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Tuesday, June 19, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, June 19, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE LARRY W. CAMPBELL

QUOTATION OF THE HONOURABLE A. RAYNELL ANDREYCHUK IN *THE HILL TIMES*— REQUEST FOR APOLOGY

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to point out what I believe is a regrettable action taken by one of our colleagues. While sitting in the chamber last night, I happened to be reading the Senate communications which referred to an article in *The Hill Times* written by "Liberal Sen. Larry Campbell" with the title, "A constitutional crisis from within." The opening remark was a quote attributed to me which stated:

> We cannot engage in a consultation process between premiers. To me that's outrageous.

There was no further comment or elaboration upon my role in the Standing Senate Committee on Legal and Constitutional Affairs, except for this reference.

This statement was clearly misleading. My comment was obviously intended to state that the process in which we were engaged was outrageous, meaning that we were not going to go to clause-by-clause consideration of Bill S-4 as agreed, but we were delaying, yet again, government business.

Honourable senators have been known to be fair and cautious when quoting colleagues. If Senator Campbell, despite not alerting me that he was doing so, wished to quote me in an article, I would have hoped that he would have been fair in his quote. Rather than quoting the entirety of the thought which I expressed, which was that I found the proceedings of May 9, 2007, in the Standing Senate Committee on Legal and Constitutional Affairs to be highly unusual, he chose to quote one sentence leading to my conclusion and not the prior five and a half paragraphs, which the record shows, nor the following five paragraphs.

The meeting had been set for clause-by-clause consideration of Bill S-4. We were advised that, rather than proceeding, members opposite wished to circulate a letter from one premier to other premiers. As was rightly noted, the premiers had been canvassed and they were given a time limit to respond. The premier's letter came later and we were asked to circulate it to other premiers for their opinions. My objection was to the further delay of government business since we had already canvassed the premiers.

Anyone reading the full statement, which I will not put on the record here, would understand that I was questioning the delay tactic as I perceived it, and the methodology of approaching premiers in this fashion. To simply put on the record that consulting with premiers, in my opinion, was outrageous is fallacious and not worthy of the usual good standards that we set in this chamber. Senator Campbell knows, or should know, that when I referred to "outrageous," it was not to the premiers and the consultation, but rather, to the delaying tactics.

• (1405)

While I respect each and every senator's opinion and their ability to put their points across, I expect the same courtesy in turn. I hope that Senator Campbell will reconsider and apologize for what I believe is an inappropriate and inaccurate reflection of the comments I made.

LIBRARY AND ARCHIVES CANADA

CENSUS RECORDS AND GENEALOGICAL INFORMATION

Hon. Lorna Milne: Honourable senators, Library and Archives Canada provides access to many genealogical resources via its website. The resources are freely accessible to Canadians wherever they live and at their convenience. These resources from the Library and Archives Canada historic collection have been digitized and made searchable on the Internet.

These resources also include the 1851, 1901, 1906 and 1911 Canadian census records — images of actual census records, plus images of selected passenger lists of people emigrating to Canada over the period 1865 to 1922. Use of these web resources is significant. For instance, images from the 1911 census alone are downloaded over 6 million times per year, while the website of Library and Archives Canada receives 12 million visits per year, 20 per cent of which are for genealogy.

I know Senator Comeau will be interested to learn that access to the 1911 census images has produced no complaints whatsoever to the Privacy Commissioner. In fact, there have never been any complaints about access to the historic census records from either the users of the resource or from anyone whose privacy might have been violated.

In addition to digital resources, Library and Archives Canada has many other records in its collection that are of interest to genealogists, whether it be microfilm copies of other census records, their extensive newspaper collection, additional immigration and military records, or photos, artwork and moving images that represent Canadian people, places and events. All these resources combine to provide a wealth of material for researchers. This wealth translates into more than 20,000 in-person visits and inquiries per year.

As part of its continuing efforts to improve accessibility to genealogical information, Library and Archives Canada announced on June 1 a new public-private partnership with Ancestry.ca, a major provider of on-line genealogical resources.

Initially, Ancestry.ca and Library and Archives Canada will focus on indexing the Quebec City passenger lists from 1870 to 1900, comprising more than 750,000 names. The digital images of these and other passenger lists are already on the Library and

Archives Canada website. The index for Quebec City will be available free of charge on their website, as well as on Ancestry.ca.

Library and Archives Canada and Ancestry.ca will continue to work together to ensure that eventually all Canadian passenger lists from 1865 to 1935, which includes the ports of Halifax, Saint John, Vancouver, Victoria and North Sydney, are digitized and indexed.

• (1410)

THE ENVIRONMENT

KYOTO PROTOCOL—EFFORTS OF CANADIAN MANUFACTURERS REGARDING GREENHOUSE GAS EMISSIONS

Hon. Mira Spivak: Honourable senators, it is unfair to penalize industries in Canada that have already more than met their share of Canada's commitment under, dare I say it, the Kyoto Protocol. Greenhouse gas emissions from Canadian manufacturing on the whole are some 7.4 per cent below their 1990 levels. The forestry industry is down 44 per cent, while some of its members have achieved a 70- per-cent reduction. The construction industry emits 30 per cent less than it did 17 years ago, while mining, which includes the Alberta oil sands development, has increased its emissions by 104 per cent.

In moving the goalposts from 1990 to 2006 as the base year for determining mandatory reduction, the government not only refuses to comply with Canada's international obligations as they were, it also sends entirely the wrong message to our industrial sector. That message, in essence, is: Early action will only make it more difficult to comply with new laws. The salve that the Government of Canada is offering — credit for up to 15 million tonnes of early reductions — is no salve at all. One B.C. paper company alone requires 1 million tonnes of credit.

I hope that the Government of Canada will increase the amount it will grant industries that have not simply sat out a decade and a half of government inaction. To the credit of these industries, they have taken steps that reduce their costs and benefit all of us. No matter which greenhouse gas emission plan finally comes into effect, the efforts of those industries that took early action should receive full recognition.

CANADA-UNITED STATES RELATIONS

EFFORTS TO MODERATE WESTERN HEMISPHERE TRAVEL INITIATIVE

Hon. Jerahmiel S. Grafstein: Honourable senators, I am pleased to bring some excellent news to the Senate's attention with respect to the work of two committees of the Senate who have worked to moderate the impact of the Western Hemisphere Travel Initiative, WHTI, as passed by the United States a few years ago, and the recent steps in Congress. These steps, if implemented on both sides of the aisle and both sides of Congress in the United States, will avert massive economic dislocation to practically every community across Canada and along both sides of the border.

On May 9, 2007, Congresswoman Louise Slaughter of the House of Representatives announced that H.R.1684, the Department of Homeland Security Authorization Act, passed the House of Representatives on May 8, 2007, by a vote of 296 to 126. The bill included language drafted by Congresswoman Slaughter.

The provisions authored by her and included in H.R.1684 come from H.R.1061, the Protecting American Commerce and Travel Act of 2007, which she sponsored. With respect to the WHTI provisions, these provisions would require the Department of Homeland Security to do the following: complete an extensive cost-benefit analysis before implementing the initiative; conduct trials on passport technology and share the results with the U.S. Congress before issuing a final rule implementing the initiative; develop a six-month grace period for travellers who are not carrying the required WHTI documentation; develop a public outreach plan in coordination with the travel and trade communities; exempt children aged 15 years and younger from the document requirements for land and sea, with flexibility for groups of children; and report to the U.S. Congress every 120 days on the implementation of the initiative. I will not detail, as has Representative Slaughter, the other changes she will require for NEXUS and FAST, which are two other acceptable travel documents that will facilitate solutions.

• (1415)

I want to commend as well Senator Patrick Leahy of Vermont and Senator Ted Stevens of Alaska. On June 14, during its mark-up of the fiscal year 2008 Homeland Security appropriation bill, the Senate Committee on Appropriations adopted an amendment sponsored by Senator Leahy and Senator Stevens. The amendment would extend the implementation deadline for land and sea portions of the WHTI. This amendment was co-sponsored by Senators Larry Craig of Idaho and Senator Pete Domenici of New Mexico.

Last year, Senators Leahy and Stevens included language in the fiscal year 2007 homeland appropriations bill allowing the Departments of Homeland Security and State to delay the implementation of the WHTI until June 1, 2009, or three months after all requirements have been met and certified, whichever comes earlier.

I will not detail the other requirements, but they are extensive. They include seven certification requirements adopted last year before the WHTI could be implemented.

I want to commend Senators Leahy of the U.S. Senate and Congresswoman Louise Slaughter of the House of Representatives, both old friends of the Canada-U.S. Inter-Parliamentary Group, for their continued leadership in avoiding what we consider a tsunami of delays and bottlenecks all along the Canada-U.S. border that would economically ravage communities on both sides of the border.

Stay tuned, honourable senators. This summer your Canada-U.S. Inter-Parliamentary Group will continue its work across America in support of this excellent lobby.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before moving to Tabling of Documents, I wish to draw to your attention the presence in the gallery of the Honourable Judge Sandra E. Oxner,

Chairperson of the Commonwealth Judicial Education Institute, headquartered at Dalhousie University in Halifax, Nova Scotia, together with participants of the Intensive Study Programme for Judicial Educators. They are guests of the Honourable Senator Cowan.

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

Hon. Senators: Hear, hear.

[*Translation*]

ROUTINE PROCEEDINGS

ETHICS COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of the Ethics Commissioner on activities concerning public office holders, pursuant to section 72.13 of the Parliament of Canada Act.

[*English*]

ABORIGINAL PEOPLES

BUDGET—STUDY ON RECENT REPORTS AND ACTION PLAN CONCERNING DRINKING WATER IN FIRST NATIONS COMMUNITIES— REPORT OF COMMITTEE PRESENTED

Hon. Gerry St. Germain, Chair of Standing Senate Committee on Aboriginal Peoples presented the following report:

Tuesday, June 19, 2007

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 29, 2007, to examine and report on recent work completed in relation to drinking water in First Nations' communities, respectfully requests the approval of funds for fiscal year ending March 31, 2008.

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

Respectfully submitted,

GERRY ST. GERMAIN
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix, p. 1777*.)

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

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

[*Translation*]

QUESTION PERIOD

TRANSPORT

PASSENGER PROTECT PROGRAM

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

As everyone knows, the government has just implemented a no-fly list. Canadians will not be allowed to consult this secret list. They will have no way of knowing whether their name is on the list until they are denied the privilege of boarding an aircraft. There will have been no charges, interrogation, or trial beforehand.

• (1420)

They will have no knowledge of the criteria used by the RCMP or CSIS to add their names to the list. Need I remind you that a member of the other place, John Williams, found out that his name was on just such a list when he was trying to travel to the United States? Has the government considered that this no-fly list could contravene our Charter of Rights and Freedoms and our laws that guarantee freedom of movement and the presumption of innocence?

We have been told that there will be some 500 to 2,000 names on the list. Yet the list is secret, so how can we be sure that there will not be 44,000 names on the list, which is the case in the United States? How can we be sure that this list will not include the names of people who oppose a given regime or party? Without transparent criteria, anything is possible.

Honourable senators, this situation brings up too many questions. What is the process for putting a name on the list? What are the criteria? Who administers this secret list? If a Canadian ends up on the list by mistake, what can he or she do to get his name off the list?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. First, the Passenger Protect program, which was specifically designed in Canada, went into effect, as the honourable senator knows, yesterday, June 18, for Canadian domestic and international flights. Reports have come back after the first day of implementation of this program that there were no problems at our airports. Travel, with the normal security measures, was as usual.

Individuals are added to the specified persons list based on actions that would lead to a determination that they may pose an immediate threat to aviation security should they attempt to board an aircraft. I think most Canadians, as they board aircraft, are comforted by the fact that our security officials have an eye out for these people. The guidelines for making the determination are focused on aviation security and may include an individual who has been involved with a terrorist group, who has been convicted of one or more serious crimes against aviation security, or who has been convicted of one or more serious and life-threatening offences and who may attack or harm an air carrier, passengers or crew members.

On the issue of privacy concerns, Transport Canada, in putting together the Passenger Protect program, worked in consultation with the Office of the Privacy Commissioner and also consulted many cultural and civil liberties groups.

[*Translation*]

Senator Hervieux-Payette: Honourable senators, the Leader of the Government in the Senate is not convincing me that having a list will protect Canadians against people with bad intentions. This list will have to be expanded. Will this list be used for all sorts of purposes such as when we take the bus or subway, or when we go into malls or concert halls, to protect us against people with bad intentions? This list would apply to passengers on airplanes, without any criteria being known. Why would we not protect ourselves in other public places in Canada? What is the ultimate goal of this infamous no-fly list?

[*English*]

Senator LeBreton: Obviously, other agencies of government, our police forces specifically, have responsibility for protecting Canadians in public places where they work and in many perhaps vulnerable venues in the country. Most senators and most people in general would realize that aviation is a unique circumstance, in view of past events. Aviation is unique because planes, once they leave the ground, are particularly vulnerable.

• (1425)

For people who may show up at the airport and who may be asked to step aside because there is a conflict with their name, there is immediately a process in place to deal with those issues. The fact of the matter is that this measure has been brought in to protect Canadians. Canadians want to feel that every possible measure is being taken to protect their safe travel in the air, as well as in other modes of transportation, but, as I mentioned, there are other people with responsibility specifically for those areas.

I believe that most Canadians would support this measure — certainly anyone who is worried about terrorism or the safety of their families when they board aircraft. Law-abiding Canadian citizens need not fear the Passenger Protect program.

[*Translation*]

Senator Hervieux-Payette: I would still like the Leader of the Government to tell me how many countries will be sharing this list and how many other countries will be sharing their lists with us. Terrorists are not necessarily Canadian citizens, so I would like her to give us the list of countries we will be sharing it with and who will be adopting no-fly lists.

[*English*]

Senator LeBreton: The regulations prohibit air carriers from sharing the specified persons list. Obviously, police authorities such as the RCMP and CSIS and various police authorities around the world would have the means to share information. However, air carriers are prohibited from sharing the specified persons lists.

HERITAGE

CANADIAN CULTURE PROPERTY EXPORT REVIEW BOARD—BELL OF *EMPRESS OF IRELAND*

Hon. Lorna Milne: Honourable senators, to set the stage, on May 29, 1914, the *Empress of Ireland* was rammed, and she sank in 14 minutes in the St. Lawrence River off Father Point; 1,012 people died that day, a greater loss than the *Titanic*. Many were members of the Salvation Army, and there is a memorial to those members of that organization in Toronto.

Phillip Beaudry discovered the wreck in 1970, and he mined artifacts from it for 30 years, until it was declared a Canadian heritage site and looting became prohibited.

The Canadian Culture Export Review Board has blocked him from selling the ship's bell to foreign collectors for years, but I have just learned that Minister Oda, the Minister of Canadian Heritage, has given permission to export that bell.

Will the Leader of the Government in the Senate intercede with Minister Oda to prevent this from happening?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I was not aware of the specific incident she raises, so I will take her question as notice and report back.

Senator Milne: I thank the minister for that.

The Musée de la Mer in Pointe-au-Père has offered Mr. Beaudry $325,000 for his collection of *Empress of Ireland* artifacts, but he wants $1 million dollars for the bell alone.

Will the minister please prevent this bell, taken from the gravesite of 1,012 people, from being removed from Canada? I have to tell the minister that I have a personal interest in this matter because my mother, Dorothy Bainbridge at the time, came to Canada on the *Empress of Ireland* with her mother and her older brother in 1911, so I would like to see this bell kept in Canada, where it belongs.

Senator LeBreton: As with the answer to the first question, I will refer this matter to the Minister of Heritage, and report back to the honourable senator as soon as possible.

FINANCE

EQUALIZATION PAYMENTS— ATLANTIC PROVINCES ECONOMIC COUNCIL REPORT

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. The latest study by the Atlantic Provinces Economic Council, or APEC, provides some discouraging analysis of the new equalization program announced by this government.

• (1430)

The APEC report shows that under the new equalization program every province in Atlantic Canada will be worse off. For example, Prince Edward Island will get less money in 11 of the next 13 years. The APEC study forecasts a loss of $196 million to the provincial treasury in the equalization program alone. Our province relies more heavily than any other province on equalization, which accounts for one quarter of the province's revenue.

Can the Leader of the Government in the Senate explain why the new government's new equalization formula gives Prince Edward Island less in almost every fiscal year for the foreseeable future?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. This report has already been the subject of some questions, because when the forecast was made for Newfoundland and Labrador, for example, the numbers were not available. As I said earlier, this report is a study like all other studies; many times, forecasts are wrong.

All provinces will benefit from the O'Brien formula. With the exceptions of Newfoundland and Labrador and Nova Scotia, and, in another form, Saskatchewan, it was supported by all provinces. In any case, the previous and, I believe, present governments of Prince Edward Island supported this new formula.

The budget has brought in this new formula, and the government believes that once the provinces deal with the monies they get through the equalization formula as well as the other monies directly transferred to provinces, such as infrastructure and education funds, the Province of Prince Edward Island will be ahead of where it was prior to the budget of March 2007.

I would be happy to obtain a specific list of all monies directed to Prince Edward Island through equalization and other programs that were in Budget 2006 and Budget 2007 to better address the full financial picture.

Senator Callbeck: Honourable senators, it is fine to talk about other programs, but the minister and I know that programs come and programs go. I am concerned about the long-term funding of equalization, which, according to the APEC study, will be reduced in 11 of the next 13 years.

The study also points out that this year's budget gives Nova Scotia and Newfoundland and Labrador the option of keeping the old fixed framework for equalization. However, that option was not offered to Prince Edward Island.

Why are provinces being treated differently? Why was Prince Edward Island not given the same option as some other provinces, an option that would have allowed us to keep the $200 million that we will be losing under this new framework?

• (1435)

Senator LeBreton: I do not accept the premise that Prince Edward Island will be losing $200 million. The budget was presented in such a way that there were specific concerns regarding Newfoundland and Labrador in terms of their offshore resources, as was the case with Nova Scotia. The budget was moved to the O'Brien formula, with the exception of those two other provinces, where they were given the choice of staying with the old Atlantic accord and the formula that was in place at the time the accord was signed by the Martin government or, in fact, opting into the new.

We must remember that the O'Brien commission was set up by the previous government. As a matter of fact, it was presented to all the provincial ministers of finance and premiers. They could not agree amongst themselves. Equalization is a federal program and all provinces made it clear to the expert panel during the discussions that they wanted to return to a formula-based equalization program. We took this action in Budget 2007 in response to what the provinces requested, putting equalization on a principle-based footing with a 10-province standard based on this expert panel's report.

Again, to the Honourable Senator Callbeck, on all matters in the budget, there are many programs other than equalization that go to the provinces. As I have said earlier in this place, one of the areas that has not received a lot of attention is the amount of money paid directly to the provinces for education, child care, infrastructure and the eco-trust. There are any number of programs that directly fund projects in the provinces. In the interests of fairness, I do not believe one portion can be selected out for disagreement without acknowledging the bigger picture.

Senator Callbeck: Honourable senators, I wish to confirm that the Leader of the Government in the Senate said she would table the figures on equalization for Prince Edward Island for the next 13 years.

Senator LeBreton: Actually, I did not say that, honourable senators. I said I would be happy to table figures from Budget 2006 and Budget 2007 in terms of the amounts of money that will be targeted directly to Prince Edward Island. With regard to the APEC report cited by Senator Callbeck, the numbers in that report are being questioned by some people, given the speculative nature of the results down the road.

Therefore, I did not say that I would table such a document. Going back to what I said, the equalization program has a 10-province standard that puts the provinces and the federal government on very stable footing such that, year in and year out, equalization does not become a political football that satisfies some provinces but not others.

By following the O'Brien commission report, I believe we will be successful in putting the whole equalization question on a principled and economically sound footing. It is hoped that, once the provinces have had an opportunity to work on their budgets

and realize the amount of funds they are getting from the federal government through this principle-based equalization, plus other programs, they will come to understand that they are ahead of where they were prior to the budget of March 2007.

Senator Callbeck: The government leader says there are problems with the figures I have used from this APEC study. Will she present her government's figures for the estimated amount of equalization that Prince Edward Island will receive over the next 13 years?

Senator LeBreton: I shall take that question as notice.

• (1440)

Hon. Percy Downe: The information that Senator Callbeck requested of the government is public information. If the minister stands in this chamber and indicates that the APEC figures are wrong, then she has a responsibility to table the government figures. Will she do that?

