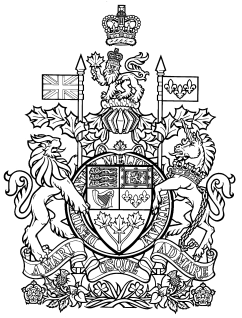

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 111

OFFICIAL REPORT
(HANSARD)

Wednesday, June 20, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 20, 2007

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

BUDGET 2007

Hon. Jean-Claude Rivest: Honourable senators, we are nearing the end of this session. I will be away for the next two days in order to attend a consultation session with a governmental agency in Quebec City. Given that the government's budget and budgetary policy have been a large and very important focus of the work this session, not only because of the merits of the budget that was tabled, but also because of the concerns voiced in all the Maritime provinces, I hope that the government will be open to our colleagues' concerns about equalization, in Nova Scotia, Saskatchewan and other provinces.

I would like to inform honourable senators that I naturally would have liked to have participated in the budget debate, and that I completely, of course, support the budgetary policy of the current government.

[*English*]

THE HONOURABLE DANIEL HAYS, P.C.

TRIBUTE

Hon. Grant Mitchell: Honourable senators, I appreciate the chance to resume tributes to Senator Hays. It was disappointing that I was not able to make the list originally as I wanted to officially state for the record to Senator Hays how much I have appreciated the opportunity to observe his tremendously successful public life and to have been able to work with him during parts of that public life and especially most recently over the last few years in the Senate.

• (1335)

It has been a great privilege for me to watch somebody of his stature, capability and tremendous contribution, not only in the Senate, but also in many phases of what has been a broad, deep and considered public life. I have seen him in his role as President of the Liberal Party; as a Liberal in Calgary and Alberta, not an easy thing to be sometimes; as Speaker; as leader; as a senator speaking on behalf of his province in the Senate; and as a great ambassador for Canada in Alberta, for Alberta in the Senate and for Canada with foreign dignitaries here and abroad. He has distinguished himself in each of those phases of his public life and his political career.

There are many things I could say, almost an infinite number of possibilities. I would like to mention a couple of impressions I have of him. I will long remember the delight that you could see on his face two years ago during the Calgary Stampede when he hosted a special barbecue for senators and their spouses and for foreign dignitaries at Heritage Park, which was on land that had originally been owned by his family. You could see his delight in representing Calgary, the stampede and Alberta to his colleagues in the Senate. You could feel and see the delight in representing Canada, Calgary and Alberta to foreign dignitaries. I will long remember, as a result of that experience, just what a tremendous ambassador he was for this country, his province and his community.

I will also remember the great dignity, decorum and calm he demonstrated in his role as Speaker, as leader and as a senator, generally, in this house. It reflects clearly the tremendous respect he had for this institution. I will also long remember the intensity, commitment and determination he brought to many policy issues and areas but, in particular, to reforming this Senate, to making it, in his estimation and vision, a more modern and responsive political institution. That, of course, reflected more broadly his tremendous sense of the democratic process and his belief in this institution and in Parliament more generally.

I would also like to recognize the role of Senator Hays' wife, Kathy, in support of his accomplishments.

Senator Hays' career was a blueprint for a successful and meaningful career in public life, in the Senate and in public debate. The Senate will be poorer without Senator Hays because it has been enriched by his presence.

INNOVATION

Hon. Wilbert J. Keon: Honourable senators, I want to draw your attention to a report issued recently by the Conference Board of Canada, their first edition of *How Canadians Perform: A Report Card on Canada*. The board's findings are best summed up in one word: "mediocre." Frankly, mediocrity is just not good enough. The Conference Board President and CEO Anne Golden agreed, saying that it is not good enough to "meet the fundamental goal of a high and sustainable quality of life for all Canadians."

The bottom line is Canada's failure to innovate. We rank fourteenth out of the 17 OECD nations due to our poor record in developing and exploiting new products, processes and services, and upgrading the quality of what we do produce.

The only bright light is in the area of education and skills, where the conference board has given us an "A" for the delivery of high-quality education to people under the age of 25. Even here, we have problems because we do not produce enough graduates in innovation-related disciplines.

Honourable senators, we need to innovate. It leads to better medicine, communications and just about everything else that one can think of, including the environment, from Research in Motion's ubiquitous BlackBerry to Banting and Best's life-saving insulin.

I am pleased that Prime Minister Stephen Harper released a new S&T strategy, entitled, *Mobilizing Science and Technology to Canada's Advantage,* which will give research a badly needed boost.

In addition, I believe we can learn lessons from abroad if we want to discourage the brain drain.

• (1340)

For example, Japan is once again powering ahead on a new wave of research and development. That nation has consistently been near the top in spending on research and development, especially in corporate R&D, which has led to the commercialization of technology.

The fact is, Japan has made R&D a national priority and the result is an eye-opener for Canadian scientists. The Japanese Science and Technology Advisory Council meets with the prime minister on a monthly basis. I hope that the new Science, Technology and Innovation Council that Prime Minister Harper announced a few weeks ago will have the same clout.

Honourable senators, we in Canada have all the tools we need to reach and surpass the Japanese. We only need to put our minds to it.

FIRST MINISTERS MEETING

Hon. Catherine S. Callbeck: Honourable senators, during the last election campaign, the Prime Minister said that he would

> . . . initiate a new style of open federalism which would involve working more closely and collaboratively with the provinces.

Mr. Harper is setting new standards in his relationship with the provinces, but they are not the standards he promised in the election. He promised a new era of harmony in the federation, but we now have greater disharmony than ever. What we have are discord and conflict between the federal government and the provinces. Right now, Saskatchewan is planning a lawsuit over equalization, while Newfoundland and Labrador and Nova Scotia have seen the Atlantic accord broken in the Conservative government's recent budget.

