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Wednesday, June 13, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, June 13, 2007

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE DANIEL HAYS, P.C.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I do not wish to take the position of the Honourable Leader of the Government in the Senate at this point, but today we will be saying “au revoir” to our colleague and my good friend, Senator Hays. I have discussed this with the other side and, because of Senator Hays’ longstanding tenure with the Senate, the fact that he is highly respected on all sides of this house and a former leader and Speaker, I seek unanimous consent to extend the time for tributes to one hour, plus, obviously, the time for Senator Hays to respond. I know this request is somewhat irregular, but Senator Hays is not a regular guy.

The Hon. the Speaker: Honourable senators, is it agreed to extend the period for tributes to one hour?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, with the unanimous consent of the house, please continue with tributes to the Honourable Senator Hays.

• (1335)

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is a distinct privilege for me to pay tribute to a friend and distinguished colleague, the Honourable Dan Hays, who will be retiring from the Senate in the next few weeks, some seven years earlier than required under the Constitution.

[English]

Described as a rising star and key Liberal player by *The Globe and Mail* shortly after his appointment to the Senate, as well as a man unequalled in his understanding of modern Alberta, Senator Hays more than lived up to that stellar billing.

Born and raised in Calgary, Senator Hays is the distinguished son of a great Liberal family with deep roots in the West, a family that has made a lasting contribution to our Parliament, to Alberta and to Canada. His father, Harry, was Minister of Agriculture in the first Pearson cabinet, before being appointed to this chamber where, among other things, he co-chaired the Special Joint Committee on the Constitution.

Appointed to the Senate by Prime Minister Pierre Trudeau in 1984, Dan Hays had some big shoes to fill, and fill them he did most brilliantly, earning the friendship and high regard of his

colleagues through his charm — I concur with that — intelligence and impeccable civility. As a member and then Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources and the Standing Senate Committee on Agriculture and Forestry, Senator Hays was described by the *Financial Post* as an “energy and agricultural thinker of the first order.”

[Translation]

His talents were not limited to these areas, however. This is amply and eloquently evidenced by the numerous milestones in his career. Successively Deputy Leader of the Government, Speaker of Senate and Leader of the Opposition, Dan Hays has discharged his onerous responsibilities with the talent and wisdom of a great parliamentarian well-versed in the traditions and procedures of this house and with the dignity and aplomb of a seasoned diplomat.

President of the Liberal Party from 1994 to 1999, he devoted his many talents to organizing, financing and policy development, making an outstanding contribution to the success of our political party.

Having co-chaired the campaign committee with him during the 1990s, I was witness to his passion for politics, his efficiency and his leadership, as we travelled across Canada from coast to coast to coast. For almost a quarter of a century, Senator Hays has served this institution with talent, dedication and distinction.

A modern-day Liberal who believes in reform and has a great social conscience, he has always believed that the government must act for the greatest good of all citizens. Independent-minded, he has successfully given a strong and effective voice to the interests and aspirations of Alberta.

A lawyer, farmer — he taught me my first class in chicken farming — a parliamentarian and a diplomat, Dan Hays has earned the respect and admiration of everyone who met him.

On behalf of his colleagues, I wish him an active and productive retirement and hope that he and his wife Kathy will be blessed with good health and happiness, enjoying a pleasant life in their little castle in Calgary. Godspeed, dear colleague.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, today we say goodbye to our colleague and friend Senator Dan Hays after almost a quarter of a century of public service in the Senate of Canada.

Since 1984, Senator Hays has proudly represented Calgary, Alberta, in this place. In so doing, he followed in the footsteps of his late father, Senator Harry Hays, with whom he also shared a

deep interest and involvement in Western issues, in particular the cattle industry. I am one of those who has been around here long enough to remember the honourable senator's father.

As all honourable senators are aware, in 2001, Senator Hays was appointed Speaker of the Senate by then Prime Minister Jean Chrétien. During his time in the Speaker's chair, Senator Hays was a courteous voice of reason who approached his position with a fair and open mind. He always showed great respect toward his fellow senators and the rules that govern this place in which we are fortunate enough to work.

In the many diplomatic duties he undertook as Speaker, he was a fine representative of the Parliament of Canada throughout our country and around the world.

• (1340)

For a period of about one year, I had the opportunity to work with Senator Hays in his capacity as Leader of the Opposition. Although we did not share the same viewpoint on everything, we had a pleasant and fruitful working relationship. I have great respect for Senator Hays' ideas and opinions, though I might not share all of them, and I sincerely hope that he feels the same way in return. We are both partisans, and we understand and recognize the importance of political loyalty.

In addition to his roles as Speaker, Leader of the Opposition and Deputy Leader of the Government, Senator Hays has been a member of numerous Senate committees and has chaired several, including the most recent Special Senate Committee on Senate Reform. In addition to his work in the Senate, Senator Hays also served as President of the Liberal Party of Canada from 1994 to 1998. Senator Poulin undoubtedly has received lots of advice from him.

In recognition of Senator Hays' many years of service to our country, he was appointed earlier this year as a Member of the Privy Council by Prime Minister Stephen Harper. The Prime Minister said at the time that Senator Hays has served his province and his country with dedication, and I am sure all honourable senators would agree with that statement.

Honourable senators, even though Senator Hays is taking his leave of this place today, he will not soon be forgotten. In fact, just over one year ago, Senator Hays' official portrait was hung in the Speaker's Hallway outside the chamber, and in that way, he will continue to be a daily presence at the Senate of Canada for years to come. I will remember that wonderful event and meeting all of his Conservative relatives.

On behalf of all Conservative senators, I would like to extend our best wishes to Senator Hays, his wife Kathy and their family for a very happy retirement, although I doubt very much that it will be retirement.

Hon. Noël A. Kinsella: Honourable senators, I rise in my place in the chamber to express words of tribute to a fine friend, careful counsel, patient parliamentarian and superb Speaker of the Senate of Canada. Senator Dan Hays has served this honourable house in numerous roles. His service in these different capacities has been consistently marked by equanimity, composure, steadiness and dignity.

[Senator LeBreton]

It was during the year of the patriation of the Constitution, when I had the privilege of appearing as a witness before the Joint Committee of the Senate and the House of Commons on the Constitution, co-chaired by Senator Serge Joyal and Senator Harry Hays. I am confident that Dan's father looks down on us today with approval as we salute with tributes the journey that his son has travelled whilst continuing the Hays family tradition of public service, including honourable service rendered in this place.

I can attest with appreciation gained through the years of working with Senator Dan Hays in a number of contexts, whether as the respective deputy leaders in the house, on committees or as my predecessor as the Speaker, that, in all instances, the hallmark of this distinguished son of Alberta was honour, respect and courtesy.

Honourable senators, Senator Dan Hays served as our Speaker, as has been mentioned, from 2001 to 2006, and that service was rendered with great distinction. He has always been affable, obliging and dignified. However, I must now confess to my friend that, based on knowledge gained in my current role and experience, I would not have raised all those points of order in the past had I known about the extra work and research it causes the Speaker.

Given that one of the mysteries of the Senate, a mystery that only reveals its secrets if and when one becomes Speaker, is the peculiar nature of how our clerks at the table serve the Speaker when he or she is called upon to rule on a contentious point of order or question of privilege, I would like to give voice to the table officers who have many recollections of their work with Senator Hays as he prepared his rulings while Speaker.

• (1345)

For any hand that I had in placing those procedural queries before Speaker Hays, I can only now appeal to his good nature and ask for absolution. To you, Dan, we wish you all Godspeed.

[*Translation*]

Hon. Joan Fraser: Honourable senators, Dan Hays is leaving us too soon, much too soon in my opinion. The Senate would have really liked to have taken advantage of his experience, wisdom and dedication for much longer. We can and we must accept his decision, his choice, but we can still regret it, and I do.

[*English*]

I have known Senator Hays for much less time than almost everyone in this chamber. He was already a very senior senator when I arrived in this place. He had already been chairman of important committees; he was a past party president and a powerful figure in the party and in caucus; and, as has been observed, he was the son of another very distinguished senator indeed. If there is a hereditary aristocracy in this place, Senator Hays, like Senator Carstairs, is a member of it, and deservedly so.

Hence, I have just sort of observed from afar. He was much too eminent for me to get to know him at all, until at one point, while he was Deputy Leader of the Government, I had the privilege of being caucus chairman, and so I had to deal with him more directly. That was when I started to understand something about Senator Hays.

Two of the qualities that I realized right away have remained among the dominant impressions. This is a man of absolutely infinite patience. Truly, I cannot remember ever dealing with anyone who could display quite as much patience, particularly with learners on the job, as Senator Hays did. Also, of course, there is his warmth. The current Speaker used the word “affable,” and it is a good word.

Senator Hays possesses natural warmth, not a gushy type of warmth. In fact, it takes a long time to learn very much about Dan Hays. It was only last year, for example, that I heard about Hays Converter cattle, which are a large part of his life.

He is also distinguished for his profound commitment to the Senate, to the integrity of the Senate, to Alberta and to the Liberal Party, perhaps in that order, and perhaps on occasion not in that order.

Senator Hays then became Speaker of the Senate, and I had the privilege of sitting in one of those chairs close to him, where I could watch him, watch the Speaker in that wonderful pose captured in the portrait that he had the wisdom to have done for us, capturing him as he really was, leaning over the arms of the chair and displaying the infinite patience and acute judgment that a Speaker of the Senate must always exercise.

Finally, when he was Leader of the Opposition in this place, he paid me a great compliment — which may not say much about his judgment — of naming me as his deputy leader, and all of the same qualities were in evidence again.

I will always stand in awe of the degree to which Senator Hays was willing to give me enough rope to hang myself and then did not reproach me when I did hang myself. Just every once in a while he would be sitting there and out of the depths of that vast experience would come a quiet, “Do this, now,” and he was always right. I did not have to ask why or say, “What are you trying to do?” I would just do it and he would be right. However, most of the time, it was just patience, understanding and encouragement of a very high order. I must thank you, Senator Hays, forever for that.

We all know how Senator Hays used that year to encourage us to think constructively about the modernization of this institution that he loves, as do we all. The paper he has delivered, first to the Rules Committee and then to us all, offers wonderful ground for reflection in the future. He leaves us a large legacy.

