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Wednesday, June 6, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, June 6, 2007

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

Prayers.

SENATORS' STATEMENTS

SIXTY-THIRD ANNIVERSARY OF D-DAY

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I rise today to mark the sixty-third anniversary of the D-Day invasion. June 6 is an important and nation-building date, marking one of history's greatest battles, D-Day. We honour the Canadian heroes who fought and died in that battle. Tens of thousands of Canadian soldiers, sailors and airmen took part in what many believe is the most important seaborne invasion of all time. This storming of the beaches by Canada and our allies marked the beginning of a long and arduous campaign, eventually freeing Europe from Nazi tyranny.

Canadians remember the extraordinary courage and sacrifice which made D-Day a success and which proved to be a turning point of the Second World War. From coast to coast, from communities large and small, from farms, fishing villages, indeed from every corner of Canada, these Canadian heroes risked everything in the defence of their country and in the advancement of freedom.

Honourable senators, on the anniversary of D-Day landings, we honour and pay tribute to the Canadians who fought that day, including the more than 2,000 who never returned. We must never forget their sacrifice or fail to defend what they fought for.

[*Translation*]

LES GRANDS BALLETS CANADIENS DE MONTRÉAL

RETIREMENT OF PRIMA BALLERINA
ANIK BISSONNETTE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, tonight, for the last time, prima ballerina Anik Bissonnette will dance on stage with Les Grands Ballets Canadiens de Montréal, at a gala in her honour.

Anik Bissonnette is the best known ballerina in Quebec, and to date, the greatest and most internationally renowned dancer to have danced with Les Grands Ballets Canadiens.

• (1335)

She started studying classical ballet at the age of 12. Her outstanding sense of music, the purity of her movements and her extraordinary balance were noticed very quickly.

Anik Bissonnette started her dance training at the school of Les Grands Ballets Canadiens, but left that institution a year later to study jazz ballet at the school of Eddy Toussaint, one of the founders of the Ballets Jazz de Montréal. There, she immediately teamed up with their star dancer Louis Robitaille, whom she later married.

With the Gala des Étoiles, Anik Bissonnette brought Canadian and Quebec culture to the world, especially when she danced the title role in *Giselle* with the Odessa Ballet in Ukraine, or when she stood out in *Swan Lake* with the Paris Opera and in *Romeo and Juliet* with the Ballets du Capitole, in Toulouse, France.

As principal dancer with Les Grands Ballets Canadiens, she shone in diverse works such as *The Nutcracker*, *Coppelia*, *La Fille Mal Gardée*, and *Les Sylphides*.

Anik Bissonnette received a number of awards during her career, including being made an Officer of the Order of Canada in 1995 and a knight of the Ordre national du Québec in 1996.

Honourable senators, now that the government no longer cares about culture, that our festivals in Quebec are waiting for the promised funding they need to survive and that the international touring budget for the Grands Ballets Canadiens has been cut, I hope that the curtain that falls tonight on Anik Bissonnette's magnificent career will not mark the beginning of a dark time for our artists.

As a parliamentarian who recognizes the importance of the arts in our lives, I wish Anik Bissonnette every success in her future endeavours, which, to our great delight, will continue to be in the field of dance.

ABORIGINAL LAND CLAIMS PROCESS

Hon. Aurélien Gill: Honourable senators, on several occasions, including in March 2001, I reminded this chamber of the danger of resolving land claim issues in a piecemeal fashion in response to crises, or worst of all, in the interests of the government in power.

First Nations from Oka, Ipperwash, Caledonia and many other places have their frustration and anger at the slow pace, the injustice and the suffering.

The federal government must speed up the land claims process and resolve Aboriginal territorial disputes with dignity. In his report on the events at Ipperwash, Justice Sidney Linden found that the government's apparent unwillingness to resolve Aboriginal land claim issues was one of the factors that contributed to Dudley George's death.

According to the judge, the federal government was partly responsible for the tragedy at Ipperwash because it allowed the matter, which should have been closed in 1945, to fester. Ottawa requisitioned the land on which there is an Aboriginal burial site, promising to return it to the communities at the end of the Second World War.

To this day, that promise has not been kept. Failures like these have led to recurring conflicts instead of negotiations in good faith.

Justice Linden's report clearly shows that negative stereotypes of Aboriginals, racism and cultural insensitivity on the part of police officers and certain politicians contributed to the inability to find a peaceful solution to the Ipperwash occupation.

Still today, Aboriginals are often thought of as guilty or incompetent until they repeatedly prove themselves otherwise. When they ask for past injustices to be remedied, they are perceived as activists and professional whiners. The appalling living conditions that are endemic in most First Nations communities have been well documented. Everyone is aware, but no one is in a hurry to correct the situation. Of course, it cannot go on any longer. Our communities cannot remain poverty-stricken forever. They must get their fair share of Canada's collective wealth.

As a final point, I would like to congratulate Justice Linden and his team for their conscientious work. We must recognize that, generally speaking, the judicial system addresses the situation facing Aboriginals objectively, which is not always the case of policy makers.

In my view, it should not be necessary to resort to blocking roads or rail lines, which in many cases are on First Nations lands, in order to make the Aboriginal message heard. Instead of reacting to confrontations, governments must assume their responsibilities and create an atmosphere conducive to peaceful, calm dialogue. As Justice Linden indicated, greater cooperation is essential to settling land claims more rapidly.

Dudley George was another victim of wickedness and of the lack of both compassion and a sense of responsibility.

• (1340)

CANADIAN SUMMIT OF FRANCOPHONE AND ACADIAN COMMUNITIES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to join my voice to that of my colleague, Senator Chaput, in drawing attention to the Summit of Francophone and Acadian Communities, which took place on June 1, 2 and 3, 2007, in Ottawa. Like many of you, I attended this major gathering of Canada's Francophonie to discuss and reflect on our future as a community.

Organized by the Fédération des communautés francophones et acadiennes, this event was an opportunity to reflect on our future and on issues such as governance, demographics, services, political influence and the economic development of our communities.

As the Commissioner of Official Languages said in his speech on June 2:

> Feeling all the positive energy emanating from this room, from the Summit, is simply amazing. Everyone here is moving in the same direction: toward the future.

In fact, all weekend long, the representatives of this country's francophone and Acadian communities looked to their future and worked to develop a vision and a long-term plan. In addition to attending workshops, we had the honour of listening to several eminent speakers who shared their impressions of our communities. What struck me about the community representatives, the participants and the guest speakers alike was their positive energy, their commitment and their optimism about the future.

Despite the challenges facing them, francophone and Acadian communities are not afraid of the future and they want to continue promoting our language, our culture and our many contributions to Canadian society. As Antonine Maillet so aptly put it, the French language is a Stradivarius, and when in possession of a Stradivarius, one has to make sure to keep it, take good care of it and protect it in order to pass it on to our children and grandchildren.

Honourable senators, the signing of the summit declaration by all the community representatives confirms what Mr. Fraser said in his speech: "Rumours of the impending death of Canada's Francophonie have been greatly exaggerated."

Honourable senators, I am certain that you join with me in congratulating the Fédération des communautés francophones et acadiennes, the organizing committee and all the participants and volunteers on a very successful summit.

[*English*]

THE HONOURABLE DAVID P. SMITH, P.C.

CONGRATULATIONS ON RECEIVING QUEEN'S UNIVERSITY H.R.S. STUART RYAN LAW ALUMNI AWARD

Hon. Jim Munson: Honourable senators, I rise today to congratulate a colleague of ours, the Honourable David P. Smith. On May 22, our colleague was awarded the H.R.S. Stuart Ryan Law Alumni Award by Queen's University.

Hon. Senators: Hear, hear!

Senator Munson: This award recognizes a Queen's law alumnus who excels in the profession, provides exceptional community work and has contributed to the law school. Senator Smith, a Queen's law graduate in 1970, has achieved and continues to achieve all this.

The guest speaker at the event was the Right Honourable Beverley McLachlin, Chief Justice of Canada. Numerous other dignitaries attended the event, which also celebrated the fiftieth anniversary of the Queen's University Law School.

We congratulate Senator David Smith for his accomplishments and join with Queen's in celebrating this great Canadian colleague and friend.

• (1345)

SIXTY-THIRD ANNIVERSARY OF D-DAY

Hon. Michael A. Meighen: Honourable senators, lest we forget, today marks the sixty-third anniversary of the Battle of Normandy, commonly known as D-Day. On this day,

Canadians, along with their allies from Britain, the United States and Poland, as well as Free French soldiers, stormed the French coast in a colossal effort that paved the way for the liberation of Europe from occupation by Nazi Germany. To this date, the Battle of Normandy remains the largest seaborne invasion in history.

Today, Canada stands shoulder to shoulder with many of these same allies in Afghanistan. Although this is a completely different battle in a completely different type of war, Canada's commitment to achieving its goals remains just as strong as it did when our soldiers landed on the beaches of Normandy 63 years ago.

When I visited Afghanistan last December, I saw firsthand the progress that has been made in securing and rebuilding that country. We have a long way to go, but progress has been accomplished. Canadians are making a real difference there and we should be proud of what has been achieved up to now under extraordinarily difficult circumstances.

Honourable senators, last Sunday marked another significant day. Every year, Canadian Forces Day is celebrated on the first Sunday of June. Canadian Forces Day recognizes the achievements of and contributions made by members of the Canadian Armed Forces. This year's theme, "The Canadian Forces family — Celebrating Those Supporting Us," emphasizes the important role that families play in supporting Canada's sailors, soldiers, airmen and air women. Behind the soldiers who participated in the D-Day invasion were strong supportive families, just as families stand behind our troops today.

Saying goodbye to those departing overseas is no easy task, yet the families of our servicemen and women continue to show their support, knowing their loved ones are making a difference in this world.

It is only fitting that these two commemorative days occur so close together, based as they are on the common element that has remained constant throughout the years: The support of families. The families of our troops provided the necessary backbone for the accomplishments of our men and women in uniform in past years, and the families of servicemen and women continue to provide that support today.

[*Translation*]

As we recognize and honour the progress and sacrifices made in Afghanistan, let us remember the exploits of the brave soldiers on French beaches 63 years ago. Let us never forget and let us not neglect the families who provided their support in the past and those who are doing the same today. With the support of their families, these brave men and women have fought and are fighting today to defend the values and principles cherished by Canadians.

[*English*]

Hon. Roméo Antonius Dallaire: Honourable senators, I wish to speak also of D-Day and June 6.

In 1944, the Canadian army was the third largest army on the Western Front; the Canadian air force had the third largest air force; and the Canadian navy the third largest navy on the Western Front. Canada at that time had one million men and women serving in uniform in that great war.

There is, however, a point I wish to raise regarding Canadian generalship. Generals McNaughton and Simonds, who commanded the Canadian army throughout that war, never once sat on any of the strategic bodies of that war. We had a million men and women in uniform and none of our generals sat on any of the strategic decision bodies of that war.

Over the years, we have seen Canadian generalship involved in peacekeeping in the Middle East and in other roles throughout our recent history. It is, however, interesting to note that Canadian generalship has been stymied by artificial constraints on the number of generals that the Canadian Forces should have, and imposed by previous governments not on the basis of requirement but on the basis of optics. That is, how many generals should the Canadian Forces have? In so doing, we have limited Canadian generalship to a role that I fear will remain one of tactical support and not of generalship within the great bodies of the world.