Senator LeBreton: I did not directly say the figures were wrong. I said that some commentary in the public venue had questioned the APEC numbers. Every day, we have think-tanks or study groups releasing reports that sometimes are correct and sometimes are incorrect.

I will say to the honourable senator as I said to Senator Callbeck: I will refer his questions to the Department of Finance, and they will be happy to provide any information that is public information.

Senator Downe: APEC, as the honourable senator knows, is an independent and non-political body. They have analyzed this budget, and it is their conclusion that Prince Edward Island will lose $196 million over the next 20 years.

Does the Government of Canada have an accurate figure to reassure Islanders it is correct? What is the correct figure? Can the leader provide that information today?

Senator LeBreton: I thank the honourable senator for his question.

I cannot provide those figures today. I am not an economist. I can take his question as notice. As I have said before, many independent and non-political organizations prepare forecasts and make recommendations to governments. That is within their rights, but they are not always right.

I have heard people questioning the forecasts of APEC in the media. With that said, in answer to the honourable senator's first question, I will be happy to refer his comments to the Department of Finance. I am sure they will provide all of the information they have that is public.

HERITAGE

CANADIAN CULTURE EXPORT REVIEW BOARD— ARTIFACTS OF *EMPRESS OF IRELAND*

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate. I will ask a non-partisan question for the second day in a row. I will further offer assistance, if I can in a bootleg way, to the leader in respect of answering Senator Milne's question. I will have my pulse checked following this.

The question that Senator Milne has raised is important. A number of my constituents in Alberta went to Alberta on that ship and on other ships of the Great White Fleet, as it was then called. The *Empress of Ireland* was part of that fleet. The Canadian Pacific organization was the largest transportation system in the world at that time.

Many of my constituents have an interest in those same artifacts to which Senator Milne referred, to the extent I have written several letters over the past several months to four successive ministers of Canadian Heritage, including the current minister and her three predecessors.

The answer from each of them has come back to the effect that they cannot find anyone in Canada interested in acquiring these artifacts. That is not true.

The Musée de la mer that Senator Milne referred to in Pointe-au-Père, run by Serge Guay, is interested in obtaining those artifacts. The difference is in the amount of money that he has been able to offer Phillipe Beaudry from his own resources and those of his organization, and the difference is significant. I am sure that something can be found.

Few museums are able to suddenly cough up the kind of money needed to buy these artifacts. I would be happy to provide the honourable leader with copies, should she wish, of all of the correspondence in that regard with successive ministers, and provide her with Mr. Guay's telephone number, address and email, should that be of use to her.

• (1445)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. With regard to artifacts that have specific interest to Canadians, there was an issue not long ago where Canadians tried to prevent a Victoria Cross from being sold on eBay. This issue is a difficult one, and, as the honourable senator says, a lot of our smaller museums and people from veterans' groups or legions do not have money to compete with some of the other people in the world that perhaps have an interest and more dollars. I was unaware of this situation. I had not heard of this particular issue. I will be happy to determine from Canadian Heritage if there is a specific policy that protects Canadian interests with regard to historical artifacts.

Senator Banks: I can assist the minister. There is a means by which the export of artifacts of that kind can be stopped. It has been in place for the past several years. It has now been lifted and is no longer a prohibition. Rather, it is an opportunity that is provided to find competitive buyers in Canada for something that could otherwise be sold, one assumes for more money, elsewhere. That prohibition or stoppage has now been lifted.

Mr. Beaudry, who owns the artifacts, is now free, which he has not been until now, to sell them wherever he likes. The question is whether this government, and the previous government, would

not come up with the money to assist the Musée de la mer to purchase those artifacts at an amount that Mr. Beaudry would be prepared to accept.

Hon. Hugh Segal: I have a supplementary question on the artifacts. When the minister checks into the matter, might she look at the option of an independent assessment for the bell and the artifacts and then submit that assessment to the cultural properties review board, which makes independent assessments on behalf of the Canada Revenue Agency, to determine that the value is fair? Normally, two or three estimates are required.

• (1450)

If the gap is substantial, as Senator Milne has suggested, between what is being offered by the museum and what the value is, there may be the ability for a donation to the Crown. That could then provide a tax benefit to the donor, which might reduce his loss but still keep the asset in Canadian hands. The minister could interact to constructively suggest that, if she chose to do so, after the honourable senator's representations.

Senator LeBreton: I certainly will ascertain that.

CANADA-UNITED STATES RELATIONS

DEVILS LAKE, NORTH DAKOTA— EFFECT OF FLOOD CONTROL SYSTEM ON MANITOBA

Hon. Tommy Banks: My question deals with a matter of concern to all Canadians, particularly those who live in Manitoba, and to all United States citizens living in Minnesota and North Dakota. My question is in regards to Devils Lake.

We did not have a resolution but a temporary stay, if I can put it that way, in the problem of releasing the waters, which in some senses are spoiled, from Devils Lake, which is not a natural lake — it has no input or outlet — into the Cheyenne River, which then flows into the Red River, which then flows into Lake Winnipeg.

There was an agreement, as a result of pressure from the provinces and the surrounding states on the State of North Dakota, to stop until it could find a way to resolve the situation by putting in a proper system of filtering so the things which we did not want to flow into places, which they have not been before, would not.

The constitution in that country is different from the Constitution here. This is an absolute right of the state. I am hopeful that the Leader of the Government will, from time to time, keep us apprised as to the efforts being made by the Government of Canada to resolve that situation and somehow stop that water from polluting — there is no other word for it — the Cheyenne River, the Red River and Lake Winnipeg. I know the government has made efforts in that respect, but can the minister, from time to time, now, if you have anything, bring us up-to-date on those efforts?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The Devils Lake issue, as the honourable senator knows, has come up again. There is some concern on both sides of the border. I know it has been discussed in the other place. I will ask for an update from the Department of Foreign Affairs, and inquire as to the next steps that the government proposes to take.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to three oral questions raised in the Senate. The first response is to a question raised in the Senate by Senator Rivest on May 15, 2007, in regard to official languages, the report of the Commissioner, the recommendation to create a ministerial portfolio. The second response is to a question raised in the Senate by Senator Milne on May 30, 2007, in regard to agriculture and agri-food, the Canadian Food Inspection Agency, the safety of food imports. The third response is to a question raised in the Senate by Senator Segal on May 30, 2007, in regard to Agriculture and Agri-Food Canada programs encouraging Canadians to eat locally produced foods.

OFFICIAL LANGUAGES

REPORT OF COMMISSIONER—RECOMMENDATION TO CREATE MINISTERIAL PORTFOLIO

(*Response to question raised by Hon. Jean-Claude Rivest on May 15, 2007*)

As Minister for La Francophonie and for Official Languages, the Honourable Josée Verner works with her Cabinet colleagues to see that linguistic duality is integrated into the process of developing policies and programs. She is responsible for coordinating the entire range of federal government activities concerning official languages and to that end, she maintains an ongoing dialogue with official languages communities and key stakeholders such as provincial and territorial governments, on behalf of the Government of Canada. The Minister works closely with her colleagues to ensure that the institutions for which they are responsible fully comply with the *Official Languages Act*, including Part VII of the Act, for which she has specific responsibilities.

The government is committed to supporting bilingualism, and to supporting the minority language communities across the country. The 2003 *Action Plan for Official Languages* provided $642 million over five years for the promotion and development of official languages in Canada. Budget 2007 built on this commitment by providing an additional $30 million over two years for cultural and after-school activities and community centres. These activities will help enrich the benefits of bilingualism among youth, including through exchanges and youth programming.

It is inaccurate to say that the President of the Queen's Privy Council, or any other Minister in the Prime Minister's portfolio, has "authority over all the departments" or "has supra-ministerial authority". It is customary to have horizontal coordination of issues carried out by one Minister who will receive support from a department or agency.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—SAFETY OF IMPORTS

(*Response to question raised by Hon. Lorna Milne on May 30, 2007*)

All domestic and imported food products in Canada must comply with Canada's food safety standards, which are established by Health Canada and enforced by the Canadian Food Inspection Agency (CFIA).

Canada's import inspection programs are based on internationally recognized standards and principles, and are comparable to the import inspection systems of other developed countries, such as the United States.

The CFIA's food laboratories test for a wide range of chemical and biological contaminants in imported and domestically produced food products.

With reference to the hormone, recombinant bovine somatotropin (rbST), Health Canada determined several years ago that rbST did not pose a health risk to humans; however, rbST is not approved for sale in Canada because of animal health concerns. Testing cannot distinguish between rbST (artificial growth hormone) and bST (natural growth hormone). As there are no human safety risks associated with rbST and because testing cannot distinguish rbST, CFIA does not test for this hormone in imported dairy products.

With respect to labelling, the *Consumer Packaging and Labelling Regulations* which apply to all food sold in Canada require that pre-packaged products that are wholly manufactured or produced in a country other than Canada have the words, "Imported By" or "Imported For" on the label, unless the geographic origin of the food is stated on the label — for example "Product of USA."

All consumer products sold in Canada are subject to the *Consumer Packaging and Labelling Act* (CPLA) and Regulations. The Regulations do not require specific country-of-origin markings although labels on wholly imported, prepackaged food products and bulk product packaged at other than the retail level, must include "Imported By" or "Imported For" and the name of the Canadian dealer or an indication of the geographic origin.

Imported fresh fruits and vegetables are required to indicate their country of origin.

For processed fruit and vegetable products, as well as most other foods containing a mix of domestic and imported material, for example, apple juice, the product may declare "Product of Canada" if it can be demonstrated that the last substantial step in the product's production happened in Canada with Canadian direct labour and/or material content of at least 51 per cent.

This 51 per cent figure is calculated as a percentage of the product's total direct labour and/or material cost. "Coming into being" in Canada means that the last substantial step in the production of the product took place in Canada. This is consistent with the Government of Canada policy on "Made in Canada".

Canadian-produced foods are not required to indicate they are Canadian; however, some imported agricultural products are required to indicate their country of origin, e.g. imported dairy, fresh fruit and vegetables, meat, or fish, if not from Canada.

In keeping with the Government of Canada's general policy for consumer packaging and labelling of consumer goods, the CFIA applies the following rules in its analysis of a declaration claiming Canada to be the country of origin for goods incorporating foreign raw materials or components. The last substantial transformation of the goods must have occurred in Canada, and at least 51 per cent of the total direct costs of producing or manufacturing the goods is Canadian.

For all remaining non registered food commodities, the CFIA uses the Government of Canada "Made in Canada" policy to assess "Made in/Product of Canada" statements.

CANADIAN FOOD INSPECTION AGENCY—SAFETY OF IMPORTS

(*Response to question raised by Hon. Hugh Segal on May 30, 2007*)

Agriculture and Agri-Food Canada is considering the issue of local food consumption as well as the other issues that were raised during the consultation process for the Next Generation of Agricultural Policy framework. The federal government is committed to working with provincial and territorial governments and stakeholders to develop the policy framework to contribute to a competitive and profitable agriculture sector for years to come.

[*English*]

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF COMMITTEE—DOCUMENT TABLED

Hon. Donald H. Oliver: Honourable senators, I would like to refer to the record of the *Debates of the Senate* of June 14, wherein I was asked a question by Senator Cools when speaking on the report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-4, Senate tenure. She asked me a question about some information regarding the drafting of a bill, which she had requested from Privy Council Office and Department of Justice officials when they appeared before the committee on March 21, 2007.

I undertook to find that information. The information requested by Senator Cools was prepared by the Department of Justice and transmitted to the committee clerk, Shaila Anwar, on March 27, 2007. Ms. Anwar subsequently indicated that she would circulate it to all members of the committee forthwith. Since Senator Cools was not a member of the committee, she may not have received the information when it

was circulated. I have received a further copy of that document from Mr. King of PCO, and I am pleased to table it now, as I undertook.

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

Hon. Senators: Agreed.

[*Translation*]

ORDERS OF THE DAY

CANADA ELECTIONS ACT
PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—MESSAGE FROM COMMONS—
DISAGREEMENT WITH SENATE AMENDMENT—
MOTION TO CONCUR ADOPTED

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-31, An Act to amend the Canada Elections Act and the Public Service Employment Act.

Hon. Pierre Claude Nolin: Honourable senators, I move:

> That the Senate concur in the amendment made by the House of Commons to its amendments to Bill C-31, An Act to amend the Canada Elections Act and the Public Service Employment Act; and
>
> That a Message be sent to the House of Commons to acquaint that House accordingly.

Honourable senators, I will be brief, if only to tell you how proud I am that the government recognized the effectiveness of our work. You will recall that we put forward 12 amendments to this bill; 11 of which were adopted.

There were five groups of amendments. The first group dealt with the famous bingo cards; the second dealt with the section of the act on coming into force; the third concerned the amendments that affect casual and temporary employees at Elections Canada; and the fourth dealt with the date of birth issue. We are pleased to note that everyone in the other place restrained themselves and accepted, I believe, the wisdom of our amendments, and that they all recognized that we were right.

Last, we had Senator Joyal's amendment on increasing sentences. I think the government, and all members were pleased with the change proposed by Senator Joyal.

[*English*]

The only amendment that is causing a little problem with the House is the question of "coming into force" — and only the coming into force of the section that deals with those famous bingo cards.

To give honourable senators some of the history, first, it was not part of the bill. It was introduced in committee, and the House of Commons committee suggested a two-month coming-into-force period.

When our committee heard the presentation of the Chief Electoral Officer, he convinced us it was appropriate to give him 10 months to put in place all the IT work that needs to be done to give birth to that new form of information that will remind all the political organizations every 30 minutes on election day. We agreed to 10 months. Members in the other place looked at that and decided to shorten the period to six months.

I took the liberty, because I was to speak to this today, to talk on the phone this morning with the Chief Electoral Officer and ask his opinion on the decision of the members of the House of Commons. Of course, he would have liked to have had the full 10 months. However, he is ready —honourable senators will have to take my word on that — to accept the six months.

Let us assume that the bill will be passed and that Royal Assent could take place as soon as possible. The six-month clock will start on that day. He is ready to take the gamble that there will be no general election within the next six months. However, if need be, he will do his best. As he said this morning, he will probably be 85 per cent ready by then, so we will live with that.

In a nutshell, that is what we have in front of us — to shorten the time from 10 months to six months. I think it is fair; it is a good compromise, so I am recommending that we accept this amendment.

Hon. Serge Joyal: Honourable senators, I want to join Senator Nolin in supporting the message from the House of Commons. I just want to add one thing to the words of Senator Nolin.

When the Chief Electoral Officer testified before the committee, he requested a period of 10 months. That is where that figure comes from; it does not come from the senators around the table. Of course, he proposed that period of time because of all the other aspects of the implementation of the bill, which are rather complex.

Probably the best approach for the Chief Electoral Officer would be to use the advisory committee, where all the parties are present, and raise the progress of the implementation of the bill with those representatives and advise accordingly. I have no doubt that there is a way to face the technical problems that might lie ahead, which need to be solved for the "bingo card" to be implemented. I concur with Senator Nolin and I will be happy to support the message of the House of Commons.

[*Translation*]

Senator Nolin: I forgot to mention that, in our telephone conversation this morning, the Chief Electoral Officer, Mr. Mayrand, informed me that he was going to contact the various political parties and his advisory committee to ensure that, with regard to the implementation of the appropriate mechanism for producing these famous bingo cards, everyone would be well aware of the challenges he faced and that everyone would help him achieve the objectives of the bill. Thus, you were quite right to raise that in your question, and the Chief Electoral Officer was one step ahead of you.

[*English*]

Hon. Lorna Milne: I have a further question for the honourable senator. I, too, am quite willing to go along with this reduction in time.

• (1500)

The Chief Electoral Officer's main concern was having adequate time to change their computer programs. He said that he would be 85 per cent ready, but 85 per cent of a voters' list is not a whole lot. I should like to have a little more information in terms of what the Chief Electoral Officer plans to do, if the honourable senator has anything further to add.

Senator Nolin: I also asked 85 per cent of what? Is it 85 per cent of the names? No, the Chief Electoral Officer received that figure from his specialist this morning. Strangely, they were not informed of that until my call. He checked with his people. My understanding is that there are no test runs for these kinds of programs until there is an election. The 15 per cent is likely in consideration of adjustments to problems that will arise during an election.

Therefore, it is important to be in touch with the various political organizations to monitor progress. Definitely, the fact that each elector will be assigned a number will facilitate the production of that process. However, we never know in advance just how well it will work. We will have to make corrections to various processes after the first election. Definitely, the big cards will be ready.

Senator Milne: The honourable senator is saying that, no matter how great a length of time Elections Canada had, they would still be 15 per cent short and have to wait until the first election to test the program.

Senator Nolin: You are absolutely right.

Senator Milne: In that case, I have no problems with this.

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

Motion agreed to.

BILL TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Stratton, for the third reading of Bill C-18, to amend certain Acts in relation to DNA identification.

Hon. Marilyn Trenholme Counsell: Honourable senators, I rise to speak on behalf of the opposition for Bill C-18. I regret that I was not in the chamber yesterday when the Honourable Senator Nolin spoke to the bill and gave a very good summary of the committee's hearings on Bill C-18. I appreciate that Senator Nolin said that this bill is truly not a partisan measure and that the result of its passage will be a safer Canada. In essence, the bill is very much about the science of the law and bringing into greater use DNA processes in the identification of criminals and in the pursuit of justice.

I was interested in the comments of both Senators Joyal and Baker following Senator Nolin's speech. Senator Joyal spoke to the need for a review and Senator Baker commented on the issue of a clerical error in the carrying out of an order, both of which were addressed by the committee.

I thought it would be relevant prior to concluding third reading debate to read into the record the observations made by the committee at its last meeting following clause-by-clause consideration of Bill C-18.

[*Translation*]

I will read the observations from the report of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-18:

> Provided that an individual's rights under the *Canadian Charter of Rights and Freedoms* are respected, giving police the tools to utilize DNA fully in the investigation of crime is a worthy objective. Your Committee therefore supports the overall goals and methods of Bill C-18. We do, however, have concerns with some of its details.

First, there is the international sharing of information made possible by this legislation:

> We have reservations about the sharing of information found in the National DNA Data Bank with foreign jurisdictions. Our concern is that these jurisdictions may ask for information from the Data Bank in their efforts to resolve offences which are not offences under Canadian law. For example, non-violent political dissent may be considered a criminal act in certain jurisdictions and we do not wish to see the Data Bank facilitating the prosecution of these offences. Therefore, we recommend that one of the criteria for the sharing of information with foreign jurisdictions be that the offence alleged to have been committed in the foreign jurisdiction be considered an indictable offence under Canadian law and that appropriate legislation or regulations be prepared.

Second, we spoke about the process in the case of an administrative error:

> Your Committee also has concerns about the ability of the Attorney General to make an *ex parte* application, that is, one without notice to, and in the absence of, the affected individual, in order to correct a clerical error on a DNA order. Given that, in almost all cases, the facially defective order will have already been executed to obtain DNA evidence that may later be used against an individual, the government should consider a future provision by which the affected individual or his or her counsel would either receive prior notice of the application or disclosure that the application has been made and the order modified.

Our third observation had to do with evaluating the work of forensic laboratories:

> Your Committee notes the last recommendation of the Auditor General of Canada in her May 2007 report regarding management of the Forensic Laboratory

> Services. She stated that the RCMP should ensure that parliamentarians receive the information that they require in order to hold government to account for the performance of the FLS. Your Committee emphasizes that Parliament needs full and transparent reporting by the government in order to monitor and evaluate the cumulative effect that successive pieces of legislation have had, not only on the FLS, but on the operation of the DNA databank and its impact on individuals.

Our fourth observation concerns the need to examine the DNA bill through a parliamentary review. This review is already two years behind.

• (1510)

> The *DNA Identification Act* came fully into force on June 30, 2000. Section 13 of the Act required a review of the provisions and operation of the Act within five years, to be undertaken by any committee of the Senate, of the House of Commons or of both Houses of Parliament. To date, no such review has been undertaken. Your Committee is concerned that two bills that originally set up a DNA data bank and now alter the manner in which it is operated and used will have been adopted by Parliament without a fundamental review of the system taking place. A review of the DNA system is urgently required, so that Parliament may determine what, if any, changes are required to improve it and the manner in which it is used.

[*English*]

It would seem that this does address the concerns spoken of at length by Senator Joyal, and those are the only considerations I wish to read into this record at third reading.

