with this place and why it desperately needs to be reformed.

Senator Hervieux-Payette: Honourable senators, the fact remains that a committee of our chamber has concluded that a senior member of the minister's staff acted inappropriately and unethically. As a former minister of the Crown, I wish to remind the leader that a minister is ultimately responsible for the conduct of her staff. Therefore, I ask her again: Will she do the ethical thing, accept responsibility for the actions of her staff and apologize to this chamber?

Senator LeBreton: Honourable senators, I do not believe that I have to take lessons in ethics and integrity from people opposite. I said yesterday, the Internal Economy Committee met and discussed this matter and, in my view, this incident is closed. I simply restate what I said yesterday. I take great issue with Senator Hervieux-Payette's scenario that somehow this incident was generated by this side to embarrass the Senate, which is absurd in the extreme. Also, all of this could have been avoided had the committee in question taken the advice of our military.

Senator Banks: Not true!

SEVENTH REPORT OF COMMITTEE

Hon. James S. Cowan: I remind the leader that the seventh report of the standing committee, which was comprised of government and opposition members, concluded the following:

... the Committee on National Security and Defence operated within the Senate rules and administrative policies and procedures as they apply to committee budgets. Your committee concludes that there was no misuse of funds.

Does the minister accept the unanimous decision of that committee?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am not clear on what the question was, but I want to put on the record that contrary to published reports, it was not a unanimous decision of the committee.

Senator Cowan: Does the minister accept the conclusions of the committee? That is a simple question. Is the answer yes or no?

Senator LeBreton: The matter was thoroughly discussed by the Internal Economy Committee, as were other matters concerning this chamber, some of which have not been resolved. In this case, I indicated yesterday that I believe the committee gave this particular issue a thorough airing. I have my own views as to the situation in the Senate where such a hearing can be conducted. In any event, those are the *Rules of the Senate* and I am prepared to live with the *Rules of the Senate*. I believe the incident is closed and I will say no more about the matter.

Senator Cowan: Honourable senators, I did not ask the minister what her views on the *Rules of the Senate* were. I asked whether she accepted the unanimous position of the committee on the seventh report of the standing committee, yes or no?

Senator LeBreton: My office put out a statement last Thursday after this position was reported in the Senate. Senator Stratton made some comments publicly and I stand behind the comments of my colleague, Senator Stratton.

• (1430)

SIXTEENTH REPORT OF COMMITTEE—
CONDUCT OF STAFF

Hon. James S. Cowan: The same committee recently tabled its unanimous sixteenth report, which concluded that the conduct of her former senior special adviser, Jeffrey Kroeker, was inappropriate and unethical in gathering and disseminating information. Last Thursday she told the chamber: “Their report finally brings this regrettable incident to a close.” Therefore, I assume that she accepts that report.

Will the Leader of the Government in the Senate therefore show respect for her office and respect for this chamber and apologize to this chamber for the unethical behaviour of a senior member of her staff?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I stated last Thursday that I believe that the hearings conducted by the Internal Economy Committee gave the matter full airing. I supported the committee’s right to do that. I am saying no more about this incident.

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT—
MEDIA LEAK ON NATIONAL SECURITY
AND DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Colin Kenny: Honourable senators, my question is to the Leader of the Government in the Senate. I would like to know why she continually misleads the chamber that the committee got advice from the military about visiting Dubai. It never got any advice on the subject of a visit to Dubai ever.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Excuse me, honourable senators. The honourable senator is splitting hairs. I was referring to the committee being advised that it could not get into Afghanistan, which was the final destination of the honourable senator’s committee. He knew his committee could not get into Afghanistan. I was referring to Afghanistan, not to Dubai.

Senator Kenny: The committee got advice on Afghanistan. The committee did not get advice on Dubai. The committee went to Dubai to visit Dubai ports. We went to Dubai ports because of the purchase by Dubai ports of P&O Ports in Vancouver. Why is the leader misleading the house that we got advice from the military not to visit Dubai? The military had nothing to say about that visit, which was within the terms of reference of the

committee. That budget was approved by the Standing Committee on Internal Economy, Budgets and Administration.