Honourable senators, time and again the United Nations has asked for Canada to provide two- and three-star generals to command UN missions around the world. Not long ago, one of the largest UN missions, the Congo, was offered to Canada and Canada refused. Recently, NATO has turned to Canada and asked for a three-star general to establish the headquarters in Pakistan in order to help coordinate the efforts in Afghanistan. Once again, Canada has refused to send generals.

If we do not give our generals the opportunity to serve in higher strategic realms, Canada, Canadian governments and Canadian leadership will not have the military advice they require in order to ensure Canadian Forces are deployed appropriately throughout the world in the very complex missions of today and the future.

• (1350)

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Wednesday, June 6, 2007

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SIXTH REPORT

Pursuant to Rule 86(1)(f)(i), your Committee is pleased to report as follows:

1. The issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years. The Senate does not currently have any provision in its Rules dealing with the reinstatement of bills following a prorogation. As a result, some bills, particularly non-government bills, have been reintroduced and debated or studied in a number of successive sessions.

2. Since 1998 the House of Commons has provided for the reinstatement of non-government bills from the previous session in the same Parliament. Provision was originally made that an item of Private Members' Business would be reinstated at the request of the Member in question, although it is now automatic. Non-government public bills originating in the Senate can also be reinstated in the Commons at the same stage they had reached during the prior session if such bills are re-introduced in the House of Commons within the first 60 sitting days of the session, after being passed again by the Senate, and the Speaker of the House of Commons is satisfied that the bills are in the same form as they were at the time of prorogation. In the case of government bills from the Commons, reinstatement is not automatic, but may be effected by passing a motion to that effect. From time to time, the government has proposed a general motion in a second or subsequent session of Parliament allowing it to reinstate bills if certain conditions are met.

3. A review of reinstatement in provincial and territorial legislatures indicates that there is a range of practice on this matter. In nine of the 13 legislatures, there does not appear to be a practice of reinstating bills. In Alberta, the Standing Orders provide that a government bill can be reinstated on motion in a new session of the same Legislature. In Manitoba, on the other hand, reinstatement is by way of *ad hoc* motions in a new session. In Ontario, provision for carry-over of bills has sometimes been made at the end of one session and sometimes at the beginning of a new session in the same Legislature. Finally, in Quebec, reinstatement of bills in a new session of the same Legislature is made by a motion of the Government House Leader in the first three sitting days after debate on the opening speech.

4. Both the House of Lords and the House of Commons in the United Kingdom provide for the reinstatement or carry-over of bills between sessions of the same Parliament. In the House of Lords, this is restricted to bills that have not yet left the House, and is based on *ad hoc* motions after informal consultations. In the House of Commons, measures were established in 2002 to allow for the reinstatement of bills. One reason for this change was to avoid duplication of work. It is also felt that it results in legislation being reviewed in a less rushed environment with a longer time perspective, allowing for more thorough scrutiny.

5. It must be noted that in no case does reinstatement apply between Parliaments.

6. The Senate and individual senators have no control over when prorogation occurs. Unlike other legislative bodies, the Canadian Parliament does not have annual sessions. Given the length of time that bills often take to work their way through the legislative process, and the time and energy that can be invested in the consideration of bills, the concept of reinstatement has merit.

7. At the same time, your Committee believes strongly that no reinstatement provision should be automatic. Each proposal to reinstate a bill must be considered separately, on its own merits. Your Committee is also of the view that it is appropriate for the Speaker to review a bill whose reinstatement is proposed, in order to ensure that it is indeed in the same form as a bill from the previous session. Your Committee further believes that it should be available for all bills: government bills, senators' public bills and private bills originating in the Senate, as well as for government and private members' bills from the House of Commons. In no case, however, should third reading of any bill in the Senate be dispensed with in the new session.

Your Committee recommends that the *Rules of the Senate* be amended as follows:

(1) That the following new rule 80.1 be added after current rule 80:

Reinstatement of a bill from the previous session

80.1. (1) A public or private bill may be reinstated from the previous session only pursuant to this rule.

Senate bill

(2) During the first twenty-one sitting days of the second or subsequent session of a Parliament, a Senator may, upon presenting a bill which is then read a first time, immediately advise the Senate that it is in the same form as a Senate bill when introduced during the preceding session.

Commons bill

(3) During the first thirty sitting days of the second or subsequent session of a Parliament, a Senator may, immediately following receipt by the Senate of a message from the House of Commons with a bill which is then read a first time, advise the Senate that it is in the same form as a Commons bill when received by the Senate during the preceding session.

Notice of motion to reinstate a bill

(4) After advising the Senate either under subsection (2) or (3), the Senator shall then immediately give notice of a motion that the bill be reinstated.

Definition of "same form"

(5) For the purposes of this rule, a bill shall be considered to be in the same form only if the text of the following elements are identical to those in the version as introduced during the preceding session: title, preamble, clauses, schedules, headings, marginal notes, summary, and Royal Recommendation.

Tabling text of committee amendments

(6) If, under paragraph (13)(c), the reinstatement of a bill would require consideration of amendments recommended by a committee during the previous session, the Senator shall, when giving notice of a motion to reinstate, lay upon the Table the text of the amendments proposed in that report.

Tabling list of amendments

(7) If, under paragraph (13)(e), the reinstatement of a bill would result in amendments from the preceding session being deemed made to the bill, the Senator shall, when giving notice of a motion to reinstate, lay upon the Table a list of the amendments that will be incorporated into the bill if the motion is adopted.

Reinstatement of a government bill

(8) A bill that was a government bill during the preceding session shall only be reinstated if it is again introduced as a government bill.

Reinstatement of a Senate public or private bill

(9) Only the Senator who presented a Senate public or private bill during the preceding session may act under subsection (2). If, however, the Senator who introduced the original bill is Speaker, is a Minister of the Crown, is Deputy Leader of the Government in the Senate, is retired, is deceased, or has resigned, any Senator may act under subsection (2).

Reinstatement of a private bill

(10) For greater certainty, a private bill may be reinstated only if, pursuant to rule 109, the presentation and first reading are preceded by a favourable report on the petition.

Speaker to advise Senate that bill is in same form

(11) A motion to reinstate a bill shall not be moved until the Speaker has advised the Senate that the bill is in the form described in subsection (2) or (3), as the case may be. If documents relating to the bill must be tabled under either subsection (6) or (7), the Speaker shall also advise the Senate whether the documents tabled are accurate. If the Speaker advises the Senate that any of these requirements have not been met, the notice of motion to reinstate the bill shall be withdrawn and the Speaker shall forthwith ask when the bill shall be read a second time.

Delayed application of rule 27(3)

(12) Rule 27(3) shall not apply to a notice of motion to reinstate a bill until after the Speaker has advised the Senate pursuant to subsection (11).

Procedures for consideration and effect of motion

(13) A motion to reinstate a bill shall be deemed a substantive motion, but shall not be amendable, except as provided in paragraph (b). The motion may be debated for no more than two hours. The Speaker shall put all questions necessary to dispose of the motion no later than the fourth sitting day the order for resuming debate is called. If the motion is negatived, the Speaker shall forthwith ask when the bill shall be read a second time. If the motion is adopted, the bill shall be dealt with as follows:

Second reading

(a) If the original bill was under consideration at second reading in the preceding session, the reinstated bill shall be placed on the Orders of the Day for second reading at the next sitting.

Committee study

(b) If the original bill was before a standing committee in the preceding session, the reinstated bill shall be referred to the same committee. If the original bill was before a special committee, the motion to reinstate the bill shall specify a committee to which it shall be referred and, in this case only, the motion may be amended to specify a different committee. In either case, the papers and evidence received and taken and the work accomplished on the original bill in committee are deemed referred to the committee during the current session.

Report stage

(c) If a committee report recommending one or more amendments to the original bill was before the Senate in the preceding session, the amendments recommended by the committee shall be deemed to have been presented to the Senate and shall be placed on the Orders of the Day under Reports of Committees for consideration at the next sitting.

Third reading

(d) If the original bill was under consideration at third reading in the preceding session, or if the original bill was adopted at third reading and passed by the Senate without amendment, the reinstated bill shall be placed on the Orders of the Day for third reading at the next sitting.

Amendments from preceding session deemed made to bill

(e) If, in the preceding session,

(i) a report recommending one or more amendments to the original bill was adopted, or

(ii) the original bill was adopted at third reading and passed by the Senate with one or more amendments,

the amendments shall be deemed to have been approved by the Senate upon the adoption of the motion for reinstatement, and the reinstated bill, as amended, shall be placed on the Orders of the Day for third reading at the next sitting. In no other case shall an amendment from the preceding session be deemed made to the bill upon adoption of the motion to reinstate. Notwithstanding any other rule or practice, an

amendment to the bill that is deemed to have been approved by the Senate under this paragraph may be amended or deleted during the course of subsequent proceedings on the reinstated bill during the current session.

Bills negatived during the preceding session

(14) A bill that was negatived by the Senate at any stage in the preceding session shall not be reinstated.

(2) That the following consequential changes be made to rule 58:

(a) Delete "and" at end of paragraph 58(1)(i);

(b) Change current paragraph 58(1)(j) to 58(1)(k); and

(c) Insert new paragraph: "(j) for the reinstatement of a public or private bill under rule 80.1; and".

Respectfully submitted,

WILBERT J. KEON
Chair

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

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

STUDY ON USER FEE PROPOSAL FOR INTERNATIONAL YOUTH PROGRAM

REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Wednesday, June 6, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

THIRTEENTH REPORT

Your Committee, to which was referred the document "Department of Foreign Affairs User Fee Proposal relating to the International Youth Program" has, in obedience to the Order of Reference of Tuesday, May 15, 2007, examined the proposed changes to user fees and, in accordance with section 5 of the User Fees Act, recommends that they be approved. Your Committee appends to this report certain observations relating to the proposal.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

Observations to the Thirteenth Report of the Standing Senate Committee on Foreign Affairs and International Trade

(Department of Foreign Affairs User Fee Proposal relating to the International Youth Program)

Strengthening the International Youth Program

The Department of Foreign Affairs and International Trade has tabled a proposal under the User Fees Act to expand fees charged to foreign participants in the International Youth Program. Having discussed the proposal with officials, your Committee supports the general principle of increasing cost recovery in this important program.

Your Committee notes that one reason for expanding fees beyond those already charged to youth from Australia and New Zealand to youth from over 50 other countries relates to increasing administrative costs as the program has grown significantly over the past decade. A more important reason, however, is that this action will allow the government to fund a proposed expansion of the program, with the goals of both almost doubling participation by 2010, and of increasing support given to both Canadian and foreign youth participants. Your Committee finds these to be laudable goals.

Your Committee notes that in 1986, the Neilson Task Force on program review found that the International Youth Program — whose roots stretch back to the 1950s — was relevant to Canada's foreign policy interests, and responsibility for its general management was transferred to the Department of External (later Foreign) Affairs.

During its consultations with stakeholders involved with the International Youth Program, the government heard a number of suggestions for improving it, including creating more awareness of the program among Canadian and foreign youth, and increasing support for participants.