As I said in my speech on May 9, 2007, I consider this to be an important bill and an important step forward. The proposed legislation was passed in the House of Commons with only one abstention. It was passed by all parties, and it has received that same support at committee here in the Senate. This bill advances not only the safety of Canadians, but also the science and the art, if you will, of our judicial system, especially with regard to serious offences.

It has been my privilege, on behalf of the opposition, to speak to this bill, and I trust that it will receive the support of all honourable senators.

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

Motion agreed to and bill read third time and passed.

OLYMPIC AND PARALYMPIC MARKS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Tkachuk, for the second reading of Bill C-47, respecting the protection of marks related to the Olympic Games and the Paralympic Games and protection against certain misleading business associations and making a related amendment to the Trademarks Act.

Hon. Larry W. Campbell: Honourable senators, I speak today with reference to Bill C-47. I will be relatively brief, as I believe that the government minister yesterday explained the bill in great detail.

This bill makes the will of Parliament clear on the protections and legal remedies that the Vancouver Organizing Committee, or VANOC, should have. It waives the onus on VANOC to prove the most difficult part of the trademark legal test — that of proving irreparable harm. This will allow VANOC to react quickly and effectively stop illicit use of this brand.

This bill is in line with the strengthened legal provisions given to the Olympic Games by Australia, the United States, Greece and Italy. It is limited to commercial uses and will not affect the non-profit community at all. It will help to address any potential Olympic cost overruns by allowing VANOC to raise a significant amount of money from sponsorship, partnership and licences. It is interesting to note that approximately 40 per cent of the revenues for VANOC will come from these sources.

This bill allows clear exemptions for freedom of speech, freedom of expression and freedom of commentary. It exempts artistic creations, news, criticism and parody from the restrictions. It allows legitimate use of the Olympic or Paralympic mark words in a business context. Businesses will be able to use geographic names to describe their market or explain their services, for example, addresses such as 2010 Olympic Avenue or similar. Athletes with sponsors other than official Olympic Game sponsors maintain their relationships with these sponsors. Anyone who adopted or used an Olympic mark prior to March 2, 2007, will be able to continue using the mark for the same purpose and will not have to change the name of the business.

Honourable senators, this is an important bill for the Olympics, for Vancouver, for British Columbia and for Canada. I urge your support.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator LeBreton, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, for the second reading of Bill C-14, to amend the Citizenship Act (adoption).

Hon. Mac Harb: Honourable senators, Bill C-14 is a Liberal bill that was originally introduced in the last Parliament as Bill C-76 under the previous Liberal government. One would think, honourable senators, that we should be celebrating today the fact that this bill has come to the Senate, but the reality is that we should not be celebrating. Rather, we should be deploring the fact that it took more than 10 years for a good piece of legislation to make its way from the other place to this side, all because of unnecessary delays, internal bickering, unnecessary referrals and an irresponsible act on behalf of some in the other place. Needless to say, this demonstrates that when the shoe is on the other foot, or both in reverse, we are in the opposition and were able to move this bill very quickly, in fact, in record time, and are standing here today in order to ensure the smooth processing of Bill C-14 so it can finally become law.

Honourable senators, why is this bill so important? It is important because it affects the lives of so many Canadians — about 2,000 of them on an annual basis. The proposed legislation we are debating today seeks to minimize the difference in eligibility for citizenship between adopted and natural-born children of Canadian citizens. In doing so, it would make citizenship automatic for adopted children, as it is for children born to Canadians.

Under the current system, parents of children adopted abroad must first apply for a permanent residency for the children and ensure that they meet the residency requirement before they can apply for the children's Canadian citizenship. Canadian citizens who adopt children outside of Canada may face a lengthy and costly process before their children can attain citizenship. In contrast, children who are born abroad to Canadians are automatically citizens. Under the existing law, adopted children are treated differently from biological children born abroad to Canadian citizens.

[*Translation*]

With respect to the Citizenship Act, 1997, the proposed amendment is based on prior legislative proposals and consultations: Bill C-63 was introduced in Parliament in 1998; Bill C-16 was introduced in 1999; Bill C-18 was introduced in 2002; and Bill C-76 was introduced in 2007.

• (1520)

[*English*]

As I mentioned, it was a Liberal government that introduced the previous bills; however, ultimately and unfortunately, those bills did not pass. The precursor to this legislation, Bill C-76, was the last bill deposited in Parliament in 2005. It is our hope that Bill C-14 will go through the normal process and become law as soon as possible.

The Liberal government worked hard on behalf of adoptive families, creating a tax incentive for adoptive parents to offset some of the huge costs they incur when they make the choice to adopt. With some of these foreign adoptions, the costs can literally run quickly into tens of thousands of dollars. This tax incentive was a big step forward for Canadian families. This latest proposed legislation is another step in the right direction.

Many Canadians, honourable senators, are choosing to adopt children who were born abroad, and they are choosing this route for a variety of reasons, including creating or adding to their families or adopting to help children who face difficult conditions in their birth country — in short, to offer them the opportunity of a better life. In 2004, Canadians adopted 1,955 children from abroad compared to 2,180 the year before. Intercountry adoptions to Canada have been relatively stable for the last 10 years, running between 1,800 and 2,200 annually.

Just out of interest, the top countries from which Canadians adopt children are: China, Haiti, Russia, South Korea, the United States, the Philippines, Thailand, Columbia, India, Ethiopia and Belarus, to name a few.

Making the decision to pursue an international adoption is not taken lightly. International adoptions are the most difficult adoptions to arrange, for a number of reasons: first, the ever-changing legislation, regulations and policies in the child's country of origin; second, sensitive political issues that countries face when their children are adopted by foreigners; third, unscrupulous practices of some private adoption intermediaries in other countries; fourth, the requirement of meeting Canada's immigration and citizenship legislation, provincial regulations and the Hague Convention on Intercountry Adoptions; and, finally, technical difficulties in reaching officials in foreign jurisdictions, as well as differences in language, culture and interpretation of procedures.

In international legal matters, there are no guarantees. One might begin the process to adopt a child, only to have the process or costs change or the program end without notice. Also, reasonable time must be allowed for each agency and department to complete its procedures and to forward documents. Most international adoptions take an average of one to two years to complete — some take much longer — and cost an average of $18,000.

Even when these obstacles and expenses have been overcome, families must face the bureaucracy of the immigration process. People hoping to adopt internationally must also arrange for sponsorship for a child through a Canadian Immigration Centre.

[*Translation*]

This piece of legislation is very important not only to adopted children and adoptive families but also to our country. Given the declining birth rate, we must rely increasingly on immigration if we want to have enough people in this country to ensure our future.

[*English*]

Obviously, honourable senators, Canada must work to reduce any existing obstacles adoptive parents may be facing in their attempts to grow their families. While the process of adopting is a matter of provincial jurisdiction, once an adoption is finalized at the provincial level, Bill C-14, if passed, will ensure that Canadian citizenship is automatically granted to the adopted child, as it is for children born to Canadians.

Honourable senators, Bill C-14 is good proposed legislation, and is long overdue in our country. The bill respects provincial jurisdictions and fulfils federal responsibilities. Its objectives are meant to help Canadian families welcome their newly adopted children.

This bill, honourable senators, amends the Citizenship Act, to allow a grant of citizenship to a child adopted overseas by a Canadian. In other words, Bill C-14 treats adopted children the same way biological children are treated. As I mentioned earlier, the bill eliminates the need for an adopted child to first become a permanent resident of Canada and then apply for full citizenship later.

This proposal has been supported by the courts. The Federal Court has indicated that distinctions in the law based on adoptive parentage violate the equality rights provisions in section 15 of the Canadian Charter of Rights and Freedoms. Also, under the existing law, children adopted by Canadian parents who are living abroad and who wish to continue doing so cannot become permanent residents and therefore cannot become Canadian citizens.

In 2001, the Liberal government established a special interim measure to deal with this problem under the Citizenship Act, but it was a temporary solution, one that will finally be resolved by the passing and coming into force of Bill C-14.

Under Bill C-14, the adoption must meet certain criteria, four in particular. First, the adoption must be in the best interests of the child as defined by the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. It was important to ensure that provisions of the Hague convention were upheld, and the proposed legislation does that.

Second, a genuine relationship must be created between the parent and the child, which means the building of the family and the building of a parent and child relationship.

Third, the adoption must have been done in accordance with the laws of the jurisdictions where the adoption took place and the laws of the country of residence of the child. The law of the province in which the adoption has taken place as well as the laws of the country of residence where the adoptive child was born and lived must be upheld.

Fourth, the adoption must not have been entered into for the purposes of acquiring status or privilege in relation to citizenship or immigration. In other words, the adoption cannot be one of convenience.

This bill, honourable senators, also includes specific and important recognition of Quebec's particular adoption process. As we have heard already, that it is a crucial part of this legislation.

Our colleagues in the other place have done a very good job, under the circumstances, of working together to study and improve this proposed legislation. They examined issues relating to the appeal process and the issue of adult adoption if the adoptive parent acted as the person's parent before he or she was 18.

I commend my colleagues in the other place, specifically the members of the standing committee, for their hard work to ensure that this proposed legislation was well-studied, passed and sent to us for our consideration without undue delay.

Finally, this bill is about fairness, equity, common sense and compassion. Once the adoption process has been completed, these are Canadian parents with Canadian children who will be raised in Canada, children who should have the same rights and privileges as any other Canadian child.

I would encourage honourable senators to support this bill.

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

• (1530)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Segal, for the second reading of Bill C-22, to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Hon. Serge Joyal: Honourable senators, I should like to join today in the debate at second reading of Bill C-22, a bill that I consider to be very serious. This bill affects the status of teenagers in relation to the Criminal Code, since it raises the age of consent from 14 to 16 years. For us, as a chamber of sober second thought, it is important to stop for a moment and try to understand the impact this bill, if passed, could have on Canadian society as we know it.

I do not intend to delve into an in-depth historical background of the age of consent. However, many of us who have studied Canadian history will know that at one time, one could get married at 12 years of age. Why? At that time, the so-called colonial government wanted to increase the population. At that time, people married very early, as soon as they were capable of becoming pregnant. The age of consent for marriage was adjusted to the socio-economic conditions of the time.

Today, we are asked to consider increasing the age of consent, a measure that will certainly have an impact on the kind of society in which we live.

The first element to understand is the sexual activity of teenagers. Who are the teenagers that get involved in sexual activity? I wish to bring to honourable senators' attention the most recent report of Statistics Canada, from 2005, which is close in time in terms of relevance. That report concluded that 5 per cent of teenagers aged 12 to 13 years have had sexual relations; 13 per cent of teenagers aged 14 to 15 have had sexual relations; and 41 per cent of teenagers aged 16 to 17 have had sexual relations with a partner. Among the teenagers aged 14 to 15 who are sexually active, 37 per cent had their first sexual contact between the ages of 12 and 13; 36 per cent at the age of 14 and 27 per cent at the age of 15.

The statistic we must keep in mind is that 41 per cent of Canadian teenagers aged 16 to 17 have had sexual contact with a partner.

It is important that we are called to legislate on a matter that will affect a large number of teenagers in Canada, 41 per cent of them. I took those statistics from the testimony of Ms. Lynn Barr-Telford of the Canadian Centre for Justice Statistics, Statistics Canada, provided in her testimony Thursday, March 29, 2007, when she appeared in the other chamber. That is the first point I wanted to bring to the attention of honourable senators.

The second point I want to bring to honourable senators' attention is in relation to the teenagers that are the most vulnerable, those who find themselves caught in the legal system of Canada. That, honourable senators, needs to be added to the statistics that Senator Dyck mentioned last night. It was quite late, around 10:00. I was listening carefully to Senator Dyck when she described the social condition of Aboriginal youth in relation to education.

Today, let us focus on Aboriginal youth conditions in relation to the penal system. I say that, honourable senators, with great concern. Some senators will remember when this chamber was called upon by the former government to review the Youth Criminal Justice Act in 2002. I believe Senator Milne was chairman of the Standing Senate Committee on Legal and Constitutional Affairs for the review of the act. I remember that Senator Grafstein was a member of the committee.

We introduced an amendment to that bill, Bill C-7. We signalled to this chamber that that bill was in conflict, in our humble opinion, with the Charter. Following that, the Court of Appeal of Quebec and the Court of Appeal of British Columbia confirmed there was a problem with the Charter. Since then, the problem has been remedied.

All amendments that we introduced at that time in the chamber were defeated, save for one. Let me remind honourable senators which amendment was carried by this chamber, and by one vote. I thought the amendment would have been defeated, like the others, but it carried. That amendment, honourable senators, was related to the sentencing conditions of Aboriginal youth. Section 38(2)(*d*) of the Youth Criminal Justice Act, sentencing principles, reads — and I quote:

> (d) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons . . .

This, honourable senators, speaks to our concern about the condition of Aboriginal youth facing the penal system. If we are to legislate and create additional circumstances that teenagers will find themselves in when facing the penal court, we will have to ask ourselves this question: What will be the impact for Aboriginal youth?

Let me remind honourable senators of the telling figures in relation to Aboriginal youth. I took these figures from a 2004 report of Statistics Canada, "The Daily," Statistics Canada, Wednesday, October 13. Let me quote the paragraph where this issue is addressed in the report:

> Aboriginal youth accounted for one in five admissions to correctional services. At the same time, Aboriginal youth represented approximately 5 per cent of the total youth population. There were approximately 6,200 admissions of Aboriginal youth to some type of correctional service. One-quarter of all admissions to sentenced custody, 22 per cent of all admissions to remand and 15 per cent of all admissions to probation were of Aboriginal youth.

In simple terms, Aboriginal youth constitute 5 per cent of the total youth population and 25 per cent of all the youth caught in correctional services.

The report continues:

> Aboriginal youth had higher levels of representation in sentenced custody compared to their representation in the Canadian youth population in almost all provinces and territories. For example, in British Columbia, six times as many Aboriginal youth were admitted to sentenced custody than their representation in the youth population.

Honourable senators, that provides a quick outline of the problem in relation to Aboriginal youth. While both Aboriginal male and female youth are highly represented in correctional services, this is particularly true for Aboriginal female youth. For example, in 2004-05, female Aboriginal youth represented 35 per cent of all female youth admissions to secure custody and 29 per cent of all female admission to open custody. In other words, there is a double distortion. There is first a distortion for the group, and then an additional distortion for the female Aboriginal youth. It is a serious concern, honourable senators.

• (1540)

It might not look at first sight as something that is obvious in Bill C-22, but I want to draw your attention to it. I have reviewed the witnesses in the other place. There were 37 witnesses that appeared at the committee stage in the other place, and none of those witnesses discussed the issue of Aboriginal youth in relation to sexual crime or sexual activities. The report of Statistics Canada that I want to bring to your attention contains important figures also. I have the French version, but I will translate it for you, honourable senators. It says that we observed a general reduction of one quarter of the rate of incarceration between 1990 and 2005 in relation to sexual offences. In other words, for the last 15 years, there has not been an increase in the number of sexual offences. There has been a decrease of 25 per cent.

Therefore, what is the basis for this bill? Has the issue of sexual offences in Canada reached such a level of "crisis" that this bill is justified by this general condition?

Honourable senators, from the testimony of Statistics Canada, that is not what comes from the analysis they provided. The testimony of Statistics Canada was that, on the basis of present statistics, they cannot predict the direct impact of the adoption of this bill on the number and nature of sexual offences that will be brought to the attention of police.

In other words, there is a lack of information, from as much of the testimony in the other place as I could read quickly because I know the government wants to move with this bill, and I have no objection to that. However, there are elements in this bill that we need to look into when this bill is sent to the committee.

Honourable senators, comments were made by other honourable senators who have taken part in the debate, and I refer to Senator Callbeck, who signalled a problem with the age of consent in relation to marriage. The age of consent in provinces for marriage is 16 years old, but in the territories it is 15. If we make a crime of having a sexual relationship with someone older by five years, and it is illegal in a province but legal in the territories, we need to address this provision because it is a real problem. The definition of "marriage "and the definition of "age for marriage" is a provincial matter, of course. When we dealt with the Civil Marriage Act, we knew what we were able to legislate and what the prerogative of the provinces was. We need to review that situation to make sure there is no discrepancy.

Let us take some statistics from the Yukon. In the Yukon, Aboriginal adults make up 74 per cent of the total prisoner population. In other words, to bring the Aboriginal reality there, we will need to streamline, in one way or the other, the age of consent for marriage in the territories versus the provinces because in the territories they are allowed to marry when they attain the age of 15. Professor Daphne Gilbert from the University of Ottawa raised that technical issue when she appeared in the other place, and there is no question that the committee will want to review this issue and see how that can be addressed.

Honourable senators, finally, there is the overall context of this bill. There is no question that when we bring a change that seems to be innocuous or well intentioned, because everyone who speaks in support of this bill wants to protect teenagers, we must look carefully at how that bill would impact on the sexual education and capacity of teenagers to seek advice and support, and how we address the issue of sexuality among teenagers.

Honourable senators, I refer you to another report published in 2003 by Statistics Canada entitled, *Pregnancy outcomes*. I want to quote the main results.

The Hon. the Speaker: I am sorry to interrupt, but the honourable senator's time has expired.

Senator Cools: Ask for more time.

Hon. Senators: Agreed.

Senator Joyal: Thank you, honourable senators.

This important study, as you see, is long. It was published in 2003 by Statistics Canada. It concludes the following:

> The teenage pregnancy rate declined from 1994 to 1997, reflecting lower teenage birth and fetal loss rates. Through this period the abortion rate remained stable, with the result that slightly more than half of all teenage pregnancies ended in abortion by 1997.

That is serious, honourable senators, because abortion is now a method of contraception, a way to prevent pregnancy. Teenagers do not use the pill or other ways to protect themselves. They say, "If we become pregnant, we will have an abortion." It is stunning to see those statistics. Half of teenagers who become pregnant resort to abortion. That is the conclusion of this important study.

In other words, there is a great need for sexual education. When we adopt a bill that will have an impact on the sexual status of teenagers in Canada, changing something that seems simple in principle from 14 to 16, we must be careful of what we create in terms of bringing the teenagers to their mature responsibility of deciding upon their lives and how they can be assisted by the education system to understand the implication of sexual activities. If we criminalize sexual activities at the moment they are teenagers, when they should be open and seeking advice, it asks of us, certainly, the responsibility to seek expertise. I hope the committee will be in a position to hear from experts, representatives of youth, social workers, those responsible for education and the Aboriginal people's community how this problem is addressed in their community, so that when we legislate, we will, as much as possible, have the general picture of the implications of such an important bill.

Hon. Hugh Segal: Honourable senators, I wanted to ask our distinguished colleague some questions, but he is out of time, so I will speak briefly and get out of the way.

It strikes me that philosophically, while I do not in any way differ with the references to Statistics Canada reports about sexual activity in young people, and I defer to all the lawyers in the room — God knows those of us who are not lawyers are probably outnumbered — but I do not view the Criminal Code as a sex education program. I do not view the Criminal Code as a social instrument for the achievement of certain levels of behaviour. I certainly do not agree with the notion that the Criminal Code should apply differently to different groups of Canadians as defined either by geography or by ethnicity.

• (1550)

The Criminal Code, in a society of voluntary compliance, is about establishing standards. We do not have enough police officers, thank goodness, to enforce the Criminal Code broadly. It is, by and large, the norms established by the Criminal Code that constitute the basis upon which the vast majority of our society chooses to live.

I very much respect what my distinguished and much more experienced colleague has raised with respect to some of the social implications upon which senators would justifiably want to reflect.

To be fair to the senator, he was not suggesting that, when the government acts in a prophylactic fashion to protect young people through legislative change, this somehow constitutes social insensitivity, but he was suggesting that might end up being an unwitting result and would, in terms of what Criminal Code amendments achieve, overreach with respect to the expectation.

In the broad range of representations I receive from hundreds of parents, teachers and others across the country, there is a strong desire to have this proposed legislation proceed and to have the extra protection put into place.

I am not one of those who believe that we should necessarily be consulting Statistics Canada with respect to issues of what I would call humanistic and moral balance, which we believe is broadly protective for our society as a whole. That is what I believe to be the intent of this bill, which is why I support it and why I hope it can be referred to committee as quickly as possible.

Hon. Jerahmiel S. Grafstein: Honourable senators, I am curious about Senator Segal's analysis. Does he believe that if the application of the Criminal Code at an earlier age increased recidivism, that would be a good outcome of this proposed legislation?