It has been over 16 months since the Prime Minister took office and he has yet to hold a full, formal meeting of all the premiers of the provinces and territories. The former Prime Minister, the Right Honourable Paul Martin, held first ministers' meetings on January 30, 2004; from September 13 to 16, 2004, on health care; on October 26, 2004, on the equalization and territorial funding formula framework; and from November 24 to 25, 2005, on the Kelowna accord. That is four full and formal first ministers' meetings in less than two years.

Mr. Harper has waited longer than any prime minister since 1921 to have a first ministers' meeting with his provincial and territorial partners. To give a rough average, Canadian prime ministers in the last century typically held a first ministers' conference within about six months of taking office. Mr. Chrétien and Mr. Martin both held conferences within two months of taking office. Mr. Mulroney and Mr. Clark both did so within five months.

There is no excuse for the Prime Minister not to have a first ministers' meeting. They are essential to the effective governing of a mature federation such as Canada. The Prime Minister should remember the commitment he made during the election campaign to work more closely and collaboratively with the provinces and territories. He should honour that commitment and convene a meeting of first ministers as soon as possible.

NATIONAL SECURITIES REGULATOR

Hon. Jerahmiel S. Grafstein: Honourable senators, I bring to the Senate's attention a matter of growing urgency, which is the need for a single national securities regulator. Adding to the chorus of support, yesterday in Toronto, the Managing Director of the International Monetary Fund, Rodrigo de Rato, came to the Economic Club in Toronto; and I will quote from an article that I think makes the point. He said:

> Your country has had a very good and successful macroeconomic policy agenda in the last 10 to 15 years by many accounts, but the question is the future. Given that Canada is playing in the highest league, you should equip yourself with the best instrument. I think that on financial issues, you still have to provide your customers — your investors and savers of your country — with better tools.

In calling for a single securities regulator, he went on to say:

> The design of markets and the flexibility of markets and the competition of markets is a very important element of public policy. Canada is currently the only G7 country without a common securities regulator, and Canada's investors deserve better.

In an interview with *The Globe and Mail*, he said:

> Many of your big corporations go elsewhere to finance themselves. It's very clear. If people in Canada go elsewhere to finance themselves, well, you should ask yourself why, and to what extent you're losing opportunities.

The article goes on to talk about the dodgy Wild West image of Canada's capital markets, and states that a single regulator would help clean up the problem.

• (1345)

I urge all honourable senators to read what the managing director of the International Monetary Fund said and get this bill to committee as soon as possible to justify his arguments.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling for tabling of documents, I would like to bring to your attention the presence in the gallery of the Honourable Sylvia Ssinabulya, a distinguished member of the Parliament of Uganda.

Ms. Ssinabulya is in Ottawa to participate in the sixty-third Annual Clinical Meeting of the Society of Obstetricians and Gynecologists of Canada and is the guest of the Honourable Senator Lucie Pépin.

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

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON STATE OF FRANCOPHONE CULTURE IN CANADA—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Acting Deputy Chair of Standing Senate Committee on Official Languages presented the following report:

Wednesday, June 20, 2007

The Standing Senate Committee on Official Languages has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Thursday, May 3, 2007, to study and report on the state of Francophone culture in Canada, particularly in Francophone minority communities, respectfully requests the approval of funds for fiscal year ending March 31, 2008, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place within Canada for the purpose of its study.

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,

WILBERT J. KEON
Acting Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix A, p. 1789.*)

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTEENTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, June 20, 2007

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

EIGHTEENTH REPORT

Your Committee recommends that the Senate adopt the amendments to the *Senate Administrative Rules* attached to this Report as Appendix A.

Respectfully submitted,

GEORGE J. FUREY
Chair

(*For text of amendments, see today's* Journals of the Senate, *Appendix B, p. 1795.*)

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

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

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON CONTAINERIZED FREIGHT TRAFFIC—REPORT OF COMMITTEE PRESENTED

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

Wednesday, June 20, 2007

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

TWELFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, May 11, 2006, to examine and report on containerized freight traffic handled by Canada's ports, respectfully requests the approval of funds for fiscal year 2007-08.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the original budget application submitted was printed in the Journals of the Senate on March 29, 2007. On April 17, 2007, the Senate approved the release of $141,040 to the Committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the supplementary 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,

DAVID TKACHUK
Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix C, p. 1805.*)

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

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

• (1350)

BUSINESS OF THE SENATE

CONDUCT OF BUSINESS ON FRIDAY, JUNE 22, 2007—NOTICE OF MOTION

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

> That, notwithstanding any Rules or usual practices, at 10:00 a.m. on Friday, June 22, 2007, the Speaker shall, upon the request of the Leader of the Government in the Senate and the Leader of the Opposition in the Senate, interrupt any proceedings then before the Senate and proceed to put forthwith and successively, without further debate, amendment, or adjournment, any and all questions necessary to dispose of any bills *seriatim* that then stand on the Orders of the Day for third reading, whether or not motions for third reading of those bills have been moved;
>
> That, in the case of any bill that has not been moved for third reading, the sponsor may move third reading when the bill is called and the question shall then be put without debate but, if the sponsor does not move third reading, the bill shall not fall under the terms of this order;
>
> That no motion to adjourn debate, to adjourn the Senate, or to take up any other item of business shall be received, nor shall any points of order or questions of privilege be taken up until all bills falling under this order have been disposed of;
>
> That all Rules relating to the deferral of votes shall be suspended until all bills falling under this order have been disposed of;
>
> That, if a standing vote is requested, the bells to call in the Senators shall ring only once and for 15 minutes, without the further ringing of the bells in relation to any subsequent standing votes requested under this order; and
>
> That all Rules relating to the time of automatic adjournment of the Senate be suspended for the entire sitting and, when all bills falling under this order have been disposed of, the Senate shall resume business from the point it was interrupted and continue through remaining items on the *Order Paper and Notice Paper* until completed, at which time, if necessary, the Speaker shall suspend the sitting at pleasure, with the bells to ring for 15 minutes prior to resuming the sitting, for the purpose of receiving a message respecting Royal Assent to bills.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