• (1350)

One cannot say goodbye to Senator Hays without immediately thinking of his wife Kathy, a woman of incredible warmth, kindness, generosity, good humour, friendliness — all those lovely qualities that at first masked the fact that she is also a woman of absolutely awesome efficiency, who can get more done in less time than most of us can ever dream of. I do not have the privilege of knowing the rest of his family, but with those two examples I am sure they are all just as wonderful. I know they will be very glad to claim more of him and of his time now, however much we may resent that fact.

Good luck.

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable colleagues, I do not like to see a friend leave, so it makes me sad to say goodbye for now, but not forever, to Senator Hays.

I would like to sincerely thank the man who trusted in me by recommending me as Speaker *pro tempore* of the Senate in 1999, and who was a stimulating work partner for three years.

I would also like to sincerely thank this francophile who always respected and promoted my language, as much in caucus meetings as in the Speaker’s chair.

Senator Hays, beyond the personal affection I have for you, I have always thought of you as a tactful, available, cooperative, wise and knowledgeable mentor.

[*English*]

As the famous English quotation says: “If you want honey, don’t kick the beehive.” I think Senator Hays really got the honey; that is for sure.

[*Translation*]

I will always envy his great diplomatic arsenal — in caucus, in the chamber or abroad.

I am specifically thinking about the delegation he led to Prague and Barcelona a few years ago, in which Senator Comeau and I participated. Throughout the trip I remember being impressed by the statesmanlike qualities constantly exhibited by Senator Hays, one of the greatest Speakers of the Senate this institution has ever known.

[*English*]

I will miss your kindness, Senator Hays, as well as your intellect and wisdom. However, I am glad that Kathy is getting you back all for herself. I know the two of you will have many long years of happiness and good health.

[*Translation*]

Thank you again, from the bottom of my heart, and until we meet again.

[*English*]

Hon. Lowell Murray: Honourable senators, I join briefly in these well-deserved tributes only to underline the importance I would attach in any assessment of Senator Hays’ time here to his international activity.

I had the pleasure of serving with him in the Canada-Japan Parliamentary Group, traveling with him in Japan under his chairmanship of that group, and conferring with our Japanese parliamentary partners and with others drawn from the political, economic and cultural leadership of Japan. He was later honoured by that country, and with good reason, because his contribution to our bilateral relations is significant.

As Speaker, he included me in Senate delegations to Australia and China. In those countries, too, he very ably promoted Canada's interests and values. His colleagues of whatever political party, or of none, will attest to his non-partisan approach when abroad and to his inclusiveness. He always tried to draw attention to his colleagues and to bring out the best in us. This is sometimes a difficult challenge, but he had the good fortune to have a most thoughtful and considerate spouse and companion at his side in the person of Kathy Hays.

[Translation]

With great admiration and respect, I recall how our former Speaker and his wife made parliamentary diplomacy a priceless tool for protecting and promoting Canadian interests and values internationally. As colleagues and fellow Canadians, we are very grateful to them.

[English]

Hon. Sharon Carstairs: Honourable senators, I have known Senator Dan Hays for 46 years.

An Hon. Senator: Wow!

• (1355)

Senator Carstairs: In 1961, Dan was the Chair of the National Federation of Canadian University Students at the University of Alberta, and I was Chair of the National Federation of Canadian University Students at Dalhousie. As a result, we ended up at two conferences together: The first at McMaster University, on the subject of disarmament; and the second at Queen's University, which was the annual meeting of what we called NFCUS in those days.

In 1965, I moved to Calgary, and there had been an election called. I lived in the riding of Calgary-Centre. The candidate in Calgary-Centre for the Liberal Party of Canada was none other than the then agriculture minister, the Honourable Harry Hays. As a good Liberal, of course, I immediately went to work on the campaign. Unfortunately, we were not very successful, but we went to work on the campaign.

Several months later, I met my husband John and discovered that he and Dan had a little cabal focusing around none other than Jim Coutts. John had supported Jim and had been his chair to become the President of the Young Liberals of Canada. Dan, on the other hand, had been the chair of Jim's campaign to become the candidate and, hopefully, the member of Parliament for Macleod.

One was successful; the other, unfortunately, was not — but we kept our friendship together. We both lived in the community of Mount Royal, our daughters went to Earl Grey School together and we both voted consistently without managing to win our ballots in Calgary-Elbow, but last night we finally won it.

Some Hon. Senators: Hear, hear!

Senator Carstairs: John and I moved to Manitoba in 1977, but we kept in touch with Dan and watched his ascendancy to become the President of the Liberal Party of Canada. I was then fortunate enough to join Senator Hays here in 1994, 10 years after Dan had been appointed.

[Senator Murray]

I became the Leader of the Government in the Senate at the same time that Dan became the Speaker of this chamber. He, of course, had the higher place of honour. We were delighted to learn of his marriage to Kathy.

Senator Hays has devoted himself to the enhancement of this chamber. More important, in my view, he has prided himself on his representation of issues of great importance to the province of Alberta and to the citizens of Calgary. Above all, he has been a citizen of this country, and John and I wish he and Kathy, his girls and their grandchildren the very best.

Hon. W. David Angus: Honourable senators, as our friend the Honourable Daniel Hays leaves the Senate it is, in my respectful view, a significant loss for all of us and for the institution we know and love.

I did not know Dan Hays when I was summoned to this place 14 years ago today, but over the intervening years, I came to know him as a thoroughly decent man and colleague, a true gentleman of high integrity and a trusted friend. In my experience, Dan Hays has always demonstrated a keen sense of measure, recognizing that often subtle line of demarcation between the cut and thrust of partisan politics, on the one hand, and his senatorial duties of public policy making, sober second attention to legislation and regional representation, on the other.

I very much enjoyed working with Senator Hays last summer and autumn on the Special Senate Committee on Senate Reform. During that exercise, I realized just how much Dan loves this place and how profoundly he understands its background, role and rationale within the Canadian mosaic.

Yes, Senator Hays believes there exists urgent need for substantial reforms to improve the workings and effectiveness of the Senate. He has an acute sense that our Senate is not in perfect health, but I do not believe he qualifies as an abolitionist in any sense of the word. We owe Dan a real debt of gratitude for the studious way he has approached the issue of Senate reform, as witnessed most recently by the excellent paper he produced voluntarily, of which he provided copies.

Not too long after I was sworn in here, Dan Hays became President of the Liberal Party of Canada, a job he took very seriously in all its aspects, including the sometimes awkward and urgent need for financing of political parties. I had just completed a 10-year stint as chairman of the PC Canada Fund. Dan invited me to lunch in the Parliamentary Restaurant to, as he put it at the time, "compare notes discreetly on matters of important mutual interest." I enjoyed this initial encounter with Dan very much, and we have been good friends ever since.

• (1400)

As Speaker of the Senate, I felt that Senator Hays was always fair and balanced, and with his calm demeanour and sound judgment he did his best to maintain decorum in this place, notwithstanding the partisan approach and other shenanigans some of us stoop to from time to time.

To me, Dan Hays is in many ways a kindred spirit.

Dan, I will miss you a lot. I salute you, and I wish you and Kathy the very best in your next phase of admirable service to the people of Calgary, the people of all of Alberta, and the people of Canada. Whatever you choose to do, Dan, I know you will do it diligently and very well. I wish you Godspeed.

Hon. Joyce Fairbairn: Honourable senators, it is always sad to say farewell to a Senate colleague, but never more so than when friendship with that colleague goes back to the rollicking freshman days at the University of Alberta in 1957, through many decades of vigorous membership in the Liberal Party of Canada and the Liberal Party of Alberta, and to marching together into the Senate of Canada on the same day 23 years ago. It is truly hard for me to imagine life in this chamber without Dan Hays.

Dan was meant to be in the Senate, whereas I sort of came in as an afterthought. Strongly supported by his family, his contribution to this place has been outstanding, as we have heard in previous tributes.

Dan grew up with his wonderful parents, Harry and Muriel, in Calgary, and at the ranch at Pekisko Creek in the foothills of the Rocky Mountains, one of the most beautiful places I have ever seen or ridden through on horseback.

While his father produced an astounding new breed of cattle, Muriel told me that, as a very little fellow, Dan did a terrific job of rounding up the sheep, and she was very proud of him. Today Dan is still the proud owner of a herd of Hays Converter cattle.

The other side of family life was a very vigorous commitment by Harry Hays as a beloved mayor of the city of Calgary, a member of the House of Commons, the Minister of Agriculture in the cabinet of Prime Minister Lester B. Pearson and, finally, a senator in this chamber.

Clearly, Dan had enormous knowledge of, enthusiasm for and commitment to public life when retiring Prime Minister Pierre Trudeau sent him here to the Senate on June 29, 1984. The rest is remarkable history. His was a vigorous voice as Chair of the Standing Senate Committee on Agriculture and Forestry and the Standing Senate Committee on Energy, the Environment and Natural Resources; the Deputy Leader of the Government in this chamber in 1999; the Speaker of the Senate in 2001; and the Leader of the Opposition in 2006.

There is not a heck of a lot more you could be, Dan, and it has been wonderful every step of the way. Your background in English from the University of Alberta and your law degree from the University of Toronto, which guided you to the firm of Macleod Dixon in Calgary, have led you into thoughtful excellence in this chamber. Indeed, your most recent commitment in debate for future Senate reform is a final gift to those of us here who believe that the time has come for some type of Senate change. You will always be a part of that change.

• (1405)

Throughout it all, Dan has been supported by his daughters Carol, Janet and Sarah, who are up in the gallery today, and with cheerful affection his grandchildren Theodora and Alexandra, who are in the gallery as well; and, of course, his wonderful

wife Kathy. For many years Kathy has served with enormous ability, friendship, good humour — and she is a heck of a dancer — on Parliament Hill for both Dan and myself and many others. Now the two of them will happily head off for Calgary and opportunities in other parts of the world where Senator Dan has traveled through Senate leadership and parliamentary associations.

Perhaps the next part of your life, Dan, may turn out to be the best part. You will be missed, my friend, but you will forever leave a legacy of achievement in the Senate of Canada.

We have the Calgary Stampede to get going, and I will be there as usual with you, in Stetson and boots. I know that I can still be cheerful when I think of what you will be doing in the future, but most of all I know our paths will cross often in our beautiful province of Alberta.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, when I found out a few weeks ago that Senator Hays had decided to leave us, I thought it was too early because he is too young to retire. I am sure that Senator Hays has good reasons for having made this decision, and I respect those reasons.

Our institution needs people like the Honourable Dan Hays, who rise above partisanship to realize the dream articulated by the Fathers of Confederation when they imagined and created our institution.