Senator LeBreton: Honourable senators, the fact is that I never once said that the honourable senator got advice not to go to Dubai. The question is whether, according to the honourable senator’s own testimony and that of his committee members, the committee went to Dubai and got held up in Dubai because it could not get into Afghanistan. The question really is: They had a one-day meeting in Dubai; why did the honourable senator spend a whole week there?

Senator Kenny: Honourable senators are being misled again by the leader. She said on May 15 that the issue at hand was precipitated by the fact that, had the committee listened to the advice received from the military, this incident would never have happened. The military never gave us advice about Dubai.

Senator LeBreton: Excuse me, honourable senators, but when the honourable senator goes back to the beginning of this matter, the advice that the military gave him was that he could not get into Afghanistan. I never said he got advice from the military not to go to Dubai. The honourable senator knows I never said that. Again, I point out that if ever you want proof positive about why this place requires reforming, it is because of incidents just like this, where, when important issues face Canadians, all they can do is navel-gaze.

INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION

SIXTEENTH REPORT OF COMMITTEE—
CONDUCT OF STAFF

Hon. Jane Cordy: Honourable senators, there are important issues we should be dealing with, such as the report of the Internal Economy Committee.

On November 6, 2006, the Leader of the Government in the Senate was asked if her staff was responsible for collecting private and confidential information on senators, and she replied: “I do not believe that a member of my staff sought or received personal information.”

• (1435)

We now have the sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration, which states:

During the months of September and October, 2006, Mr. Kroeker gathered travel information about Senators and staff of the Standing Senate Committee on National Security and Defence. . . . All the information Mr. Kroeker gathered was unpublished, confidential information at the time that he gathered it and some of the information that he gathered was personal information of identifiable individuals.

Will the honourable senator now admit that the statement she made on November 6, 2006 was inaccurate, and that her office did indeed gather personal and private information on individual senators?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, hindsight is a wonderful thing. What I said on November 6, which the honourable senator has quoted, is exactly what I believed on November 6.

Senator Cordy: What does the leader believe today?

Senator LeBreton: I believe today that the Standing Committee on Internal Economy looked into this matter. I have nothing more to say.

Hon. Joan Fraser: Honourable senators will recall that when — what it pleases the minister to call “an unfortunate affair” — arose last fall, there was significant discussion in this chamber of the source of leaks to the news media.

On November 2, in response to questions from Senator Hays and Senator Banks, the Leader of the Government in the Senate said:

There is no evidence to suggest that Mr. Kroeker is the source of the leak.

On November 3, in response to a question from Senator Hays, she said again that she did not believe that Mr. Kroeker was the source of leaks.

On November 6, in response to a question from me, she said:

. . . I do not believe that a member of my staff leaked this to the media.

Later she said:

. . . I do not believe a member of my staff is responsible for the leak.

The Standing Committee on Internal Economy, Budgets and Administration has reported that:

. . . Mr. Kroeker shared the information that he had gathered with persons outside the Senate, notably Graham Richardson, a reporter for CTV. . .

I remind the minister that that report was based on Mr. Kroeker’s own sworn testimony.

Whatever the leader may have believed at the time, would she be prepared now to correct the record and admit in this chamber that a member of her staff did indeed leak confidential information to the news media?

Senator LeBreton: Honourable senators, the comments that Senator Fraser has quoted me as making last November are what I believed at the time. I stand behind every word I said at the time.

Subsequently, the Standing Committee on Internal Economy, Budgets and Administration met. Mr. Jeffrey Kroeker appeared before the committee and gave testimony in an open and honest manner. I believe that is all that needs to be said.

Senator Fraser: No, that is not all that needs to be said. As the Leader of the Opposition in the Senate has pointed out, ministers are ultimately responsible for the conduct of their staff. The

Leader of the Government in the Senate, perhaps more than anyone else, is responsible for upholding the integrity of this institution. If she cannot make a simple apology, can she at least tell us why?

Senator LeBreton: Honourable senators, if we want lessons in integrity, we need only look at the actions of members of the senator’s own party last night in denying a proper hearing in a committee meeting.