CO-CHAIRS' MEETING, APRIL 16, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group's Co-chairs' Meeting held in Washington, D.C. on April 16, 2007.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FALL MEETING, NOVEMBER 17-19, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation's Fall Meeting to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) held in St. Julians, Malta, from November 17 to 19, 2006.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, WINTER MEETING, FEBRUARY 22-23, 2007—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation's Winter Meeting to the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) held in Vienna, Austria, from February 22 to 23, 2007.

[*Translation*]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

EXECUTIVE COMMITTEE MEETING AND SESSION OF GENERAL ASSEMBLY OF ORGANIZATION OF AMERICAN STATES MAY 31 - JUNE 5, 2007—REPORT TABLED

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report from the Canadian Parliamentary Delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas (IPFA), concerning its participation in the 16th meeting of the Executive Committee of the Inter-Parliamentary Forum of the Americas, held in Brasilia, Brazil, from May 31 to June 1, 2007, and in the 37th ordinary session of the General Assembly of the Organization of American States, held in Panama City, Panama, from June 3 to 5, 2007.

• (1355)

[*English*]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

Hon. Bill Rompkey: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That, notwithstanding the Order of the Senate adopted on Tuesday, May 16, 2006, that the Standing Senate Committee on Fisheries and Oceans authorized to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans be empowered to extend the date of presenting its final report from June 29, 2007 to June 27, 2008; and
>
> That the Committee retain until August 15, 2008 all powers necessary to publicize its findings.

[*Translation*]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

WORLD TRADE ORGANIZATION— SUPPLY MANAGEMENT

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. It is a well-known fact that the Conservative Party — and even more so the Canadian Alliance, from which the Prime Minister sprang — has never been in favour of supply management. On March 15, the Minister of Agriculture and Agri-Food, Chuck Strahl, said:

> It is inconceivable that we would walk away from the WTO so take that as your first gospel truth.

What we find inconceivable is that we are sacrificing the interests of Canadian producers on the altar of right-wing ideology. Supply management is the fairest system of regulating agricultural production and achieving income stability for producers and affordable prices for consumers. It is also the best way of ensuring food self-sufficiency and food security.

Neither Europe nor the United States has chosen the free market as a way of regulating agricultural production. Neither Europe nor the United States has chosen the free market to further their strategic interests. Do we have to put Canadian agriculture out to pasture to satisfy the Conservative ideology?

My question is simple: Can the Leader of the Government in the Senate assure us that her government will defend Canadians' interests by supporting supply management at the World Trade Organization negotiations and assure Canadian farmers that their interests will be protected?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what particular event has triggered this concern or this question. I have said in this place before and I will say again that the government's support for the supply management system is unwavering. The system has served our dairy producers and processors well in the past. It is our intention to support this system for many years in the future. Nothing that I know of has changed our commitment to supply management.

[*Translation*]

Senator Hervieux-Payette: Since you say that the support of the Conservative Party and the government for supply management is unwavering, how is it that the provincial ministers are worried about this unfounded rumour, according to the minister, and how does the government plan to get this message across and tell farmers they have nothing to fear? As our agriculture committee has found, farmers are going through very tough economic times, and it is absolutely imperative to provide them with the security they need.

Will the government state clearly and on the record that it is going to support supply management at the WTO negotiations that are under way?

• (1400)

[*English*]

Senator LeBreton: Again, the honourable senator is making reference to some provincial ministers of agriculture and rumours. On many occasions in this chamber I have responded to rumours. Start a rumour, ask a question — or the other way round. I can only repeat what I have repeated many times in this place — that is, government support of supply management is unwavering. We know how important supply management is, especially to dairy and poultry producers, in particular in Eastern Canada. The government will continue to support the supply management system in future negotiations at the WTO.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PAY INEQUALITY BETWEEN MEN AND WOMEN

Hon. Grant Mitchell: Honourable senators, women in this country earn consistently less money than men earn, even for work of equal value. In fact, the gap is widening for university-educated females. A Statistics Canada report in June reveals that the wage gap between male and female university-educated people has increased from 12 per cent to 18 per cent over recent years. Despite this fact, along with other indications of inequality in pay, this Conservative government continues to cut programs aimed at supporting women in the workforce and fails to make any kind of concerted focused policy effort to deal with inequalities.

Could the Leader of the Government in the Senate please give honourable senators an indication about when the Conservative government will begin to address this inequality in a concerted way and what kind of focused policy initiatives this government will establish?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Mitchell for the question. Certainly, I was very concerned when I saw the figures with regard to the wage gap. However, the honourable senator and I both know that this condition has developed over a period of time. The government is taking a great number of initiatives in support of women. The so-called "cuts" to Status of Women Canada was not the case at all because the government increased the funding to Status of Women Canada so that services could be directed to women in their communities where they live and work. Unfortunately, in Canada, as in other countries, women who are as educated, experienced and qualified as men are not paid at the same level for a variety of reasons. Of course, that is not the case for women in government or in Parliament, where there is no inequality in pay scales.

However, the issue concerns not only the government but also all Canadians. All employers, large or small corporations, professional or other organizations, should strive to achieve pay equality for employees with the same qualifications.