Senator Segal: Of course not, but I do not believe it is the role of the Criminal Code to be doing what parents should be doing, to be doing what peer pressure should be doing, to be doing what social understanding of what constitutes social norms and rules should be doing. That is not the precise job of the Criminal Code. The Criminal Code, as my distinguished colleague will know better than I, lays out those rules on which Her Majesty has the right to intervene with respect to protecting the public from acts that are deemed to be outside the law. I do not believe that we should be loading upon the Criminal Code the job of child rearing or creating a sense of what is appropriate and fair and what respects other people's rights, specifically when they are younger. The job of the Criminal Code is to lay out the rules under which the Crown will intervene. That is the purpose of this act. If there are social issues that must be addressed, they should be addressed in other places and other contexts. They should not be avoided, but to load that on to the code is, in my judgment, simply unfair and unmanageable.

Senator Grafstein: The purposes of the criminal law are, as the senator says, to establish principles or standards. However, the purpose of the criminal law is also not to be made an ass. When sociological facts overwhelm the argument about encapsulating conduct within the criminal law, then the criminal law becomes an ass. Obviously, that is not desirable, because we are here to uphold standards that are feasible.

If, in fact, the application of this law would increase recidivism, increase criminal conduct, that would be contrary to the purposes of the Criminal Code and the criminal law.

Senator Segal: I agree with the honourable senator that any law that brings the administration of justice into disrepute is not to be recommended. I would also make the case that if one looks across the broad spectrum of social workers who are associated with the courts through intervention agencies that are engaged in supporting the activity of the courts, there is by and large no lack of ability, to the extent they have the capacity, to be sensitive and understanding of circumstances. Crown attorneys are charged with the duty not only of looking at the law, but also of looking at the actual context of the alleged event and determining whether it is in the public interest to proceed with the prosecution.

In that context, comments made by the honourable senator and the questions raised by Senator Grafstein will all be part of the record that will be looked at over time with respect to how Crown attorneys will evaluate any event with respect to what criminal intent may or may not have been, which is one of the critical issues relating to the Criminal Code and how it is administered.

I agree with the general principle that there should not be any law passed that will, by definition, bring the administration of justice into disrepute. I do not believe that we cannot, as a society, act to protect young people without being continually constrained by notions of how this might be seen in administrative and/or statistical analysis sometime in the future. On that basis, we could never act. I think the public of Canada would like to see young people protected in the precise way this legislation proposes.

Senator Grafstein: I assume, therefore, that the senator who is proposing this bill would have no objection to have sociological information at committee to determine whether the changing standard or principle proposed by this bill would have the detrimental effect that I pointed out.

Senator Segal: I have no intention whatsoever of expressing a view as to how the steering committee of that committee particularly will determine what is appropriate, but I trust all my fellow senators to act in the public interest with respect to the scope of inquiry and understanding necessary for them to do their job at that committee, as I expect they will do remarkably well.

[*Translation*]

Hon. Lucie Pépin: Honourable senators, I offer another perspective. In our schools, a growing number of children are becoming sexually active as early as age fourteen and a half. As we all know, some fourteen-and-a-half-year-old girls look like they are 16 years old. If these young girls have sexual relations with someone older than they are, let us say five years older, one of their girlfriends, who might be disappointed because she wanted to go out with that particular boy, could disclose this information, namely, the fact that so-and-so is having sexual relations with so-and-so.

This could result in the arrest of the two young people. I find this completely unacceptable. Under the current legislation, if the young girl is married or pregnant, this section does not apply. However, if she has sexual relations with someone older than she is, it could be enforced.

I think we are running the risk of criminalizing our youth more and more, instead of providing them with the sex education they need.

Senator Segal: I attended a denominational school so I would not really know what you are talking about. I do not believe that the Criminal Code of Canada, or even the changes proposed by the government, can serve to redefine relationships between consenting youths.

The amendments to the Criminal Code proposed by the bill will provide the guidelines to be followed by officers of the Crown and police officers when complaints are made.

In my opinion, the legislation will be defined in a completely responsible manner and will be flexible. That is generally what they do at present, except that the government wants to raise the age of consent, which is a very positive initiative.

The reason why we are divided on this subject in this chamber perhaps has to do with the fact that we have different social views with regard to the laws and the standards that must be in place.

Senator Pépin: When you speak of complaints, I feel like I am going back to the early 1960s. I always attended a catholic school, but I think that young people who go to catholic schools spend their weekends at home.

• (1600)

In the 1960s, when abortions were illegal, a woman could be arrested for having an abortion if she were reported to the police. My fear is that, with your system, the same thing could happen to young people.

[*English*]

Senator Joyal: I would like to add to the honourable senator's comment. The senator is right. The law is the law for everyone, especially in the Criminal Code more than any other code. However, there are some adjustments on the sentencing provisions of the code in relation to the Aboriginal people generally. There is a specific section in the sentencing provisions of the code that call upon the justice, once he has pronounced on the guilt or innocence of the accused and he has come to the following step which is the sentencing.

At the sentencing level, the code specifically calls upon the justice to take into consideration the fact that the accused belongs to the Aboriginal community and that in the Aboriginal community there are sometimes ways to address the sentences that are more effective than to stick Aboriginal people in prison where they will be at the "university of crime."

The statistics I have provided are a fact of life. We cannot ignore them when we are asked, as legislators, to add to the number of crimes, especially in the context of a group of Canadians who are already overrepresented and already lack the kind of social assistance needed to be rehabilitated and reintegrated into the Canadian mainstream.

I want to signal that it is important when we add to the list of crimes in the Criminal Code from a situation where the sexual rapport was allowed, was totally legal and totally legitimate and was creating an additional burden on that segment of teenagers; we must fully understand why we are doing it. That is why I tried to find out from the witnesses in the other place where the proposed legislation comes from. We are all for the good of society. We are all for the protection of society. The protection of society is a balance between freedom and prohibition. That is where we live in a free and democratic society.

The role of the legislature is to balance the harm we wish to repress in relation to sexuality versus the desire to legislate morality. In the decision of the Supreme Court in 1992 in the case of *Butler*, the Supreme Court pronounced on the definition of "obscenity." Honourable senators might remember that famous case, where the court established a clear distinction between legislating morality, what is right or wrong according to some principles, and legislating or preventing harm done to an individual.

That is where the line must be traced in the sand. However, it is not easy and that is why in my remarks today I tried to signal to the other senators that, for the sake of an objective that seems to be desirable, we will be creating a situation we cannot ignore and say the other one will take care of it. When we are changing the situation and adding to the penal responsibility of citizens, especially citizens who are more vulnerable, teenagers who cannot form a definite judgment and are not mature under the law, then we have an additional responsibility to know exactly what we are imposing on them and why we are imposing it on them.

Honourable senators, that is essentially what I wanted to say.

Hon. Marilyn Trenholme Counsell: Honourable senators, in listening to this debate today, it strikes me that there are many very profound social issues to consider here, not just issues of the law. I am not sure what committee this is going to, whether it will go to the Standing Senate Committee on Legal and Constitutional Affairs or to the Standing Senate Committee on Social Affairs, Science and Technology. As a physician who practised for 27 years and dealt with the most intimate kind of situations in which young people find themselves needing advice, medical help and counselling, these are profound issues that go beyond the law and society in general. Whichever committee gets this bill, I hope the witnesses called will most certainly include people who understand the health, the social practices, the needs, the problems, and so on, of our youth, as well as the changing times.

This is a very profound issue, as honourable senators have mentioned, and it is one that will need a great deal of study before final passage. If it does not go to the Standing Senate Committee on Social Affairs, Science and Technology, I hope there will indeed be health care professionals, social workers and many people who can address the issues alluded to here today.

Hon. Anne C. Cools: Honourable senators, to which committee is the government planning to send this bill?

Hon. Gerald J. Comeau (Deputy Leader of the Government): This bill would be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Cools: I must admit I have not looked too closely at the bill. However, after what Senator Joyal and Senator Segal and Senator Trenholme Counsell have said, I would like to take the adjournment and take a look at it.

On motion of Senator Cools, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the adoption of the thirteenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-4, to amend the Constitution Act, 1867 (Senate tenure), with amendments, a recommendation and observations), presented in the Senate on June 12, 2007.

Hon. Lorna Milne: Honourable senators, I would like to speak to the report of the committee on Bill S-4.

I am pleased to participate in the debate today on the thirteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, regarding Bill S-4, to amend the Constitution Act regarding Senate tenure.

I want to begin by thanking all those honourable senators who took part in the committee's study of this bill. The interventions in committee and the probing questions there were invaluable as the committee explored the possible ramifications of this bill and its lasting effect on our parliamentary system.

When I spoke to this bill at second reading, I recall one of my main concerns with Bill S-4 was the length of the term initially chosen by this government. A second, but no less important, concern was that under Bill S-4, as originally proposed, a senator's term may be renewable. Both of these concerns led me to this question: Does Bill S-4 exceed the exclusive jurisdiction of the federal Parliament in that it affects both the fundamental features and the essential characteristics of the Senate?

While your committee heard some evidence that would serve to relieve my fears regarding the length of term, most of the evidence suggested that my apprehension was justified and that the term chosen by this government was simply too short.

Keep in mind, honourable senators, that the preamble to Bill S-4 clearly states that the Parliament of Canada wishes to maintain the essential characteristics of the Senate within Canada's parliamentary democracy as a chamber of independent sober second thought. With that in mind, I wanted to determine through the committee hearings if Bill S-4, as originally written, would alter the balance between the desires of the present government to increase the Senate's so-called democratic legitimacy while keeping in place the independence —

The Hon. the Speaker: I wish to interrupt the Honourable Senator Milne for greater clarity in my mind. The item that was called was No. 2, and is that consideration of the report?

• (1610)

Senator Milne: It is No. 1 under Reports of Committees.

The Hon. the Speaker: I wanted to be clear. Thank you, honourable senators. I apologize for the interruption.

Senator Milne: With that in mind, I wanted to determine through the committee hearings if Bill S-4, as originally written, would alter the balance between the desire of the present government to increase the Senate's democratic legitimacy while keeping in place the essential independence of senators.

When Professor Andrew Heard appeared before your committee, he noted that since 1965, only 17 per cent of senators with less than four years of service have ever held a position of leadership in the Senate. He defined a "position of leadership" as an office that has some kind of stipendiary remuneration attached to it: in other words, pay.

Professor Heard further noted that he believes history shows that the Senate's seniority system is not only a case of waiting your time, but also evidence of the need to acquire institutional experience and knowledge before senators can be effective in these leadership positions. He concluded that the eight-year term is too short for senators to gain enough experience and to be fully integrated into the work of the Senate.

Alan Cairns, Professor Emeritus at the University of British Columbia, noted during his testimony that senators need much experience before they are fully aware of, and understand, how the Senate works.

He also argued that a senator's term should be long enough that a prime minister will have considerable difficulty if the prime minister tries to pack the Senate overwhelmingly with the prime minister's own supporters. Professor Cairns concluded, therefore, that eight years seems too short.

Another potential concern that was brought to the attention of your committee during in its review of Bill S-4 was the notion that an eight-year senator coming to the end of a term would be more likely to be less independent, diminishing the Senate as a deliberative body capable of sober second thought.

Professor Errol Mendes from the University of Ottawa noted that an eight-year senator could have lots of time left in their career and, therefore, their quality of independent sober second thought may be affected by seeking either a renewal of the eight-year term or a senior public office appointment after the end of that term.

Professor Mendes concluded that an eight-year term is too short and could be constitutionally suspect. He feared that if all senators have an eight-year term, a future prime minister could appoint the entire Senate. He concluded that serious consideration should be given to a much longer term, in the region of 12 years or longer.

What is the right number, or, as my colleague Senator Fraser pointed out during your committee's hearings, where does the crossover point come? How and what criteria do we use to determine at what point those fundamental and necessary characteristics of the Senate are affected?

In the *Upper House Reference* case of 1979, the Supreme Court essentially concluded that if a government were to provide it with a proposed change in tenure, it could determine at that time whether it would be deemed constitutional.

As Henry S. Brown of Gowling Lafleur Henderson so eloquently stated in his testimony before your committee:

> . . . you are permitted to amend, but you may not go to the point of impairing sober second thought. In other words, some affecting of sober second thought is permitted, but impairment is not.

The second main concern I raised during the second reading of Bill S-4 was the notion of a senator's term being renewable. I am not alone in having this concern, and that is reflected in the observations that are appended to your committee's report on the bill.

In fact, the initial quotation from George Brown, Father of Confederation, on February 8, 1865, echoes my concern exactly 142 years later:

> Suppose you appoint them for nine years, what will be the effect? For the last three or four years of their term, they would be anticipating its expiry and anxiously looking to the administration of the day for reappointment; and the consequence would be that a third of the members would be under the influence of the executive.

The possibility that the prospect of having a senator's term renewed would affect their independence was supported by numerous witnesses before your committee, all echoing the sentiment of Mr. Brown.

In light of this evidence, I do not think there is any question that the possibility of a senator's term being renewed would cross the line from affecting sober second thought to impairing it, and, as such, would be deemed unconstitutional if the question were referred to the Supreme Court. It was for this reason, honourable senators, that your committee amended the bill so that a senator would be appointed for a longer non-renewable term.

Why did your committee then recommend referral of this bill to the Supreme Court of Canada in its amended form? In my mind, honourable senators — and the observations of your committee reflect this view — I have concluded that there are still significant constitutional concerns as to whether this bill can properly be passed by Parliament alone.

In addition, I feel that by referring the proposal of a 15-year non-renewable term to the Supreme Court, the government of the day can perhaps prevent a period of constitutional confusion down the road.

What if the Supreme Court determines that a 15-year term will impair the functioning of the Senate in providing what Sir John A. Macdonald described as a sober second thought in legislation? Is it not better to know now before the change takes place rather than many years later when the functioning of the institution has already been compromised?

What if the Supreme Court determines that the Parliament of Canada is not empowered to present these amendments to the Constitution without agreement from the provinces? Is it not better to know now, before a change possibly affecting our constitutional legitimacy takes place, rather than have this government embarrassed at a future date when it is told it has violated the principal document in Canadian law, the Constitution?

In closing, honourable senators, it is not a question of being opposed to Senate reform because I support term limits. It is a question of making alterations to the Senate in a manner respectful of the constitutional guidelines that are currently in place to entrench the independence of senators.

I was not convinced that Bill S-4 accomplished this goal in its original form, and I still question whether the Parliament of Canada is allowed to act unilaterally with this proposal even in its current form.

However, instead of defeating the bill on these grounds, I feel that Canadians and their government deserve an answer to the question of whether both the content and the way in which Bill S-4 has been proposed is in violation of our Constitution.

I ask honourable senators to continue to reflect on this issue as they arrive at their own conclusions on this serious matter. I urge the adoption of this report.

Hon. Tommy Banks: Speaking to the same report, I want to tell honourable senators briefly what the view of the Alberta Liberal caucus is in respect of it and this bill.

The Alberta Liberal caucus is in favour of parliamentary reform, including reform of the Senate, and has said so. However, in the process of considering aspects of this bill, and the association that this bill has with Bill C-43, an umbilical connection, the committee, while in favour of the principle of Senate reform and parliamentary reform, took the trouble to write to the Premier of Alberta and the Minister of International, Intergovernmental and Aboriginal Relations of the Province of Alberta, both of whom replied to me to the effect that our premier, the Honourable Ed Stelmach, and the Government of Alberta are in favour of Bill S-4 as it was first presented to us unequivocally. That is the position of the Government of Alberta.

• (1620)

It is also the case that the Senate Liberal caucus has taken into account the fact that the Provinces of British Columbia, Saskatchewan, Ontario, Quebec, New Brunswick and Newfoundland and Labrador and the Territory of Nunavut have expressed adamant opposition to Bill S-4, and therefore we concur with the view of the report that it would be intemperate, at least, to proceed with the passage of a bill that would certainly be tested in court, according to the information that we have from the heads of those respective governments, of the other orders of government, as opposed to asking for a reference from the court that would settle the constitutional questions, to which Senator Milne has referred, once and for all. If the court was to determine that it is within the purview of Parliament to pass a bill such as Bill S-4, that would settle that issue and remove all impediments to doing so.

It is simply prudent, we think, to ask the government — because we cannot — to ask for a reference from the Supreme Court in order that we can stop arguing about the constitutionality of this bill and find out what the Supreme Court says without submitting the bill having been passed to a test in the court, which would be infinitely more complicated, infinitely more expensive and infinitely more trouble. We can answer the question quicker by asking for a reference to the court. That is the view of the Alberta Liberal caucus.

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

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

Some Hon. Senators: Agreed.

Hon. Anne C. Cools: Your Honour, let the record show that it was a unanimous vote.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Let the record show that His Honour did not hear the "on division" from this end.

The Hon. the Speaker: The motion is carried, on division.

Senator Cools: After the fact. I noticed that it was unanimous.

Motion agreed to and report adopted, on division.

Third reading suspended as per report.

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future. —(*Honourable Senator Comeau*)

Hon. Tommy Banks: Honourable senators, I rise to ask something which is a little unusual, but in light of the fact that everyone would agree, as a matter of course, that the object of Senator Grafstein's bill is to provide clean drinking water and it is a matter that has been referred to by Senator St. Germain's report as well.

Senator Nolin has raised, however, a very interesting set of points in reference to an act of Parliament that already exists, and which addresses, in some senses, the same question. I will ask honourable senators that without referring the bill for study to the Standing Senate Committee on Energy, the Environment and Natural Resources — and I am raising the name of that committee of which I am the chair because it has considerable experience in these matters — on the understanding that that committee would examine the question of both of the extant act of Parliament and the bill, and examine in respect of the content of the two documents, and the extent to which they either complement each other, overlap or are redundant, then that committee would be able to report to honourable senators its view before we deal with the substance of the bill.

SUBJECT MATTER REFERRED TO COMMITTEE

Hon. Tommy Banks: Therefore, honourable senators, I move:

> That Bill S-208 be not now read the second time but that the subject-matter thereof be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources; and
>
> That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper and Notice Paper*.

If an explanation of that is in order, honourable senators, and I hope that it would be, with the indulgence of the house, I would ask Senator Grafstein, whose bill it is, to speak to it.

The Hon. the Speaker: Honourable senators, on the motion in amendment.

Hon. Jerahmiel S. Grafstein: Honourable senators, I will not try your patience. The hour is late. I rise to support Senator Banks' motion and to respond briefly to Senator Nolin's speech with respect to the substance of Bill S-208.

Senator Nolin, as Senator Banks pointed out, raised two problems from his perspective with respect to my bill. The first was the constitutional ambit and jurisdictional issue, and the possible bureaucratic overlap with the Canada Water Act.

In the circumstances, Senator Nolin and I have agreed, subject to the concurrence of our leadership and support on both sides, to refer the subject matter of my bill, Bill S-208, to committee as set out in Senator Banks' motion. The committee will then have before it not only my proposed Bill S-208, but also the Canada Water Act to determine if there is an overlap between the two.

Let me address the history and the purpose of the Canada Water Act. The intent of my private member's bill and the Canada Water Act are quite different. The intent of Bill S-208 is to map watersheds and water tables, the sources of Canada's drinking water. The primary purpose of the Canada Water Act is to deal with water pollution and was not enacted to specifically address the question of watersheds, water tables or the sources of Canada's drinking water.

Part II of the Canada Water Act, at the outset, was focused on large polluted water bodies like the Halifax harbour, not on mapping or on protection of source drinking water as set out in Bill S-208.

I say regrettably that the Canada Water Act has fallen into disregard and disuse.

• (1630)

Part II of the Canada Water Act has never been appropriately implemented, even though the legislation has been in force for decades. Reports, as mandated by the legislation to report to Parliament, have not been made since the year 2000. Simply speaking, the federal government does not have a national water strategy. As a leading expert and esteemed former high civil servant advised me just today — and I quote: "What the government has called a national water strategy is neither national nor strategic — rather, a set of seemingly random and discrete spending initiatives."

I urge senators to refer the subject matter of Bill S-208 to the committee. As Senator Banks has pointed out, he has agreed to give both the bill and the legislation a thorough review. What will emerge from that committee, I hope, will be a road map to finally divine and map out Canada's shrinking national treasure — its watersheds and sources of drinking water — to protect present and future generations.

I urge the subject matter of this bill be referred to Standing Senate Committee on Energy, the Environment and Natural Resources.

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

Hon. Senators: Agreed.