In addition to these useful suggestions, your Committee believes that the government should recognize and take action based on the fact that the global experience gained by Canadian youth participants makes them ideal candidates for recruitment by the Public Service of Canada, which will be undertaking significant recruitment exercises in the coming years. At the same time, the government must also make even greater efforts to convince foreign youth participants of the benefits of immigrating to Canada upon completion of the International Youth Program, and contributing to the country in a variety of ways.

In light of the numerous benefits the International Youth Program provides to both Canadian and foreign youth, your Committee also believes additional efforts must be taken to keep the program — which currently is dominated by youth from such Organization for Economic Cooperation and Development (OECD) countries as Australia, France, the United Kingdom, Japan, New Zealand, Ireland and others — accessible not only to youth from OECD countries, but also to those from other countries, particularly developing ones. While your Committee understands that the Government of Canada

has Commonwealth scholarships and other programs that assist such youth, it believes that these individuals must also be encouraged to participate in the International Youth Program.

Recognizing that such a measure may lead to concerns regarding unequal treatment, your Committee is of the view that the Government of Canada should either waive the new fees for youth from developing countries, or take other measures to ensure that the strengthened International Youth Program remains accessible to them.

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

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

INCOME TAX ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Nancy Ruth, Deputy Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, June 6, 2007

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

FIFTEENTH REPORT

Your Committee, to which was referred Bill C-294, An Act to amend the Income Tax Act (sports and recreation programs), has, in obedience to the Order of Reference of Wednesday, May 2, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

NANCY RUTH
Deputy Chair

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

On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE ESTIMATES, 2007-08

SECOND INTERIM REPORT
OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Nancy Ruth, Deputy Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, June 6, 2007

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

SIXTEENTH REPORT

Your Committee, to which were referred the 2007-08 Estimates, has, in obedience to the Order of Reference of Wednesday, February 28, 2007, examined the said Estimates and herewith presents its second interim report.

Respectfully submitted,

NANCY RUTH
Deputy Chair

(*For text of report, see today's* Journals of the Senate, *Appendix B, p. 1624.*)

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

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

• (1355)

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN
PEOPLE'S REPUBLIC OF CHINA AND
THE DALAI LAMA—NOTICE OF MOTION
FOR TIME ALLOCATION

Hon. Consiglio Di Nino: Honourable senators, I give notice that at the next sitting of the Senate I shall move — with reluctance:

That it be an Order of the Senate that on the first sitting day following the adoption of this motion, at 3:15 p.m., the Speaker shall interrupt any proceedings then underway; and all questions necessary to dispose of motion number 140 shall be put forthwith without further adjournment, debate or amendment; and that any vote to dispose of the motion should not be deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for thirty minutes, after which the Senate shall proceed to take each vote successively as required without the further ringing of the bells.

QUESTION PERIOD

THE SENATE

CALL FOR PASSAGE OF BILLS C-288, C-292 AND C-293

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, yesterday, Phil Fontaine, the Grand Chief of the Assembly of First Nations, joined environmental activist David Suzuki and Gerry Barr, the President of the Canadian Council for International Cooperation, to urge this minority Conservative government — not very new to me — to respect the will of Parliament and pass three important bills now before our chamber. They were referring to Bill C-288, Bill C-292 and Bill C-293.

With regard to Bill C-288, the Kyoto legislation, the government moved a sub-amendment yesterday to remove a portion of their own amendment. Clearly, this is nothing more than an attempt to filibuster the progress of Parliament.

I should like to remind this chamber of something a Leader of the Opposition said in his address in reply to the Speech from the Throne back in 2004: "I will always bear in mind that the people express their wishes as much through the opposition as through the government."

Honourable senators, that Leader of the Opposition was Stephen Harper. I ask the minister today if she agrees with the wise words of her leader.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. Perhaps she could have added other important government initiatives to the wish list, like our justice bills and Bill S-4.

Various newspapers today carried the comments of Mr. Fontaine, Mr. Suzuki and Mr. Barr, each of whom obviously has an interest in one or other specific bill.

One of the bills, C-293, is before the Senate. The Kelowna press release is a matter of some debate here in the Senate, and I understand at some point it will be sent to committee. With regard to Bill C-288, the private member's bill on the Kyoto Protocol, it is clear that the implementation of this bill will have serious economic consequences for this country. This information was provided by third parties not only to this present government but to the previous government, which chose not to make it public.

• (1400)

At the moment, the Prime Minister and the Minister of the Environment are overseas at the G8 meeting. The Prime Minister was clear when he spoke in Berlin on Monday. He spoke of something that we all know full well, that is, that it has been well acknowledged, not only by members of the government party but of the opposition party as well, that it is impossible for Canada to meet its Kyoto targets. Furthermore, some members of the party opposite have indicated publicly that Kyoto was signed only to outdo the United States, that the government had no intention of implementing it.

Senator Hervieux-Payette: Since the Leader of the Government in the Senate has talked about Bill S-4, I should like to inform this chamber that, yesterday, one member of the opposite side was talking about the letters, correspondence and briefs sent by the various governments of this country, saying that their opinions were not worth the paper on which they were written.

I wish to remind the Leader of the Government of another quote by our Prime Minister, this time in an interview with the Victoria *Times Colonist* — very well read in Quebec, as she knows — on September 10, 2004.

He said:

> It is the Parliament that's supposed to run the country, not just the largest party and the single leader of that party.

When will this minority government stop the filibuster vis-à-vis these important bills and let the will of this Parliament prevail and pass Bill C-288, and eventually Bills C-292 and C-293?

Senator LeBreton: The opposition leader has presented us with a new definition of filibuster. In fact, in terms of many of the amendments, members on this side were denied the opportunity to make those amendments in committee by the tactics of the opposition members of that committee, which is the subject of a question of privilege before this very house.

With regard to the private member's bill involving Kyoto, since the Leader of the Opposition is intent on reading quotations into the record, permit me to read several myself.

In *The Globe and Mail*, on March 8, Christine Stewart, who, by the way, was an environment minister, said about Mr. Dion's time as Minister of Intergovernmental Affairs the following — and I quote:

> . . . I think what I am saying is he wasn't against [Kyoto], but he was not a champion. But then he wasn't unique. If you can find a champion [in that Liberal cabinet], let me know.

David Anderson, another former Minister of the Environment, told the Canadian Press on February 7 that Paul Martin's appointment of Mr. Dion as Minister of the Environment was meant to send to the provinces, "a signal things would not be as aggressive."

I have quoted Eddie Goldenberg previously. Senator Mitchell asked me if he ever had a vote. Well, he had more than a vote. Everyone around this place knows that he practically ran the government for Jean Chrétien. Mr. Goldenberg revealed that the Liberals went ahead with the Kyoto Protocol even though they knew there was a good chance Canada could not meet its goals. In a speech to the Canadian Club in London, Ontario, on February 22 of this year, Mr. Goldenberg said:

> Nor was the government itself even ready at the time with what had to be done. The Kyoto targets were extremely ambitious and it was very possible that short term deadlines, would at the end of the day, have to be extended.

• (1405)

[*Translation*]

HERITAGE

SUPPORT FOR THE ARTS— FUNDING OF SUMMER FESTIVALS

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. According to the superb article by Nathalie Petrowski, published in *La Presse* this morning, the Minister of Canadian Heritage, Bev Oda, has announced her intention to attend various festivals this summer.

Does the minister not think that, rather than seeking to enjoy herself, as she told *La Presse* this week, she and her department's officials should double their efforts and release the funds allocated to the festivals so that the public — not the minister — can enjoy themselves this summer?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I have not seen the particular newspaper article the honourable senator refers to, but I thought I would get a question on summer festivals from him, so I came well armed.

I wanted to let the honourable senator know yesterday, when we were talking about festivals, with regard to an important comedy festival in the city of Montreal, called Just for Laughs, that, yesterday, Minister Oda said that it will be receiving $1.2 million in funding.

Senator Cools: Are we in Question Period yet? I do not hear any questions being answered.

[*Translation*]

Senator Lapointe: I have a supplementary question. Would it be possible to obtain a copy of the agenda of the Minister of Canadian Heritage, in order to notify the various welcoming committees? They could then make sure she enjoys herself thoroughly during these events and, in particular, arrange for simultaneous interpretation so that she truly understands what is going on in Quebec.

[*English*]

Senator LeBreton: Minister Oda is a busy minister, but I am sure she would never pass up an opportunity to have a good time, especially if she gets to go to Quebec and attend the Just for Laughs festival.

Many other festivals have been funded, not only in Quebec, but also around the country. I indicated yesterday that I would be getting a list of the various festivals that were funded. There are many large festivals in Quebec, as I mentioned yesterday, which will receive funding anywhere from $300,000 up to $1.2 million.

Of particular interest to a group here in Ottawa, the Franco-Ontarian Festival received $40,000 on May 23 from the Arts Presentation Program, and is receiving another $90,000 from another program within the Department of Heritage, for a total of $130,000. As a resident of Ottawa, I know how important the Franco-Ontarian Festival is. A few years ago they were very concerned about their funding, and I am certain that they are happy that the government has stepped forward to fund the festival this year.

[*Translation*]

Senator Lapointe: Once again I must congratulate the Leader of the Government in the Senate. Not only is she an excellent tap dancer, a violin virtuoso, a verbal acrobat, and a contortionist, I see now that she is also a great cellist.

In short, what I was talking about was the festivals that have not received the $30 million to run this summer. Summer festivals, as you very well know, do not take place in the fall; normally they take place during the summer. Do you think the money will be available in time for this summer? This is the last time I will ask the question.

• (1410)

I do not want to bother you with all this; you have so many talents that you do not have to rehearse, but will the money required for this summer be given to the festival organizers in Quebec? I am not talking about British Columbia or anywhere else festivals are held; I know you have a fondness for that side. Can you give me the assurance that the $30 million will be available in time for the summer festivals?

[*English*]

Senator LeBreton: Honourable senators, given all the talents that the honourable senator thinks I have, perhaps I should apply for a festival grant, but the truth is that I have absolutely no talent in the area of music.

In answer to the honourable senator's question, as I indicated yesterday, funding is flowing for summer festivals in Canada. I indicated yesterday that I would be happy to obtain a list of the festivals in Quebec that have been funded, which is specifically what the honourable senator is asking about.

With respect to festivals that are not held during the summer, I have tried to communicate that the existing funding for festivals must not be confused with new funding mentioned in Budget 2007 that the government will put into the program. As I indicated in response to previous questions, the department is developing a set of criteria for the proper application by various groups to access the new fund.

I know well that the honourable senator is talking about summer festivals and I will attempt to obtain a list of the festivals in Quebec that have been funded this year with existing funds.

[*Translation*]

STATUS OF WOMEN

GOVERNOR GENERAL'S AWARDS IN COMMEMORATION OF THE *PERSONS* CASE

Hon. Lucie Pépin: Honourable senators, my question is for the Leader of the Government in the Senate. As we all know, through the famous *Persons* case, Emily Murphy, Louise McKinney, Irene Parlby, Nellie McClung and Henrietta Muir Edwards achieved an important victory in 1929, convincing the Privy Council in London to recognize women as "persons".