As a Quebecer, and, above all, as a French Canadian, I have seen that you respect my distinctness, and that is commendable. As an Albertan, you have tried to understand what we French Canadians represent to Canada, and you have succeeded. You have tried to look beyond cultural and linguistic barriers to see our hopes and the hopes that you and I share of making our country, in the words of a former Prime Minister, the best country in the world.

Senator Hays, it is with much sadness that I accept your decision. I wish you the best of luck and much happiness with your charming wife. I once had the honour of accompanying you on a trip. You are an experienced and very interesting traveller. I wish you the best for the future. The Senate will miss you.

[*English*]

Hon. Jerahmiel S. Grafstein: Honourable senators, today we hail Dan Hays and bid him farewell as he takes his leave from the Senate. Dan was appointed to the Senate six months after me and has served almost a quarter of a century in this chamber. We share several common bonds. We were both appointed by Mr. Trudeau; we both graduated from the greatest law school in Canada, the University of Toronto Law School; we are both deeply interested in constitutional matters; and, finally, we have had and continue to have a lavish relationship with the Liberal Party of Canada.

I will not retrace Dan's contributions to the Liberal Party, to the Senate or to his province. These have already been delineated, and I will not make them more fulsome than they already are.

• (1410)

Let me briefly touch on some personal characteristics that, from my perspective, made Dan Hays a model senator. He represented his province with coherence, civility and commitment. He made wise and thoughtful contributions to the business of the Senate. Dan was never swept up in the short-range politics of the moment. Once, when Dan was asked to deliver a piece of unhappy news to me about my role in the Senate, a role I had sought for years, he did so candidly, concisely, carefully and cogently.

We will miss Dan's careful deliberation and contribution to the Senate in the grand tradition of a great friend of ours, his late father Harry Hays, who made an outstanding contribution not only to this chamber, but also to the other chamber, to the Liberal Party and of course to his province.

To you, Dan, to your wife Kathy and to your entire family, we can only wish you energy, health, happiness and a long life. You are starting a new career. I am confident that you will bring the same competence and energy to bear as you have to the Senate.

Let me end with these two Latin words: *carpe diem*. Pluck the flower of today; smell the roses. The best is certainly yet to come.

Hon. Consiglio Di Nino: I am pleased to rise and add a brief adieu, bonne chance and Godspeed to a much admired and respected colleague.

In all of the roles he has played in this chamber, Dan Hays has always been fair and inclusive, and his firmness always gentle. His strong partisanship was never aggressive or harsh. He has freely given of his friendship unconditionally. Honourable senators, maybe not all of us have, but Senator Hays has certainly earned the title "The Honourable."

To you, Senator Hays, to your wife Kathy and your family, I extend my best wishes for fulfillment and happiness. We shall miss your calm and balanced leadership.

[*Translation*]

Hon. Marie-P. Poulin: Honourable senators, the retirement of our esteemed colleague, the Honourable Dan Hays, gives rise to two emotions: sadness because of his departure, but also sincere happiness because he is beginning a new chapter in his life at a time of his own choosing.

The Senate will miss such a dedicated and distinguished Canadian, but the qualities that won him our respect and love will remain with us. As a senator, he represented Alberta with generosity and astuteness. Dan frequently reminded us of the key role farmers play in our country.

He arrived as a unilingual Albertan but is leaving as a fluently bilingual Albertan. As chair of the Canada-Japan Inter-Parliamentary Group, he won recognition as an outstanding parliamentary diplomat. His skills as a facilitator and a unifying influence came to the fore many times during his tenure as president of the Liberal Party of Canada.

When he became Speaker of the Senate, we all appreciated his fairness, benevolence and caring, and as Leader of the Opposition, his courage and love of repartee came to the fore.

[Senator Grafstein]

[*English*]

Honourable senators, in short, Dan Hays is a gentleman in the fullest sense of the word.

Senator Hays, you will be missed, but we know that now you and Kathy, your very lovely wife, will enjoy that extra free time with your fine family and many friends around the world.

• (1415)

Hon. Gerry St. Germain: Honourable senators, I rise to pay tribute to a man of great quality from Western Canada. Senator Dan Hays did all that was humanly possible to rise above petty partisanship in executing his duties in this place, even offering to take me on some of his Speaker's delegations across the world.

As Leader of the Opposition in the Senate, he executed his duties in a manner that was in service to his party, but yet never discounted the important role of others in this place.

As Speaker of the Senate, he carried out his functions in a manner that left most of us feeling that we were being treated fairly, in spite of the rancour that sometimes erupts in this place. Often those of us who served in the other place brought a bit more of a confrontational rancour, but we did it in the spirit of livening up the debate in this place.

I thank you, Dan, for the many supplementary questions that you granted me when you were Speaker, much to the chagrin of some of my own people.

I want to be as succinct as possible in this homage to a fellow Western Canadian. However, I would be remiss if I did not thank Dan and Kathy for the great hospitality to which we were treated when they hosted events in Calgary. They included all of us, regardless of party, and did it with a style of inclusion equal to none. Many in the political arena could take a lesson from Senator Hays and wife Kathy in recognizing that each and every one of us in this place has something to offer in debate and to the building of a better Canada.

Senator Dan, former Senator Lawson often made reference to the great contributions that your family and you have made to agriculture, and I would be remiss if I did not say on behalf of Ed, who thought highly of your family, bon voyage.

Senator Hays, when you announced your intention to resign, I said in this place in a loud voice, "This is a great loss." I meant it at that time, and I still do.

I wish you, Kathy and your family good health, and may you continue in your productive, happy and rewarding life in Calgary or wherever you may choose to live.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I want to add a few words to what my honourable colleagues have already said about our dear colleague and friend, the Honourable Dan Hays. It has been an enormous pleasure for me to represent Alberta in this chamber with a colleague who is so distinguished, so personable, so knowledgeable and so proud to be an Albertan. It is with sadness that I join you, dear colleagues, in paying tribute to him for the huge contribution he has made to this place.

[English]

Indeed, it has truly been an honour for me to serve as one of his colleagues in this chamber and as a fellow Albertan. Senator Hays has truly been an exemplary and wonderful colleague whose great contribution to this chamber and to the national political scene will be sorely missed.

When I was called to the Senate in 2005, Senator Hays was the Speaker of this chamber. As both the Speaker and a fellow Albertan, he was one of the first to welcome me to this chamber and to congratulate me. I must say that his kindness and thoughtfulness made me feel very welcome, and I want to thank him for that.

I also had the opportunity to see firsthand, while travelling with him as part of his Speaker's delegation to Ireland and Romania, how well he represented the Senate of Canada and the great respect with which he was received wherever he went.

[Translation]

Senator Hays has been a proud and distinguished representative not only of the Senate, but of our country abroad. With his diplomacy, kindness and people skills, he always put people at ease and, over the years he developed an extensive knowledge of our Parliament and our country and made a tremendous contribution to Canada.

I also admire the fact that, in the Senate, in committee and outside the Senate, he always made a point of not only using both official languages, but encouraging those around him to do the same.

Senator Hays nearly always greeted me in French with, "Bonjour, Claudette, comment ça va?"

• (1420)

[English]

I also wish to thank his lovely wife Kathy for her warmth, thoughtfulness and her undeniable contribution to the Senate as well.

Your presence, Kathy, your vitality and your support will be sorely missed on the Hill.

While I know that Senator Hays will continue to be active and to pursue his many interests, he will be dearly missed here in the Senate. Senator Hays has always contributed positively. He has been so thoughtful and has encouraged us to be thoughtful in our debates and reflections on how things unfold in this chamber. I thank him for that.

I wish you and Kathy all the best for the future. It has been a pleasure, indeed an honour, for me to have served in this chamber with you. I only wish it could have been so very much longer. I have so much yet to learn.

[Translation]

However, this is just farewell, not goodbye.

[English]

Hon. Elaine McCoy: Honourable senators, it strikes me there are few people among us who are given to transcending the circumstances in which, by chance and certainly through no fault of our own, we find ourselves. Coming from Alberta and Calgary, senators must realize that I am speaking of being, first, a federal Liberal, second, a senator, and, third, associated with former Prime Minister Pierre Trudeau.

Nevertheless, we all in Calgary hold Dan Hays in great esteem because of his continuing efforts to represent Alberta and to be fair to one and all, as so many have seen and spoken of this afternoon.

Senator Hays, as I have said elsewhere, there is something about your understated wisdom and boyish charm that manages to bring us all into your sphere of influence in a way that encourages us to do our best, to get along with one another and to increase the excellence of our service, whether to our city, our province or our country.

You have been a wonderful role model. I appreciate your quiet guidance to me in the time I have been here and before. I wish you and Kathy bon voyage, as others have said. I am only sorry that I have not had an opportunity to serve with you longer, but I certainly hope to keep in constant touch with you and Kathy as the years go by. All the best and, as we Irish say, may the wind always be at your back.

Hon. Dennis Dawson: Honourable senators, 30 years ago this week, I was sworn in as a member of the other place. I had the honour to sit in caucus with Senator Hays' father, Harry Hays. Actually, I had to tell a page that I was 12 years old when I was elected.

I was fortunate enough to sit with him in caucus for about five years, including one in which he co-chaired, along with our colleague Senator Serge Joyal, the Special Joint Committee on the Constitution. Pierre Elliott Trudeau trusted him with his most cherished project, the Charter of Rights and the repatriation of the Constitution. Unfortunately, he did not live to see its success.

When I came back here 20 years later, our constitutional committee was still being chaired by a Hays and was still strongly influenced by the now Senator Joyal. At that time, Senator Hays' dad and Senator Joyal did not always agree or see eye to eye; neither do my colleagues now, but they both love, cherish and believe in the institution.

In 1984, son Dan followed in Harry Hays' footsteps and joined the Senate. I also had, at that time, the opportunity to sit with him for a short period in caucus.

[Translation]

Unfortunately, I had to wait 20 years before joining him in the Senate. However, I had the privilege of working with him within our political party, since Senator Hays served as President of the Liberal Party from 1994 to 1998.

As soon as Senator Hays took on the duties of president, he immediately undertook to learn French. He was not the first, nor would he be the last to do so, but unlike many of his predecessors and successors, he learned French brilliantly and I would like to congratulate him on this.

My time in the Senate with Senator Hays has been all too short, but exceptional nonetheless. I had the privilege of working with him on the Special Senate Committee on Senate Reform. Unfortunately, we were not able to accomplish everything we hoped within that committee.