On motion of Senator Banks, subject matter of bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the Honourable Senator Goldstein, seconded by the Honourable Senator Chaput, for the second reading of Bill C-280, to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).—(*Honourable Senator Comeau*)

Hon. Sharon Carstairs: Honourable senators, I rise today to speak in favour of Bill C-280, a bill sponsored by the Honourable Senator Goldstein.

Honourable senators, many refugees come to our shores. Most are legitimate, some are not. All, however, have the right to two things: First, they have a right to a speedy decision; second, they have a right to an appeal of that decision, if the decision is not in the refugee's favour, because this decision is made by only one person and mistakes can be made.

Parliamentarians agreed with that concept when they passed the Immigration and Refugee Protection Act. However, both under the former government and this one, the appeal division has never been brought into force.

Honourable senators, both governments have used the excuse of backlogs for the reason not to bring the appeal division into force. This is unfair. Would we use the excuse that those convicted of an offence not be allowed to appeal because our courts are too busy? Of course, we would not. We know that mistakes are made in our justice system, and the right to appeal is essential to our belief in the rule of law. So, too, should be the right of a refugee to appeal a ruling of only one adjudicator.

Honourable senators, it is very clear that there is a refugee backlog in Canada, but that is hardly the fault of the refugee. Indeed, it results in problems both for the refugee and for our country as a whole. The problem for the refugee means that the longer they are separated from their country, the more difficult it will be for them to adjust if they are, in fact, forced to leave Canada.

It also raises serious questions and concerns with respect to the children that may be born in Canada during this delayed period. These children have a claim to Canadian citizenship. Quite frankly, if one reads the Convention of the Rights of the Child carefully, decisions affecting children must be made in the best interests of the child.

Perhaps I am just a very proud Canadian, but I happen to believe that the best interests of most children would be for them to remain in Canada. However, that comes in direct conflict with their right to be raised by their natural parents. Therefore, it is imperative, in my view, that refugee claims be heard quickly, to be followed equally quickly by an appeal, if such an appeal is necessary.

The reason this does not happen is insufficient resources and manpower to make it happen, but it is a false economy. If they remain in Canada — and many of them should, in my view — it is a very costly matter. They must be supported, although these costs are usually borne by the provinces — education, welfare and health care costs. The federal government does not do the right thing; we do not eliminate the backlogs and we pass the costs on to the provinces — another example, I would suggest, of off-loading.

Honourable senators, we are speaking about human beings — men, women and children. Yes, there are probably some bad apples. There can be no excuse for not weeding those bad apples out, but we should do it quickly. Even a bad apple is entitled to an appeal.

So, too, should the genuine refugees be dealt with quickly. Many have had horrendous lives. If they are going to be accepted as genuine refugees, their settlement will be more positive if they can do it quickly. They will then be on their way to being successful Canadians.

Honourable senators, I urge you to support this bill.

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

[*Translation*]

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

MOTION TO REQUEST GOVERNMENT RESPONSE ON
REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton:
>
> That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Foreign Affairs being identified as the Minister responsible for responding to the twelfth report of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: At the Crossroads*.—(*Honourable Senator Corbin*)

Hon. Eymard G. Corbin: Honourable senators, I am prepared to have a debate with Senator Andreychuk, who presented this report. For reasons that escape me, it seems that we are never in this chamber at the same time, or this item on the Order Paper is called very late in the day. I do not see the point in debating it when everyone would rather go home to bed.

However, I have a solution. Would Senator Fraser, the Deputy Chair of the Standing Senate Committee on Human Rights, agree to answer my questions on behalf of her colleague, the chair of the committee, Senator Andreychuk? I would not want to be accused of holding up adoption of this motion. We hastily adopted the text of the report; it was agreed that I would be given the opportunity to ask my questions during study of the request for a government response to the report.

• (1640)

Would Senator Fraser agree to my request?

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted for Senator Fraser to answer the questions?

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Senator Fraser, do you agree to answer the questions?

Hon. Joan Fraser: If the chamber had not granted leave, I would have said that I intended to say a few words about this motion myself and that Senator Corbin could have asked his questions afterward. I am not at all certain that I will be able to answer his questions, but if he wants to ask them and the chamber has agreed, I will try to answer, although I would like to say a few words afterward.

Senator Corbin: Thank you, honourable senators. This report was not the final report of the committee that studied the organization and operations of the new United Nations Human Rights Council, which replaced the now-defunct Human Rights Commission.

That being said, and having read the report carefully, I feel that it is premature because the council is far from having made all of its internal governance arrangements. Moreover, the committee indicated that the council was making some of the same mistakes as the former commission. In other words, the Human Rights Commission was being used to play the geopolitical tension game, which was not only disadvantageous, but is now having a negative impact on the work of the council, which, after all, is trying to achieve specific goals related to human rights.

In that sense, I find that the report is incomplete and premature. However, Senator Andreychuk told us that the council had been in place for a year and that it was probably a good idea for the committee to inform the government of its concerns with respect to the issues I just brought to the attention of honourable senators.

Senator Fraser can respond to that, but, personally, I think that the council will have to work very hard to bring order and sense to its way of doing business and that we do not know the whole story.

One of the recommendations that particularly caught my interest involved the creation of the position of a Canadian ambassador for human rights. It was explained why this might be a good idea. Something did occur to me, however, after reading in the text of the report quotations from the Canadian delegation to the Human Rights Council, which seems to me to be doing an excellent job. It appears that this suggestion to appoint an ambassador could be interpreted as a message that we are not satisfied with the Canadian delegation to the council. I am not sure if this is an accurate assumption, because, to back its report, the committee refers repeatedly to the excellent work of the Canadian delegation with respect to the council.

I do wonder, however, why we need such an ambassador if our representatives, our Canadian diplomats, are doing a good job. First, an ambassador means an expenditure of at least $5 million, considering all the machinery that goes along with such a position.

Perhaps Senator Fraser could tell us whether the idea came from the Canadian organization itself or grew out of certain suggestions made by NGOs. Having read the report, I know that Canadian NGOs have some rather strong views — I would even say expert views — regarding certain issues. Where did this idea come from, this idea to ask the government to create a new position of ambassador for human rights, who would be attached to the council and could also travel around Canada to raise awareness among Canadians about the importance of human rights? Could the honourable senator please share with us any information she may have on this?

Senator Fraser: First, allow me to say very explicitly and for the record that the committee in no way meant to criticize, directly or indirectly, the work of the people representing us in Geneva at this time. They are doing an excellent job. The idea of having a new ambassador for human rights had rather more to do with complementing their work. Those officials are in Geneva. Their duties keep them busy full time in Geneva. Theirs is not an easy job, but it seemed to us — and I hope the other committee members will find this to be an accurate summation of the substance of our discussions — that it also made sense to have someone with greater freedom to travel, not only in Canada but also internationally, as an official representative of the Government of Canada, to deal with other governments in order to try to advance our diplomatic position in this area, which is so important.

It would also show Canadians and the entire world that for us, human rights are not of secondary importance but are a top priority, and that we find this issue so important that we had to appoint a very high-ranking, official representative to promote human rights.

I would like to get back to the comments you made at the beginning of your speech about the fact that it was an interim report. I am not quoting you exactly, but I think that what you were saying was that it was a bit early to be making recommendations and criticisms, as we had done.

The situation is a bit odd. The council has been in operation for one year, but when we wrote our report some very important things remained to be determined. Key negotiations were to take place this month—in June of this year—on procedural requirements, which will be very important. These negotiations will not be about the colour of the paper used to write letters. They will have to do with, for example, how to conduct the "universal periodic review," which is perhaps the most important tool that has been given to the new council and which could be gutted if the proper rules are not chosen.

• (1650)

We thought it would be useful, without overestimating our importance, to add our voice to those that support good procedural rules, a solid system with teeth that will be able to conduct the inquiries, for example, in the universal periodic reviews. I apologize for not knowing the French term.

It is definitely somewhat odd to be making recommendations when the arrangements have not been finalized; however, the whole situation is a bit strange. We felt it was in keeping with the traditions of the Senate to make recommendations in an

interim report. This is not the first time this has happened. We have seen it in other cases, for example, when the Standing Senate Committee on Social Affairs, Science and Technology studied the health care system and produced several interim reports. These did have an impact. We hoped to have some influence at a key moment. We know that more study is required. The situation is not yet very clear and that is why it is just an interim report. We will submit a final report when we can.

Senator Corbin: I thank my colleague for this information. I must say that it is difficult to read the report given that, as an interim report, it is missing information about when witnesses appeared, committee travel, the quality of witnesses, their expertise, and so forth. We will certainly have to wait for the final report to obtain that information. I must say that the lack of basic information makes it more difficult to read the report.

I was very surprised by something else when I read this document: it says that Canada is losing its traditional allies in endeavours seeking to improve human rights efforts. Australia, New Zealand and other partners are no longer its allies because the council was established on the basis of regional blocs. This has deprived Canada of its traditional allies and reinforcements. It is somewhat isolated. That is what your report says. I am not certain that creating an ambassadorial position or appointing an ambassador will fill this void.

I get the impression, given the comments in the report on the now defunct commission and the comments on how the new council has been operating for the past year, that, even though there are encouraging aspects, as you just indicated, absolutely nothing has been gained in terms of goodwill. It will take a long time to work objectively when it comes to human rights. There are all sorts of regional geopolitical factors that come into play in the decisions of council members. I find this very discouraging.

The establishment of the new council stirred up a lot of hope. Unfortunately, we should not be surprised, but all the United Nations bodies are rather cumbersome, and this one seems even more so. Instead of correcting the old problems, it is perpetuating them and adding new ones. That is how I perceive this information.

The Hon. the Speaker *pro tempore***:** Honourable senators, Senator Corbin's time has expired.

Senator Corbin: Could I have a few more minutes to allow Senator Fraser to respond?

The Hon. the Speaker *pro tempore***:** Honourable senators, is it agreed?

Some Hon. Senators: Agreed.

Senator Fraser: Honourable senators, the former commission lost a lot of its strength, credibility and effectiveness because of the policies and influence of geopolitical blocs. It was hoped that creating this Council would dampen the influence of these groups. So far, the signs are not very encouraging. We have to recognize that the group of countries that more or less share Canada's opinions do not have as much weight within the new council, compared to what they had in the former commission.

The observation Senator Corbin brought up in our interim report about Canada's traditional allies refers to that and also to the fact — we really have to take this with a grain of salt — that even countries that share our opinions most of the time have found on some occasions in the past year, with the new council, that some of our positions were a bit too cut and dried, that we were not open enough to the possibility of compromise. We heard that from a number of sources, including some very credible NGOs. That is why you found these references in the report. You have to understand that we were not criticizing Canada's basic position. These are Middle East issues. The committee was not taking a position against the government's policy in general, but on certain issues, on certain votes.

We were told that Canada may have been a bit too rigid in its positions. I am trying to choose my words carefully. Perhaps Senator Andreychuk would like to say a few words to elaborate on this. I leave it entirely up to her to do so.

[*English*]

The Hon. the Speaker *pro tempore***:** Continuing debate.

Senator Fraser: Honourable senators, I want to speak. I do not wish to adjourn the debate. I wish to speak briefly, if I may.

Honourable senators, I have warned a number of people, including His Honour, that when this item came up for debate, I would rise to address this point.

Let me say first that I support the motion. I think it is a good motion and that it is in order both procedurally and in the sense of being an appropriate motion for us to adopt. It is a good idea to have governments respond to serious reports produced by Senate committees.

However, senators may recall that, during the week when this item first came up, there was much discussion and argument and one could even say confusion about various things — about the correct form of motions; about the correct form of moving for the adoption of committee reports. I would ask very humbly if, perhaps over the summer, the Speaker might be willing to produce a little cheat sheet for us. It is, for example, well known to all of us that it is customary practise in this place, when a report is on the Order Paper, to stand up and say, "I move the adoption of this report."

• (1700)

However, rule 57(1) states:

> Two days' notice shall be given of any of the following motions:
>
> (e) for the adoption of the report of a special or special joint committee;

The report of the special committee on the subject matter of Bill S-4 is what first brought this matter to our attention.

Rule 58(1) states:

> One day's notice shall be given of any of the following motions:
>
> (g) for the adoption of a report from any my standing or standing joint committee.

Our long-standing practice, in which every single one of us has engaged, does not seem to match the plain black-and-white words of the rules. It would be nice to have some clarification in that regard, if we could get it.

There is also the matter of rule 131(2), which applies to the precise motion that Senator Andreychuk wisely and graciously agreed to split so that we would adopt the report and have a separate motion to call for a response from the government. As rule 131(2) reads, I would agree that the original motion was probably in order. The rule states:

> The Senate may request that the government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if either the report or the motion adopting the report contains such a request, or if a motion to that effect is adopted subsequent to the adoption of a report.

I draw the attention of honourable senators to that middle passage. One can ask for a complete response to a report that has been adopted by the Senate if either the report or the motion adopting the report contains such a request. It does seem to me that this starts to become a little convoluted and labyrinthine.

This would not necessarily have to be part of the cheat sheet that I am requesting, but it might be worthy of consideration by the Rules Committee to come back and say that it would indeed be cleaner to call for two different motions in this case, the first for the adoption of the report and the second requiring a response from the government, which I think was Senator Corbin's original point when he raised this issue. We were asking for one motion to do two separate things, and that may indeed be a little beyond our normal practice.

I do support this motion and urge honourable senators to support it.

The Hon. the Speaker *pro tempore***:** Continuing debate?

Senator Corbin: On the point of order.

Senator Fraser: That was not a point of order.

Senator Corbin: The content was actually a discussion of or debate on a point of order. Senator Fraser and I seldom agree; we split hairs.

When Senator Andreychuk presented the report to the Senate, she did not request a ministerial response. She introduced the aspect of requesting a ministerial response when she rose in the house and asked for adoption of the report. That is the first time we ever heard of a request for a ministerial response. The request for a ministerial response has to be preceded by a notice of motion, which was not done in that case, and that is why Senator Carstairs and I rose to point out that the whole thing was irregular, to say the least.

However, I agree with Senator Fraser that this particular rule or any rule that contains an "either/or" should be scrapped from the rule book, and we should come out with clear, black and white directives so that there is no fooling around with these matters.

Hon. David Tkachuk: I am sorry, honourable senators, but I was not clear whether Senator Corbin was raising a point of order or whether he was responding. He was raising a point of order? Very well.

The Hon. the Speaker *pro tempore***:** On the point of order, I wish to thank the Honourable Senator Fraser. I will let the Honourable the Speaker know about the summer assignment that he has been given.

With respect to Senator Nolin's point of order, a decision will be forthcoming.

Further debate on the motion?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore***:** It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Stratton, that pursuant to rule 131(2) — shall I dispense?

Hon. Senators: Dispense.

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

Motion agreed to.

STATE OF RESEARCH IN CANADA

INQUIRY—DEBATE SUSPENDED

Hon. Wilbert J. Keon rose pursuant to notice of June 5, 2007:

> That he will call the attention of the Senate to the state of research in Canada.

He said: Honourable senators, a few weeks ago, the Prime Minister and the Minister of Industry announced Canada's new science and technology strategy. The government's strategy to achieve the goals set out in last November's economic plan, entitled "Advantage Canada: Mobilizing Science and Technology to Canada's Advantage," is a truly remarkable document. In my view, if it is supported nationally and implemented vigorously and imaginatively by all sectors of our economy, this coherent strategy has the potential to position our country for its economic future.

Science and technology is a prime basis for the economy because real wealth is created by science and technology, by research and development. I will not try in the short time that I have to justify to honourable senators the dependence of wealth on science and technology, but I will use two examples.

My own area of health care depends on fundamental scientific research in biology, sociology, ethnography, information technology, material science and many other areas, and on the development of the technologies to which fundamental research gives rise.

Health represents approximately 10 per cent of our economy. Our health care system also underpins the rest of the economy. For example, it is broadly recognized that our health care system reduces the cost of an automobile made in Canada by $1,000 compared to the U.S.A.

Governor Arnold Schwarzenegger, in his recent speech to the Economic Club of Toronto, made very similar points with respect to the environment. He outlined the commitments being made in California to scientific research and development of technologies in global warming and sustainability of the environment. He eloquently stated his firm belief that, in addition to their environmental beliefs, the economic quality-of-life benefits to California of environmental initiatives will be comparable to those of the aerospace and information industry.

Honourable senators, let me try to offer a flavour of what I see as some of the most important aspects of this strategy.

The strategy's central driving theme is to ensure Canada's international competitiveness. A country's economy depends on succeeding in competition with other countries. We, of course, in Canada have not exploited science and technology to the fullest at this point.

• (1710)

While Canada's economy appears to be flourishing at the moment, our industries overall are much less competitive internationally than they should be. We must recognize this fundamental fact. Our few shining examples of international leaders must not blind us to the problems faced by our overall economy.

The strategy clearly recognized that governments themselves cannot create national wealth. Governments can only set the overall context within which science and technology performers can function together to create national wealth. This is necessarily a continuing process.

Governments can also help stimulate industry through carefully crafted and targeted support programs such as the National Research Council Industrial Research Assistance Program. The competitive environment is continually changing, because other countries will adapt their our own science and technology contexts when they perceive they are losing out; so governments, like scientists and industry, must continually stay ahead of the game.

Wayne Gretzky's trite comment about skating to where the puck is will be highly relevant to national economic competitiveness.

The strategy "Mobilizing Science and Technology to Canada's Advantage" sets out four guiding principles. The first principle is, "promoting world class excellence." Success in competition means winning, and we do not win unless we are consistently the best.

The second principle is "focusing on priorities." The strategy clearly recognizes the importance to Canada of excellent basic research across a broad spectrum of science. This is necessary because expertise cannot be turned on like a tap, though expertise can be lost quickly. This is especially important because no one can predict the area of science that will yield the most benefits to the mid-term and long-term. However, the strategy also recognized that some areas offer special advantages or needs at any one time and, hence, need relative encouragement.

The third principle is, "encouraging partnerships." Led by such initiatives as the Networks of Centres of Excellence program and the collaborative programs of the Canadian Institutes of Health Research, Canadians are excellent in partnership; indeed, we are recognized as world leaders.

Governor Schwarzenegger's visit to sign partnership agreements with Ontario and British Columbia demonstrate unequivocally both his recognition of Canada as a productive partner and the excellence of Canada's opportunities.

The fourth principle is "enhancing accountability." Of course, accountability means ensuring that our resources are used as intended. However, accountability includes also a more complex concept: that of continuing review of progress so that overall directions and operational details can be modified as success and failures emerge or the context changes.

To this end, the new Science, Technology and Innovation Council will replace the current three governmental science and technology advisory bodies. I had an opportunity on two occasions to mention to the Prime Minister and to the Minister of Finance, the Minister of Health and the Minister of Industry, that we cannot stay where we are when it comes to advisory councils. We must ramp up to the level of Japan, for example, that has a science advisory council that advises their prime minister every month. We should at least ramp up to the level of our American friends.

The new council will advise government and benchmark Canada's science and technology performance against international standards of excellence. This is an astute move on the part of the government and I look forward to the improvements that will accrue from this council.

Guided by these four principles, the strategy commits the government to policies that seek to create advantage for Canada under three sector themes: entrepreneurship, knowledge and talent. A fourth overarching one, of course, is accountability.

The first theme is, "to create an entrepreneurial advantage." As the title implies, this set of policy commitments is directed to industry. It seeks to foster a competitive and dynamic business environment that encourages science and technology investments.

Our exporting industries flourished when our low dollar relative to the USA allowed them to export without paying much attention to productivity. At the same time, all sectors suffered from relatively high costs of imported equipment and technology.

As a result, Canada's productivity, which was 91 per cent of the USA's in 1984, fell to 74 per cent of theirs in 2004, and appears to be falling still. This is unsustainable. Canada is the only major country with a consistent surplus and we also have the lowest debt-to-GDP ratio among our major competitors. The loonie is now approaching parity with the greenback.

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore***:** The Honourable Senator Keon has six minutes left for his speech, but it being 5:15, pursuant to rules 67(2) and 66(3), I must interrupt the proceedings and order the bells to call in the senators to be sounded until 5:30 p.m., at which time the Senate will proceed to the taking of the deferred vote on the subamendment to Bill C-288.

Call in the senators.