Senator Mitchell: Honourable senators, to be more specific, perhaps Canadians must view pay inequality as a human rights issue that deserves priority consideration by this government. Could the Leader of the Government in the Senate please narrow the focus and give the house a specific answer as to whether this government is considering legislation or a policy initiative to address the issue of pay inequality, in particular unequal pay for equal work in our society?

Senator LeBreton: I shall take the honourable senator's question as notice. However, to my knowledge, no government, of any political stripe, has contemplated legislation that would order the population to provide specific salary levels for any one group to promote and enhance the ability to earn a decent living. Therefore, I cannot answer the question but will apprise my colleagues of the honourable senator's great concern in this regard.

• (1405)

THE ENVIRONMENT

KYOTO PROTOCOL—MINISTER'S REPORT ON COST OF BILL C-288—REMUNERATION FOR ENDORSEMENTS

Hon. Lorna Milne: Honourable senators, on April 19, Minister John Baird appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources to critique Bill C-288, the proposed legislation to ensure that Canada meets its global climate change obligations under the Kyoto Protocol. At this meeting, he produced a report entitled *The Cost of Bill C-288 to Canadian Families and Businesses* that was reviewed and endorsed by Don Drummond, Christopher Green, Mark Jaccard, Carl Sonnen from Informetrica and Jean-Thomas Bernard. It was reported in the Vancouver *Province* and Montreal *Gazette* this morning that Mark Jaccard was paid for half a day's work when he endorsed this report — not wrote it, just endorsed it. If that was the case, then perhaps $2,000 was for two hours' work. If that was the case, then perhaps that is what it takes to support this government these days: a payout.

As Mr. Baird put it so plainly on April 19, Canada's not-so-new government was elected to make decisions. I am hoping the Leader of the Government in the Senate can tell honourable senators who made the decision to pay people to endorse their report. How much were Mark Jaccard and the others listed paid to support the conclusions reached in Minister Baird's report?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. I am not aware of the issue about who paid whom. I do not know on what the senator is basing the question. I would like more detail. I really cannot answer the question because I do not know this particular individual, whether he was part of an external think-tank, whether he was contracted by the government for the purposes of reviewing this, or whether he was a contractor from the previous government. I do not know enough about this individual to properly answer the question.

Senator Milne: Honourable senators, on a supplementary question, perhaps the minister here will ask Mr. Baird the question, because he surely should know the answer. I also ask that the leader inquire how many taxpayers' dollars were used in total "to endorse the cost of Bill C-288 to Canadian families and businesses" that could have been used on environmental initiatives that would have actually benefited Canadians. Who in Canada's not-so-new government made the decision to pay for endorsements rather than pay for the results?

Senator LeBreton: Honourable senators, when we are talking about costs, one could ask how many MRI machines could have been bought by the amount of money that was blown out the back door on the sponsorship scandal, if we wanted to get into that kind of argument.

Some Hon. Senators: Oh, oh.

Senator LeBreton: The one thing we know about costs when it comes to Kyoto is the tremendous cost to the Canadian public, to Canadian families, to Canadian jobs and to the Canadian economy overall. Those are the costs of Kyoto that we should be concerned about. In terms of the cost of producing a report, I will certainly, as I said earlier, take that question as notice.

Hon. Hugh Segal: Honourable senators, on a supplementary question, when the Leader of the Government in the Senate is inquiring on those matters, could she determine how long we have had a policy in the federal government of seeking advice from outside academics and specialists; where that policy began; on what basis they are paid; and whether it is normative, when individuals are paid to give that advice and spend their time analyzing documents, that they are then attacked for having done so on an honourable and straightforward basis?

Senator LeBreton: Honourable senators, I will certainly ask those questions. The system probably goes back to Sir John A. Macdonald. I will be happy to get that information for the honourable senator as well.

• (1410)

FINANCE

NATIONAL SECURITIES REGULATOR

Hon. Yoine Goldstein: Honourable senators, this question is for the Leader of the Government.

We are all aware, of course, of the fact that there is a crazy quilt system of securities regulators in this country, one for each province and one for each territory, rendering the entire system inefficient and inappropriate for a country seeking investment and trying to encourage commerce.

There is no question that constitutionally, under the trade and commerce clause, section 91(2) — interpreted, as it was, by the *Parsons* case and the Privy Council to include interprovincial trade and commerce — would permit the federal government to create, maintain, finance and encourage a national securities regulations system. Most of the senators in this chamber, and virtually all commercial enterprises and commercial leaders in the country, support a national securities regulator. There is a bold initiative on the part of Senator Grafstein, for which we should all be grateful, to create, indeed, a national regulator.

Yesterday, Minister Flaherty met with his counterparts. The press reports we have today about that meeting state that he suggested the possibility of a national regulator, only to find himself being opposed by all the provincial and territorial regulators, except perhaps for Ontario.

Does the Finance Minister intend to take a positive position in favour of a single securities regulator, or is he simply picking another fight with the provinces, only to back off, as he backed off with respect to bank charges?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the senator for the question. The Minister of Finance and the government believe strongly that we must modernize our securities regulatory framework. The senator is correct that Mr. Flaherty met with his provincial counterparts yesterday. He has been speaking of this particular issue for some time. He had an opportunity yesterday to meet with the ministers of finance from the provinces and territories. They could not come to an agreement, so at the end of the meeting, Minister Flaherty announced that the government will form a third-party experts group to look into the issues surrounding this important area, with a view to streamlining and harmonizing securities regulations.

Minister Flaherty has asked the provinces to participate in this group and to recommend people they would like to serve on this experts group. Once this group is in place, the minister has asked that they provide an interim report before the end of the year, working with the provinces, with the goal of having a final report before the end of March 2008.