Since that time, women have been able to sit in the Senate and run for public office. These days, indeed every year since 1979, we commemorate this event by presenting the Awards in Commemoration of the *Persons* case. This Governor General's Award highlights the leadership and excellence of Canadian women who have made an outstanding contribution. This year's nomination process, however, has not yet begun. The process usually begins in March. Despite the fact that Status of Women

Canada saw its budget reduced by 40 per cent and its offices decreased from 16 to four, can the leader of the Government in the Senate assure us that these awards will be presented as planned in October 2007?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I am well aware of the Governor General's Awards in Commemoration of the Persons Case, the Famous Five and the memorial statue on Parliament Hill, which I had the pleasure of co-sponsoring in this place with Senator Fairbairn. I am also well aware that the Persons Awards were started in 1979 under the government of then Conservative Leader Joe Clark. I will take the honourable senator's question as notice in respect of the application and adjudication process for this year's awards and will obtain that information for her. I thank the honourable senator for bringing the matter to my attention.

[*Translation*]

Senator Pépin: Honourable senators, I know the Leader of the Government in the Senate is very familiar with this file, hence my concern. That is why I am concerned about it at the present time. The government's silence on this issue is worrisome. Can the Leader of the Government in the Senate tell us why there has been no progress in this file? Can we expect a timely response rather quickly?

• (1415)

[*English*]

Senator LeBreton: The brief answer is that I do not know. I will certainly try to find out.

[*Translation*]

NATIONAL DEFENCE

SUPPORT FOR MILITARY FAMILIES— RESPONSE TO CRISIS SITUATIONS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. We always have a great deal of respect for people who can manage crises. However, the questions that keep coming up immediately after a crisis are: How did we end up in crisis and why was the situation not prevented?

Recently, we saw this type of crisis with the children of soldiers who suffered trauma and did not receive proper support. We also noticed, in the situation concerning the reimbursement of funeral costs, that the government failed in its duty to meet pressing and real needs.

What reason is there to be in crisis when, in the mid-1990s, a directorate was created within the Department of National Defence specifically to ensure quality of life for the military? This directorate was created to meet the needs of the time and its mandate was to ensure that such situations did not happen again.

In the 1990s, these types of situations arose after 40 years of peace. Can the Leader of the Government in the Senate tell us why these responsibilities have been dropped from this mandate and why we are now demoralizing soldiers and their families with crisis situations that could have been prevented?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I believe all people will acknowledge that this government has made great strides in supporting our soldiers, our military and our veterans. With regard to the unfortunate circumstance of the one particular family, as the honourable senator knows, there were Treasury Board guidelines set by the previous government as to what would be an allowable expense for the unfortunate event of a funeral.

We are in the process of increasing the amount in those guidelines. In the situation of this particular family, they had been paid up to the allowable guidelines. They had expenses well beyond that. The Department of National Defence has been in contact with the family and has sent additional funds.

The guidelines are being increased substantially and the Department of National Defence has undertaken to contact each and every family who has suffered the loss of a loved one to ascertain whether similar situations have existed in the past over the death of their loved ones in Afghanistan.

With regard to the matter of looking after widows, widowers and children, Senator Dallaire was involved in the Veterans Bill of Rights. It was unanimously supported in Parliament. It was introduced by the Martin government and brought into force by the Harper government.

When there is a death, as the honourable senator knows, considerable sums of money are paid out to the widows, widowers and children of deceased soldiers. It was never intended for that program to be used as an insurance policy.

I would hope that when young people are being recruited into the Armed Forces, the various services of the department are explained to them and the various situations that they may find themselves in are fully explained as to what their families, in the event of an untimely event, should expect. I believe the government, the Minister of Veterans Affairs, the Minister of Defence and the Chief of Defence Staff have all worked very hard to rectify this very unhappy and sad situation.

• (1420)

Senator Dallaire: I acknowledge the crisis management scenario that has gone on and responses thereto. However, from a privileged position, may I just recall that in the early to mid-1990s, there were massive cuts within government due to an absolutely exponential debt. These cuts in all ministries were substantive and, in National Defence, were not insignificant; they were up to even a third of the department's capability. In the process of solving that problem, we realized that Quality of Life was one of the primary areas that was attacked, because it is

soft. One can cut Quality of Life; it is easier than cutting trucks. We had to inject in the 1990s significant amounts of money, to the tune of nearly $500 million a year, to respond to that problem.

Most important, we created, at the time, a directorate of Quality of Life that had the mandate and was funded to meet all of these requirements. However, that directorate does not exist today. Its strength has been reduced to nil. The money is not there anymore. The government will continue to have these embarrassments if we do not bring that capability back to anticipate proactively these problems.

I ask the Leader of the Government in the Senate to ask the Minister of National Defence to have another look at Quality of Life, institute that body as a project office and avoid the embarrassments, which to the government is one thing, but to the troops and their families is another.

Senator LeBreton: The Minister of National Defence, the Chief of Defence Staff and the Minister of Veterans Affairs are fully supported by the men and women of the military. Members of the Royal Canadian Legion and many veterans groups have applauded the initiatives of this government in looking after our veterans.

Yesterday, Senator Callbeck asked me about the VIP, or the Veterans Independence Program. As I reported yesterday and repeat today, Minister Thompson has undertaken a comprehensive review. We want the government to do it right this time. He will not approach this in a piecemeal fashion.

Returning to some of the things the government has done, I mentioned the Veterans Bill of Rights and the payment of the $250,000 that were introduced by the Martin government and enacted by the Harper government. Between the time the bill was introduced and enacted, there were a number of deaths in Afghanistan where there were widows, widowers and children involved. Technically, the bill had not come into force, so these people fell through the cracks. The government immediately stepped in and honoured, back to the introduction stage, its commitments, as if that bill had been passed by the Martin government, and those families were compensated, even though it was not required by the letter of the law. That is the kind of thing the government has done.

Speaking with the Minister of Veterans Affairs and seeing some of the support he has received from veterans, veterans' organizations and the Royal Canadian Legion, I believe that he and our government are taking the lead. We need not take a back seat to anyone in the treatment of our military, by ensuring they have proper equipment and are well served, including our veterans, who should be looked after in every possible way in recognition of their service to this country.

Senator Dallaire: That is not a problem. I acknowledge the crisis management. If the leader wants me to say I applaud how the government solved the problems, fine. I am trying to assist her in avoiding future problems by bringing a capability that should exist within the staff system in National Defence. As to Veterans Affairs implementing the Charter, that is another exercise. I am talking about National Defence and Quality of Life.

VETERANS AFFAIRS

VIMY RIDGE MEMORIAL— SELECTION OF ON-SITE DIRECTOR

Hon. Roméo Antonius Dallaire: By extension, for years the on-site director of the Vimy Ridge Memorial, at Vimy, has always been a Canadian and, more often than not, ex-military. Over the last couple of years, however, civil servants have been filling the role. I am not sure of their qualifications.

• (1425)

Suddenly, in this year of our ninetieth anniversary, the place is run by a British subject. Why did we have to hire someone from the U.K. to run our monument? Is there not at least one Canadian, perhaps a former member of the military, who could run the operations of that monument?

Would the leader get back to me with an answer on that matter?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I would be happy to take that question as notice.

The Chief of the Defence Staff does an outstanding job and is obviously loved by all those who serve in the military. Anyone could zero in on a specific area to which they thought more attention should be paid.

With regard to the Vimy Ridge Memorial, I am sure there is a good and valid answer to the question and I will be happy to try to obtain that for the honourable senator.

FINANCE

ATLANTIC ACCORD— OFFSHORE OIL AND GAS REVENUES

Hon. Jane Cordy: My question is directed to the Leader of the Government in the Senate. The budget of Canada's new Conservative government does not honour the Atlantic Accord, a signed agreement between the federal government and the Provinces of Newfoundland and Labrador and Nova Scotia. It appears that the signing of the accord and promising to honour the agreement was only meant to last until the election was over.

When will the Conservative government end the betrayal of Atlantic Canadians and honour the Atlantic Accord?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as our colleague Senator Carney has pointed out many times, there would have been no Atlantic Accord in the first place if it were not for Conservative governments. The Liberals not only fought against the Atlantic Accord, but also denied that there was a fiscal imbalance problem. In Budget 2007, the Atlantic Accord was honoured without a cap. The accords that were in place the day before the budget in March were in place the day after.

ORDERS OF THE DAY

STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

The Senate resumed consideration of the tenth report of the Standing Senate Committee on Human Rights entitled: *Children: The Silenced Citizens*, tabled in the Senate on April 25, 2007.—(Honourable Senator Andreychuk)

The Hon. the Speaker: On a matter of order, honourable senators, Senator Andreychuk yesterday moved the adoption of the tenth report of the Standing Senate Committee on Human Rights. This is indicated at page 1606 of the *Journals of the Senate* and page 2527 of the *Debates of the Senate*. When Senator Andreychuk completed her remarks, I inadvertently neglected to put the question or to ask for a motion to adjourn. The item was therefore dropped from the Order Paper.

Since Senator Andreychuk clearly moved a motion upon which the Senate has not had the chance to decide, the item is ordered restored to Orders of the Day. If honourable senators are agreeable, I would be happy to put the motion for the adoption of the report now.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by Senator Andreychuk, seconded by Senator Johnson, that the report be adopted. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

EMERGENCY MANAGEMENT BILL

THIRD READING

Hon. Michael A. Meighen moved the third reading of Bill C-12, to provide for emergency management and to amend and repeal certain Acts.

Motion agreed to and bill read third time and passed.

• (1430)

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act, with amendments), presented in the Senate on June 5, 2007.

Hon. Donald H. Oliver: Honourable senators, rule 99 of the *Rules of the Senate*, states:

> On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

I would like to say a couple of words, honourable senators, about the amendments to this bill, and I know that my honourable colleague Senator Nolin would also like to do so.

The title of the bill was amended to reflect an amendment to the Canada Elections Act because two clauses amending the Public Service Employment Act were deleted from the bill. Three of the amendments to this bill have the effect of removing electors' dates of birth from the lists that were provided to the political parties and election candidates at various points in time.

By way of background, honourable senators, when Bill C-31 was first introduced in the other place, it did not provide for dates of birth to be on the list provided to candidates and parties. It provided for dates of birth to be only on the list given to election staff and to poll clerks in order to develop accurate lists and to verify the identity of an elector at the time of voting. It was the House of Commons Standing Committee on Procedure and House Affairs that amended the bill so that birth dates would also be provided to candidates and parties. Thus, the first three amendments made by the Standing Senate Committee on Legal and Constitutional Affairs essentially restored certain clauses of the bill to their original state when the bill was introduced at first reading in the House of Commons.

First, the words "date of birth" were struck from clause 5, on page 2, at line 36 of the English version and at line 37 of the French version, so that the list of electors that are to be sent by November 15 of each year, to the member of the electoral district and, on request, to each registered party that endorsed a candidate in the electoral district in the last election, do not contain that particular piece of personal information. The lists will set out only the surname, given names, civic address, mailing address and the unique identifier assigned by the Chief Electoral Officer.

Your committee received letters and testimony from several witnesses submitting that the distribution of electors' birth dates to political parties and election candidates were a violation of Canadians' reasonable expectation of privacy and was unnecessary to the objective of reducing voter fraud and could lead to a much greater prevalence of identity theft.