• (1425)

The level of debate, guided by Senator Hays' master hand, caused many people's ideas on the subject to evolve, particularly here in the Senate.

Furthermore, his recent contribution to this issue will serve as an important tool in our future debates. I would like to congratulate him on his work as Speaker, as a leader and as a senator.

Senator Hays, your father would be proud.

[*English*]

Hon. Yoine Goldstein: Honourable senators, I am jealous because most of you have known Dan Hays longer than I have. There are simply not enough superlatives in the English language to describe Dan. He is skilled, serene, warm and a devoted and competent servant of the Canadian people. Others have described the length and breadth of his service. I have come to know him first as the Speaker, then as the Leader of the Opposition and latterly and lastingly as a friend. I am proud to say that he and Kathy have become my friends and have become friends with Elaine. His courtesy, dignity, even-handedness and approachability made him a wonderful Speaker. His sense of collegiality and ability to both listen and hear made him a beloved and respected leader, and his warmth and positive disposition have made him an especially close and cherished friend.

Dan is a gift to his family, to this institution that he has graced with his presence, and to the people of Canada. For a whole host of reasons everyone in this chamber and all of the staff whom he has befriended over the years will sorely miss him.

Good luck, Dan, Godspeed in all of your future endeavours. Your years of superb service will make your presence in this chamber a lasting legacy for all of us. Notwithstanding that, please come back often to visit.

Hon. Catherine S. Callbeck: Honourable senators, I want to add a few words to the tributes that have already been given to Senator Hays. As we have heard this afternoon, Senator Hays has held a number of positions during his 23 years in the Senate, most notably Speaker, Deputy Leader of the Government and Leader of the Opposition. He has served in all those roles and more with great skill and distinction.

I had the pleasure of travelling to Japan with Senator Hays in March 1999 as part of the Canada-Japan Friendship Group. It was obvious to me during this trip that he had a tremendous interest in, and indeed passion for, furthering the ties between Canada and Japan. On that trip I also noted the respect and the admiration that our Japanese colleagues, government officials and friends had for the senator. In fact, not long after that trip his many accomplishments were recognized when he was awarded the Grand Cordon of the Order of the Sacred Treasure, one of

the highest decorations of Japan. This honour was given to Senator Hays as a token of appreciation from the Japanese government for his invaluable contribution to the strong friendship between Canada and Japan, and the pivotal role he has played in shaping Canada's relations with that country.

Senator Hays, your outstanding contributions and dedication to public life have earned you a special place in the hearts of your Senate colleagues. Your presence in this chamber will certainly be missed. I wish you continued success in whatever you do, and my very best to you and Kathy as you retire from the Senate.

Hon. David P. Smith: Honourable senators, I rise to pay tribute to my friend, colleague and fellow Liberal, Senator Hays. I have not known him quite as long as Senator Carstairs, but I think it has been about 43 years. I was very young at the time when I was Keith Davey's right-hand guy at headquarters and travelling coast to coast every month to get ready for the 1965 election. You could not go into Calgary without sitting down with a Hays. We have heard about his five years as Speaker and his year as the Leader of the Opposition. Of course, he carried out both those roles with the bearing and demeanour of someone whom one respects, and he lends an air of credibility to this chamber.

• (1430)

I want to touch on one other aspect, namely, that Senator Hays is an Alberta Liberal. That can be challenging. Not only that, but he is a Calgary Liberal, which can be even more challenging. In 1968, Pat Mahoney won Calgary South, the seat Senator Hays' father had held from 1963 to 1965. That was the last time a Liberal MP was elected in Calgary. The entire time Senator Hays has been here, there has not been a Liberal MP from Calgary. We think of him as "the man," just as we think of Senator Fairbairn as the person for Southern Alberta.

In order for a parliamentary democracy to work, you have to have two national parties. Whether you have three, four or five national parties does not matter so much, but you have to have two: You have to have a government and an opposition. I am not trying to be partisan here, but I think that when you have two strong national parties with representation in all the regions, in a way, they form a glue that helps to keep the country together.

Dan has been one of the key Liberals in Alberta, and certainly in Calgary — I cannot say through thick and thin, because it has only been thin during his entire time, during all those lean years — and the national president of the party for four years, just as Senator Meighen was president of the Progressive Conservative Party, and Senator Atkins and Senator Murray chaired campaigns. They have all done great things, and we need people like that. I recognize contributions to political parties, because without it, this place does not work and parliamentary democracy does not work.

For that reason in particular, I want to pay tribute to you, Senator Hays. When you and Kathy return to Calgary, I hope you will continue to do missionary work on behalf of the Liberal Party. We will be praying for you. Have a wonderful time. We hope to see a lot of you. Thank you very much.

Hon. Tommy Banks: Dan, much has been said about you — it is all correct and it has all been heartfelt — by your colleagues on both sides of this place.

[Senator Dawson]

My tribute to you will be almost entirely personal. I have not known you for nearly as long as I would have liked, but I am looking forward to knowing you for a great deal longer.

I want to talk about the enormous sense of pride that Albertans have in you and in your family. Even though I did not know you, I knew of you and your father long before I had even a remote interest in politics. Yours is an illustrious history in Alberta, and Albertans are enormously proud of you.

On behalf of myself and everyone who came here after me — and I suspect most people who came before me — I want to thank you for your mentorship, which has always been given gladly, for your unfailing courtesy, unfathomable knowledge and inexhaustible patience when we ask you the stupid questions, and for your infinite capacity to explain things so that we can actually understand them.

I have been scolding Senator Hays ever since he announced that he was going to leave us, because just at this moment, history has brought in yet another of those matters that originated in this place, a template for a sensible reform of the Senate. Senator Hays is leaving at exactly the time that he, if all things were perfect, would be leading that charge.

However, the reasons for which you have decided to leave, Dan, are unassailable, and I wish you and Kathy the very best. I thank you personally and on behalf of all who came after I did for the great help you have been to all of us and that I hope you will continue to be. Thank you.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable Senator Hays, I listened to all the compliments lavished on you by our colleagues here, and perhaps you are as surprised as I am that, throughout your long political career, no one has been able to point out any shortcomings on your part. There must be some hidden somewhere!

• (1435)

Naturally, I join all our colleagues in expressing my regret at your departure. Above all, I wish to say how much we have appreciated — and, as a Quebecer and a Canadian, how I personally have appreciated — your presence and the contribution you have made while serving the country. I believe that your entire career has been distinguished by your duties — as a minister, senator, member of the House of Commons, public servant — at the service of all our fellow citizens. You have served Canada and your province in a very special way. You have demonstrated a great openness and a very thorough understanding of Canada's linguistic and cultural duality, which enrich our country tremendously and bestow on Canada — together with the other cultural communities with which you have been associated for your entire career — a sense of respect, owing to your exceptional efforts and contributions made in both the Senate and the House of Commons.

I wish you all the best in the years to come and, once again, thank you for your immense understanding of, among other things, the protection and promotion of the French language within Canada and abroad. I had the opportunity to travel with

you to France and I have fond memories of that trip. It was there, on foreign soil, that I saw how well you articulated what Canada is all about and what represents the best of Canada. Thank you and all the best, Senator Hays.

[*English*]

Hon. Leonard J. Gustafson: Honourable senators, I will be brief. I came to know Senator Hays as a member of the Agriculture Committee. I want to tell you that he is a son of the soil. He always had a good word for the farmers and he always fought for justice for them.

I will explain it this way: As Speaker, I would ask a question and he would say, "Len, keep those questions coming." We needed that. His non-partisan attitude is exceptional.

I want to thank you for all you have contributed. On behalf of the Canadian farmers and the work you have done for them, I say thank you. You used to ask me, "How are the cattle prices doing?" You knew there was only one breed of cattle better than the Hays Converter, and that was Maine-Anjou.

Thank you, Senator Hays, and your family. God bless you.

The Hon. the Speaker: I would like to call on Senator Hays, who wishes to make a statement.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Daniel Hays: Honourable senators, I think statements should come before tributes, but it is not too late.

Mr. Speaker and honourable senators, I want you to know that I have given the Governor General notice of my intention to resign, effective June 30, 2007.

Honourable senators, it is an extraordinary experience to have the opportunity to listen to the tributes you have paid me this afternoon. I have started in French because it is probably a good idea to demonstrate that I am not as bilingual as you think. Nonetheless, I will accept the compliment. The first tribute I received was yesterday during senators' statements from my friend Senator Lapointe. He sings. It is extraordinary!

• (1440)

I very much appreciate the kind words from my francophone and francophile colleagues. It is important to have a sense of country. Canada is large, and a big part of this country for me is Quebec.

I discovered Quebec with friends like Senator Hervieux-Payette. When I was President of the Liberal Party of Canada, it was necessary to visit various regions to raise funds — Senator Smith knows all about this. Such travel is good for the parties. I did not just visit Quebec, but the Maritimes, Atlantic Canada and British Columbia as well. The region where I feel most at home is the Prairies, more specifically in the foothills. I live in Calgary. It is neither the prairies nor the mountains. I am not comfortable in the mountains because I feel too closed in, and the Prairies are very wide open spaces.

[English]

I, personally, have to be in the foothills where one can see a long way but is not too closed in.

I will try to be brief, Your Honour, because we have taken far too long. We are well past an hour.

I will begin by thanking my family.

[Translation]

First I would like to thank my wife, Kathy, my daughters Carol, Sarah and Janet, who is not here, and my granddaughters Theodora and Alexandra. I would also like to acknowledge the presence here today of my sisters-in-law Sally and Betty and a number of other friends.

I would also like to thank my assistants over the years, Melanie and Diane, Robert, Jean-Paul, Len and Marc. We are all well-served by our assistants; many thanks to you all.

[English]

I will speak a bit about colleagues, which is the only way I can respond to the wonderful tributes you have paid me, because if I speak to each of you individually, it will never end, which would not be good for this place.

I was thinking of Jean Lapointe, who initiated the rule that we take only 15 minutes for tributes, yet we are now an hour and a quarter into them.

It is a good thing that you were not here at the beginning, Senator Lapointe, because perhaps you would not have given leave for this abuse of the rules. In any event, I appreciate this very much.

Honourable senators, you have been very kind. You have touched me deeply. I am reminded of my benefactor, Mr. Trudeau — sometimes I thank him; sometimes I do not. It has been a great honour to serve with you all. I believe that I can call each and every one of you a friend. Most of you here have spoken. I noticed that and deeply appreciate it. I know that I am among friends.