The statements I made last November were accurate. I pointed out that I was not the source of the leaks. As a matter of fact, anyone who knows me would know that I would never leak anything, particularly to the CBC.

Senator Fraser: It was leaked to CTV.

Senator LeBreton: In any event, the testimony given by the gentleman in question to the Standing Committee on Internal Economy, Budgets and Administration has been reported upon in the report of that committee. I accept the report of the Standing Committee on Internal Economy, Budgets and Administration, but I have nothing more to say about it.

• (1440)

Hon. Jim Munson: Could the Leader of the Government in the Senate tell us whether Mr. Jeffrey Kroeker is still working for her?

Senator LeBreton: The answer is no, he is not.

Senator Munson: Could the leader tell us where Mr. Kroeker is working? I understand he may be working for a minister. Did he get a promotion for this work?

Senator LeBreton: Mr. Kroeker, as has been reported, is working for a secretary of state of the government. The honourable senator is asking me information he already knows. That is all I can say.

Senator Munson: Is there not a double standard here? Canada’s new government seems to be in the business of handcuffing and arresting people who allegedly leak documents, but other people who work for the government or a minister get promotions.

Senator LeBreton: For someone who supposedly prides himself on being at one time an ethical journalist, surely the honourable senator would know the difference between an individual who allegedly leaks secret, private government documents as opposed to someone who, in the view of many, is —

Senator Cowan: Exposing?

Senator Fraser: Exposing what?

Senator LeBreton: — a whistle-blower exposing the expenses, as Senator Stratton said, of taxpayers’ dollars.

Hon. Tommy Banks: Honourable senators, my question to the Leader of the Government in the Senate follows on a similar subject matter. We are trying to find some way in which the leader can say something that someone will actually believe.

The leader has continued again today to mislead the Senate by saying that the Senate committee that was in Dubai was there for one meeting. The committee was on its way to Dubai from a number of other places which it had visited and in the hope and belief that it still had an opportunity, notwithstanding what the honourable senator has said, to go to Afghanistan, because that was not settled when we left Canada or London or The Hague. What was the source of the information on which the leader has continued to say that that committee had one meeting in Dubai? That is simply not true.

My second question is this: When I was questioning the leader on November 3, 2006 during Question Period here, the leader replied, at page 1110 of the *Debates of the Senate*, that:

Unless and until the honourable senator can prove otherwise, I do not believe that detailed information was sought with regard to the charges of individual senators and staff on that trip.

In the much-referred to sixteenth report of the Standing Committee on Internal Economy, Budgets and Administration, in which it reports that the subcommittee met 14 times to consider these matters, in addition to other things that have been said, it said — and this is an excerpt from the committee — that “Mr. Kroeker’s conduct in gathering and disseminating this information was inappropriate and unethical.” It says elsewhere that “Mr. Kroeker’s conduct in disseminating unpublished, confidential information and personal information about identifiable senators and staff without the required consent or authorization breached the provisions of chapter 206 of the *Senate Administrative Rules* that govern the use of such information.”

In light of those findings, will the minister please rise here and say that what Mr. Kroeker did was wrong?

Senator LeBreton: Honourable senators, far be it from me to be taking any lessons from Senator Banks after his behaviour. However, the honourable senator is not a politician, as he said one day.

Senator Cools: Out of order!

Senator Corbin: Resign! Resign!

Some Hon. Senators: Oh, oh!

Senator LeBreton: The fact is that these statements that I made last fall were made on the basis of my knowledge at the time. The *Rules of the Senate* are such that the Standing Committee on Internal Economy, Budgets and Administration can look into this matter, as it has looked into many matters, regarding individuals who either work for the Senate or sit as senators. As I said last Thursday, I respect the right of the Standing Committee on Internal Economy, Budgets and Administration to look into these matters and I believe that the report of the Internal Economy Committee, tabled in the Senate, brings to a close this unfortunate incident.

Senator Banks: Is that report correct? Does the leader of the government agree with it? In light of the findings in that report, can the leader say that what Mr. Kroeker did was wrong?