THE ENVIRONMENT

KYOTO PROTOCOL—MINISTER'S REPORT ON COST OF BILL C-288—ENDORSEMENTS

Hon. Tommy Banks: Honourable senators, I will return to the question that was raised by Senator Milne. The report is a "Chicken Little" report that says, if we follow Kyoto or come too close to it, we will all be living in caves and eating roots.

Senator Mitchell has shown us that that report is deficient in the sense that it omits to take into account the very things that its authors have said at the end of the report, which is the upside that would result from moving toward Kyoto.

We all understand that it would be bad science to seek out only evidence that supports a theory and to ignore evidence that would work against that theory. That same principle applies, I suggest, in public policy.

The government has relied heavily on that report, and in references to some of its authors lately, most particularly, Mr. Jaccard and Mr. Drummond, but I think it can be said fairly that they have omitted opinions of Mr. Jaccard and Mr. Drummond that can be characterized as their overarching, overriding opinions on the question.

• (1415)

Regardless of who paid them — and I suspect that in this case it would not have been the government — Mr. Jaccard is one of the authors of the recent C.D. Howe report that says that the present government's plan simply falls far short in delivering real reductions in greenhouse gas emissions, which everyone now freely acknowledges have to do with climate change.

To quote Mr. Drummond and some of his colleagues from the TD Economics Special Report:

> The conventional view is that there is a trade-off between the economy and the environment.

He then goes on to say:

> Most economists, including ourselves, believe that any injury inflicted on Canadian jobs, incomes and competitiveness can be mitigated through reliance upon market-based policies that change the price structure to pollution.

He also says:

> Cap-and-trade systems are not easy to implement, but once up-and-running they have proven benefits.

A cap-and-trade system

> . . . aligns the incentives of firms with the objective of reducing GHG emissions.

He continues:

> There is already a global push towards trading systems in carbon pricing, and the longer Canadian firms have to become accustomed to the cap-and-trade program the better off they will be. Plus, if technology-adoption is made early, there is a better chance that Canada will be a provider of surplus credits on the global stage.

Would the minister agree that at the very least the opinions of Messrs. Drummond and Jaccard do not entirely support the conclusions of the government's report on the effects of moving towards Kyoto implementation?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The fact is that we could debate till the cows come home, as they used to say, the various opinions from studies on the impacts of Kyoto. The honourable senator seems to expect our government to take action in a very short period of time, action that was not taken over a longer period of time prior to our coming into office.

The honourable senator has talked about the C.D. Howe Institute. Everyone can quote C.D. Howe and run the latest study up the pole to support one side or the other of the argument, but the fact is that the C.D. Howe Institute has come to these conclusions without even knowing what regulations we are bringing in.

As I have said in this place before, the world has now moved beyond Kyoto. We went to the G8 summit with a practical plan that will achieve reductions in greenhouse gas emissions by 20 per cent by 2020, with real reductions starting by 2010. This is good news. Now the G8 and the world have moved beyond Kyoto. We even had the support of Mr. de Boer of the United Nations, who said — and I paraphrase — that he is satisfied with the steps being taken by the government, because, as I have said before, this is the first government that has actually brought in real plans to deal with greenhouse gas emissions and air pollution.

Do not forget about air pollution, which is of concern to a great number of Canadians. They tend to mix up air pollution and greenhouse gas emissions. This is the first government that actually has a plan to deal with both, and with setting targets and regulations for industries across the board.

Senator Banks: Honourable senators, with respect, that was not my question. I am not talking about competing views from different places; I am talking about two people who have been specifically referred to by the government, upon whose opinions they have relied in the production of the report in question.

• (1420)

They are the same people. I am talking about Mr. Jaccard and Mr. Drummond — not someone else or someone else's view. I am only asking whether the government leader will agree that the report, in arriving at its conclusions, does not reflect the entirety or the whole truth of the views of either Mr. Jaccard or Mr. Drummond on the subject.

Senator LeBreton: Honourable senators, the fact is that Mr. Drummond put his name to a report that showed that Canada's GDP would decline by 4.2 per cent, which would represent the deepest recession in the country since 1981-82. The report he put his name to also indicates the following: 275,000 Canadians would lose their jobs by 2009; the cost of electricity would jump by 50 per cent; the cost of gasoline would jump by 60 per cent; and the cost of heating a home by natural gas would double. Everyone, including Mr. Drummond, has views that could be quoted, but the fact is he put his name to that report.

I could remind honourable senators of the statements of former environment ministers Christine Stewart and David Anderson, who very clearly said that the previous government talked a lot about the environment but did nothing. We could get into duelling quotes, I suppose, for a very long time.

However, Don Drummond put his name to that report. I was simply saying that the C.D. Howe Institute has come to conclusions, I believe, prematurely, because they have not even waited to see what regulations we are bringing in before drawing conclusions as to what the end result of our plan will be.

Senator Banks: Does the minister agree that the report to which Mr. Drummond put his name, and others, also said, near its end, that the report does not and is not able to take into account the upside of moving in this direction but only the downside based upon present projections; that it cannot and did not consider, and they were not asked to, what the mitigating effects might be? If I am not mistaken, that is contained within the same report to which Mr. Drummond attached his name.

Senator LeBreton: I thank the senator for the question. Obviously, Mr. Drummond's report, in terms of the impact of Kyoto, was dealing with hard figures. This is what Kyoto would mean now. There is no question, and certainly the government, the Prime Minister and the Minister of the Environment have said many times, that a lot of our advancement on the whole environmental front will be through technology. Technologies will make the difference, ultimately.

I have not seen the exact words of Don Drummond, but in that respect I would offer that we have not been able to look at the upside. We must take into account new technologies and so on. On that front, with regard to Don Drummond's words, I will accept Senator Banks' word that he actually said those things.