KYOTO PROTOCOL IMPLEMENTATION BILL

THIRD READING—MOTIONS IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED—VOTE DEFERRED

On the Order:

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

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

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

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

(*b*) in clause 5,

(i) on page 4,

(A) by replacing line 2 with the following:

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

(B) by replacing line 6 with the following:

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

(C) by adding after line 13 the following:

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

(ii) on page 5,

(A) by replacing line 9 with the following:

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

(B) by replacing line 23 with the following:

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

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

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

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

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

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

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

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

(*d*) in clause 7,

(i) on page 6,

(A) by replacing line 32 with the following:

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

(B) by replacing line 38 with the following:

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

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

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

(*e*) in clause 9,

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

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

(ii) on page 8,

(A) by replacing line 3 with the following:

"Minister considers appropriate within 30 days", and

(B) by replacing line 7 with the following:

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

(*f*) in clause 10,

(i) on page 8,

(A) by replacing line 9 with the following:

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

(B) by replacing line 11 with the following:

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

(C) by replacing line 38 with the following:

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

(ii) on page 9,

(A) by replacing line 6 with the following:

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

(B) by replacing line 9 with the following

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

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

(i) by replacing line 17 with the following:

"and Sustainable Development may prepare a",

(ii) by replacing line 32 with the following:

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

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

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

On the subamendment of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, that the motion in amendment be amended by replacing paragraph (*g*) with the following:

(*g*) in clause 10.1, on page 9, by replacing line 17 with the following:

"and Sustainable Development may prepare a".

• (1730)

The Hon. the Speaker: Honourable senators, the question is as follows: It was moved by the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, that the motion in amendment be amended by replacing paragraph (*g*) with the following:

(*g*) in clause 10.1, on page 9 —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion in subamendment will please rise.

Motion in subamendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Meighen
Angus	Nancy Ruth
Cochrane	Nolin
Comeau	Oliver
Di Nino	Segal
Gustafson	St. Germain
Johnson	Stratton
Keon	Tkachuk—17
LeBreton	

NAYS
THE HONOURABLE SENATORS

Adams	Jaffer
Baker	Lavigne
Banks	Losier-Cool
Biron	Lovelace Nicholas
Bryden	Mercer
Carstairs	Merchant
Cools	Milne
Corbin	Mitchell
Cordy	Moore
Cowan	Munson
Dallaire	Murray
Dawson	Pépin
Day	Peterson
De Bané	Phalen
Downe	Poulin
Dyck	Ringuette
Eggleton	Robichaud
Fairbairn	Rompkey
Fitzpatrick	Spivak
Fox	Stollery
Fraser	Tardif
Goldstein	Trenholme Counsell
Harb	Watt
Hervieux-Payette	Zimmer—49
Hubley	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The question now before the chamber is the motion in amendment of Senator Tkachuk, seconded by Senator Angus.

Hon. Hugh Segal: Honourable senators, I am pleased to have this opportunity to participate in debate on the proposed amendment to Bill C-288. Honourable senators, climate change is one of the greatest challenges of our time. It is real, it is happening now and the consequences are huge for all of us — which is why it should be treated seriously. Climate change could

have serious effects on our health, environment and standard of living. Sadly, however, Bill C-288 is neither a rational nor a practical plan to deal with climate change.

By requiring Canada to do in six months what is simply not doable, and what was not done in 10 years, Bill C-288 sets up the country and all those who care about this issue for another failure.

The economic arguments against Bill C-288 are strong and compelling. Should this bill be fully implemented, thousands of Canadians would lose their jobs by 2009. Prices for natural gas and electricity would go through the roof. The cost of transportation, especially in Canada's rural areas, would skyrocket. As the committee dealing with agriculture and rural poverty has found, this would be particularly hard on the poor and the impoverished living in many parts of rural Canada.

These are just the minimum official projections arrived at by the Crown in its analysis of Bill C-288 and what it would do with respect to economic problems.

Honourable senators, it is not just the Government of Canada that is making this point. Let me quote the *Montreal Gazette* of June 9, which stated that Bill C-288 was "intellectually bankrupt." The editorial noted:

> Mr. Rodriguez introduced no such bill while the last Liberal government was ignoring its own promises about Kyoto. The Liberals must know Kyoto compliance is now utterly impossible.

In the June 15th edition of *The Globe & Mail*, Jeffrey Simpson, the loquacious, balanced, careful, thoughtful, always assiduous columnist, wrote that Canada's opposition parties are — and I quote:

> . . . convinced that Canada can meet its Kyoto targets by 2012 without seriously damaging the economy. They are wrong. Canada will not, cannot and should not meet its Kyoto targets by 2012 of reducing emissions 6 per cent below 1990s levels when the country is already at about 35 per cent above that target.

Earlier, we talked about how any law that brings the administration of justice into disrepute is a bad law. Any law that destroys the good faith and the will to succeed of a country on the environmental front, which Bill C-288 would do by setting us up for failure, is also a bad law.

Consider the sentiments once held by the bill's sponsor in this place, my good friend and esteemed colleague, Senator Grant Mitchell. When he was leader of the Alberta Liberals, poor, benighted, in difficulty — do not leave senator, you will love this — in the period leading up to the negotiation of the Kyoto Protocol, he appeared a lot more mindful of potential economic repercussions for his home province than he is now. He also seemed a lot more sensitive to the need for federal-provincial harmony.

Let me quote *The Globe and Mail* of October 1, 1997:

> Alberta Liberal Leader Grant Mitchell, obviously sensing that even Liberal supporters not ready for a new federal energy program that could reduce Alberta's energy revenues by 30 per cent and cause growth and output in population to slow dramatically, called on Mr. Chrétien to at a minimum start a national public debate on the issue. He said the Prime Minister, like Mr. Clinton, should chair a national meeting of provincial energy and environment ministers, industry representatives and the public.

• (1740)

According to the *Calgary Herald* on September 26:

> . . . the Alberta Liberal caucus support limits on greenhouse gas emissions as a worldwide goal, but not at the expense of the province's oil and gas industry.

That, honourable senators, is on the public record.

In view of these prior positions, one would think, at a minimum, the honourable senator would be a bit more leery about advancing a bill with such negative economic repercussions, particularly for his home province.

I am proud to stand here as a senator from eastern Ontario defending the economic interests of the good people and taxpayers of the Province of Alberta. They are Canadians too! They deserve to be protected and not treated with the back of our hand, as we so often do, especially when Liberals are in power with confiscatory programs like the National Energy Program, the worst disregard for Alberta colleagues and citizens.

Turning back to the generally excellent amendment proposed by my colleague from Saskatchewan, a son of the prairie, Senator Tkachuk, I note that paragraph (*g*)(i) changes from mandatory to permissible the requirement that the Commissioner of the Environment and Sustainable Development prepare a report at least once every two years. It seems to me that such a report is indeed required and should not be optional.

MOTION IN SUBAMENDMENT

Hon. Hugh Segal: Accordingly, I move:

> That the motion in amendment be amended by deleting amendment (*g*)(i) and relettering amendments (*g*)(ii) and (*g*)(iii) as amendments (*g*)(i) and (*g*)(ii).

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: The subamendment being moved by the Honourable Senator Segal and seconded by Senator Gustafson is that the motion in amendment be amended by deleting (*g*)(i) and —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Debate on the subamendment.

Some Hon. Senators: Question!

The Hon. the Speaker: Are honourable senators ready for the question? All those in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my view, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Please call in the senators.

Hon. David Tkachuk: Honourable senators, I move, pursuant to rules 67(1) and (2), that the vote be deferred until tomorrow at 5:30.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Therefore, the vote will be deferred until tomorrow, Wednesday, June 20, 2007, at 5:30 p.m.

STATE OF RESEARCH IN CANADA

INQUIRY—DEBATE ADJOURNED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Keon calling the attention of the Senate to the state of research in Canada.—(*Honourable Senator Keon*)

The Hon. the Speaker: Honourable senators, we now return to Inquiry No. 35, Senator Keon, for the remainder of his time.

Hon. Wilbert J. Keon: Honourable senators, I truly appreciate having an opportunity to continue my speech. I was afraid that the speech by my soft-spoken friend, Senator Segal, may have lulled some of you to sleep. I will attempt to wrap things up.

I left off identifying the four priorities in research, which are environmental sciences and technologies, natural resources and energy, health and related life science technologies, and information and communications technologies. These are the priorities of the government for the present time, and they will be periodically reviewed.

Agencies responsible for supporting research in universities and federal research performing organizations will collaborate to build critical masses in these priority areas by supporting multidisciplinary research that brings together the needed expertise. The programs will also be studied to identify best practices and thus further strengthen them.

One important initiative is to review the federal government's in-house research programs to determine how government will be best able to deliver benefits to Canadians.

To fulfill its policy and regulatory mandates in areas such as health, safety and the environment, government must have rapid and efficient access to top-level science and technology expertise. Strong research within government facilities is therefore necessary, and Canada's government researchers serve Canadians very well.

The intention in the strategy to transfer non-regulatory federal laboratories to universities or to the private sector will require careful balancing of many competing priorities. What will best serve Canadians must be determined by the four principles on which the strategy is based and not be subsumed under other objectives such as cost savings or regional concerns.

The strategy's third theme is to create a people advantage. People, not institutions, do science and technology. Talented, skilled, creative people are the most important, critical element of a successful national economy over the long term. Talented, skilled and creative Canadians work all over the world, and this illustrates the problem.

We have the highest fraction of any OECD country of people within tertiary education. However, we are in the bottom half of OECD countries in terms of the percentage of degree holders who are trained in natural sciences and engineering, the ratio of young Canadians with Ph.D.s, and the fraction of total employees who are in the S and T occupations. We are extremely low compared to other OECD countries.

We do not produce enough S and T personnel, and we lose many of those we do produce to other countries. We would be in even worse straits without the ability to attract talented and trained people from other countries, but many of these people are driving taxis.

Well-trained and dedicated people are very mobile. Excellent people spend at least a decade in university education and training and demonstrating their potential through publications in the international science and technology literature.

They then want to use their talents and contribute. They will do so whenever they can find an environment that will meet their professional and quality of life aspirations. International organizations compete vigorously for such people. Canada may compete fairly well in regard to quality of life, but we do much less well in terms of professional advancement.

The strategy therefore rightly targets the need to train, attract and retain excellence. It returns again to taxation, with commitments to make the taxation system fairer so as to ensure that Canada attracts and retains the highly skilled workers who are essential to fostering innovation and growth.

The strategy aims to reduce the barriers to mobility and recognition of professional qualifications that now bedevil optimal workforce practices. It seeks to provide stable and predictable funding for post-secondary education, increase support for research internships in industry and provide more and higher value scholarships for advanced level trainees.

Honourable senators, I have tried to summarize what I see as a very important strategy for Canada's future economic growth: mobilizing science and technology to Canada's advantage.

There is a story of a meeting between American and Japanese automakers talking about long-term planning. Timescales were the major factor impeding effective communications. Five years was a very long term for the Americans; 25 years was getting close to being interesting for the Japanese. This strategy seeks to think like the Japanese. It seeks to position Canada far beyond the life expectancy of any government.

Anyone can find fault with aspects of a strategy as complex as this one. I am definitely concerned about some of its emphasis. The point is that we have an outstanding science platform collectively built over the past 20 years by government, academia and industry. By many yardsticks, it is outstanding compared to global standards. This platform has been given a huge boost in the last budget, with $9.2 million supporting the collective Canadian effort. We now have an excellent science and technology strategy so we can move with confidence to a knowledge-based economy where we should be and not rely totally on our natural resources.

On motion of Senator Losier-Cool, debate adjourned.

• (1750)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Tommy Banks, for Senator Day, pursuant to notice of May 31, 2007, moved:

> That, notwithstanding the Order of the Senate adopted on May 11, 2006, the date for the presentation of the final report by the Standing Senate Committee on National Security and Defence on the services and benefits provided to Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada, be extended from June 30, 2007, to March 31, 2008.

He said: Honourable senators, Senator Day is the chair of the subcommittee of the Standing Senate Committee on National Security and Defence. As we all know, he is presently chairing the Finance Committee dealing with Bill C-52. He has asked, therefore, that I move the motion standing in his name. This has the effect of extending the deadline date for the presentation of a report by that subcommittee on the services and benefits provided to Canadian Forces veterans of war and peacekeeping missions, et cetera. It is exactly the same order of reference as presently possessed by the committee, and I move the adoption of the report in his name.

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

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF PROVISIONS OF CONSTITUTION ACT, 1867 RELATING TO SENATE

Hon. Wilbert J. Keon, pursuant to notice of June 7, 2007, moved:

> That, notwithstanding the Order of the Senate adopted on December 14, 2006, the date for the presentation of the final report by the Standing Committee on Rules, Procedure and the Rights of Parliament, authorized to examine and report upon the current provisions of the *Constitution Act, 1867* that relate to the Senate, be extended from June 21, 2007, to June 24, 2008.

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

Motion agreed to.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, shall it be deemed that I see the clock as 6:00?

Hon. Senators: Agreed.

The Hon. the Speaker: It now being six o'clock, I am obliged to leave the chair until eight o'clock, when we shall resume.

The sitting of the Senate was suspended.

• (2000)

[*Translation*]

The sitting was resumed.

PUBLIC SECTOR INTEGRITY COMMISSIONER

NOMINATION OF MS. CHRISTIANE OUIMET— CONSIDERED IN COMMITTEE OF THE WHOLE

On the Order:

> The Senate in Committee of the Whole in order to receive Ms. Christiane Ouimet respecting her appointment as Public Sector Integrity Commissioner.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole in order to receive Ms. Christiane Ouimet on the matter of her appointment as Public Sector Integrity Commissioner, the Honourable Rose-Marie Losier-Cool in the chair.

The Chairman: Pursuant to the order, the Senate put into Committee of the Whole in order to receive Ms. Christiane Ouimet on the matter of her appointment as Public Sector Integrity Commissioner.

[*English*]

Before we begin, may I bring your attention to rule 83 which states:

> When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it your pleasure, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

[*Translation*]

Senator Comeau: Honourable senators, I move, seconded by Senator LeBreton, that Ms. Christiane Ouimet be invited to take a seat in the Senate chamber.

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

Hon. Senators: Agreed.

The Chairman: Ms. Ouimet, on behalf of all the honourable senators, I welcome you to the Senate. You have been invited here to answer questions regarding your appointment as Public Sector Integrity Commissioner.

We will begin with your opening statement, after which, I will open the floor for questions from senators.

[*English*]

Ms. Ouimet, you may begin with a brief statement.

[*Translation*]

Ms. Christiane Ouimet: Madam Chair, honourable senators, I am very pleased to be here with you today to discuss my appointment as Public Sector Integrity Commissioner. It is a true privilege and a great honour for me to be considered for this position.

I would like to share my background with you and tell you about my perspective on the responsibilities associated with this position, which is important to the public service, to Parliament and, I think, to all Canadians.

[*English*]

By way of introduction, let me tell honourable senators a little bit about myself. I come from the small village of St. Albert, Ontario, where I was born on a dairy farm to Madeleine Laflèche and the late Albert Ouimet. I finished my primary education at the local school and then went on to "le village voisin," to the Casselman High School. Subsequently, I completed my honours degree in French Letters at the University of Ottawa and then completed two bachelor's of law, one in civil law and the second in common law. I articled with a local firm, with a focus on general practice, and then I completed my bar examinations. My husband and I have been married for 26 years, and we have two wonderful daughters.

I joined the federal public service in 1982 as a recruit of the then Atomic Energy Control Board, now known as the Canadian Nuclear Safety Commission, as a regulatory and public consultation officer. This was also my introduction to the importance of a sound regulatory framework for the benefit of the public and industry alike. I then moved on as a Public Service Commission Appeal Board Chair, where I conducted inquiries into the appointment and release of public servants. This involved a quasi-judicial role in ensuring that the merit principle was adhered to when an appointment was made and that employees who were demoted or released from their positions had been given a fair chance to be heard.

In all cases, of course, the principles of natural justice have to be respected. A new tribunal now embodies those principles in relation to appointments. Sound, fair, transparent and meritorious stamping processes are the foundation of a public service that is able to provide the best services to Canadians.

After a short term heading the Regulatory Affairs Directorate of Revenue Canada, in the customs division, I became the first director of the merged enforcement operations section, which included commercial fraud investigations and the drug interdiction program. As a result of the rigour of our processes and the diligence of our officers, we had an excellent record of prosecuting cases.

In 1992, I joined the machinery of government secretariat in the Privy Council Office, where I had the privilege of serving three prime ministers and providing advice on the economic portfolio in the context of transitions and government restructuring. Providing guidance on the roles and accountability of senior public office-holders was also part of my ongoing responsibilities. In that context, I learned about the functioning of the government and the importance of independent advice from the public service to ensure continuity and good government.

I later served at the Department of the Solicitor General of Canada for five years, where I eventually became Assistant Deputy Solicitor General with direct responsibility for the Aboriginal Policing Program. I will forever treasure the honorary title that the First Nations Chief of Police Association awarded me as Honorary First Nations Chief of Police.

At the end of 1999, I became the CEO of Consulting and Audit Canada at Public Works and Government Services, where we offered, on a cost-recovery basis, a full range of services aimed at improving effectiveness, efficiency and accountability. A few years later, I would come back to that same department as Associate Deputy Minister, during which time I guided a major restructuring of an organization with more than 14,000 employees. I was also very much involved in the department's new Values and Ethics Action Plan in 2004 and assisted in resolving a number of operational issues.

• (2010)

Just prior to that, I served as Executive Director of the Immigration and Refugee Board, the largest administrative tribunal in the country post-September 11. During this period, a very successful alternative dispute resolution model was developed within our Immigration Division. I do know that

alternative dispute resolution is key for the sound operation of administrative tribunals, which are set up specifically to render justice more quickly and simply than traditional courts in specialized fields.

Finally, I shall make a few comments about my current position as Associate Deputy Minister at Agriculture and Agri-Food Canada. My role there is to support the deputy minister as he or she sees fit and to act on their behalf as required, but I have been primarily involved during the last few years with corporate issues such as relations with employee unions, grievances, diversity issues, human resources strategies and audit. I have also been charged by the current deputy minister with the role of Champion, Values and Ethics.

One might say that I have had an eclectic career. However, I think the common thread has been a desire to serve and to make a contribution in the public interest.

I believe my legal background has served me well, especially in quasi-judicial environments that are, of course, similar to the Office of the Integrity Commissioner. I do feel privileged to be considered for the position of Public Sector Integrity Commissioner.

I have examined the new provisions of the Public Servants Disclosure Protection Act to assess the tasks that lie ahead. As I see it, the intent of these new provisions is to legislate a strong regime to govern the disclosure of wrongdoing in the federal public sector. The key elements include the creation of the position of commissioner, reporting directly to Parliament, with an expanded jurisdiction and significant investigative and enforcement powers; authority for the commissioner to report on investigation findings, to make recommendations when wrongdoing is established, and to make annual and special reports to Parliament; and a clear prohibition against reprisal action against complainants.

Added protection to potential complainants is offered through an application by the commissioner to the Public Servants Disclosure Protection Tribunal for determination on reprisal as warranted. A number of other provisions, such as legal assistance and protected disclosure, also strengthen the role of the commissioner and enhance the accessibility of the process.

In due course, I would carefully examine the relationships between the role of the commissioner and those of other oversight bodies and parliamentary agencies, but again, the legislative framework set out in the act will be the ultimate goal and guide.

The position of Public Sector Integrity Commissioner is one that carries with it the trust and confidence of Parliament. Simply put, the essential role of the commission and the office will be to give effect to an act that has the purpose of encouraging employees in the public sector to come forward if they have reason to believe that serious wrongdoing has taken place and to provide protection for them against reprisal when they do.

The goal is a system that is fair and accessible and allows justice to be served. More important, the goal is to protect the public interest.

[Ms. Ouimet]

[*Translation*]

Throughout my career, I have had the privilege of serving Canadians in various roles. I am honoured that you would consider me for the position of Public Sector Integrity Commissioner. The commissioner helps improve the reputation of the public sector by providing greater transparency and openness for anyone who feels they have been mistreated.

I come from a humble background, but one where honesty and frankness are important values. My father was always seen as a man of great integrity, and I am proud of that. This reputation was, in a way, his trademark, not only in our small community of St. Albert, but also in the surrounding communities.

In his memory, it is with humility and pride that I will bear the title of Public Sector Integrity Commissioner, if the committee and the Senate decide that I am deserving of their trust.

The Chairman: Honourable senators, we will now proceed to a question period.