• (1445)

Senator LeBreton: I will simply say one last time that I accept the report of the Standing Committee on Internal Economy, Budgets and Administration. This issue received a full airing, and I have nothing more to say about it.

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. It is not easy being the Government Leader in the Senate because he or she has to sit in this place for 30 minutes each day and be hammered with questions. As a result, occasionally the leader brings incorrect information totally by mistake. That is what the honourable senator did in November of 2006. It is clear that the information was wrong when she said that she did not have a staff person collecting information, and that a staff person did not disclose this information to the media. Yet by his own sworn statement, Mr. Kroeker has said that that is exactly what he did.

Out of respect for the office that she holds as Leader of the Government in the Senate, will the Honourable Leader of the Government stand in her place and say to honourable senators that the information she gave honourable senators in November was as correct as she knew it, that she now knows it to be incorrect, and that she apologizes?

Senator LeBreton: When Senator Carstairs was the Leader of the Government in the Senate, she seemed to believe that it was difficult to answer questions for 30 minutes each day, but I do not find it difficult. I am not the least bit troubled by it, Senator Carstairs.

An Hon. Senator: We are still waiting for the response.

Senator LeBreton: I made factual statements last fall in good faith, honestly. If the honourable senator reads the report, she will see that it backs up the statements that I made last fall.

Senator Carstairs: Perhaps each of us approaches Question Period differently. I prided myself on bringing the most accurate information to this chamber each and every day. When I found myself in a situation where I had not brought that information, as soon as I learned that it was not the right information I apologized to this chamber. Would the Leader of the Government in the Senate please use the same example and apologize?

Senator LeBreton: If ever there were an oxymoron, it is Liberals and accurate information.

[*Translation*]

Hon. Dennis Dawson: I will probably repeat in French the same question that has been asked a number of times in English. Thus, perhaps, the translators might have a better answer for us.

... Mr. Kroeker’s conduct in gathering and disseminating the information was inappropriate and unethical.

That is what the report states. While Jeffrey Kroeker goes happily about his new job as Director of Communications and Parliamentary Affairs, Jeff Monaghan is arrested. One is accused and arrested, and the other is found guilty by a committee of the Senate and he is promoted. Are honourable senators to think that

one day they will sing the Republican influence in cover-ups, like Watergate? Mr. Kroeker was nice enough to assume his responsibility and cover for the leader. Honourable senators expect only one thing of the leader: assume her responsibility and excuse herself.

Senator LeBreton: Senator Dawson, I demand an apology because Jeffrey Kroeker did not cover for me, and you know it. Furthermore, he went to another position and for the honourable senator to say it is a promotion is another exaggeration. The apology that is owed here is by people on the honourable senator's side for the behaviour of his government. Perhaps he could tell us where the \$50 million for the sponsorship scandal is and maybe I would take his questions more seriously.

• (1450)

Senator Dawson: Honourable senators, in the great tradition of American Republican cover-ups, perhaps one day we will see that the Leader of the Government in the Senate sacrificed one single employee, who obtained a promotion in another department. But it is clear that leaving one's office must always be considered a promotion.

The Leader of the Government in the Senate made a commitment to respect this institution, and she has made a mistake. It is not serious; even Mr. Duceppe admitted making a mistake and he apologized. We ask that of the Leader of the Government in the Senate do the same. A little apology, nothing big, just a little "I'm sorry."

[English]

Senator LeBreton: The honourable senator talked about the incident of the young anarchist allegedly releasing secret government documents; even his own leader, Stéphane Dion, supported the government position, because we cannot possibly have government employees releasing secret cabinet documents.

I do not take any lessons from any Liberal on conducting myself with honesty and integrity. The honourable senator's line of questioning is so outrageous that it does not even warrant an answer.

Senator Fraser: The minister seems to believe that Mr. Kroeker has not been promoted, but I think Mr. Kroeker believes he has been promoted. He has his own page in the institution known as Facebook. In the modern world, the minister may wish to inform herself about Facebook, but it is an Internet phenomenon whereby people post information about themselves.