[*Translation*]

TRANSPORT

PASSENGER PROTECT PROGRAM—IDENTITY SCREENING REGULATIONS FOR YOUNG PERSONS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In a Transport Canada notice published in today's *The Globe and Mail*, we learn that, and I quote:

> The . . . new *Identity Screening Regulations* for air travel are now in effect.

In this announcement, under the title "For all persons who appear to be 12 years of age or older," we learn that, from now on, anyone who appears to be 12 years old or older must have government-issued photo ID, or two pieces of ID without photos, in order to board any commercial flight in Canada.

• (1425)

I have a friend in Ottawa who is separated, who has an 11-year-old son going to visit his father this summer in Alberta. Her son is already 5 feet 5 inches tall and looks more like he is at least 15 years old, even though he is really only 11.

Can the Leader of the Government in the Senate please explain the aim of this initiative and describe the criteria that will be used to determine what a 12-year-old child looks like and how a 12-year-old can obtain ID from the federal government?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, people should not always believe everything they read in *The Globe and Mail*.

Senator Tardif: I am referring to an announcement.

Senator LeBreton: Until September 18, travellers in Canada who are between the ages of 12 and 17 will require only one piece of government-issued identification, with or without a photo, before boarding an aircraft instead of one piece of government-issued photo ID or two pieces of government-based identification. In fact, an individual between the ages of 12 and 17 needs one piece of identification to board the aircraft.

I take the honourable senator's point that some children appear to be between those ages but in fact are actually younger. However, the fact is that these young Canadians will only require one piece of identification.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 2, 2007-08

THIRD READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved third reading of Bill C-60, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008.

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

Some Hon. Senators: Agreed.

Senator Corbin: On division.

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

• (1430)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

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. Anne C. Cools: Honourable senators, yesterday I took the adjournment on Bill C-22 in a sincere desire to look at this question and to express an informed opinion based on my examination. I have since learned that it is the will of most senators here to refer this bill to committee and, for that reason, I am prepared to cut short my study and to put a few, though not minor, remarks on the record.

I was touched yesterday, honourable senators, by the interventions of Senator Segal, Senator Joyal and Senator Trenholme Counsell. Senator Trenholme Counsell essentially put before the house the importance of bringing before the committee professionals who are extremely skilled, trained and experienced in these delicate areas of human activity and human relationships.

Honourable senators, I will tell you why I intend to support this bill going to committee. Bill C-22 is a change to the Criminal Code. We can all agree that any change to the Criminal Code is always a significant and important matter. Any amendment to the Criminal Code is always, by its nature of being a Criminal Code amendment, demanding of, and necessitating, probing and serious study. Criminal Code amendments are serious matters, because the notion is that we should never go to the code unless absolutely necessary.

Honourable senators, in my brief examination of the bill, I observed quickly that the bill is an amendment to Part V of the Criminal Code itself and, if I may read to honourable senators, Part V is entitled "Sexual Offences, Public Morals and Disorderly Conduct." By virtue of the fact that this bill purports to move into that area, it immediately springs to mind the difficulty of the subject matter and the difficulty of the issues. That alone tells you. I will read it again: "Sexual Offences, Public Morals and Disorderly Conduct." We are in the important area of public morals, which means what is right and wrong; disorderly conduct, which means the conduct the Criminal Code deems to be disorderly; and thirdly, sexual activity. We raise here the phenomenon of human sexuality, and not only human sexual activity but youthful human sexual activity, and the criminal boundaries and the criminal limitations that are or should be imposed on them.

Honourable senators, in my brief remarks, two notions spring to mind. The first is that this bill is about young people, youthful sexual activity and the age of sexual consent. In other words, this bill tackles that difficult and rarely talked about area where young people's sexual impulses are awakened and are seeking gratification. This bill attempts to make a determination therein. I will expand on this because I have done a fair amount of work on this in the past. I intend to follow the bill carefully.

The other area this bill speaks to is the question of the young people's parents and their families and those parents' obligations, duties and rights in respect of protecting those young people. When we isolate those two areas, youthful human sexuality and parents' responsibilities, we begin to see immediately the difficulties that are involved, and that spring to mind. Honourable senators, it takes a high degree of study and care to address these two questions skilfully, adequately and properly.

Honourable senators, the drafting of such Criminal Code amendments would also call into existence what I would describe as remarkable legal skills and a remarkable understanding of the

law and the purpose of the law, and also a remarkable degree of social sensibilities to handle and deliver what is intended. I believe a balance is possible, and I believe these things can be done and should be done. One issue that I want to put out here, as Senator Trenholme Counsell reminded me yesterday, is that we must be mindful of the delicate issues at hand. The interesting thing about young people and parental relationships, of which we must be mindful, is that the age and time of life of activating and engaging sexual impulses and activities often coincides with that very time of life when young people, adolescents, seek independence from parents, often in a period of rebellion. Honourable senators, from what I can see, if this bill is to do the job that it purports to do, it would have had to be carefully drafted. When this bill is in committee, I shall read and study it to see if the bill is in point of fact doing what it intends to do.

Honourable senators, I would like to use my few minutes here to say that I strongly believe parents need tools to protect their young people. Advisedly, you can have delinquent parents, but you can have delinquent children as well. Most parents intend well and will do well, but parents must be allowed some ways of entry into this field.

If at all possible, since I am surrendering my opportunity to address this with more detail and more study, I would plead with the house and the chairman of the committee that the committee undertakes to give this matter the time and consideration that it properly requires. This is not a subject matter for a committee to rush through in a week or two. This is an extremely deep and serious subject matter. I would also like, if possible, some undertakings to be made that the proper and qualified witnesses will be called to address these kinds of questions, whether those witnesses are professionals, legal scholars or youth and family workers. I know of what I speak, because I was a youth worker, and I spent a lot of my life working with families, so I understand the delicacy and the sensitivities involved. We are legislating into areas of tremendous sensibility. I cannot emphasize enough the sensitivity not only of this subject matter, but also of how sensitive people are regarding these areas, because human sexuality is, by its nature, extremely private and intimate.