Honourable senators, the Privacy Commissioner of Canada who appeared before our committee in particular questioned the relationship between distributing birth dates and protecting the integrity of the electoral process, further pointing out that, unlike Elections Canada and other departments and agencies, members of Parliament, candidates, political parties and electoral volunteers are not subject to the Privacy Act and its provisions that protect personal information.

The Canadian Association of Professional Access and Privacy Administrators also testified before our committee that breaches of privacy, whether deliberate or inadvertent, are very common and that identity theft has serious financial and psychological

consequences. Privacy and election officials from Ontario and Quebec advised our committee that comparable provincial legislation on elections attaches greater restrictions to the use of personal information and has a higher penalty for its misuse.

The second amendment regarding the birth date was made in clause 13, on page 6, at lines 14 and 15 of both the French and the English texts. The reference to "date of birth" was removed so that the preliminary lists of electors, which are distributed to each registered party or eligible party that requests it, contains only the name and address of each elector and the unique identifier assigned by the Chief Electoral Officer.

Third, clause 18, on page 7, at line 35 of the English version and lines 34 and 35 of the French version, was amended by changing the last several words of subsection 107(3) of the Canada Elections Act. Instead of candidates receiving the revised or official list of electors with an indication of each elector's date of birth, these lists will not contain this information. As with the amendments to clauses 5 and 13, this amendment effectively restores the original content of the provisions when first introduced in the other place. However, the amendment to clause 18 goes further in that it also provides for the sex of each elector to be removed from the revised and official list of electors before they are delivered to candidates.

As with an elector's date of birth, the sex of an elector might be required for Elections Canada to verify voter identity, but this personal information is not necessary in order for candidates to campaign on the basis of the revised or official lists. Already under Bill C-31, sex does not form part of the November 15 preliminary lists that are given to candidates and parties.

Next, clause 28 of the bill, on page 13, at lines 12 and 17 of the English version and lines 11 to 16 of the French version, was amended by adding words to the end of the proposed paragraph 162 (I. L.) of the Canada Elections Act, a provision that was added, again, by the House of Commons Standing Committee on Procedure and House Affairs to require each poll clerk to provide to a candidate's representative the identity of every elector who has exercised his or her right to vote.

The objective of indicating who has already voted, typically by giving candidates' representatives a copy of the list of eligible voters with names checked off, something sometimes called a "bingo card," is to let candidates know which supporters may still be called upon to cast their vote. Additional words were added to clause 28 by your committee to indicate that this provision, which requires bingo cards to be provided periodically throughout the day, applies only on regular polling days, not on advance polling days. For advance polling days, a new paragraph, 162 (I. 2) was added to indicate that bingo cards needed only to be distributed once after the close of the advance polling station. As the regular polling day has not yet occurred, there is ample opportunity for candidates to approach supporters who have not yet voted.

Clause 28 was also added to exclude the need for a poll clerk, whether on an advance or regular polling day, to include the identity of electors who registered for the first time that day. As these individuals are not on the list previously given to candidates during the election campaign, indicating their names would serve no purpose in identifying supporters who have not yet voted. Further, the Chief Electoral Officer told the committee that the names of individuals who registered to vote that day at the poll need to be manually entered by clerks, increasing their work load for no practical purpose.

• (1440)

Finally, the English version of clause 28, on page 13, at lines 12 and 13, was amended to clarify that the bingo cards are to be distributed on regular polling days at intervals of no less than 30 minutes. In other words, every 30 minutes there is an updated bingo card with the names who have not voted, rather than "at least every 30 minutes."

This change to the English wording brings it into conformity with the French "intervalles minimaux de trente minutes," which indicates that bingo cards need to be provided no more frequently than every 30 minutes rather than "at least every 30 minutes."

Clauses 40 and 41, on pages 16 and 17 of the bill, were deleted in their entirety. These would have permitted the Public Service Commission to extend the period of employment of casual workers beyond the current 90-day limit. While there may be legitimate need for election staff to be able to work for longer periods of time in order to prepare for, conduct and report on an election, your committee concluded that clauses 40 and 41 were too wide in scope and that they were not restricted just to Elections Canada, nor did they impose an upper limit on any extension of the number of working days. Moreover, it is already possible for the Public Service Commission, under section 20 of the Public Service Employment Act and with the approval of the Governor-in-Council, to exclude positions, persons or classes from the application of the act.

Although the President of the Public Service Commission, who appeared before us, argued strenuously that the act needed a clear provision to enable her to extend the employment of casual workers, your committee still concluded that clauses 40 and 41 were too broad and could result in a greater number of casual workers in departments or circumstances, which was not justified.

The Professional Institute of the Public Service of Canada testified that an increase in the use of casual workers in the public service means that a greater number of employees do not enjoy the advantage of union membership, do not have job security and do not have the same degree of personal investment in their jobs.

When Bill C-31 was first introduced in the other place, all of the amendments to the Canada Elections Act would have come into force six months after Royal Assent unless the Chief Electoral Officer published a notice to the effect that the necessary preparations had been made and they could come into force earlier.

The House of Commons Standing Committee on Procedure and House Affairs amended clause 42 so that certain amendments could come into force two months after Royal Assent and others would come into force eight months after Royal Assent. The difference depended on the time it would take the Chief Electoral Officer to make the necessary preparations with respect to the particular provisions, although he could still indicate that he was ready earlier.

The provisions for which longer time to prepare would be given are generally those necessitating changes to computer systems, including the addition of a unique identifier, which is the number given by the Chief Electoral Officer, the date of birth and in some cases a sequenced number on lists of electors.

Three changes were made in the coming-into-force provision of Bill C-31 by your committee. First, clause 42, on page 17, at line 8 of the English version, and line 9 of the French version, was amended to indicate that subclause 42(1), which brings certain amendments into force after two months, operates despite section 554(1) of the Canada Elections Act.

Section 554(1) states that amendments to the act do not apply to an election for which the writ is issued within six months after the passing of the amendments, unless the Chief Electoral Officer indicates that he or she is prepared. As subsection 42(1) sets a two-month deadline, it was necessary to indicate that subsection 554(1) does not apply. They were in contradiction.

Second, because the Chief Electoral Officer testified before our committee that a period of eight months was still not sufficient to make computer-related changes and run the necessary tests to prepare for the second category of provisions, subsection 42(2), on page 17, at line 23 of the English version, and line 25 of the French version, was amended to extend the period to 10 months from eight months. The Chief Electoral Officer explained that if an election were held before then, it could be difficult to put these provisions into effect in time without introducing some risk to the integrity of the voting process.

Finally, honourable senators, the two new provisions regarding bingo cards, which indicate to candidates which electors have already voted, subclause 28(i.1) and subclause 28(i.2) were removed from subsection 42(1), subclause 42(2) on page 17 on line 9 of the English version, and line 11 of the French version. This is because, like other provisions dealing with voters' lists, these two provisions will necessitate changes to the computer systems of Elections Canada. The amendment accordingly provides for the provisions on bingo cards to come into force 10 months after Royal Assent rather than two. As with the other provisions, they may come into force earlier if the Chief Electoral Officer publishes a notice stating that the necessary provisions have been made.

Honourable senators, I submit that this explanation complies with Senate rule 99 about advising honourable senators what amendments have been made and the reasons for so doing.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I would like to thank Senator Oliver for so skilfully listing all our amendments and explaining in detail the reasoning behind them.

I am pleased to take part in this debate at report stage on Bill C-31, which the Standing Senate Committee on Legal and Constitutional Affairs presented to us yesterday.

• (1450)

Honourable senators, you will recall that Bill C-31 was drafted in response to the thirteenth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which was supported by all the parties represented on the committee.

After this report was released last June, the government pointed to the spirit of non-partisanship that guided its drafting and the committee's unanimous approval of the recommendations, and introduced Bill C-31 in order to implement most of those recommendations.

In addition to proposing operational changes to improve election administration, the bill addressed the committee's concerns about the risk of electoral fraud and the integrity of the electoral process.

I am well aware that Senator Oliver described the amendments ad nauseam and in great detail. Allow me to summarize and group them.

Honourable senators, the Senate committee's report aims to amend Bill C-31 in four ways: first, the committee report proposes to eliminate the requirement that each elector's date of birth be included on the lists of electors given to candidates, members and political parties.

The requirement that the date of birth be included on revised and official lists given to election officials is maintained.

Second, the committee report proposes to limit the requirement that, at 30-minute intervals, the poll clerk provide candidates' representatives with a list of everyone who has voted.

Under the proposed amendment, this requirement will apply only on polling day and will not include electors who registered on that day. On advance polling days, the clerk will not be required to provide a list of everyone who voted until after the polling station has closed.

Third, the committee report proposes to amend the coming into force date of certain provisions. It stresses quite categorically that the rules on voter identification come into force, without exception, two months after Royal Assent. The provisions regarding the national register of electors and the poll clerk providing candidates' representatives with lists, at 30-minute intervals, of electors having exercised their right to vote, come into force 10 months after Royal Assent.

Fourth, the report indicates that the committee rejected the amendments to the Public Service Employment Act that would have enabled the Public Service Commission to make regulations to extend the maximum term of employment of casual workers.

Honourable senators, I am pleased to inform you today that the government supports two of the amendments I was just talking about, namely those on updating the lists, as Senator Oliver was explaining, the bingo card system, and on the coming into force of the various provisions.

What is more, the government will not propose an amendment in this chamber regarding including the voter's date of birth on the list of electors; it will leave it up to the other place to review its position on that matter.

However, as far as the situation with casual employees is concerned, the government is asking me to offer you an alternative, which I will do at the end of my speech.

Honourable senators will recall that some amendments to the Public Service Employment Act were incorporated in Bill C-31 after the House of Commons standing committee and the government approved the recommendation of the Chief Electoral Officer, given the specific requirements of election administration, to implement a process whereby casual employees could be hired for a period exceeding the 90 days per calendar year maximum currently authorized.

This need is quite apparent in the context of a minority government, when two elections can be held in the same calendar year. Under the current system, if this were to happen, the Chief Electoral Officer would not be able to call on the help of employees who had worked on the last election.

Honourable senators, I understand why the committee rejected the proposed amendments to the Public Service Employment Act. Some of its members felt that the power the amendments would give to the Public Service Commission was far too broad, that is, the power to determine under what exceptional circumstances the rules on casual employment would not apply.

After all, the 90-day rule was not brought in until December 2005. The rule prompted the Chief Electoral Officer to recommend a longer period of employment for casual workers recruited by Elections Canada for an election. In his opinion, his office would have difficulty carrying out its mandate under the Canada Elections Act if it were forced to replace competent, experienced employees after 90 days, or if it was not permitted to rehire them. Whatever concerns honourable senators have about extending the employment period for casual workers, I am convinced that none of them would agree to adopt rules that would, in all likelihood, interfere with the work of Elections Canada.

Elections are the cornerstone of our democratic system. It is the responsibility of parliamentarians to implement rules that ensure the efficiency and effectiveness of the process.

That is why I am announcing, honourable senators, that, contrary to what the committee recommended in its report, the government has authorized me to convey its intention to table, once again, a number of amendments to the Public Service Employment Act.