Here is one thing Mr. Kroeker says about himself under the heading of work info:

Spent a great year with Marjory LeBreton, Leader of the Government in the Senate as her parliamentary affairs adviser stirring up life in the Senate. Then after the January cabinet shuffle the Department of Foreign Affairs came calling and I accepted a promotion.

[Senator Dawson]

He goes on to say, MPs should take note:

I learned a lot from Marjory that I am applying to my job with Minister Guergis.

Would the minister care to comment?

Senator LeBreton: I always get a kick out of Senator Fraser lecturing me.

Senator Fraser: I study at your feet, minister.

Senator LeBreton: I am not into Facebook and I will never have a Facebook. I have been in politics since Mr. Diefenbaker's days, and Parliament Hill is littered with people who have worked for me or with me over the last —

Senator Cowan: That is not litter.

Senator LeBreton: Including Senator Segal.

Through all the various positions I have had in the party and in the government, I hope that people have learned things from me. As for Mr. Kroeker's Facebook, he obviously has authored that, so I cannot comment on something that I have no involvement in.

POINT OF ORDER

Hon. Claudette Tardif (Deputy Leader of the Opposition): According to the *Rules of the Senate of Canada*, rule 22(4) states:

... a Senator shall not anticipate consideration of any Order of the Day. . . .

Senator Tkachuk indicated that later this day he would raise a question of privilege.

• (1455)

During Senators' Statements, both Senator Angus and Senator Cochrane made statements that anticipated a question later on the Order Paper, and I believe that the Speaker made a ruling very recently on this very same matter.

The Hon. the Speaker: Is there further comment on the point of order raised by Senator Tardif?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I think if the Speaker will look over our history, he will find that the issue of bringing forth a question of privilege is, in fact, quite in order and is something that is done as a matter of course in this chamber.

Anticipating items that are on the Orders of the Day is something else entirely. We refer at this point to bills, motions and so on.

The Speaker will probably find that the honourable senator's point of order is a point that, if she wishes, she might want to stop senators from rising at the first opportunity, by way of Senators' Statements, to bring something to the attention of senators in this chamber. Traditionally the way to stop that practice, if she wishes, is to raise it with the Rules Committee.

Hon. Sharon Carstairs: With the greatest respect, questions of privilege are the most serious matter that we should ever deal with in the Senate of Canada. The question of privilege that was raised by Senator Tkachuk will be debated later this day. The deputy leader is absolutely correct; it should not be used in any other way until we have an opportunity to hear the question of privilege raised by Senator Tkachuk. It should not have been used as a subject matter for Senators' Statements.

Hon. Joan Fraser: I would agree with Senator Carstairs. The issue is not whether Senator Tkachuk was in order to make his quite lengthy statement about his question of privilege. It was rather longer than usual, but that is fair game.

The question revolves around the subsequent contributions by Senator Angus and Senator Cochrane. I am aware that sometimes in the past senators have used Senators' Statements as a way to get in ahead of subsequent matters that are appearing. I do not think it is a good practice. I never did think it was a good practice. I think this would be an ideal occasion for the Speaker to reaffirm that it is not a good practice and that it is not according to our rules.

Hon. Anne C. Cools: Honourable senators, I would like to speak briefly in this debate.

I think Senator Tardif has a valid point of order, and she is absolutely correct. It is in order, honourable senators, for a senator who has given written notice under rule 43 and rule 44 — the two rules are taken together — to rise during the time for Senators' Statements and give oral notice.

Senator Tkachuk's oral notice was a bit longer than a notice, and was much more than just a notice. It was actually moving into substantive debate. However, I think that can be forgiven and overlooked.

Honourable senators, I am of the opinion that senators should say more on questions of privilege rather than less. In the instance of giving notice, more information is always better than less. Senator Tkachuk, I would like to say, is quite in order in that respect.