I wish to speak a bit about the leaders under whom I have served. The first was Bud Olson; followed by Allan MacEachen; Royce Frith; Joyce Fairbairn; Alasdair Graham; Bernie Boudreau; Sharon Carstairs, my seatmate; Jack Austin and now Céline Hervieux-Payette. From my own experience, having been Deputy Leader of the Government and Leader of the Opposition, I know all of them carried a heavy burden. I appreciate their work and I thank them.

• (1445)

The Leaders of the Opposition during the same time were Duff Roblin, Lowell Murray, John Lynch-Staunton, Noël Kinsella and now Marjory LeBreton. All of them worked very hard and made a remarkable contribution, as is the case with the Liberal side, sometimes in government and sometimes in opposition.

The first Speaker I served with was Maurice Riel.

[Senator Hays]

[Translation]

He was a friend of mine and of my father's. He is an extraordinary man whose neighbouring office in the East Block would later become Jack Austin's.

[English]

Jack is an incredible guy. I learned a lot from him.

I was fond of Guy Charbonneau. We had our differences, but he served for two Parliaments, and I am the only other Speaker in my time here who served for two Parliaments. Mine were the Thirty-seventh and the Thirty-eighth Parliaments.

Roméo LeBlanc provided enormous leadership as Chair of the Internal Economy Committee when I first came here, and we changed the place in a profound way. It was run by one man when I came here, Walter Dean. It is now run by God knows how many people. We have a remarkable resource and I think we use it well.

The table deserves some attention. I have been here under three clerks: Charles Lussier; Gordon Barnhart, the current Lieutenant Governor of Saskatchewan — and I am pleased for him; and, of course, Paul Bélisle, the longest serving clerk in our history, probably of either House. He has been a good friend and a great adviser.

I will mention the Deputy Clerk, Gary O'Brien, and the Acting Deputy Clerk, Charles Robert. All of them have served us well and served me well, and I am proud to have been in this chamber with them over these many years.

The Senate staff is a remarkable group of people. When I was Speaker, they would move that huge dining room table in and out of the dining room for receptions and dinners, so I wish to mention them. All of the challenges of keeping the place going are met by a remarkable group of people who are our pages and our security and support personnel. They help us with all the things that we do.

Finally, I will mention the Library of Parliament. During my time here I have had the honour of chairing a few committees. On the Agriculture Committee, my deputy chair for much of the time was Senator Len Gustafson. Sometimes he was the chair and I was the deputy chair. We were well served by Jean-Denis Fréchette and June Dewetering. When I chaired the Standing Senate Committee on Energy, the Environment and Natural Resources, we did good work. The Library of Parliament supplied absolutely impeccable advice with their researchers Peter Berg, Lynne Myers and the late Dean Clay.

The committee that was spoken of earlier, which I served on with Senator David Angus, did very good work. I have saved senators a lot of time by writing a discussion paper, which I have made available. It outlines my views on what would be a good course of action for our chamber to follow in terms of its future.

[Translation]

No one deserves tributes like the ones I have been paid. I think I have already said that, but it is true. It seems like a competition to see who can say the kindest words.

• (1450)

Wednesday, June 13, 2007

[English]

Every one of my colleagues has said nice things, and I will always treasure what has been said today. I will read the tributes carefully.

My family is witness to this remarkable exception to the rule, the only one — since Senator Lapointe caused the rule to change — to take this long to pay respects and say goodbye to a senator.

I will leave it at that. I thank all honourable senators. When I leave here today, I will not be back. I will be around for a few days, and I will see colleagues at the reception that His Honour is hosting.

I wish I could have properly responded to each and every one of my colleagues who gave me a tribute. I hope I will have time to do that over the next few days in letters and in other ways.

Honourable senators are always welcome at our home. Kathy and I will be hosting, we hope, many senators in Calgary. Our Stampede breakfast will be on again this year and honourable senators are invited. I hope everyone will be able to attend.

Thank you and goodbye.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS

GOVERNMENT RESPONSE TO REPORT
OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled *Negotiation or Confrontation: It's Canada's Choice*.

[English]

STUDY ON USER FEE PROPOSAL FOR SPECTRUM LICENCE FEE

REPORT OF TRANSPORT AND COMMUNICATIONS
COMMITTEE PRESENTED

Hon. David Tkachuk, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

The Standing Senate Committee on Transport and Communications has the honour to present its

ELEVENTH REPORT

Your Committee, to which was referred the document "Department of Industry User Fees Proposal for a spectrum licence fee for broadband public safety communications in bands 4940-4990 MHz" has, in obedience to the Order of Reference of Tuesday, May 29, 2007, examined the proposed new user fee and, in accordance with section 5 of the *User Fees Act*, recommends that it be approved. Your Committee appends to this report certain observations relating to the proposal.

Respectfully submitted,

DAVID TKACHUK
Deputy Chair

Observations of the Standing Senate Committee on Transport and Communications on a Proposal for a Spectrum Licence Fee for Broadband Public Safety Communications in the Frequency Band 4940-4990 MHz

Your Committee supports the philosophy behind the proposal, namely that the radio spectrum is a valuable asset that should be well-managed for the benefit of all Canadians. The proposed fee, chosen to reflect the economic value of the spectrum band, is an attempt to use the price system for the efficient allocation of a scarce resource. This is commendable, but your committee has several concerns with the proposal.

Your committee's first concern is that the users of this spectrum band are public safety entities (police departments, fire departments, ambulance services, etc.). These are generally non-commercial entities, often financed by some level of government and often engaged in emergency services. Many would argue that public safety entities should not pay fees that reflect the alternative use of spectrum by commercial users.

Your committee's second concern is that the fee proposed is, at best, an imprecise reflection of the economic value of the 4940-4990 MHz spectrum band. Industry Canada looked at other countries but did not find a useful model, so they took fees for commercial (and exclusive) use of spectrum in Canada and adjusted downward because the public safety spectrum would be shared. In practice, the department chose the lower end of the range for commercial-use fees and divided by four. The proposed fee is thus based on several subjective elements.

Your committee's third concern is that the quest for a fee that reflected "economic value" led the department to reject a fee based on cost recovery. In the U.S. fees for the 4940-4990 MHz spectrum band will not be chosen to reflect economic value; non-auctioned spectrum in the U.S. may only reflect the cost recovery for the management of the spectrum.

Your committee accepts the current proposal but urges Industry Canada to revisit its policy for the pricing of spectrum to be used by public safety entities. In particular, the department should consider the efficiency issues associated with fees based on cost recovery.

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

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

[*Translation*]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

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

That the Standing Senate Committee on National Finance have the power to sit on Tuesday, June 19, 2007 and on Wednesday, June 20, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

PUBLIC SECTOR INTEGRITY COMMISSIONER

NOMINATION OF MS. CHRISTIANE OUMET— NOTICE OF MOTION TO REFER TO COMMITTEE OF THE WHOLE

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

That the Senate do resolve itself into a Committee of the Whole on Tuesday, June 19, 2007, at 8 p.m., in order to receive Christiane Oumet respecting her appointment as Public Sector Integrity Commissioner;

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

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

BUDGET IMPLEMENTATION BILL, 2007

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-52, to implement certain provisions of the budget tabled in Parliament on March 19, 2007.

Bill read first time.

[Senator Tkachuk]

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I discussed this matter with honourable senators yesterday. With leave of the Senate, I move that the bill be placed on the Orders of the Day for consideration at the next sitting of the Senate.

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

• (1455)

[*English*]

INCOME TAX ACT EXCISE TAX ACT

BILL TO AMEND—FIRST READING

Hon. Charlie Watt presented Bill S-229, to amend the Income Tax Act, Excise Tax Act, tax relief for Nunavik.

Bill read first time.

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

On motion of Senator Watt, bill placed on the Orders of the Day for second reading two days hence.

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO EGYPT, MARCH 4-6, 2007—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation on the Bilateral Visit to Egypt, held in Cairo, Egypt from March 4 to 6, 2007.

[*Translation*]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

ADVANCE CONTRACT AWARD NOTICES— CONTRIBUTION TO COMPETITIVE PROCESS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, yesterday we learned from the Canadian Centre for Policy Alternatives that 41 per cent of the 19,568 contracts awarded last year by the Department of National Defence were non-competitive sole source contracts.

Insisting that such advance contract award notices, or ACANs, are part of a competitive process, the Honourable Michael Fortier said yesterday, and I quote:

. . . we do not agree on definitions; let us agree to disagree. ACANs are competitive, so we could have this 'back and forth' for a long time.

Honourable senators, why is the minister contradicting the Auditor General, who said:

ACANs contribute very little to competitiveness. . . it is not a competitive process.

• (1500)

My question to the minister is: Since when is the Auditor General of Canada allowed to contradict the government and to not concur in the opinion of the minister who claims that ACANs are part of a competitive process?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank Senator Hervieux-Payette for her question. The Auditor General and her predecessor have indeed addressed this issue. I would suggest that Senator Hervieux-Payette review the contents of the letters received by my predecessors, who were ministers of the Crown in her government at the time.

For years now, advance contract award notices have been regarded by governments as a competitive environment, the reason being that, following a careful scrutiny of the contracts at hand, officials come to an agreement that only one manufacturer is capable of supplying the equipment required.

However, in order to ensure that the government or procurement officer is right, the market must be informed, generally through the MERX system, which could be described as the eBay of government procurement, whenever a contract is being given to a third party. In the case of the C-17s, I even doubled the period of public consultation from 15 to 30 days. Although we doubled the period of consultation, no other manufacturer was able to demonstrate to us that they had a piece of equipment that qualified.

I can say that the system is working well, first, because it demonstrates that the government, through its procurement branch, does whatever it can in advance to identify the manufacturers that might be able to provide us with the equipment. Second, we must also recognize that this saves a great deal of time.

We talk about saving public money, but we must also consider the importance of saving time in any procurement process. I think this is very good news, considering the significant delays we had accumulated with many of our clients, such as National Defence, for instance.

Senator Hervieux-Payette: Honourable senators, perhaps some here have read today's *The Edmonton Journal*. It contains harsh criticism to the effect that military procurement contracts worth billions of dollars were awarded to sole source suppliers without any invitation to tender or competitive bidding process. It would

appear that, outside the government, people feel that the process is not transparent or honest, and that it does not give Canadian taxpayers, who are footing the bill, their money's worth.