The government's proposed amendments are designed to help Elections Canada carry out its mandate. The government believes, and I agree, that these amendments show its desire to address a number of concerns that led honourable senators on the committee to reject the initial proposal.

Honourable senators, the amendments that the government has asked me to introduce following the committee's report are as follows. First, the government will, in due time, reopen the discussion on the proposed amendments to the Public Service Employment Act in order to enable the Public Service Commission to extend, by means of regulation, the period of employment for casual workers.

That being said, contrary to the initial proposal that the committee rejected, the government would limit the application of this amendment to casual workers hired by the office of the Chief Electoral Officer for elections held pursuant to the Canada Elections Act or for a referendum held pursuant to the Referendum Act.

Second, we will specify that the maximum duration of the contract for these casual workers, including the initial 90-day period and authorized extensions, cannot exceed 165 working days during one calendar year. Proposed amendments to the Public Service Employment Act will allow Elections Canada to retain the services of competent and experienced employees hired before, during or even after an election campaign, in order to facilitate the administration of a vote or referendum.

In the context of these amendments, the government will also propose that the original title of the bill, which referred to the Public Service Employment Act, be restored.

• (1500)

I would like to close, honourable senators, by reiterating the importance that we must assign to any measure that seeks to eliminate obstacles to the holding of fair and credible elections. It is a complicated process full of challenges, but a process that is absolutely crucial to the proper functioning of democracy.

The Chief Electoral Officer is an independent and non-partisan officer of Parliament. When he sounded the alarm about potential threat to the efficient running of elections, it was our responsibility to act promptly to eliminate this threat.

The amendments to be put forward by the government will address the concerns expressed by the Chief Electoral Officer, in such a way as to not unnecessarily alter the safeguards included in the Public Service Employment Act to protect the rights of workers. Therefore, I urge the honourable senators to support these amendments to the committee's report.

MOTION IN AMENDMENT

Hon. Pierre Claude Nolin: Honourable senators, I move that the twelfth report of the Senate Committee on Legal and Constitutional Affairs be not now adopted, but that it be amended:

(*a*) by deleting amendment No. 1;

(*b*) at amendment No 7, by replacing the text after "*Page 16, clause 40*:" with the following:

"Replace lines 30 to 39 with the following:

"40. The *Public Service Employment Act* is amended by adding the following after section 50:

50.1 Despite subsection 50(2), the maximum period of employment of casual workers appointed in the Office of the Chief Electoral Officer for the purposes of an election under the *Canada Elections Act* or a referendum held under the *Referendum Act* is 165 working days in one calendar year.""; and

(*c*) by renumbering amendments 2 to 11 as amendments 1 to 10.

I table these amendments in both official languages.

On motion of Senator Milne, debate adjourned.

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved third reading of Bill C-277, to amend the Criminal Code (luring a child).—(*Honourable Senator Keon*)

On motion of Senator Tardif, debate adjourned until the next sitting of the Senate.

KELOWNA ACCORD IMPLEMENTATION BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Hubley, for the second reading of Bill C-292, to implement the Kelowna Accord.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: Honourable senators, I rise today to explain my opposition to Bill C-292, the Kelowna Accord Implementation Act. The supporters of this bill call for government to embark on a massive spending program with little regard for accountability and value. I believe it is incumbent upon senators to honour the wishes of Canadians and vote against Bill C-292.

I have no quarrel with the ultimate aim of the right honourable member who first proposed this legislation. Like most Canadians, I too want to see improvement in the distressingly low standard of living experienced by so many Aboriginal people in this country. I acknowledge that the meetings that took place in Kelowna some 15 months ago fostered valuable goodwill among federal, provincial, territorial and Aboriginal leaders.

The agreement at the heart of Bill C-292 is nothing more than a news release full of sweeping commitments to spend a hefty $5 billion. There is no accord; it does not exist. In essence, while participants of the first ministers' meeting agreed on what they hoped to achieve, no consensus emerged on precisely what to do and how to pay for it. This is clearly unacceptable.

[*Translation*]

Honourable senators will recognize better than most citizens that, historically, Canada's aboriginal policies have been openly criticized for being inconsistent.

Reports produced by the Auditor General and the Royal Commission on Aboriginal Peoples, to name just two examples, exposed the inevitable consequences of decisions to invest large amounts of money in programs that lack adequate structures for accountability and monitoring.

[*English*]

This government is determined to take another approach to help design and implement coherent, effective Aboriginal policies. The Prime Minister wisely chose the most qualified candidate to serve as Minister of Indian Affairs and Northern Development and federal interlocutor for Métis and non-status Indians.

The varied career of the honourable member of Calgary North—Centre has enabled him to amass considerable expertise in Aboriginal matters. For a decade he was a commissioner with the Indian Claims Commission. He has also served on the House of Commons Standing Committee on Aboriginal Affairs and Northern Development.

Few people possess credentials more suited to the task at hand, and the minister's actions have given Canadians reason to applaud the wisdom of the Prime Minister. Since taking office, the minister has implemented a comprehensive approach to addressing Aboriginal issues, an approach based on clear accountabilities, targeted investments and strategic partnerships.

• (1510)

This approach is carefully structured to deliver maximum value for taxpayers' dollars. Most important, it proposes a realistic and cohesive way to make sustainable, tangible progress on Aboriginal issues. The government's approach involves strategic investments that enable Aboriginal peoples to take greater control of, and assume greater responsibility for, quality-of-life issues such as education and housing; promoting economic development, job training, skills and entrepreneurship; working to accelerate the resolution of land claims; and finally, laying the groundwork for responsible self-government by moving toward modern and accountable governance structures.

Honourable senators, I am pleased to report that remarkable results have been achieved in each component of this approach, and this progress will be supported and sustained through the measures in Budget 2007.

While Budget 2006 announced $450 million over two years in priority areas such as education, women, children and families, and water and housing, Budget 2007 confirms that $300 million of this sum will continue in 2007-08 as ongoing funding.

The recent budget includes a dedicated investment in the development of a housing market in First Nations communities. An additional $105 million over five years is invested in the Aboriginal Skills and Employment Partnership. As a result of this investment, an additional 9,000 Aboriginal individuals will receive skills training, and an additional 6,500 will secure sustainable skilled jobs.

[*Translation*]

The government will implement a strict regulatory system based on the reports of the Expert Panel on Safe Drinking Water for First Nations to monitor water quality on reserves. The Aboriginal Justice Strategy will be changed to increase the number of Aboriginals and Aboriginal communities with access to community justice programs.

Honourable senators, these measures will produce real results for Aboriginals. In addition, the government has signed a number of major agreements with Aboriginal groups. For example, the resolution of the Indian residential schools issue has brought closure to long-standing grievances. The final agreements signed by three First Nations in British Columbia will pave the way for improved governance and stimulate economic growth for these communities. The signing of the Nunavut Land Claim Agreement resolves the latest major Inuit land claim in Canada.

Honourable senators, these final agreements and funding agreements are major achievements, and the government is working on more like them. These agreements address the root of the problems Aboriginal peoples are struggling with today. In many cases, these problems arose because of an ineffective legislative framework governing the implementation of programs on reserves.

[*English*]

Consider, for instance, the issue of the poor educational outcomes produced by on-reserve schools. One of the key factors contributing to the situation is that most on-reserve schools lack crucial links to the communities they serve. Few First Nations schools have organizations such as parent councils, trustees, school boards and ministries of education. With none of these connections in place for First Nations schools, the lines of responsibility are blurred. As a result, the quality of education provided by individual schools, along with the academic outcomes of individual students, both suffer.

Late last year, this government introduced Bill C-34, to change the way on-reserve schools are managed in British Columbia. The First Nations Jurisdiction over Education in British Columbia Act earned near unanimous support of parliamentarians, thanks to its pragmatic approach. The legislation enables First Nations in the province to establish the community links essential to accountability and responsible governance.

A similar approach has been adopted on several other key issues, including the provision of safe drinking water in First Nations communities and on-reserve matrimonial real property, or MRP. This government has taken prompt and decisive action to improve the quality of drinking water available to residents of First Nations communities. In the past year, very significant progress has been made.

Listen to this interesting statistic, honourable senators: The minister has been in place for 15 months. The number of high-risk water systems in First Nations communities has fallen from 193 to 97 in that short time, which is truly remarkable. Eight water treatment plants have been opened in Alberta, Quebec and Ontario. First Nations communities have access to technical support and emergency assistance via a 24-hour hotline. The Circuit Rider Training Program has been extended and is now available to all First Nations communities. As well, the regulatory regime put forward in Budget 2007 will move us toward ensuring safe drinking water for all First Nations communities.

In order to identify an effective legislative solution to the difficult issue of matrimonial real property, Indian and Northern Affairs Canada, the Assembly of First Nations and the Native Women's Association of Canada conducted consultations and dialogue sessions across the country. These are now complete and Miss Wendy Grant-John, the ministerial representative to this initiative, was able to recommend a tenable solution to on-reserve MRP.

In all of its efforts to make progress on these issues, this government has worked in partnership with national Aboriginal groups. It will continue to work collaboratively with all stakeholders to improve the quality of life of Aboriginal people in Canada.

Honourable senators, at this point, it is necessary to talk bluntly about what we have before us. This private member's bill seeks to force the Government of Canada to implement something called the Kelowna accord. I find the bill to be curious on several levels. One, it does not exist; there is nothing there, no signed or written agreement whatsoever.

First, as all honourable senators are aware, a private member's bill cannot commit the government to the spending of new money. If it did, it would be out of order. The Speaker of the House of Commons has ruled that this bill is in order and, therefore, it cannot lead to the spending of money for the betterment of the Aboriginal people of Canada. Thus, I am curious as to why the opposition in the other place seeks swift passage of a bill on the grounds that it will lead to the reduction of some of the appalling conditions faced by our Aboriginal population.

• (1520)

I also find it curious that this bill refers to an accord. When we think of accords, many spring to mind. All of them involve signed agreements, not a press release and a press conference, on difficult issues that represent a consensus among all interested parties and point to a clear path forward. Does that image apply to the Kelowna Accord? I would like to present to honourable senators the comments of the Honourable Jim Prentice when he spoke to this issue in the House of Commons on June 2, 2006, and I quote:

> I was in Kelowna that fall and the dialogue, to be sure, was useful and inspiring in some ways, but the results at the end were unclear. The conference did not conclude with a signed document by the participants entitled, "The Kelowna Accord." I talked to many of the premiers at the close of the conference and to all the aboriginal leaders who were present at the table. I asked them about the page that was tabled at the close of the meeting by the prime minister. There was no consensus with respect to those figures. There was no commonality as to how money would be spent, how it would be distributed among the provinces and territories or how it would be divided among the Aboriginal organizations that were present. It did not happen. I was there. I did the due diligence to ensure that those were the facts at the time.

What we have before us, honourable senators, is a bill that cannot commit any resources to improving the lives of our Aboriginal peoples yet which claims to do just that. It is a bill that would enact the plan on which there was no consensus, on which there are no concrete details on matters of federal-provincial cooperation and which has no clear accountability for how the money that it calls for will be used to make life better for the people who so desperately need our help.

Honourable senators, I submit that this bill is yet another example of how successive governments of all political stripes have failed the Aboriginal population of this country.