I was not here in the house at the time, but for other senators to anticipate or to speak to the question on which Senator Tkachuk has given notice during Senators' Statements is definitely out of order. That is very much out of order because it would mean, honourable senators, that they had notice and knowledge before all other senators and the Senate itself. It is out of order for senators to operate in such a manner. It would have been quite in order, honourable senators, for them to raise similar questions of privilege on the same body of facts, particularly if they were members of the committee or senators close to the questions at hand or the alleged breaches, but we do not know what the breaches are yet.

• (1500)

Honourable senators, it does not matter whether that which it is supposedly anticipating is an order of the day. The fact of the matter is, one should not be anticipating the business that would be put before the Senate on the question of privilege. In other words, one cannot have a series of simultaneous, corollary or complementary notices occurring simultaneously, which is what happened.

Honourable senators, I was not at the committee in question, but in the wide expanse and body of law of the British system, the two most important categories of law are the law of Parliament and the law of prerogative. Many senators have heard me say this before. They are the two most understudied areas of law, yet the two most fundamental areas of law to our system of government and Parliament.

I have been saddened over the past many years at the abdication of senators in the study of these two important areas of law, even to the relegation of their mastery to staff or to whomever. I have many problems with that because there is no table officer or member of staff here who has what I would call the cast of mind of the representative. It is important because the cast of mind is a common-law mind and a particular one as it moves along.

Honourable senators, we make light of privilege in this place. We have not had a serious debate in this house on the subject of privilege for a long time. I have many problems with the current rule 43(1) in the large role it gives to the Senate Speaker. I was much happier with the old system, many years back, with what we called the committee of privileges, which is a committee of the whole house on privileges. There is no matter more important than a question of privilege or the question of any individual senator feeling that his or her privileges or the privileges of the institution as a whole have been breached. As a matter of fact, these privileges are supposed to be jealously held.

Honourable senators, it is important to understand that we are living in a different era. We are not in an era anymore whereby a senator may drag another senator out at the point of his sword to keep him from voting, but we are in an era where we can expect, most of the time, that breaches of privilege are coming either from the government, for the most part, or from the staff who work for government or even from staff who work in the service of the Houses.

I would like to thank Senator Tardif for rising on her point of order. I know that she is finding her sea legs and finding her way in this process. I know that it is not an easy thing to do. I would submit it is a difficult thing to do. I thank her for doing it.

Your Honour, it is unquestionable and cannot be disputed on this particular point that the honourable senator has not only a valid point of order, but also an extremely relevant and pertinent one.

I rarely make use of Senators' Statements. To my mind, they are for tributes, for people, for funerals, for honours to different people or to bring news of other events; but they should not be used for any questions that are debatable issues or questions on the floor of this house.

I thank honourable senators for their attention and hope that I have made some sense of this subject.

Some Hon. Senators: Hear, hear!

Hon. David Tkachuk: Honourable senators, Senator Cools ably defended my position in her initial statements, so I will not have to repeat that. I believe Senator Cools said that she was not here for the statements.

Senators Cochrane and Angus can speak for themselves. Nonetheless, the statements that they made had nothing to do with my question of privilege, but had everything to do with the fact that all three of us went over to the same committee meeting and they were describing what happened to them as well as what happened to me.

Hon. Eymard G. Corbin: Honourable senators, the other day I tried to flag the issue that the period reserved for statements would lead us into trouble if we engage in debate and this is what is happening. I profoundly regret it.

Senator Angus: It is a disgrace.

The Hon. the Speaker: I thank honourable senators for their observations on the point of order raised by the Honourable Senator Tardif. I shall take the matter under advisement. I wish to read the transcript carefully and I will report back as quickly as possible.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Meighen, for the third reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Hon. Sharon Carstairs: Honourable senators, as you know, Senator Jaffer spoke yesterday to Bill C-9, under the impression that as official critic for our side she would be accorded the normal 45 minutes. However, due to the fact she was not the first speaker on our side and because, unfortunately, we could not get graciousness from the government's side, she was refused leave to continue her speech.

The rules are clear; they say honourable senators have 15 minutes to speak to a bill. It has become custom in this chamber to often add on another five. I suggest to this chamber that this was a particularly unusual situation. It was clear from Senator Jaffer's remarks that she believed she was the critic. She was the critic. She believed she had 45 minutes.