Would the minister be prepared to review the process? I will give him a few things to think about. When it comes to competitive bidding for sophisticated equipment, it is not necessarily the design of the equipment that is most important, nor the colour of the helicopter or the kind of wheels under the helicopter; rather, it is the function that is most important. We have seen in the past, under a previous government, public servants who worked for years to develop a helicopter that never existed and that had to cost a certain amount. We learned that, in this kind of undertaking, it could take a very long time to develop the product and determine the specifications before, finally, contracts were awarded. After being told that we would have the products off the shelf, that we could purchase them immediately the next day, many years went by and the products were still not purchased.

The minister must deal with the Department of National Defence, which has needs that we all recognize, and also with the people who claim that only one product fulfils the requirements. While it takes years to develop specifications for a product, we require a supplier to submit a bid and be able to deliver the product within 15 or 30 days.

Can the minister commit to examining this over his summer holidays and getting back to us with more serious proposals for awarding billion-dollar procurement contracts proposed by a number of suppliers and for which Canada should get a better bang for its buck?

• (1505)

Senator Fortier: Honourable senators, I will have to address some criticisms of the Leader of the Opposition. She is wrong. This is far from being an opaque system; it is very transparent. I explained it earlier. The specific needs, the parameters required by Parliament, are set out in MERX, regardless of what product we want to buy. I do not know what more we can do.

With respect to the C-17, Senator Hervieux-Payette is talking about asking a manufacturer to deliver equipment within 15 or 30 days. This is not the case. We give it 30 days to analyze the criteria we want to have, for existing equipment.

She brought up the argument for contracts, for ACANs. That is exactly why we use it. Thus, we no longer purchase equipment that does not exist and that will take 15 years to be delivered to the army. It will never be delivered — not within the time required or within the budget. We will no longer do this.

Senator Hervieux-Payette: I will give the minister another chance to explain. I am quite well aware of the tendering process. We have all met with government suppliers who are extremely frustrated because they knew that the specifications provided fit a single product and that the government was looking for this specific product, not a product to serve a particular function. I think that the process needs to be re-examined. The minister says that everything is published. It is true that the specifications are published, but if the specification writers know in advance that only one supplier in Canada will meet the specifications, I do not think that we are fulfilling our obligation to provide the best product for a specific purpose, when a number of other products

might fit the bill but do not meet the departmental officials' narrow specifications.

I am asking the minister to re-examine this process and consider how to improve the value to taxpayers, with products delivered on time and at the best possible price.

Senator Fortier: Honourable senators, I am afraid I do not understand what the Leader of the Opposition is driving at. She first talked about ACANs, then non-existent equipment and finally an opaque, secret system where nothing is transparent. My answer is that everything is transparent and that we plan to purchase existing equipment.

For example, take the C-17, which is military equipment. That is what she is interested in. Does the Leader of the Opposition know of any other aircraft that would meet the criteria set out in the ACAN? If so, she should let us know. I know the market well enough to know that, if another manufacturer had been able to provide the same equipment, we would have held a competition.

I told Senators Carstairs this yesterday. We used an ACAN, which is a tendering process. I invite Senator Hervieux-Payette to read the Treasury Board rules, which were probably written when she was in government. These rules have existed for a very long time. It is a tendering process. I invite her to examine the financial terms we got for the purchase of these four aircraft. As I said yesterday, based on what we know about other countries, we got the best price ever paid in the history of the C-17 aircraft, a price that benefits the purchaser. I think that the taxpayers and the Canadian Forces came out ahead. This is an example to follow, not something to criticize.

[English]

DEPARTMENT OF NATIONAL DEFENCE
NON-COMPETITIVE CONTRACTS

Hon. Sharon Carstairs: Honourable senators, my question is for the Minister of Public Works. In 2004-05, 15 per cent of the money spent, \$1.4 billion, was in "non-competes." In 2006-07 it was 34 per cent of the money spent, or \$3.5 billion. The percentage has increased from 15 to 34 per cent. Does the minister not understand that this requires a review?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. She is using figures with which I disagree, as she knows. I do not consider Advance Contract Award Notices, or ACANs, to be sole-sourced, but rather to be competitive processes.

• (1510)

I know that the honourable senator knows how they work. They are published. Thankfully, third parties have come to the government in the past and indicated that they can manufacture or deliver whatever we are looking for, so the system does work.

With respect to the military, as the honourable senator knows, because she has been around these issues far longer than I, and I say this respectfully, in some cases it has taken us 10, 12 or

[Senator Hervieux-Payette]

14 years to deliver a particular piece of equipment. I do not want to be partisan. I do not think it is a bad idea to be buying off the shelf. It is the beginning of a good idea. This stuff is off the shelf, and it meets the specifications that our experts at National Defence require. To be quite honest, I am trying to find what is broken that I need to fix.

Senator Carstairs: Those figures do not include the C-17s.

FINANCE

ATLANTIC ACCORD—
OFFSHORE OIL AND GAS REVENUES

Hon. Jane Cordy: Honourable senators, in relation to the Atlantic accord, could the Leader of the Government in the Senate tell this chamber the difference between a negotiation and a discussion?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I did not bring my copy of Webster's or Oxford with me, but I believe that the words "negotiation" and "discussion" can fit a wide range of activities. I expect the honourable senator is asking the question in view of the discussions held yesterday with the Premier of Nova Scotia. I understand the discussions went very well, as was indicated by the premier. Without getting into the finite definitions of "negotiation" or "discussion," for the moment I will refer to them as discussions.

Senator Cordy: I understand the leader's confusion. In fact, Minister Flaherty used the same confusion and semantics to mislead Atlantic Canadians in an article in Saturday's *Chronicle-Herald*. Bill Casey said there was a side deal for Nova Scotia. Premier MacDonald thought he was negotiating a deal with the Harper government. Is this government negotiating a deal with Nova Scotia or is it not?

Senator LeBreton: The government brought in the budget in March 2007. It is very clear that, in the budget, the O'Brien committee recommendations were brought in, with the exception of Newfoundland and Labrador and Nova Scotia. In both those cases, the government stood by its commitment to those provinces that the Atlantic accord, as negotiated by the previous government, and the equalization payments that were in effect when the accord was negotiated would be honoured, without a cap. That is what has happened.

I knew Premier Danny Williams would eventually be of some help to us because he has been so over the top, so outrageous and so irresponsible in playing the national unity card that he has caused thinking Canadians to look at what is actually happening here. I am very pleased to note in today's newspapers and editorial comments that this issue is clear now. Both of these provinces have the option of staying within the accords that were signed by the previous government, the previous Prime Minister, or opting into the new agreement. It is becoming crystal clear. I am very happy, as I said, to see all of the national newspapers acknowledging this fact, including *The Globe and Mail*, which often I do not like to quote because at different times I have had differences with *The Globe and Mail*.

• (1515)

The fact is that the government made a commitment to these provinces, and we have kept the commitment. We must govern for all of Canada. In the last election campaign, when the leader of the Conservative Party, Mr. Harper, raised the question of fiscal balance, the other party was in complete denial, including the then leader, Paul Martin, and the current leader, Stéphane Dion. They said that fiscal imbalance was not an issue at all.

I believe the government has taken the right step. We must govern for all of Canada. We cannot have a situation such as happened with Danny Williams and former Prime Minister Paul Martin, when Mr. Williams threatened to tear down the Canadian flag and bullied Mr. Martin. The problem was that Paul Martin paid a lot of attention to those tactics. The current Prime Minister does not.

Senator Cordy: Honourable senators, if the leader read the Atlantic accords and the budget, she would know that this agreement has not been honoured by this government. It is crystal clear to me that agreements signed in good faith by the Governments of Nova Scotia and Newfoundland and Labrador have been broken by the Stephen Harper government.

This government has abandoned Atlantic Canada. Stephen Harper's arrogant attitude of "so sue me if I break my word" should not be the Canadian way. We have learned today that the Premier of Saskatchewan has told his provincial justice department to pursue legal action against the federal government over equalization. Why should our provinces and territories have to pursue legal action whenever Mr. Harper breaks his word?

Senator LeBreton: Honourable senators, I was very interested in the news that the Premier of Saskatchewan has instructed his department of justice to take legal action against the federal government. We are all wondering what legal action he is suggesting, because there was no accord signed with the Province of Saskatchewan, although they have put forward their own accord. Are they going to sue the federal government for not following their accord?

Senator Cordy: It is just a beginning.

Senator LeBreton: This is an interesting question.

The government has not abandoned Nova Scotia or Newfoundland and Labrador. This has now been acknowledged by people who are finally looking into the issue.

Since the honourable senator is talking about Nova Scotia, let us go over what Budget 2007 did for Nova Scotia.

Budget 2007 fully honours the commitment to respect the province's offshore accord by allowing Nova Scotia to operate under the existing equalization system for the life of the accord. They had that option. Nova Scotia has chosen a new system this year, which will result in the province receiving \$95 million in additional benefits.

In 2007-08, equalization will deliver over \$1.3 billion to Nova Scotia.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker: Order. I know that honourable senators recognize the difference between this house and the other place.

Senator LeBreton: Thank you, Your Honour.

I was raised on a farm and I have a very loud voice. I used to be able to yell loudly enough that my father and brother in the back field could hear me when it was time for lunch.

Senator Cools: Confessions.

Senator LeBreton: It is not a confession; it is something I am very proud of.

As I was saying, compared to what it received in 2005-06, Nova Scotia will receive an additional \$327 million in federal transfers and programs over the next two years. Budget 2007 fully honours the commitment to respect the province's offshore accord by allowing Nova Scotia to operate under the existing equalization system for the life of the accord. Nova Scotia has chosen a new system for this year, which will result in the province receiving \$95 million in additional benefits. In 2007-08, equalization will deliver over \$1.3 billion to Nova Scotia, while the offshore accord adds another \$130 million.

• (1520)

Budget 2007 is a good budget for Nova Scotia. In addition to the equalization money, it provides the province with \$24.2 million for the patient wait times guarantee trust; \$63 million for infrastructure funding, which was applauded by Nova Scotia's deputy premier; \$42.5 million for the clean air and climate change trust fund; and \$15 million for the Life Science Research Institute in Halifax.

The budget also provides the people of Nova Scotia with tax relief through the Working Income Tax Benefit, the so-called WITB, which will provide workers in Nova Scotia with \$17.8 million. In addition, the change to the basic spousal amount in the budget will save Nova Scotians \$8.3 million.