[*Translation*]

Honourable senators, I have visited some reserves. I saw the deplorable conditions of those reserves and I know this has been a problem for a number of years. Is it not time that we come up with something concrete, instead of continuing with these vague promises and empty rhetoric?

This is all we have been offering to Aboriginal citizens for too many years now. We need to come up with a clear action plan that identifies the main obstacles to improving the lives of Aboriginal people, both on and off reserves, an action plan that proposes concrete measures to overcome those obstacles.

As I said, the government understands that past failures cannot be used as a plan for the future. This is why the government has pursued a series of measures to identify the key problems that must be resolved, both on and off reserves.

[*English*]

One specific example is Bill S-6, which this chamber has just sent to the other place with impressive speed, thanks to Senator St. Germain and the Standing Senate Committee on Aboriginal Peoples. Bill S-6 identifies a clear and distinct problem: a lack of access on the part of First Nations in Quebec to the benefits of the First Nations Lands Management Act. This will allow First Nations in Quebec to develop land codes, regulate zoning and implement environmental laws and policies as their counterparts in all other provinces have been doing for the past several years to great effect.

Bill S-6 is a clear example of the new approach to dealing with Aboriginal issues — a problem that was identified and then the government moved swiftly to resolve it through the necessary legislation. There was a consensus among all interested parties that this bill was required for the fair and equitable treatment of Quebec First Nations. It is to the credit of the Senate that we were able to deal with this bill as expeditiously as we did. That is what happens when our problems are identified and a concrete resolution is proposed, and is the kind of action that our Aboriginal population deserves from all of us in Parliament.

[*Translation*]

The House of Commons is currently studying a large number of bills addressing the particular challenges and issues facing Aboriginal peoples in Canada. I hope all honourable senators will encourage their colleagues in the other place to deal with this legislation as quickly as we dealt with Bill S-6 here in the Senate.

[*English*]

One example of such a bill is C-51, the Nunavut Inuit Land Claims Agreement, and a second example is C-44, a first step to ensuring that all Canadians have equal access to human rights protections and to empowering First Nations individuals with the ability to seek recourse. The proposed legislation is a tangible example of this government's commitment to enhancing the quality of life of Aboriginal people, and it deserves the support of everyone who wishes to see improvements in the lives of our Aboriginal population.

As I have said, the long history of failed promises and empty rhetoric cannot be all that we have to offer. We must do a better job, which means clear plans and concrete actions to fix the immense problems faced on and off reserves. This government is showing the way forward but this bill before us is a relic of the past and an example of a flawed strategy. I urge honourable senators to oppose Bill C-292 and support the government's initiatives for improving the health, living conditions and rights of our Aboriginal citizens.

With leave of the Senate, I would table an Indian and Northern Affairs Canada progress chart for 2006 and 2007 with respect to native land claims.

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

Some Hon. Senators: Agreed.

Hon. Gerry St. Germain: Honourable senators, I have a question for Senator Stratton. Many of us in this place have worked on the Aboriginal file. We have made great progress in the last number of months working with a non-partisan approach. I want to thank everyone who allowed Bill S-6 to proceed, at the behest of Senator Peterson, Senator Campbell, Senator Lovelace Nicholas and others.

• (1530)

My question is with regard to the alleged accord. Did the honourable senator say there is no documentation as to the actual discussions that did take place? I was there in Kelowna on the final day. Is there no document on record within the government's purview?

Senator Stratton: That is correct. I can reiterate what Minister Prentice spoke of on June 2, 2006. I quote again:

> I was in Kelowna that fall and the dialogue, to be sure, was useful and inspiring in some ways, but the results at the end were unclear. The conference did not conclude with a signed document by the participants entitled "The Kelowna Accord".

In essence, it does not exist; it never did.

The Hon. the Speaker *pro tempore***:** Are honourable senators ready for the question? It is moved by the Honourable Senator Campbell, seconded by the Honourable Senator Hubley, that this bill be read the second time.

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

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

On motion of Senator Campbell, bill referred to the Standing Senate Committee on Aboriginal Peoples, on division.

QUESTION OF PRIVILEGE

MOTION TO REFER TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus:
>
> That all matters relating to this question of privilege, including the issues raised by the timing and process of the May 15, 2007 meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources and their effect on the rights and privileges of Senators, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report; and
>
> That the Committee consider both the written and oral record of the proceedings.—(*Honourable Senator Tardif*)

Hon. Consiglio Di Nino: Honourable senators, I rise today to speak to Senator Tkachuk's motion, seconded by Senator Angus.

Honourable senators, I wish to state at the outset that I am speaking today primarily out of respect for this institution. There has been a certain decline in our standards of behaviour lately, culminating in the events of May 15. I believe the time has come for us to set aside partisan preferences and political sabre-rattling and work together to grapple with how we ought to operate instead of how we are operating now.

My colleague from across aisle, Senator Carstairs, who has a great deal of experience with parliamentary tradition, said on May 16 that — and I quote:

> . . . questions of privilege are the most serious matter that we should ever deal with in the Senate of Canada."

I agree.

During that same debate, Senator Cools, who is also very well versed in the history of function of our Westminster parliamentary system, stated — and I quote:

> 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.

Again I agree, especially with her statement "these privileges are supposed to be jealously held."

Why are the questions of privilege the most serious matter we deal with? Why must we jealously hold the privileges that come with this chamber in which we have the honour to serve? The very simple and, possibly, most frank answer is that they deal with our ability to carry out our constitutional role.

At the risk of sounding trite, rules, manners and etiquette are the grease not only on which our society runs, but also the grease on which our Parliament runs. Without such rules, we, in this chamber, would quickly fall into anarchistic disorder.

As Griffith and Ryle state:

> Parliamentary privilege, even though seldom mentioned in debates, underpins the status and authority of all Members of Parliament. Without this protection, individual Members would be severely handicapped in performing their parliamentary functions and the authority of the House itself, in confronting the Executive and as a forum for expressing the anxieties of the citizen, would be correspondingly diminished.

There is an additional nuance to parliamentary privilege that is relevant to this particular motion. C.R. Munro, in *Studies in Constitutional Law*, states that — and I quote:

> Parliamentary privilege exists rather to protect the Houses themselves collectively and their members when acting for the benefit of their House, against interference, attack or obstruction.

Parliamentary privilege not only allows us to do our jobs, it protects us in the process against interference, attack or obstruction.

While the Conservative members in this chamber make up the government, we are in an absolute minority position. But for the rules that allow the smooth and respectful operation of the Upper House, we could be bulldozed by the majority of the members — that is, we could be subject to undue interference, attack or obstruction.

Generally speaking, that does not happen. Historically, we operate in an atmosphere of collegiality and respect. At least, that has been our tradition. I believe we have rightfully prided ourselves in our ability to lay aside partisan rhetoric to do our jobs faithfully and to be an effective body of sober second thought.

I have no doubt that this is in part due to the well-understood underpinnings of this chamber that serve to protect us. I believe we are all aware that holding privilege — and, for that matter, Parliament — in contempt would set precedents that could lead to great disruption down the road.

• (1540)

I want to reflect for the moment on the definition of parliamentary privilege, in particular, the one found in none other than Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, first published in 1844, which states:

> Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge

their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law.

May further discusses the importance of privilege to the operation of Parliament, saying:

> Certain rights and immunities such as freedom from arrest or freedom of speech belong primarily to individual Members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its Members. Other such rights and immunities such as the power to punish for contempt and the power to regulate its own constitution belong primarily to each House as a collective body, for the protection of its Members and the vindication of its own authority and dignity. Fundamentally, however, it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members.

Thus spake Erskine May.

Essentially, privilege allows us to discharge our collective function effectively; that is, to do our jobs.

In the particular motion before us, we are dealing with a case of breach of privilege amounting to contempt of Parliament. I quote May once again:

> Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly to produce such results may be treated as contempt even though there is no precedent of the offence.

The specific motion before us deals with an action that obstructed a Member of Parliament, a senator, from discharging his duty. When our colleague, Senator Tkachuk, spoke on this matter on May 17, he stated:

> My core issue is that the conduct of Senator Banks has obstructed me from the ability to discharge my duties in committee. On Tuesday, May 15, after the bells rang in the Senate and the Speaker called for quorum, the upper chamber was adjourned. I and my colleagues, Senator Cochrane and Senator Angus, waited for the Speaker to leave, as is the custom in this place, and then made our way to the East Block, as members of the Energy Committee, to participate in clause-by-clause consideration of Bill C-288.
>
> I left the chamber following the Speaker and went directly to the committee room in room 257 of the East Block. As I entered the meeting room, Senator Banks, to my surprise, did not call the meeting to order but adjourned it. In the absence of any Conservative members of the committee, Senator Banks had conducted clause-by-clause consideration on the bill and was going to report it.

As you are aware, honourable senators, on May 29, our Speaker ruled that there had been a prima facie case of privilege. Let me quote what he said.

> The putative question of privilege under consideration meets the conditions to be accorded priority under the special processes for a prima facie question of privilege. Senator Tkachuk has outlined how he felt that he was impaired in fulfilling his parliamentary role, given the limited time available to go from the Senate Chamber to the committee room. Senators will now have the opportunity to debate whether this matter should be pursued further.
>
> I reiterate that this decision on the prima facie aspect of the question of privilege is not a definitive resolution of the issue. This ruling does not establish that Senator Tkachuk's privileges were breached, nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.

Under the rules by which we operate, the senator who raised the matter is given the opportunity to propose a remedy by immediately moving a motion either to refer the matter to the Rules Committee or to call upon the Senate to take action. In this particular case, Senator Tkachuk has moved a motion that this matter be referred to the Standing Committee on Rules, Procedures, and the Rights of Parliament.

Should this chamber decide to send the matter to the Rules Committee, the role of that committee would be to investigate the matter and to make recommendations. The final decision as to what, if anything, should be done rests with this chamber.

I submit that the issue of whether Senator Tkachuk's privileges were violated is worthy of serious consideration. We cannot brush it aside. This issue is critical to the manner in which we operate.

Others have suggested that we may need to examine how to avoid such a breach of privilege, or what Senator Fraser referred to as a "lack of courtesy" when she spoke on May 29. Let us be honest here. Call me "old school," but under the heading "lack of courtesy," I place such behaviours as not giving up a seat on a bus to someone who needs it, not holding open a door for someone or not snickering at the misfortunes of others.

Interfering with the work of Parliamentarians in dealing with legislation through a narrow, legalistic interpretation of our rules is not "lack of courtesy." Where the rules operate in a manner which breaches privilege, they cannot stand.

I would like to turn for a moment to a different matter raised by Senator Angus, one that is extremely important but which has received scant consideration in our debate.

As he told this chamber on May 29:

> My policy advisor called me in Montreal terribly distraught when she heard her name being bandied about in the Senate when there was a reading into the record of various exchanges between the clerk of the committee in question and various assistants. I do not think that it is necessary in this place and I consider that as well to be an abuse of the process and all part of this mess.

This chamber is not the place to discuss employees of the Senate, honourable senators, especially by name, unless it is absolutely necessary. I am deeply concerned that, by so doing, we are contributing to an atmosphere of fear with staffers being caught in the middle as unseemly rhetoric flies. This practice is inappropriate and beneath the dignity of this institution and its centuries-rich heritage.