Therefore, it would seem to have been a simple act of generosity on behalf of the Deputy Leader of the Government to have given her the 10 minutes that she needed to finish her speech. Frankly, the situation is made all the more troubling by the fact that the government side later attempted to waste several hours in this

chamber in order, I would suggest, to prevent a bill from being debated in a committee.

Honourable senators, I have just returned from the Philippines and Indonesia. I was in Manila for the purpose of leading a mission of parliamentarians to free a 74-year-old parliamentarian who had been kept in prison for some 15 months. We were able to get the Minister of Justice, the President of the Philippines and the Minister of the National Security to determine that they would not oppose his bail application, and I expect that Mr. Beltran will be out of jail some time this week.

Throughout that whole week of dealing with parliamentarians in another country, I kept thinking how wonderful it was to represent the Parliament of Canada, where my chances of being imprisoned for political reasons were probably very remote.

I then went on to Indonesia and for five days I heard 268 cases of parliamentarians from 29 countries; some of whom had been murdered, some of whom had been kidnapped, some of whom had been tortured, some of whom had been beaten.

Every day, at the end of very long days, I would walk out and say, "Wow, I am so lucky to be a member of Parliament in Canada. I am so lucky to be a member of our Senate and live in this great country." Then on my very first day back I arrived to the foolishness of this chamber.

• (1510)

Honourable senators, I took the adjournment on the debate despite the fact I did not intend to do so, and I will now finish Senator Jaffer's speech because she was not extended the courtesy of being allowed to finish it herself.

A recent article by Thomas Axworthy in the *Toronto Star* noted that the federal government is not doing its fair share to fund legal aid in the provinces. It cites the Canadian Centre for Justice Statistics to show that the average cost of taking a case to trial is estimated at \$60,000 per day, with the average length of a trial being five to eight days.

As was noted yesterday, any bill that removes conditional sentencing as an option in some cases is likely to have a heavy impact on our legal aid system. Many cases that might once have ended with guilty pleas will proceed to trial, and Canadians will all share the costs mentioned above.

Currently, the federal government contributes only to the cost of criminal legal aid services, which differ from province to province. When funding was taken out of this system in favour of general transfers to the provinces, it had a major impact on these systems in provinces such as British Columbia. The level of funding coming from the federal government has been steady for many years and the pressure has only increased.

Now this government's so-called "tough agenda on crime" is threatening to break the back of our entire legal aid system. Bills such as the one before us that remove conditional sentencing as an option, and others that we should be expecting shortly that introduce tougher sentences and mandatory minimums for some crimes will ensure that more and more cases make it to trial. When individuals face certain sentences, the legal aid system in many provinces will kick in automatically and a great burden will be placed on the criminal system.

Our Constitution requires that all Canadians have access to justice, and the Canadian Bar Association has already gone to the courts in an attempt to obtain a ruling that this guarantee extends to legal aid. These requirements will further increase the load on the criminal legal aid systems in all provinces, which may require them to shift money from their civil legal aid systems to cover the additional demand. This means that the changes we are now considering will impact the most vulnerable Canadians.

Honourable senators, these changes are happening at the federal level. It is incumbent on the federal government to increase the funding they provide to legal aid, at the very least, to cover the additional costs associated with the changes that we are now considering.

As the Standing Senate Committee on Legal and Constitutional Affairs unanimously observed in its report, the current funding levels are already inadequate and it is no longer sustainable to continue with the status quo. I would join the members of the committee in urging the government to address this situation as quickly as possible.

The other broad point that Senator Jaffer had hoped to make was that it was not our general practice in this country to lock offenders up and throw away the key. Except in some exceptional circumstances, we cannot imprison individuals indefinitely.

When we talk about conditional sentences of imprisonment, we are already talking about relatively minor offenders. Conditional sentences are only available on cases where a sentence of less than two years is the maximum allowable, and we have to ensure that judges continue to have the discretion to ensure that when these sentences are completed, the offender has the best chance of reintegrating into society.