Hon. James S. Cowan: Honourable senators, a report released today by the Atlantic Provinces Economic Council, a well-respected and non-partisan independent think tank, says that all Atlantic provinces will be worse off as a result of this government's betrayal of the Atlantic accord. In particular, Nova Scotia will lose \$1.4 billion.

Some Hon. Senators: Shame!

Senator Cowan: In light of this new, irrefutable evidence, will the Leader of the Government in the Senate urge her colleagues in the cabinet to reconsider their position on the Atlantic accord and honour the commitments made in the accord and supported by her party, promises that the Prime Minister made to Atlantic Canadians and has now broken?

Senator LeBreton: Honourable senators, I am aware of the report of this think tank. Every time I hear about a report from a think tank, whether this particular one, the C.D. Howe Institute or the Conference Board of Canada, I always say, "Oh, my goodness, not another think tank."

That is their opinion. The fact is that all provinces are better off under the new, enriched equalization formula. All the independent think tanks are perfectly entitled to their opinions. The government must govern for all of Canada and for all Canadians. Unfortunately, we have come through an era where, rather than governing in the interests of hard-working, tax-paying Canadians, we have had governments that spent far too much time trying to appease this or that think tank. The fact is that the equalization formula benefits all provinces. The think tank is wrong.

Senator Cowan: I am interested to hear the minister suggest that the commitments that were made and the signed agreements between the Government of Canada and the governments of the provinces are somehow appeasements to think tanks. That is an interesting spin.

The leader draws our attention repeatedly to the choice that has been offered to the Governments of Nova Scotia and Newfoundland and Labrador. They can either have the deal they signed or enter into some new arrangement that may offer some temporary benefits.

The APEC report goes on to say that giving some provinces and not others the option to choose essentially creates two different equalization systems, which is surely not sustainable in our federation.

Instead of aggravating relations with the provinces, threatening lawsuits and creating two different and unsustainable equalization systems, why not simply do the right thing and honour the commitments contained in the Atlantic accord?

Senator LeBreton: If the honourable senator read the report, she would know that the study's authors say that both provinces would clearly be better off sticking with the status quo and their 2005 Atlantic accord. That is what we have offered to do.

Senator Cowan: No, you have not. Absolutely not.

Senator LeBreton: The O'Brien committee was set up by the previous government and it presented its findings to the provinces. If the honourable senator is worried about the other provinces, especially the paying provinces — British Columbia, Alberta and Ontario, plus Manitoba, Quebec, New Brunswick and P.E.I. — she may be reassured to know that the O'Brien formula was presented to the provinces, and the provinces could not come to an agreement.

• (1525)

Since we are on the issue of fiscal imbalance and the honourable senator is so concerned about what the other provinces might be getting, as I mentioned earlier, in the last election campaign we were the only party that brought to the forefront the issue of equalization.

All provinces and territories will receive more funding and transfers this year and each year into the future, including the following investments: \$2.1 billion over the next two years for equalization; an increase of \$800 million to post-secondary education for 2008, rising by 3 per cent per year afterwards;

[Senator LeBreton]

\$16.3 billion over seven years for infrastructure; \$250 million per year to the provinces and territories for child care spaces; \$3 billion over seven years for labour market training; and a \$1.5 billion trust fund for clean air and GHG reductions.

The first budget of our new government, Budget 2006, took a major step towards resolving the fiscal imbalance by setting out a principles-based plan and taking immediate action.

Budget 2007 follows through on that plan and goes further. It restores fiscal balance with the provinces and territories by putting transfers on a long-term footing so we do not have to go through this same thing year after year; it makes government more accountable to Canadians by clarifying roles and responsibilities; it provides taxpayers with a tax-back guarantee; and it strengthens the economic union based on the plans set out by the Minister of Finance in Advantage Canada.

Senator Stratton: Hear, hear!

FISHERIES AND OCEANS

NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION—PROTECTION OF NATIVE POPULATIONS

Hon. Michael A. Meighen: Honourable senators, my question is for the Leader of the Government in the Senate and also deals with matters relating to the Atlantic area.

Last week, representatives from the Department of Fisheries and Oceans gathered with their counterparts from across the North Atlantic at a conference in Bar Harbour, Maine. The North Atlantic Salmon Conservation Organization, NASCO, is a treaty conference attended each year since 1983 by Canada and 17 other nations that have wild Atlantic salmon populations spawning or migrating in their territories. All signatory nations were asked to submit implementation plans with a timetable and commitment to action, outlining how they intend to better protect their native populations of wild Atlantic salmon in line with their NASCO obligations.

I am sorry to have to report that a review group made up of representatives of government and NGOs gave Canada a failing mark, only seven out of 13. Given the fact that a recent public opinion study conducted for the DFO indicates that wild Atlantic salmon are very important to the cultural and economic values of all Canadians, from Bonavista to Vancouver Island, and indeed that Canadians consider the wild Atlantic salmon among the most important species for the Government of Canada to conserve and to fund, alongside whales and Atlantic cod, will the Leader of the Government in the Senate describe for us the process that will be taken to achieve for Canada a perfect score of 13 out of 13, such as received by the United States, England and Wales?

Will that process be a meaningful and realistic examination that links Canada's actions with the requirements of national agreements on fisheries management, protection of habitat and control of the impacts of aquaculture and related activities on the wild Atlantic salmon populations?

Finally, will DFO consult with the stakeholders, such as the Atlantic Salmon Federation, as it revises its implementation plan that is due for re-submission to NASCO review group by November 1 of this year?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question.

Senator Fortier: Best question of the day.

Senator LeBreton: The report comparing Canada to other countries is not something to celebrate. Senator Meighen is quite right to have drawn it to our attention. We will certainly work to do better.

Of course, the Canadian government takes conservation of salmon seriously. We will work closely and consult with our stakeholders, including the Atlantic Salmon Federation. We have recently released our new wild Atlantic salmon policy for stakeholder consideration, and we look forward to their feedback.

When we hear from them, it will also help support our response to the NASCO review. The government is already directing significant financial resources and conservation efforts to protect the Atlantic salmon.

There is \$30 million provided to the Atlantic Salmon Endowment Fund; \$2 million annually spent on salmon-related scientific research; 75,000 hours annually spent on enforcement; and there are strict catch limits in the recreational fishery.

We are looking for new ways to improve conservation. It is a serious problem, and once we receive feedback from our stakeholders, the government will continue on this action and hopefully improve our report card next year.

• (1530)

VISITORS IN THE GALLERY

The Hon. the Speaker: Before proceeding to Delayed Answers, honourable senators, I wish to draw your attention to the presence in the gallery of representatives of the World Health Organization who are celebrating World Blood Donor Day tomorrow, which Canada is hosting.

On behalf of all honourable senators, I wish to welcome the representatives of the WHO to the Senate of Canada.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting the delayed answer to an oral question raised by Senator Hervieux-Payette on May 15, 2007, regarding support for arts and culture, as well as the funding of international tours.

HERITAGE

SUPPORT FOR ARTS AND CULTURE

(*Response to question raised by Hon. Céline Hervieux-Payette on May 15, 2007*)

The International Cultural Relations Division (PCR) of the Department of Foreign Affairs and International Trade administers an Arts Promotion Program (known informally as PROMART) which disbursed more than 340 grants totalling \$4.4 million in the 2006-2007 fiscal year. PROMART grants continue to fund Canadian artists and cultural organizations performing on the international stage, using Canada's cultural success stories in international markets to support DFAIT's Foreign Policy and Trade objectives.

PROMART grants highlight the significant results achieved by the Cultural Grants Program, using culture as an instrument of Canadian foreign policy. In the 2006-07 fiscal year, Les Grands Ballets Canadiens received a grant of \$155,000 for 22 performances in the United States of America; l'Orchestre Symphonique de Montréal, a grant of \$80,000 to perform in Paris; and the Royal Winnipeg Ballet, a grant of \$40,000 for 12 performances in the United States of America. The program's annual reports will shortly be available on its website at <http://www.dfait-maeci.gc.ca/arts/>.

ORDERS OF THE DAY

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved third reading of Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act.

He said: I will speak briefly about this very important bill, which is at third reading stage. It is a very lengthy bill, but rest assured that your colleagues on the Standing Senate Committee on Legal and Constitutional Affairs have carefully and thoroughly examined this bill to amend the Canada Elections Act and the Public Service Employment Act.

Without reiterating all the points raised during the various speeches made in this chamber, we must remember that this is a bill that follows a rather complex process. In fact, after every general election, the Chief Electoral Officer produces a report indicating the series of changes that he would like to see made to the electoral process and, primarily, to the Elections Act.

This was the case after the thirty-eighth general election. Unfortunately, or fortunately depending on your point of view, a second election was held fairly quickly and the members did not have the time to examine the thirty-eighth report of the Chief Electoral Officer after the

thirty-eighth election. They had to wait until after the next general election and that is what they did. They produced, with general agreement, a fairly exhaustive report on a series of items for discussion. The government then responded to the Senate committee report by tabling Bill C-31.

We have had Bill C-31 before us for a few months. I would like to provide a brief overview of this bill, which seeks to make improvements to the National Register of Electors as well as the lists of electors distributed during an election period and annually to the various members and political parties.

The purpose of this bill is to facilitate voting, which is one of our most important principles; to enhance communications with the electorate; and to amend the voter identification process to prevent electoral fraud. There is also one final change that we have already discussed; that is, the change to the Public Service Employment Act.

You will recall that we discussed whether it was appropriate to adopt a broad amendment to allow the entire federal administration to amend the 90-day limit for casual employees. We decided, very wisely, I think, to limit the Chief Electoral Officer's ability to extend this 90-day period to a fixed and non-cumulative period of 165 days per year.

Honourable senators, like me, throughout the review process of this bill you received a rather significant amount of correspondence from a number of Canadians who were concerned about including in the lists of electors, which are made "public" since they are distributed to a wide range of recipients, each voter's full date of birth. The Standing Senate Committee on Legal and Constitutional Affairs studied this issue at length and presented a report that amended the issue.

Last week, I announced that the government reserved the right to introduce an amendment in the other place, since our bill will be amended. I therefore have no intention of going any further on this part of the debate.

I understand and respect the concerns expressed by a number of the witnesses that we heard. I think the debate is not over. The issue of electoral fraud is a matter of real concern, but we have not received much evidence that such a fraudulent mechanism is used systematically. I do not think it has gone that far, but it is good to be prepared.