Senator Hervieux-Payette: I have no intention of casting doubt on Ms. Ouimet's merits or her career. I would like to remind honourable senators, however, that I made it clear that I opposed this bill and that I am against the principle of whistle-blowing. In my opinion, this principle undermines the trust that should prevail between members of the public service and constitutes a system that runs parallel to our justice system. I simply wanted to point out my position.

It would be up to you to prove, through your actions and in the execution of your duties, that my fears concerning abuses that could result from whistle-blowing are unfounded and that our justice system would be generally well served.

This system has been in effect in the United States for several decades. We all remember certain notorious whistle-blowing cases involving private companies that committed serious infractions, costing the American economy billions of dollars. I would remind the Senate of the person who discovered flaws in the American security system, which otherwise could have prevented the events of September 11, 2001. These people who denounced the flaws and who had even prepared reports not only were not compensated, but they were in fact punished. Most of them were women, who have since encountered considerable difficulties in their careers. Rather than advancing in their careers, they have taken a step back.

However, some people can be wrongly accused. This might happen out of jealousy by a colleague, out of a sense of competition, malice or vengeance. I have not seen many cases where reprimands were issued for the consequences of these false accusations.

The Auditor General can notify us of mismanagement or honest mistakes, but incompetence is another matter. There is also the Attorney General. In the case of an offence, prosecution is the usual course of action. If a person commits theft or an offence, namely, misappropriates funds, the private sector turns to the existing justice system. I therefore do not see the need for a different system for public servants.

You say that the system will be fair and independent. I am not challenging what you are saying. However, I have some reasonable doubt about the role itself. I think this tool can be used in an invidious manner. I knew of real cases in the public service where people were victims of unjustified whistle-blowing. These people became sick and had to be hospitalized. Some people had to resign from the public service because the stress was too much to bear.

We have to weigh the consequences of the complaint against these disadvantages for the accused. I would like you to specify the tools that will be available to you, both to protect the rights of the accused when you undertake an investigation and to guarantee integrity.

• (2020)

I am referring to people who were subjected to investigations concerning their honesty. A team of auditors examined all the figures, from A to Z, for months, looking at taxi chits to see how money was spent. In the end, the investigation cost more than the alleged infraction. It is a question of just how much we are willing to spend to reach the conclusion that there was indeed a violation, versus a $100 million misappropriation of funds. A sizeable amount could be spent on that. A similar situation arose in the Department of National Defence, where $90 million was misappropriated, and our current justice system took care of it properly.

Can you please tell us how you plan to carry out your duties? It will be quite a challenge for you to prove that Canadians can benefit from the services of a Public Sector Integrity Commissioner, without discouraging people from joining the public service and without suggesting that they will be constantly scrutinized or under the watchful eye of people who may wish to harm them and could use this system to do so.

Ms. Ouimet: Thank you, Madam Chair. I would first like to say a few words in response to Senator Hervieux-Payette's concerns. I think there are three features that are absolutely crucial for anyone who wishes to fill the position of commissioner.

The commissioner must play a neutral role and must be perceived as doing so, taking into account all the important factors. More than 25 years ago, I took the Barristers Oath. To quote an excerpt from that oath, as an officer of the court, I am obligated to protect and defend the rights and interests of my fellow citizens. I must also ensure that no one's rights are neglected. There is a particular provision under which I cannot refuse causes of complaint reasonably founded, nor can I promote suits upon frivolous pretences. I take this very seriously, as an officer of the court.

Second, I would be guided by the parameters of the law. A Supreme Court decision handed down several years ago makes it very clear that, when it comes to the rights of individuals, whether complainants or respondents, it is absolutely crucial to follow the principles of natural justice. This applies to everyone who might be involved, either directly or indirectly.

In my statement, I said that I would carefully examine the roles of officers of Parliament who have not only specific mandates and any monitoring agency, in order to ensure not only that we work together, but also that the best expertise is drawn on when needed.

Finally, I take the reputation and rights of individuals very seriously. Over the years, and in all the roles I have had, I have always been aware of the impact these administrative decisions could have, in some cases on the life of a refugee and in other cases on the reputation of an individual.

I would like to provide as much assurance as possible that I will fill this position with diligence and dedication.

[*English*]

Senator Segal: Welcome, Ms. Ouimet. I am always delighted to see an alumnus of the University of Ottawa be elevated even further in the firmament of the federal government. Félicitations sincères et profondes.

You will have an interesting and compelling task not only to sort out the frivolous complaints, as suggested by my colleague Senator Hervieux-Payette, but also the fact that the mere existence of your office may be used by various players in the broad democratic and political game to advance their cause independent of what your findings in any particular case might be.

For example, you receive, let us say, two complaints. Let us assume that one of them is not frivolous but substantial, and the other one is, but you cannot tell, prima facie, and you must investigate.

It strikes me that one risk you face, and I would be interested in your reaction to this, is that one of the complainants, and we do not know whether it is the substantial or the frivolous one, decides to release the nature of their complaint to the media, precisely at the same time they share it with you. Already the problem of the attacked public servant's reputation is in play before you even have a chance to begin your work with respect to what substance may or may not exist.

In the subsequent case, let us assume, as an officer of Parliament, you find yourself in the context where, either in the other chamber or in this chamber, questions are asked of government ministers about an allegation that has been made relative to a public servant, to which the response of the minister may well be, "I understand the matter is under investigation by the Public Integrity Commissioner, so it is inappropriate for me to comment at this time."

In every one of those circumstances, the existence of your office, independent, if I may say, of the substance of the complaint, may be used for various dynamics. I would be interested in, as you approach your task and become established in the role, how you intend to protect yourself, your independence and your capacity to conduct investigations in confidence in the broader context of the dynamic that tends to play out when these sorts of things become matters of public interest.

Ms. Ouimet: Thank you very much, Madam Chairman. I would like to perhaps add to my previous response in responding to Senator Segal that I value the importance of the role as agent of Parliament and tabling the report in the approach that I will take in dealing with specific cases. I will seek guidance in an open way from both chambers with respect to how I will deal with specific issues. I will receive some reaction, hopefully, from both Houses.

With respect to the specific cases that have been raised by the senator, of course there is a detailed procedure with respect to how disclosure is made. Of course, a complainant who comes forward may be entitled to protected disclosure if specific criteria of the legislation have been met, for example, if there is an issue of security or if time is of the essence, but at that point in time it is no longer called a "protected disclosure." That happened in a number of instances previously where people would decide to take their case to the media.

I do not think that is the proper way to handle it. Once we have specific criteria, we need to be respectful of institutions that have been set up democratically for the benefit of the complainant and the respondent.

I cannot comment on the specific cases, but, of course, the act will no longer offer the protection that it would offer such as anonymity and protection of the information, if the individual comes forward.

I will be guided by the legislation as to how each case needs to be handled, and there is a full range of tools including, first, determining the scope of the mandate, the jurisdiction, and assigning an investigator to look specifically at all the details. There are specific provisions under natural justice as well. A hearing is useful. In the cases where there is an allegation of retaliation, the tribunal will be set up.

All this is to say I would expect that there will be some cases that are more meritorious and others that are less so, but I will follow the process set out in the legislation and will ensure every step of the way that individuals are given a fair chance to be heard and that, as commissioner, I will look carefully at all angles of the issue.

• (2030)

There may be situations, and the honourable senator is correct, where the case may be discussed by senior public office-holders. It will not deter me from ensuring that we look at the evidence as it is presented in the context of the investigation and, again, that natural justice and procedural fairness is respected in every way possible.

Senator Segal: You will have obviously some modest staffing to do to assist you in this process. If you could wave a magic wand and have precisely the staff that you think would best serve this purpose, could you provide us a general view of what their professional formation would be? Would they be lawyers such as yourself? Would they have an investigative background? In a perfect world, what kind of staff would you hope to be able to have?

Ms. Ouimet: I will look for the magic wand, and maybe next time I will bring it with me.

First, it is not the quantity but the quality of the staff that matters. I will build on some excellent work that has been done over the last five years.

While I was in quasi-judicial roles, I had colleagues that had a legal background. I think it could be an asset in certain instances. I also had colleagues that brought a full range of backgrounds and experiences such as human resources, labour relations, as well as some with an enforcement background.

Depending on the case, whether a person is a researcher or an investigator, I would definitely look for credible people with integrity who will follow the guidelines set out in the legislation.

Senator Tkachuk: Thank you for your presentation. Welcome to the Senate, Ms. Ouimet.

I have a couple of questions as to when you become involved in a case or a situation. Let us say there is a whistle-blower who sees something wrong such as an ethical or perhaps a criminal situation, where there may be fraud going on or something like that, and they take action by reporting it. At that time, do they report it to you? Do they report it to their superior and then to you? How do you become involved and what do you protect in the case of someone who is reporting a situation?

Second, how do you check out the mischief that is possible in all of this? This is a huge organization with many jealousies and tens of thousands and people. It can be difficult.

How do you get involved when a whistle-blower says, "This is a bad situation and it is going on in my department"?

Ms. Ouimet: First, as set out in the legislation, the dévoilateur has the option of either going to his immediate supervisor, to the officer responsible for disclosure within the department or to come directly to the office of the commissioner. It will then fall upon the commissioner to determine whether, prima facie, the case falls within his jurisdiction.

At that point, there must be a determination of criminal activity. That was very much my philosophy when I was working at customs. I was responsible for criminal investigations. Of course, detecting fraud was one of the key elements of our activities.

I had specially trained people, especially when dealing with fraud, to execute search warrants with the approval of the court. That gets into a very delicate area. It is a very intrusive power when you execute search warrants, which I have done, on private residences or on commercial premises. I will have to decide whether the issue would be best pursued under a criminal investigation led by police officers or by enforcement authorities.

That is why I indicated earlier that it is critical that, while we establish the mandate, we must also look at staffing matters. There is a specific tribunal that now has responsibility for appointment reviews. There is a reason why each organization has been set up, but we have to ensure that there is no duplication and that the complainant is best served by the institution that has the clear mandate and all of the tools. If it falls within my mandate, I would follow the process I referred to earlier.

Senator Tkachuk: Where is the onus, though? If someone comes to you and reports something that you may suspect is criminal, is the business of the bureaucrat that came to you complete? Does he have an obligation to report the incident to the police or, once he reports it to you, is it over and you decide whether or not it should go to the police? It seems strange to me, and I am still trying to figure out how this organization will work.

Ms. Ouimet: Everything depends on the case, for example, the seriousness of the evidence, whether the lives of individuals are at stake, and whether we are looking at a national security issue.

There is provision for legal assistance to the complainant, and I would not hesitate to use it. There is $1,500 available for that purpose, up to $3,000, but the tribunal would also have some flexibility.

The onus would be on the commissioner's office to guide the complainant. The complainant has an onus, has brought forward critical and serious issues, and he or she must be able to collaborate and bring forward whatever reasonable evidence there is. That is the way the legislation is crafted. It is useful for the appropriate determination.

Senator Fraser: Welcome to the Senate. I have what I think is a simple question. What do you expect to be your budget and your staff? I am not asking to the dollar or to the part-time telephone operator, but can you give us an order of magnitude?

Ms. Ouimet: I received a brief courtesy call by the existing executive director or acting commissioner. He informed me that there are currently about 12 to 15 people and they expect to double the resources. I did not ask specifically what the budget was. I have looked at previous years as to what the budget was. I wanted to be briefed on the people who will be selected to occupy those positions.

It is always difficult early in a mandate to determine the exact resources that are required. I will not hesitate to come back to this house in my first report to provide the specific details required by the honourable senator.

Senator Fraser: You said you looked at earlier years' budgets. What did you glean from them?

Ms. Ouimet: I gleaned that it was a very small office that was beginning a mandate. There were a couple of million dollars available, if I recall correctly. There was a proposal to double in size. I do not know the exact number; I apologize.

Senator Fraser: Perhaps when you are aware of that, you could send us a note to keep us informed.

My last question: Do you expect your major expense for this operation to be staffing costs, or are you planning to hire many outside lawyers in addition?

Ms. Ouimet: I would presume the major expense would be permanent staff. Most of the resources would go to hiring human capacity.

• (2040)

Senator Nancy Ruth: During our discussions on Bill C-2 there was a lot of talk that there might be a chill on the civil service if there were whistle-blowers and a commissioner, et cetera.

You have worked through a lot of departments. You must have many contacts. Do you have the sense that your appointment will give a sense of relief to the civil service, as opposed to a chill?

Ms. Ouimet: Madam Chair, I truly believe that the whole of the public sector welcomes the legislation if it is well administered and if it is addressed in a neutral fashion with respect to some of the issues that have been raised today.

I fully expect, knowing the public sector as a whole, that there will be full cooperation with respect to wrongdoing, if and when it is identified. As well, it will serve a useful purpose not only from an enforcement perspective, but also from a prevention perspective, and to ensure that there is good communications. I think this function sends an important signal of transparency and accountability, of having a system that may not be used on a daily basis, but it is available and prepared to react and to respond to concerns.

In the end, while there may be some initial anxiety, it will be welcomed and seen as a useful institution; at least, that is my hope, Madam Chair.

Senator Nancy Ruth: It sounds like you figure that setting a climate is an important thing you need to do.

When I hire people in my businesses I always ask them, if they had a magic wand, what would they like to change, do or make happen. If you had a magic wand, what would you like to leave when you leave this job? What will have happened? How will Canada be different in the public service?

Ms. Ouimet: Madam Chair, if I had a magic wand, I would want the institution and the role of the commissioner to be seen — not only be, but be seen — as having done justice, having been accessible, and having done the right thing.

By that, I mean that it would be seen as an institution that has legitimately and fairly protected the interests of Canadians and of the public sector.

Senator Nancy Ruth: Does that mean you will try to hire staff who have a natural inclination towards fairness and justice?

Ms. Ouimet: Madam Chair, I think it is important that whoever joins the small office shares the same values but, at the end of the day, is guided by the legislation. This office has a legislative mandate and will report directly to Parliament. I think every officer of that office will have that same duty to report to Parliament through the commissioner.

Senator Kinsella: Given that the model of this whistle-blowing legislation is a complaint-based process, would you comment on your views as to how important it is or will be that the manner in which the whistle-blowers are protected from retaliation or reprisal, particularly in the early days of the mandate?

Ms. Ouimet: Madam Chair, I think the whole purpose of the legislation is to reassure, first, even for Canadians who are not part of the public sector, that they can come forward and they can disclose wrongdoing and that they are absolutely protected from the fear of reappraisal.

Some of the role of the tribunal, and this is set out as well in one of the first functions of the commissioner — I do not have the exact language — is to give information and educate with respect to what the tribunal's function is. One of the clear functions would be education, communication and making sure that the role is well understood.

It may take a little while. It may take a few months because it is brand new legislation, brand new territory. This is the first function in Canada. In fact, as a whole, this legislation may be a first worldwide, as I understand.

In the end, I think the goal is clear with respect to ensuring that whoever comes forward is protected from reprisal.

Senator Kinsella: Upon receiving a complaint of apprehended wrongdoing and subsequent to investigation by your office, will there be an attempt to effect a settlement through conciliation with the respondent department? What role do you envisage that you or your office will play to attempt to effect a settlement of the matter complained of?

Ms. Ouimet: I am pleased the senator has raised this issue. As I indicated in my opening statement, I am a firm believer of alternative dispute resolution. In fact, way back when I was a young appeal board member, we started what was called disclosure, divulgation préliminaire. We did not have the specific mandate in the legislation, but we always thought that it was extremely critical to ensure, as early as possible in the process, that all the parties come together to share the facts and the explanations. More often than not, we were able to resolve a lot of the issues and bring a solution that, first, was more timely; it did not take as much time, but it was to the satisfaction of everyone and was seen to be probably even fairer.

I would use this tool to ensure better communication and quicker resolution of the issues.

Senator Kinsella: Madam Chair, I find that reassuring. As the experience of the human rights commission has found to this day, I think in the order of over 90 per cent of the complaints they receive are resolved through conciliation settlement and do not go to adjudication before an administrative tribunal such as a board of inquiry.

As you have been reflecting upon this important role, what are some of the estimates you have allowed to flow through your mind as to the magnitude of the complaint load? A phrase I use to describe this is: How many cases do you think you would see if you compare it to what Dr. Keyserlingk saw under his model?

Ms. Ouimet: In the course of a brief discussion with the acting commissioner, he did not anticipate a large number at the outset. The act has been in effect now since April 15, and this is someone who has worked in the area for the last five years. Therefore, it is important that we disseminate information with respect to the mandate, what it can do, at all levels of the organization. That would be my first priority. I would find it difficult to speculate at this point in time but definitely the same numbers you have seen in the past. In the end, though, we will deal with every case as diligently as possible, and as effectively and rapidly as possible.

[*Translation*]

Senator Fox: Welcome to the Senate, Ms. Ouimet, and thank you for spending the evening with us.

I must begin by saying that I am very pleased that we are being given someone with extensive experience in the public service of Canada, roughly 20 years, and in departments that were not all very easy over the years.

• (2050)

I want to echo the words of welcome of Senator Segal, who spoke of your background as a student at the University of Ottawa. I was quite surprised to hear him still call it the University of Ottawa instead of Canada's University, which is its new name.

Speaking of Canada's University, I hope that one day you will be able to follow in the footsteps of Ms. Labelle, the university's chancellor, who was also a great public servant. I had the pleasure, in a past life, of having her as a deputy minister and I know how much work she did and the success she achieved within the public service. To me, this is truly an example for us all, men and women, francophone or anglophone, whatever our political stripe.

I have two questions and one suggestion, and I hope that in your first report you will come back to us with a suggestion for a more elegant way of describing what you do. I see that this function is described as "public servants disclosure protection"; I find that a bit cumbersome and I hope that, in time, we will come up with something more elegant.

In speaking of your role, I would tend to think, and I would like to have your reaction to this idea, that your success will be measured, I believe, not by the number of whistle-blowers who come forward, as there will definitely be some, but, rather, by the type of climate — and I hope that is part of your role — that you will be able to establish within the public service. The public service should be a place where — and you have spoken about alternative methods of conflict resolution — there will no longer be the need to write these letters that will be placed in brown envelopes, in your case, with return addresses.

At first, there will certainly be some; however, over the years, I hope that your success will be indicated by reports that will point to complete success where, in a given year, there will be no whistle-blowers and we will no longer need a commissioner for that purpose.

Ms. Ouimet: You have very eloquently expressed one of my hopes. That was also the approach I advocated when I worked at customs, where we spoke not only of enforcement of the law but also of compliance, which we hoped would encourage individuals to observe the requirements of the law without the threat of a big stick. There will be interesting challenges in the first months with respect to education, communication, and co-operation in order to ensure that there is a good understanding of the mandate.

I agree completely that we must not measure the success of an organization such as this one by the number of interventions but, rather, by how well differences are resolved and by the fact that everyone views this institution as being approachable and representing democracy in Canada.

Senator Fox: Thank you.

[*English*]

Senator Fairbairn: Congratulations on what will undoubtedly be a very dynamite-charged future ahead of you. You are being given a huge responsibility, one that might cause some Canadians to feel somewhat anxious. Once you get the group of people who

are working with you, how open will your workplace be in terms of public knowledge of what you are doing? Will the people who will be assisting come exclusively through the public service, or, with your own background and the things that you have done, could you have the opportunity of looking also into the private sector?

Ms. Ouimet: With respect to the first comment of whether the office would be open to people coming to it, I think I would like the office to reach out and, in fact, go to other organizations and provide the information very informally but in a very accessible way. My first step would be to look at an education, training and communications program. We will go to the public sector to share that knowledge.

The second point is that the employees are appointed under the Public Service Employment Act, which is a tool for recruitment, but that tool can be used both to recruit from within the public sector and outside. Depending on the specific people that we would require, and I do not know the exact mix of skills that we have presently, I have already indicated to the executive director, who was very open to it, that I would look at our capacity and our mix of talent. If I need to go outside through the process that I am allowed to use, I would not hesitate to do so.

Senator Fairbairn: In your dealing with the government, not the political end of the government but the public service end of government, will you have any connecting links with the Clerk of the Privy Council Office and its operation, which is very significant within the hierarchy of our governance?

Ms. Ouimet: The question is twofold. On the one hand, as an agent of Parliament, I will report to Parliament, and I am no longer within the community of deputies, as I am currently. Certainly, there is that arm's length relationship with respect to specific cases and, of course, through the reporting. By the same token, through education, training and communications, I will reach out to all levels of the public sector. I will make sure, just like the Auditor General does, that there is that good exchange, not only when there is a problem but also in anticipation of issues that may be raised. That would include the Clerk of the Privy Council Office.