While I am aware that this is not the time to debate the specifics of the events that took place on the evening of May 15, I will state that convening a meeting at a time or place when it is apparent that doing so will interfere in the ability of senators to discharge their duties in the Senate is simply wrong. It is an affront to the rights of senators.

In support of this statement, I refer to Marleau and Montpetit and the discussion in that book of the strike by the Public Service Alliance of Canada that took place in February 1999. Honourable senators may recall that picket lines were set up at strategic points of entry to Parliament Hill and at entrances to buildings used by parliamentarians. Saskatoon-Humboldt MP at that time, Jim Pankiw, in his submission on this matter, stated that the strikers had used physical violence and intimidation to stop him from gaining access to his office.

According to Marleau and Montpetit:

> On this matter, Speaker Parent ruled immediately that there was a prima facie case of privilege. Mr. Pankiw moved that the matter of his molestation be referred to the Standing Committee on Procedures and House Affairs, and it was agreed to without debate. Other questions of privilege, raised by John Reynolds (West Vancouver-Sunshine Coast), Roy Bailey (Souris-Moose Mountain) and Gary Breitkreuz (Yorkton-Melville), focused on the difficulties Members had had in gaining access to their offices. The picket lines, it was claimed, impeded Members from performing their duties and meeting their obligations as Members of Parliament in a timely fashion. The next day, noting that the Speaker is the guardian of the rights of Members, Speaker Parent stated in his ruling that he had been persuaded by the interventions made by the three Members who had raised the matter and had decided their concerns were sufficiently serious for the Chair to act. Therefore, he found that the incident of the previous day of impeding access to the parliamentary precinct constituted a prima facie case of contempt of the house and invited Mr. Reynolds to move the appropriate motion. The Member moved that the matter be referred to the Standing Committee on Procedure and House Affairs, and the motion was adopted without debate.

• (1550)

Honourable senators, there are differences between that particular case and this one. In the previous one, parliamentarians were prevented from doing their work by people from outside of the Hill, who physically obstructed them.

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

Senator Di Nino: May I have a further two minutes to conclude?

Hon. Anne C. Cools: I would like to ask a question on a point of order, Your Honour.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker: Order. I must first deal with the matter raised by Senator Di Nino, who has asked for unanimous consent for another two minutes, I heard. Is unanimous consent on that request granted?

Hon. Senators: Agreed.

POINT OF ORDER

The Hon. the Speaker: Do you have a point of order, Senator Cools?

Hon. Anne C. Cools: Yes, I wanted to raise a very quick point. Perhaps I can raise it in a more fulsome way at some point in this debate.

It is no secret that I have said earlier that this is not a question of privilege here. There is no breach of privilege here, no contempt of Parliament. However, the particular point I want to raise, Your Honour — and perhaps it might resolve itself — is that time and again, I hear the words thrown around this place that Senator Banks' conduct obstructed Senator Tkachuk. This is not funny, Your Honour. This is a very serious matter because "obstruct" implies physical prevention.

Senator Tkachuk: Please.

Senator Cools: Not "please." Go and look up what it means to obstruct a police officer. I have the definition from the *Oxford Dictionary* — "obstruct" means to block, close up, fill a passage with obstacles or impediments, to interrupt or render difficult for passage.

Honourable senators, in my hearing of the facts as they were described originally, I want a ruling on whether or not it is in order for the proceedings of this place to say again and again that Senator Banks — named and identified personally, not the committee — personally obstructed Senator Tkachuk.

By Senator Tkachuk's own description of the events, when he arrived at the committee meeting, Senator Banks was sitting in the chair and the meeting was in progress. Therefore, I do not know how it is possible that Senator Banks could have possibly obstructed him, unless he means that perhaps Senator Banks threw a series of, I do not know, trees or something in his path. I want to know if it is in order for such serious accusations to be made in such a capricious way.

Some Hon. Senators: Oh, oh.

Senator Cools: Your Honour, if these accusations — I can speak — if they were so serious, how come the motion is not addressing the question? What is going on here, Your Honour, is that one set of things is being said in the speeches and a different resolution is being sought in the motion.

The motion also has some funny little surreptitious innuendos and insinuations. For example, it begins that all matters relating, et cetera, be referred for "investigation and report." The words

are usually "for consideration and report." There is no investigation going on here — all these are very penal-sounding words. What is going on here is a massive case of smearing.

I would be happy to withdraw the point of order. However, I am saying to Your Honour, if obstruction occurred, then obstruction has to be described and the evidence for obstruction has to be put before the house.

The individual senators on the Conservative side cannot keep repeating these accusations time after time without putting some evidence that such obstruction did occur. It is unfair, mean, maligning and it is even calumny; it is not nice, Your Honour.

I do not want to cause Your Honour any difficulty, and perhaps I have moved on to the substance of the issue. If it is causing some difficulty, as I said before, I would be happy to withdraw.

However, I do not think that any good is done to anyone, or to the system as a whole, to keep repeating these same words over and over again. I do not think that it is in order, under the rubric of raising a question of privilege, to repeatedly smear, malign and libel another senator. I do not think it is right and I would not mind if you would rule on that.

In the heat of the moment, things happen, but I do not think it is necessary to be mean-spirited.

The Hon. the Speaker: Do any other honourable senators wish to make a comment on this point of order? I will take the matter under advisement.

We will now proceed to the extension of Senator Di Nino's speech.

Senator Di Nino: I have about a moment left. In this case, it was senators who prevented other senators from doing their work by not allowing them sufficient time to reach a committee room after attending to their business in the chamber.

Otherwise, I see little real difference between picket lines and political shenanigans when both are set up as barriers, particularly where it was done with what I call malicious intent to prevent senators from attending to the business of the Senate.

Honourable senators, I urge the members of this chamber to jealously guard our privileges, as we are required to do, and to send this matter to the Rules Committee to investigate the circumstances surrounding this odious incident, and to make recommendations as to how to prevent it in the future or how it might best be dealt with should it recur.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I move the adjournment of the debate.

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

An Hon. Senator: No.

On motion of Senator Tardif, debate adjourned, on division.

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: At this point, calling order after order is somewhat strange. Maybe we should just suspend because a person has to decide, should they rise to speak for five seconds or should they stand.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Senator Carstairs had wanted to speak on this yesterday and she has asked me to adjourn this in her name.

Senator Cools: I told Senator Carstairs I would yield the floor if she wanted to speak.

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 4 p.m., and pursuant to an order adopted by the Senate on April 6, 2006, I must interrupt the proceeding for the purpose of suspending the sitting until 5:30 p.m., at which time the Senate will proceed in the taking of the deferred vote on the sub-amendment to Bill C-288.

The sitting was suspended.

• (1730)

The sitting was resumed.

KYOTO PROTOCOL IMPLEMENTATION BILL

THIRD READING—MOTIONS IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the third reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Angus, that Bill C-288 be not now read a third time but that it be amended:

(*a*) in clause 3, on page 3, by replacing line 19 with the following:

"Canada makes all reasonable efforts to take effective and timely action to meet";

(*b*) in clause 5,

(i) on page 4,

(A) by replacing line 2 with the following:

"to ensure that Canada makes all reasonable efforts to meet its obligations",

(B) by replacing line 6 with the following:

"ance standards for vehicle emissions that meet or exceed international best practices for any prescribed class of motor vehicle for any year,", and

(C) by adding after line 13 the following:

"(iii.2) the recognition of early action to reduce greenhouse gas emissions, and",

(ii) on page 5,

(A) by replacing line 9 with the following:

"(*a*) within 10 days after the expiry of each",

(B) by replacing line 23 with the following:

"first 15 days on which that House is sitting", and

(C) by replacing lines 26 and 27 with the following:

"each House of Parliament is deemed to be referred to the standing committee of the Senate and the House of Commons that";

(*c*) in clause 6, on page 6, by adding after line 29 the following:

"(3) For the purposes of this Act, the Governor-in-Council may make regulations restricting emissions by "large industrial emitters", persons that the Governor-in-Council considers are particularly responsible for a large portion of Canada's greenhouse gas emissions, namely,

(*a*) persons that are part of the electricity generation sector, including persons that use fossil fuels to produce electricity;

(*b*) persons that are part of the upstream oil and gas sector, including persons that produce and transport fossil fuels but excluding petroleum refiners and distributors of natural gas to end users; and

(*c*) persons that are part of energy-intensive industries, including persons that use energy derived from fossil fuels, petroleum refiners and distributors of natural gas to end users.";

(*d*) in clause 7,

(i) on page 6,

(A) by replacing line 32 with the following:

"that Canada makes all reasonable attempts to meet its obligations under", and

(B) by replacing line 38 with the following:

"ensure that Canada makes all reasonable attempts to meet its obligations", and

(ii) on page 7, by replacing line 4 with the following:

"(3) In ensuring that Canada makes all reasonable attempts to meet its";

(*e*) in clause 9,

(i) on page 7, by replacing line 33 with the following:

"ensure that Canada makes all reasonable attempts to meet its obligations", and

(ii) on page 8,

(A) by replacing line 3 with the following:

"Minister considers appropriate within 30 days", and

(B) by replacing line 7 with the following:

"(1) or on any of the first fifteen days on which";

(*f*) in clause 10,

(i) on page 8,

(A) by replacing line 9 with the following:

"**10.** (1) Within 180 days after the Minister",

(B) by replacing line 11 with the following:

"tion 5(3), or within 90 days after the Minister", and

(C) by replacing line 38 with the following:

"(*a*) within 15 days after receiving the", and

(ii) on page 9,

(A) by replacing line 6 with the following:

"Houses on any of the first 15 days on", and

(B) by replacing line 9 with the following

"(*b*) within 30 days after receiving the advice,";

(*g*) in clause 10.1, on page 9,

(i) by replacing line 17 with the following:

"and Sustainable Development may prepare a",

(ii) by replacing line 32 with the following:

"report to the Speakers of the Senate and the House of Commons", and

(iii) by replacing lines 34 and 35 with the following:

"Speakers shall table the report in their respective Houses on any of the first 15 days on which that House".

On the subamendment of the Honourable Senator Cochrane, seconded by the Honourable Senator Angus, that the motion in amendment be amended by deleting paragraph (*c*) and relettering paragraphs (*d*) to (*g*) as paragraphs (*c*) to (*f*).

Motion in subamendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Angus
Cochrane
Comeau
Di Nino
Eyton
Fortier
Gustafson
Johnson
LeBreton
Meighen
Nolin
Oliver
Prud'homme
Segal
St. Germain
Stratton
Tkachuk—18

NAYS
THE HONOURABLE SENATORS

Bacon
Banks
Bryden
Callbeck
Campbell
Cools
Corbin
Cordy
Cowan
Dallaire
Dawson
De Bané
Downe
Dyck
Furey
Gill
Goldstein
Grafstein
Harb
Hervieux-Payette
Lovelace Nicholas
Mahovlich
Merchant
Mitchell
Moore
Munson
Murray
Pépin
Peterson
Phalen
Robichaud
Smith
Stollery
Tardif
Trenholme Counsell
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ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Senate adjourned until Thursday, June 7, 2007, at 1:30 p.m.

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