In closing, I must say that I had a discussion with Senator Joyal who, like me, considered the possibility of amending the bill at third reading stage. I do not want to deny him his announcement in due course, but I would like to say that I too had raised the possibility of proposing an amendment to limit the identification of voters by keeping only the initial of their first name in order to protect them, because this information circulates rather significantly every year and during the course of an election.

After discussing the matter with Senator Joyal, I have decided to curb my enthusiasm and wait. You will understand once he gives his speech. Let us wait until the time is right to see if we should change voters' lists so that voters' full name no longer appears but, rather, only initials to identify them when they go to vote at polling stations.

[Senator Nolin]

Honourable senators, I urge you to support Bill C-31. We have already amended it, so our colleagues in the other place are waiting impatiently for us to return this bill to them, and I think we can do that without delay. I would be pleased to answer any questions you might have.

Hon. Serge Joyal: Honourable senators, I do not have any questions for Senator Nolin. Unless any other senators have questions, I would like to begin my remarks at third reading now.

[English]

Honourable senators, this is an important bill. It will change the rules of the game in a very substantial way in relation to the identification of voters. As Senator Nolin has mentioned, after each election there has been a report from the Chief Electoral Officer on the amendments that he proposed. There have been allegations of problems of voter identification when people come to the polls to exercise their free and democratic right, according to the Charter, of voting in a federal election.

• (1540)

Comments were made about the problem of voter identification that might have been encountered in some ridings, not on an overwhelming scale but on a very limited scale. In fact, there was an investigation led by Ontario, and there were perhaps only one or two cases. It was a "maybe"; it was not even proven that there was a problem.

The committee in the other place that studied this proposed legislation came forward with amendments to the original draft of the government bill by adding the date of birth of the voters to the list of voters. One cannot help but have the reaction that if you publish that on a large scale — and the bill provided that it be in the form of electronic disk, which is easy to copy — you will be giving worldwide access to all the details necessary to steal the identity of a person.

There is a report of the RCMP on this problem, and a special committee in the other place is studying the problems represented by stealing people's identity. We know this is a contemporary problem because of the new technology. It is very easy now, with a punch card, to substitute the name of someone with another person's information. With the proper details of information such as date of birth, address, sex and so on, one can even fabricate an identity. That has reached a high level of what we call white-collar crimes today.

Of course, in this chamber, we are always cautious when we look into amendments to the Canada Elections Act that have been brought in the other place, because we are told that we are not elected. Not being elected, we should just close our eyes, hold our noses, put a plug in our ears and pass the bill. We are sorry that this is not exactly the role of this chamber in relation to the rights of citizens, especially when we are dealing with the privacy rights of citizens.

In that case, after having heard the Privacy Commissioner, we came clearly to the conclusion, which was shared by many senators around the table — including Senator Fraser, Senator

Nolin, Senator Andreychuk, Senator Milne, Senator Baker and Senator Carstairs, who spoke on this — that this is a major problem. When one wants to improve the system to remove the potential for fraud —

Senator Oliver: Believe it or not, I was there, too. I chaired the meeting.

Senator Joyal: — one cannot, at the same time, create bigger problems by giving greater access to someone's privacy, and making it easier to steal their identity. One can make a bigger problem than the one one wants to solve.

That was essentially the conclusion we came to on the amendments that were brought into the chamber by the Liberal Party and the Bloc Québécois. We thought that was an important point that we had to review; and I concur with the committee report. We had to amend the bill to remove the amendments that were brought in the other place regarding the identity of the voters.

Honourable senators, this bill will change something fundamental; it will change the electoral system from a system where a voter is freely identified to a system in which the voter has to prove who he or she is. That is totally different.

In other words, from being a free society, where a person can go to the polling station and say, "I am Mr. or Mrs. or Ms. So and So," one will now have to prove one's identity with two very specific documents. One can immediately conclude what this will mean for some groups of Canadian voters.

The right to vote, honourable senators, is found in section 3 of the Charter of Rights and Freedoms. It is a right that cannot be suspended under the notwithstanding clause, section 33. It is a fundamental right.

When there is additional difficulty for any group of citizens to go to the polls and vote, one must ask: Are we creating a process that is less intrusive, cumbersome and difficult to meet for any group of citizens; or are we creating, for some groups of citizens, an additional bar to exercise their right to vote? This is a very fundamental question related to a Charter right.

It is the privilege and the duty of this chamber, when we have to deal with the Canada Elections Act, to ask ourselves that question and to give an answer. I believe the committee gave an answer to that question.

Honourable senators, there were other problems that this bill contained that I want to raise quickly in my allotted time this afternoon. I am keeping my eye on the new watch of the Speaker.

The other element of this bill that we questioned was the process of vouching. Vouching is the capacity of a voter to come to the polling station and have someone confirm their identity. However, the bill contains a prohibition or a limitation. A person can vouch only for one other person, and the voucher must be registered in the same polling station as the person being vouched for.

Let me give honourable senators an easy example. You live in an apartment building, and the doorman or the manager of the building is registered in the same polling station as

you. Theoretically, it is the same address, same building and same street. You live with a spouse. The doorman or manager will be able to vouch for only one of the two. Or, if you are the parent of two children who are of voting age, you will be able to vouch for only one of the two children.

It seemed to us that there was something there that did not make sense. We raised that question because we thought that, with the good intention to provide better assurance of the identity of voters, we are creating a distortion of the freedom to exercise voting rights.

Many senators around the table raised that issue. Senator Baker was the first to do so when we listened to the minister testifying before the committee. I wrote to the Chief Electoral Officer on May 17, between meetings on the bill, to ask him if there could not be a system whereby we could make vouching easier — again, in respect of the spirit of section 3 of the Charter to make the voting easy — providing we keep the capacity to better identify voters.

We raised many other examples, honourable senators. For instance, there are people who are served by the food banks — people who happen to be homeless, or who do not have a permanent address that is confirmed by many public or civil documents. After our representation, we succeeded in improving the system, to a point. We received a commitment from the new Chief Electoral Officer, Mr. Mayrand, to use section 142.3 of the Canada Elections Act so that the Chief Electoral Officer could provide the capacity for an administrator of a food bank or a shelter to produce a list of the people served by that institution confirm identity and residence. However, it is not complete in terms of what we should expect from a more flexible vouching system.

We had another concern, honourable senators, in relation to the misuse of the electoral list. As I mentioned, the new electoral list is now in the form of an electronic disk. Again, there is nothing easier to copy than an electronic disk. Anyone can file a paper with the chief electoral officer of a riding, pay \$200 and get a copy of the electronic list.

We asked: If a person misused that electronic list, what would the penalty be? What fine or prosecution will the person have to face? According to section 500 of the Canada Elections Act, the person will face a maximum penalty of \$1,000. Any RCMP officer who investigates the white-collar crime of identity theft can tell you that personal details of any person is worth at least \$5 on the black market. Multiply that by the number of names that appear on a list of electors, which can be obtained for a mere \$200, add a potential fine of \$1,000, and you can understand why this opens the floodgate to additional misuse of personal information.

• (1550)

If honourable senators think I am inventing what I am telling them today, the Privacy Commissioner of Canada, Ms. Jennifer Stoddart, stated quite clearly that the penalty cannot be changed through regulation and that the Canada Elections Act would have to be amended to prevent such identity theft. She told the committee quite clearly that the penalty is insufficient to be a

reasonable deterrent. As honourable senators know, penalties are in place to act as deterrents to wrongdoing. People tend to refrain from wrongdoing when the penalty is higher than \$1,000.

I asked the Chief Electoral Officer of Canada, Mr. Marc Mayrand, if he would consider it appropriate that we amend the bill to increase the penalty. I quote Mr. Mayrand's response in his testimony before the committee on May 30, 2007:

From my perspective, certainly not, because it is an issue of trust in our electors and in our electoral system. We have to show that these matter are taken very seriously and will lead to serious consequences if the lists are mishandled. I do not see any downside to that.

The Chief Electoral Officer welcomed the suggestion to increase the penalty. The Privacy Commissioner advised the committee to increase the penalty so that its deterrent nature would be much more influential than it is now.

MOTION IN AMENDMENT

Hon. Serge Joyal: Honourable senators, with the support of the two people responsible for protecting privacy and administering the electoral act, I move:

That Bill C-31 be not now read a third time now but that it be amended,

(a) on page 15, by adding after line 30 the following:

“37.1 Subsection 487(1) of the Act is replaced by the following:

487. (1) Every person is guilty of an offence who contravenes

(a) paragraph 111(b) or (c) (applying improperly to be included on list of electors); or

(b) paragraph 111(f) (unauthorized use of personal information contained in list of electors).”;

(b) on page 16, by adding after line 29 the following:

“39.1(1) Subsection 500(2) of the Act is replaced by the following:

(2) Every person who is guilty of an offence under any of subsection 485(1), paragraph 487(1)(a), subsections 488(1), 489(2) and 491(2), section 493 and subsection 495(2) is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

(2) Section 500 of the Act is amended by adding the following after subsection (3):

(3.1) Every person who is guilty of an offence under paragraph 487(1)(b) is liable on summary conviction

to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.”.

Honourable senators, we asked what the penalties are for similar offences at the provincial level. In Alberta, it is \$100,000; in Ontario, \$5,000. Fines at the provincial level are much higher than they are at the federal level. It is appropriate that we adjust the level of the fine to ensure a sufficient deterrent to persons who would consider misusing the list of electors.

The Hon. the Speaker: Honourable senators, I will put the motion in amendment.

It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Robichaud:

That Bill C-31 be not now read a third time but that it be amended —

Hon. Senators: Dispense!

The Hon. the Speaker: Honourable senators, is there debate on the amendment?

On motion of Senator Nolin, debate adjourned.

FIRST NATIONS LAND MANAGEMENT ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-6, to amend the First Nations Land Management Act, and acquainting the Senate that they had passed this bill without amendment.

[*Translation*]

GENEVA CONVENTIONS ACT ACT TO INCORPORATE THE CANADIAN RED CROSS SOCIETY TRADEMARKS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-61, to amend the Geneva Conventions Act, the Act to Incorporate the Canadian Red Cross and the Trademarks Act.

Bill read first time.

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

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading for two days hence.

The Senate adjourned until Thursday, June 14, 2007, at 1:30 p.m.



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