This is the heart of conditional sentencing. It not only reduces the costs of bringing cases to trial and the costs associated with sending individuals to prison but it also accomplishes an important public safety goal by allowing an individual to serve their sentence in the community when this offers the best chance of ensuring their full reintegration into society.

Yesterday, Senator Jaffer told us about the case of *R. v. Hotten*, which had been mentioned in committee. This individual was convicted of arson against a Salvation Army church in London, to which he caused \$900,000 of damage. The conditional sentence that was handed down against this young man went on for pages, listing all manner of restrictions and conditions to which he would be bound for the next few years. It was a harsh sentence for a very serious crime, but one that allowed him to confront his personal demons with his family rather than allowing them to grow and fester in a jail cell. He is now a music teacher who is working to pay for the damage that he has done. As Mr. Hotten's defence lawyer, André Rady, told the committee, he has already paid back over \$100,000.

Honourable senators, this underscores why it was necessary to make the changes to this bill that were made in the other place. I and Senator Jaffer commend our committee for having the wisdom to not only maintain these changes but commit to finding ways to further enhancing our sentencing system.

I look forward to the results of that work.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

An Hon. Senator: On division.

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

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move the adoption of this report.

Hon. Claudette Tardif (Deputy Leader of the Opposition): No.

Hon. Anne C. Cools: I would like to speak on this debate. I did not understand that it was coming to a vote today. If it would help, Your Honour, I would like to move the adjournment.

The Hon. the Speaker: Unfortunately, I heard a motion made and —

Senator Cools: There was no motion made. There was a voice calling out question.

The Hon. the Speaker: I was on my feet to put the question that was moved by Senator Comeau and seconded by Senator Nolin; then Senator Cools rose to indicate that she would like to speak.

Senator Cools: I move the adjournment again.

The Hon. the Speaker: The mover of the motion takes precedence. He has moved —

Senator Cools: Your Honour —

The Hon. the Speaker: The house can deal with the motion. It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Nolin —

Senator Cools: Your Honour is wrong. This action is out of order. Before the mover of the motion puts the question, Your Honour has a duty to find out if there are other members who wish to speak. I had no idea that —

The Hon. the Speaker: I tend to agree with the Honourable Senator Cools that it is my duty to search the house to see whether other honourable senators wish to speak.

Senator Comeau: I am prepared to withdraw my motion.

The Hon. the Speaker: Good. It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Nancy Ruth, that further debate on this item continue at the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Carried on division.

Senator Comeau: No.

The Hon. the Speaker: Very well, I will put it more formally.

It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Nancy Ruth, that further debate on this item continue at the next sitting of the Senate.

All those in favour of the motion, please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion, please say “nay.”

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Is there an agreement between the whips on the bell? If there is no agreement, it will be a one-hour bell.

Hon. Consiglio Di Nino: Honourable colleagues, in order for committees to sit, we could agree to call the bells for 3:55 p.m. I believe honourable senators will find that we are in agreement.

The Hon. the Speaker: There is agreement between the whips for a 30-minute bell. Do I have permission to leave the chair?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be in 35 minutes, at 3:55 p.m.

• (1555)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Adams
Atkins
Bacon
Baker
Banks
Biron
Bryden
Callbeck
Carstairs
Chaput
Cools
Corbin
Cordy
Cowan
Dallaire
Dawson
De Bané
Downe
Eggleton
Fairbairn
Fox
Fraser
Gill
Goldstein
Harb

Hays
Hervieux-Payette
Hubley
Jaffer
Joyal
Kenny
Losier-Cool
Mahovlich
McCoy
Mercer
Merchant
Moore
Munson
Murray
Pépin
Phalen
Ringuette
Robichaud
Sibbeston
Smith
Stollery
Tardif
Trenholme Counsell
Watt
Zimmer—50

NAYS
THE HONOURABLE SENATORS

Angus
Cochrane
Comeau
Di Nino
Eyton
Keon
LeBreton
Meighen

Nancy Ruth
Nolin
Oliver
Rivest
Segal
St. Germain
Tkachuk—15

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Senate adjourned until Thursday, May 17, 2007, at 1:30 p.m.

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