• (1440)

I am prepared to yield the floor to allow the bill to go on to committee, but I am hoping that the chair or the deputy chair of the committee will undertake to have the committee give this matter the time and care that it needs. I cannot impress upon honourable senators how important this issue is. In other words, the law has to protect not only young people, but also their parents. I have found in my life of working in these areas that there are always solutions. The real challenge is to take the time to find the solutions.

I hope that the deputy chair can assure me that the committee will undertake a serious study and call the witnesses as required. Based on that, I am prepared to yield the floor and have the bill referred to committee.

Hon. Lorna Milne: Will the honourable senator accept a question?

Senator Cools: Absolutely.

Senator Milne: As the deputy chair of the committee, I can assure the honourable senator right off the top that we intend to take a good look at this bill. It is a matter of grave concern. The fact that we might be, through this bill, inadvertently subjecting more young people to criminal histories is a matter that concerns us greatly.

Although the steering committee has not yet met on this matter, we intend to invite witnesses to appear before the committee — and not only the minister, but also youth workers, Aboriginal groups and young people themselves. Both sides of the question need to be thoroughly aired in front of the committee — something I hope the honourable senator is aware of.

Senator Cools: I would love to attend before the committee as a witness since I am no longer a member of the committee. I am hoping the committee will invite some of what I would call Canada's legal scholars — the country has a dozen or so great legal scholars — especially the Criminal Code legal scholars, to address this bill. Young people deserve the protection of the Criminal Code. However, so also do parents need the protection of the Criminal Code for their parenting.

I did not realize yesterday that most honourable senators were ready to send the bill off — which is why I have essentially truncated my study.

There are many more sensitive areas. Senator Joyal mentioned the phenomenon of Aboriginal peoples. When I was younger, I did a lot of work among Black youth. I submit that minority youth at all levels are also a concern. I did a lot of work in that area.

However, I also know that there is nothing more anguishing than a parent who wants to respond to a child being blocked at all times by helpers. Sometimes young people will agree to all manner of things without understanding the consequences. For example, often, young girls who are pregnant find themselves in the situation of being whisked off for an abortion without their parents' knowledge. Parents are a part of their children's lives.

I suggest we surround this very delicate matter because it is a matter of family. Individual relationships come and go, but parents tend to stay.

Therefore, honourable senators, I hope the bill will be well-studied. Some of the members of the committee have had a fair amount of experience to probe the minutiae of this issue.

Looking at the bill last night, I began to see huge defects in its drafting. There is the legal skill of drafting. Then there is the human skill of probing the human problems. Parents are very important in the picture. I would like to say that.

I thank Senator Joyal as always for his insightful comments. Some of the data that the honourable senator put on the record is daunting. He talked about 41 per cent — nearly 50 per cent — of young people being engaged in full-fledged sexual activity. That is extremely young, too young, but the important phenomenon of this coming before us is that it will give us an opportunity to have a debate.

What is the age that we can all agree on, for example, that young people should be involved in sexual activity? Is it 10 years old? If the age is being pushed back all the time, does it keep

going? Can parents and families expect 10 years old? I am not making proposals. I am saying that, if I were in charge of this issue, I would not have begun with a bill; I would have begun with a wider study looking at behaviours and activities and talked to concerned people all over the country. Then I would have come forward with a bill. What springs to mind is the very masterful report that — can I just have a minute?

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

Hon. Senators: Agreed.

Senator Cools: What comes to mind, and I have read this report, is the masterful report done by Daniel Patrick Moynihan, an American, on Black families and ghettos in 1965. The study, known as the Moynihan report, was masterful; he literally looked into the future and saw the negative social consequences for ghetto families that would flow from many poorly and ill-considered social policies.

I had wanted to bring this in a much more studied, scientific and considered way today, rather than these few remarks I put together last night in a very short period. We have an opportunity in the Senate to do a landmark study on this particular subject matter, honourable senators.

Human sexual activity is not a subject that is widely studied. That is the absurdity of it all. Having said that, honourable senators, whoever sponsored the bill is free to send it on to the committee, but I look forward in the fall to this bill's consideration in committee.

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

Hon. Senators: Question!

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: When shall the bill be read the third time, honourable senators?

On motion of Senator Cochrane, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING—DEBATE SUSPENDED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, for the second reading of Bill C-51, to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Hon. Charlie Watt: Honourable senators, I wish to say a few words in Inuktitut before addressing this bill.

[*The honourable senator spoke in his native language.*]

• (1450)

I will translate what I just said, or at least summarize it a bit.

I am saying, honourable senators, that I am privileged to be a senator, and I am also beginning to realize that an opportunity such as being able to speak in our mother tongue has been talked about and dealt with in this assembly. I think it is important, not only to me and to Senator Adams, but also to people listening to our proceedings from time to time or by any other means, a way for the Inuit to understand what is happening within this important assembly.

I take this matter seriously, and I appreciate that my colleagues are beginning to move in the direction of accommodating Senator Adams and I to be able to address this assembly in the language that we know best. That is what I said.

Honourable senators, I would like to acknowledge and express appreciation by echoing the positive words of Senator Segal when he put forward this important bill which will touch upon many of my people. I am sure honourable senators will agree that things are not always right. Things are never perfect. Those are the facts of life. Nevertheless, honourable senators, life goes on.

I would also like to echo the fact that Senator Segal mentioned that it is our responsibility in this chamber to promote and advance the culture of our people and their tradition in a way they can further advance themselves.