Senator Fairbairn: We are in a difficult situation right now in Canada, working on the kinds of difficulties that have been coming out in parliamentary discussions on the Royal Canadian Mounted Police. Will you have a linkage to that level of integrity and concern with your operation?

Ms. Ouimet: Without commenting on the specific situation, I would simply offer the following comment: The act covers members of the RCMP. There are specific exclusions with respect to various aspects, but I have not really focused on how they would be used. The act certainly covers the whole of the public sector, with a few national security exceptions and the Armed Forces. I would definitely entertain whatever would fall within the mandate of the office.

Senator Fairbairn: Would you also — and the answer will probably be yes — be in a position, as other entities in this kind of world are, to appear before parliamentary committees on perhaps an annual basis as your position and the work you do gets rolling along? Would that be part of your openness with the general public through the parliamentary committee?

• (2100)

Ms. Ouimet: Madam Chair, I understand this is part of the duties and responsibilities of the commissioner.

Senator Fairbairn: Thank you very much and good luck.

[*Translation*]

Senator Comeau: Welcome to the Senate, Ms. Ouimet. It is a pleasure to have you here. I have a few short questions to ask you. You are responsible for protecting whistle-blowers. It is not always easy to protect the identity of whistle-blowers. There is currently a bill before the Senate proposing that audit working papers from the Commissioner of Official Languages and the Auditor General be made public. This means that if someone comes forward with a concern about official languages or finances, at the end of the audit, the employer could find out who lodged the complaint. People could hesitate to file a complaint for fear of retaliation.

If you had to comment on this private member's bill, what would you say about making working papers public at the end of the audit?

Ms. Ouimet: If I may, Madam Chair, I would like to focus on the existing legislation, because it is a bit difficult for me in my position to comment on policies or bills. However, I would like to reassure the senator that I am entirely comfortable operating within the parameters of the Public Servants Disclosure Protection Act — I will try to come up with a shorter title, as was previously suggested — where disclosures are protected.

In the context of the legislation, I am entirely comfortable with the kind of protection available under the responsibility of the commissioner.

Senator Comeau: If this bill were now in force in Canada, you would probably be exempt because, as Integrity Commissioner, you are not included in the proposed legislation. So perhaps those with official languages concerns would prefer to go and see you to divulge information about employers who fail to comply with the Official Languages Act. Would you be available to meet with such people or would you direct them to the Official Languages Commissioner?

Ms. Ouimet: Madam Chair, it is true that there are some exclusions with respect to access to information. I took note of them as I read through the act. I would have to act according to the parameters set out in the legislation that I administer. Any request, regardless of its origin — serious breaches of a law, serious mismanagement, security breaches, et cetera — must comply with very specific parameters. I would act according to the legislation and my mandate, disregarding other avenues. If there was a specific mandate that belonged to another organization, I think it would be my duty to take it into consideration.

[*English*]

Senator Andreychuk: The Human Rights Committee in the Senate has studied the employment equity issue. Four target groups are underrepresented as Canadians in the Public Service

Commission. You will be at the other end investigating the operations and the complaints. How will you factor in the cultural differences of Canadians within those groups? As we discovered, part of the problem was the existing culture. We do not need extra laws, but we need to implement different attitudes toward the varying groups of Canadians that may come before the Public Service Commission. How will you factor that into your position?

Ms. Ouimet: Throughout my career, and even more so in the last 10 years, I have been heavily involved in employment equity issues. At Agriculture and Agri-Food Canada, I was the chair of a group that dealt with what were called inclusive management issues. I have also worked with Aboriginal people. These are issues that I think are very important in any organization. However, I will have to go back to the legislative parameters of the role of the commissioner. If issues that I bring forward are pertinent as evidence, as facts, again within the specific parameters of the provisions that I will have to administer, then they will be relevant. This will be done following due process.

[*Translation*]

Senator Nolin: Good evening, Ms. Ouimet. I also studied at the University of Ottawa. Since we are being asked to ratify your appointment, so allow me to ask a few incisive questions. Please forgive me if I should happen to offend you.

First, why did you accept this position? You are a young woman in the prime of your life, and you do not seem to me to be anywhere near the end of your career in Canada's public service. Do you think of this as your last job with the public service?

Ms. Ouimet: Madam Chair, when I was approached about this position, I was a little surprised. I asked for some time to think about it. I thought about it for 48 hours, and I decided to accept it. I carefully considered the magnitude of the task, the significance of the mandate, and the fact that this is a first for Canada. In all sincerity, I feel that it is an honour to have the confidence of Parliament, and I feel privileged to have been considered for this job. I assure you that I will do it with enthusiasm, devotion and the professionalism that I have developed over the years.

Senator Nolin: Without going into too much detail, and I understand why you might hesitate to talk about it, you would be responsible for the RCMP. The minister responsible appointed an investigator to look into what was going on within the RCMP. He concluded that a change is needed within the culture of that police force, which is the pride of all Canadians.

With all the passion you have shown us this evening, and all your enthusiasm after taking 48 hours to decide whether to take this on, how do you think you might be able to change the culture of the RCMP?

Ms. Ouimet: First, I have no illusions about this. It is indeed a very difficult mandate.

In the course of my career, I have had to perform duties and make decisions that were not always easy, whether in a quasi-legal context or in examining fraud files, or in the context of problems concerning Aboriginal police forces.

• (2110)

There was quite a stir following 9/11, when I was at the Refugee Board. We had some serious challenges to overcome. Some were a matter of life and death. We were making decisions affecting people who could have been returned to their countries and tortured or even killed.

I do not take such things lightly. I would like to assure the Senate that I would not hesitate to exercise the full powers entrusted to the commissioner. Certain powers under the Inquiries Act could be considered rather coercive. I would also not hesitate to make the necessary decisions, but it is important that these decisions be justified and that the evidence be very clear, because the right of oversight will exist and the decisions can always be re-examined by the courts.

In the end, you will judge my mandate and how I carry it out. I will leave you with that promise.

Senator Nolin: Thank you very much, Ms. Ouimet. I wish you good luck.

Senator Corbin: Madam Chair, I would like to start by taking Ms. Ouimet to task. She told us that she was born on a dairy farm; however, she neglected to tell us about the famous and delicious Saint-Albert cheese. What a golden opportunity to promote it!

Ms. Ouimet: It is true, I confess!

Senator Corbin: I am not really being serious. However, I would like to know what you think about the challenge posed by the vastness of this country. Would you establish satellite offices in the regions of Canada? Do you intend to travel to the regions from time to time?

You are aware that public servants in the regions do not think like the multitude of Ottawa officials. They have particular needs and grievances. Relations with their local superiors are quite different than those in Ottawa. How will you address this challenge, which is very real in a large country such as Canada?

Ms. Ouimet: I must tell you that at least seven times in my career I have had the pleasure of managing regional offices of various sizes and with different mandates. It is very important to go on site, to communicate and to understand the culture because there are regional cultures that are very rich. I have always enjoyed that aspect.

I think that, in the context of the mandate that may be conferred on me, I definitely see that this task must not be carried out in a vacuum. I have already spoken about a communication program and it would be with great pleasure that I would travel throughout Canada, as appropriate, because there is definitely work to be done. If need be, I would report to Parliament on the needs of regional offices, but at this stage, I am not really sure of the need. However, I believe that the commissioner's mandate is to ensure that the information is available all across the country and that we are open and available.

Senator Corbin: There will undoubtedly be a need to change attitudes and to provide education about your responsibilities. I believe it is imperative that you travel to these regions as soon as you take up your responsibilities so that there is a better understanding of your mandate, its potential and its limits.

Ms. Ouimet: Duly noted, Madam Chair.

Senator Joyal: Welcome Ms. Ouimet. My first question is on the presentation of your biographical notes, your profile. I see that on the bottom of page 2 — and you referred to this in your last response — you propose very sensitive tripartite agreement negotiations for Aboriginal police services in First Nations communities throughout Canada, for Mohawks in Oka in particular.

Were you the one who negotiated the agreement with James Gabriel that caused difficulties and confrontations later and the difficulties that followed with the police forces that had to intervene on the reserves in the Montreal area?

Ms. Ouimet: I did indeed have direct meetings with James Gabriel and I took part in the negotiation of that agreement. At the time, it was seen as a great success where we restored safety in the community. And I was there when the first police station opened in Kanesatake.

Senator Joyal: An inquiry is currently underway on how the money was made available by the Canadian government following the negotiations in which you were involved. The purpose of this inquiry is to determine the nature of the mandate given to the police forces and how the use of the money allocated for the implementation of the police services should have been audited.

Ms. Ouimet: It goes without saying that every agreement included audits. Following the policy that had been approved, there was also an entire evaluation system, but this goes back a few years. I was not involved in that inquiry. No one came to see me, but if ever they did, I would be quite willing and ready to share the information that was available at the time.

Senator Joyal: In a way, you have answered my question directly. The Minister of Public Safety called an inquiry into the use of money in a context that raises doubts on its destination. I wanted to know whether you had been contacted, since you were one of the people involved in the negotiations, in the definition of the mandate and in the scope of the responsibilities that were vested in the police and the way in which they were supposed to use and account for the money allocated to them under the agreement.

Ms. Ouimet: Nobody approached me so far. I was in charge of the program, but I had negotiators who were negotiating the framework of the agreement that was signed in accordance with the existing parameters.

Senator Joyal: Do you know whether there were conditions attached to the use of the funds transferred to Aboriginal police forces?

Ms. Ouimet: I do not remember the provisions of the agreement exactly, but, in short, every agreement had its terms and conditions and requirements for assessment. There was an accountability factor in every agreement that was signed. There were more than 125 of them across Canada when I left the program.

Senator Joyal: Are you saying that conditions pertaining to reporting and accountability were attached to the use of the funds transferred to the police?

Ms. Ouimet: Let me address that in terms of the agreements as a whole. Each one had specific measures relating to the use of funds. That was part of the policy governing all tripartite agreements.

Senator Joyal: Thank you. I would now like to refer you to subsection 25.1, paragraph 4 of the Public Servants Disclosure Protection Act.

Ms. Ouimet: Which paragraph?

Senator Joyal: There are nine paragraphs, and I would draw your attention to paragraph 4, which states that the maximum amount that may be paid to any particular public servant is $1,500.

• (2120)

I will read the subparagraph for my colleagues:

> The maximum amount that may be paid by the Commissioner under this section for legal advice provided or to be provided to any particular public servant or person in relation to any particular act or omission that may constitute a wrongdoing or reprisal is $1,500.

You are a lawyer and you will agree with me that $1,500 does not buy a lot of legal advice from a lawyer.

Since you are the one who has to make legal advice available to the particular public servant or person, you have the responsibility of determining what legal services are needed. I do not know whether you intend to hire within the private sector or have a legal unit set up in your office, but, to me, $1,500 seems well below what it would cost in the private sector to retain the services of a law firm.

How do you think you will manage to implement the legislation in this area, with such a small sum, in order to help a complainant prepare his or her case? Since this can go before the court, there will be a legal proceeding that can contradict what the complainant puts forward. How do you think a public servant could defend himself if you give him a maximum amount of $1,500?

Ms. Ouimet: Madam Chair, that is an excellent question. I would also like to draw the senator's attention to paragraph 6, where it mentions that if the commissioner is of the opinion that there are exceptional circumstances, the maximum amount provided for is deemed to be $3,000. Therefore, there is some latitude. I agree, however, that this is not a lot of money when we consider the going rates.

However, I hope that we could draft a list of experts, and we are talking here about support for disclosure, not reprisals. The court also has some latitude for reimbursing expenses. It is important to make these distinctions.

As far as disclosing wrongdoings is concerned, and the amount of $1,500 to $3,000, I think it will be incumbent upon the commissioner to provide support, share precedents and ensure that certified experts who know the system and who can guide the discloser are available.

Senator Joyal: I agree with you completely. Your approach, which involves drawing up a list of consultants, is completely reasonable. You know as well as I do, however, that drawing on a list of consultants is more expensive than using the services of lawyers who practice general law. It is like going to see a specialist instead of your family physician. Consultation is even more costly when we turn to people who have more specialized expertise.

I understand that procedures might be more straightforward in the case of a wrongdoing, but, in cases involving reprisals, it seems to me that the evidence can sometimes be much more difficult to present and prepare.

Accordingly, because you have even more experience in the public service than we do, since this has been your bread and butter for a number of years, the sum of $1,500 seems almost ridiculous in relation to what we hope to achieve, which is to truly protect the whistle-blower, or the public servant who is victimized after making a disclosure, because the two statutes are complimentary to some extent.

Ms. Ouimet: Madam Chair, I am prepared to act in accordance with the law and, if needed, submit a report on the relevance of the amount. Thank you; it is duly noted.

Senator Joyal: Do I have enough time to pose another question, Madam Chair?

The Chair: You have one minute.

Senator Joyal: In the same piece of legislation, subsection 21.7(1)(*f*) has to do with compensation that can be paid to a complainant. If I may, I would like to read this portion of the legislation:

[*English*]

> Compensate the complainant by an amount of not more than $10,000, for any pain and suffering that the complainant experienced as a result of the reprisal.

[*Translation*]

An amount of not more than $10,000 — based on contemporary jurisprudence and amounts awarded by courts or adjudicators, in the case of collective agreements, for pain and suffering, including psychological stress or the stress associated with a process of this nature — poses a problem for me.

Once again, does this not seem like such a modest amount that, in practical terms, it could discourage an individual from initiating a process where it is often difficult to predict the outcome, the duration and the context in which it will unfold, as well as what will happen to the individual's career?

Ms. Ouimet: Madam Chair, in the event of reprisals, it will be up to the court to determine the amount. I believe we need to have a bit more experience with the legislation and to see how it is applied. Again, this could be dealt with in the next annual report.

Senator Joyal: Thank you for your answer; that is what I thought you would say. I would simply like to draw your attention to subsection 21.6(2), which states that, as commissioner, you have a position before the tribunal, and I quote:

[*English*]

> The Commissioner must, in proceedings before the tribunal, adopt the position that, in his or her opinion, it is in the public interest having regard to the nature of the complaint.

[*Translation*]

You have intervener status with the court, and you can certainly tell the court what you think it should consider when deciding on the amount of compensation, but nothing in the act prevents you from making representations to the court. Obviously, your representations would seem to be quite limited, given the conclusions of the investigation you yourself could have conducted and the nature of the injury to the person in the context of the reprisals they experienced.

Ms. Ouimet: Madam Chair, I would like to assure the committee that, as commissioner, it will be my duty to support the court, to provide all the evidence, and to make any relevant comments. I will not hesitate to do so.

Senator Joyal: Thank you, Madam Chair.

[*English*]

Senator Banks: Welcome, Ms. Ouimet, and thank you for your time here. All senators here will very much appreciate your courtesies. However, for the next time you come to visit us, you will have noticed that in this place we have rather less formal habits than in other places and we speak directly to each other rather than through anyone else.

When you mentioned that you would have a very small office with a budget of $2 million, some ears perked up here, because that is 13 times the budget of any senator's office. When you next come to visit us, perhaps saying "just a little office with a $2 million budget" would not be a good place to start.

This is the last question. A few years ago, we were sitting here asking questions of a person who was nominated for a position similar to yours. We were intrigued in that case, as we are in yours, by your qualifications and your presentation to us. We neglected, however, to ask some particular questions at the time, one of which would have been, if we had adduced the answer we wanted: Are you presently undergoing a process of personal bankruptcy? In that particular case, the answer would have been: Yes, I am.

In the interests of full disclosure, is there anything you have not yet been asked that you think would be in the public interest for us to know about you?

• (2130)

Ms. Ouimet: There is no issue, no matter that I am aware of, that should be brought forward with respect to the way that I have discharged my responsibilities as a public servant so far.

Senator Banks: Thank you.

[*Translation*]

The Chairman: Thank you, Ms. Ouimet. As I am sure you surmised from their many questions, the senators are very interested in this matter.

I wish you good luck and a fair and honest magic wand.

Ms. Ouimet: Thank you, Madam Chair.

Senator Comeau: Honourable senators, I think we all agree that the Committee of the Whole has completed its deliberations.

The Chairman: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The sitting was resumed.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole, which has received Ms. Christiane Ouimet, has asked me to report that the committee has concluded its deliberations.

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would honourable senators be agreeable to revert to Motion No. 2, which deals with this subject matter?

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Comeau: Honourable senators, I move:

> That in accordance with Section 39 of the *Public Servants Disclosure Protection Act,* Chapter 46 of the Statutes of Canada, 2005, the Senate approve the appointment of Christiane Ouimet as Public Sector Integrity Commissioner.

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

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am pleased to rise today to speak briefly in support of the motion to approve the nominee, Christiane Ouimet, for the position of Public Sector Integrity Commissioner.

With the coming into force of the Public Servants Disclosure Protection Act on April 15, 2007, Canada now has a legislated process to protect from reprisals public servants and Canadians who make disclosures of wrongdoing in the public sector.

As an agent of Parliament, the Public Sector Integrity Commissioner is responsible for the administration of the Public Servants Disclosure Protection Act.

The commissioner will conduct independent reviews of disclosures of wrongdoing in an equitable and timely manner, issue reports of findings to enable organizations to take appropriate remedial action, and submit annual and special reports to Parliament.

In support of public servants, Parliament and Canadians, the Public Sector Integrity Commissioner will play a vital role in ensuring the protection of those who have been witnesses to wrongdoing so that they are able to come forward without fear of reprisal. This position requires an individual who has demonstrated the highest ethical standards, sound judgment, objectivity, fairness and leadership.

Like all agents of Parliament, the incumbent requires the trust of both Parliament and the Canadian people.

A senior public servant, Christiane Ouimet has gained a unique combination of skills and experiences over the course of her career, making her an ideal candidate for this position. In her introductory remarks tonight, she apprised honourable senators of her impressive resumé. I must say, having been born and raised on a dairy farm in Eastern Ontario, I was particularly impressed with that part of her resumé and the obvious love she has for her family and her parents — and they must be very proud of her.

A graduate of the University of Ottawa, with an Honour's Degree in French Letters, as well as two Bachelor of Law degrees, one in civil law and one in criminal law, and from her present position of Associate Deputy Minister of Agriculture and Agri-foods, and a former Deputy Minister of Public Works and Government Services, she brings a wealth of experience to this position.

A lawyer by training, Ms. Ouimet has a strong quasi-judicial background, having conducted inquiries into the appointment and release of public servants while serving with the Appeal Board of the Public Service Commission. As well, her support of the largest administrative tribunal in Canada, the Immigration and Refugee Board, as the board's executive director, her strong negotiation and interpersonal skills in her capacity as Assistant Deputy Solicitor General, Corrections and Aboriginal Policing with the Department of the Solicitor General, and as the first Director of the Enforcement Operations Section of Revenue Canada, which included commercial fraud investigations, have all provided an in-depth understanding of the structure and the organization of government.

Obviously, honourable senators, she is well prepared to lead the full implementation of both the Office of the Public Sector Integrity Commissioner and the new regime for the protection of whistle-blowers.

Honourable senators, Ms. Ouimet's unique background and her strong commitment to serve in the public interest will bring to the position the requisite skills, knowledge and experience to fulfill the role of Public Sector Integrity Commissioner with credibility, professionalism and distinction.

With this in mind, I urge all honourable senators to support this motion that the Senate approve the appointment of Christiane Ouimet as Public Sector Integrity Commissioner.

Hon. Senators: Hear, hear!

Hon. Serge Joyal: Honourable senators, I am pleased to join Senator LeBreton to support the nomination of Ms. Ouimet. I will just add a few words. As we have heard from Ms. Ouimet, she is fluently bilingual. Any public servant who wishes to address Ms. Ouimet will be able to address her in his or her language of choice — something that must be underlined. Ms. Ouimet's fluent bilingualism was not mentioned in our deliberations tonight, but it was quite obvious.

The honourable government leader will know that there have been criticisms in the past weeks about appointments whereby some persons, very qualified on other aspects, could not really provide their service in both languages. Ms. Ouimet is a stellar example of someone who will be able to discharge her function with a high degree of competence. Besides that, she is a woman, and it is very important that, in that capacity at the highest level, we support women when there is an opportunity. There was a question about equity in the public service from Senator Andreychuk, and the government must be commended for that nomination. I support the nomination.

[*Translation*]

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

Some Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, June 20, 2007, at 1:30 p.m.

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