However, there is always a "but." When we are involved in stipulating a law such as this that will affect us for a lifetime, we have to be cautious and very careful as to what extent we may be infringing on the lives of the people, especially the people who live a very different lifestyle than what we know as the life lived in Ottawa and the big cities.

Today, honourable senators, we are still very much living in nomadic ways, the traditional way. We live with the cycle of nature and the migration of renewable resources upon which we depend for our livelihood, survival and to clothe ourselves. For this reason, honourable senators, it is important for me to address some critical issues.

As I mentioned earlier, this will be the everlasting document that we have to live through. It is important for the people to understand clearly and not to be misled in terms of what they inherited as a people. Over time in this country, we have made settlements with the Aboriginal people. Over time in this country, we have felt that we did the right thing. We find out down the road that we have not actually done the right thing.

I hope that, as honourable senators, our responsibility is to the minority people and the Aboriginal people. This is reflected when we call for justice. Justice is hard to achieve at times. It depends on how you deal with it as it comes and serves you well. At times it goes the other way.

For this reason, honourable senators, I would like to read into the record a letter that I wrote to my leader in my region of so-called Nunavik. This agreement does not really deal with the mainland of Nunavik, but it deals with offshore, the islands and the resources. It is in regard to management and well-being.

I feel today that I am being called upon to modernize my life and that of my people. I am not entirely sure as to whether a modification can actually take place. I will give you several reasons why I feel that what we are doing here will put our people in the position of breaking the law without knowing they are doing so. That is my concern.

The rule of law is the rule of law. We have to respect that. The Constitution is the law. There are reasons why section 35 of the British North American Act was entrenched in 1982. There are reasons why part of that section, section 25, is also entrenched within the Constitution and considered to be the seal from the bigger society so there would not be much destruction between the two and careful scrutiny can take place in order to respect both sides. I would like to see that, honourable senators, but I am not sure whether I will live to see that. I can see parts of this agreement going in the opposite direction, which does not allow what I have suggested to happen. Perhaps the corrections can be made down the road, and this is one of the reasons I am asking legal minds to put a framework around that and to see whether there is another alternative so that justice can be provided.

Honourable senators, I will read the letter I wrote to my leader and the president of Makivik Corporation. It is important that it be put on the record.

> Dear Mr. Aatami,
>
> On March 28, 2007, the Honourable Jim Prentice, Minister of Indian and Northern Affairs, tabled Bill C-51. The aim of the bill is to ratify the Agreement and I shall be called upon to vote on it. I have accordingly felt obliged to examine both the bill and the Agreement in greater detail.
>
> I have serious concerns about the impact of the bill and of the Agreement. I see in these pieces of legislation important and negative consequences for the Inuit of Nunavik.
>
> My fears have to do primarily with four major themes:
>
> - Does the agreement prevail or not over Canadian and Nunavut legislation and if so, to what extent?
> - The surrender of the rights that are protected by the 1982 Canadian Constitution.
> - The governance of the Nunavik Marine Region is subject to the approval of the federal minister.
> - The benefits are far less than expected.
>
> **Prevalence of the agreement**
>
> On the issue of the prevalence of the Agreement over Canadian legislation, there are two important concerns that must be clarified. The first stems from the fact that the English version of Section 6 of the bill differs from the French version.

• (1500)

> In French, there is no equivalent of what the English version says at the end of the first paragraph: "to the extent of the inconsistency or conflict." This difference is important, since it creates confusion in the scope and interpretation of the Act and the Agreement.
>
> The fact that two pieces of legislation deal with the same subject does not mean that they are incompatible. They may both apply simultaneously if they are not incompatible.
>
> The other important uncertainty is the scope and the impact of the incompatibility. For example, in 1999, "Lac Doré Mining Inc." announced a mining development project in the Chibougamau region. This case is still before the courts with respect to the issue of whether the environmental assessment process under the James Bay Agreement prevailed over that of the Federal Environmental Assessment Act.
>
> The Superior Court supported the position taken by Lac Doré Mining Inc., the Grand Council of the Cree and the Government of Quebec. The decision, in fact, was that the Canadian Environmental Assessment Act did not apply and the James Bay Agreement process prevailed.
>
> The Government of Canada has appealed the decision and maintains that both processes apply. Do you understand the importance of knowing the scope of a clause in advance? Faced with such a situation it will be very difficult to interest investors.
>
> It is accordingly extremely important to clarify the scope of what the incompatibility and the conflict between the Agreement and the Canadian statutes mean for several reasons:
>
> 1 - The implementing agencies of the Agreement will adopt a wildlife management plan and a land use plan and will examine the impacts of development activities. On the other hand, section 2.10 of the Agreement stipulates that federal legislation applies: the Fisheries Act, the Canadian Environmental Act and the Endangered Species Act. What exactly is the space in which the Agreement will prevail?
>
> 2 - Clause 5.3.4 of the Agreement stipulates that the current quotas and restrictions on the harvesting of wildlife remain in force and are presumed to have been established by the Nunavik Marine Region Wildlife Board. Furthermore, and pursuant to section 5.3.7, those quotas and restrictions are deemed to address the needs of the Inuit of Nunavik and cannot be changed until 20 years has expired, pursuant to sub-section 5.3.8 of the Agreement.
>
> These quotas and these restrictions were adopted pursuant to the Fisheries Act and the Endangered Species Act. These restrictions have a negative impact on the daily lives of the Inuit of Nunavik.

> As you know, the Inuit hunt, fish and harvest in accordance with their traditional knowledge and they follow the cycle of nature and migratory cycles. The regulations, on the other hand, are based primarily on scientific knowledge and are inflexible. It is absolutely essential to ensure that the needs of the Inuit take precedence over current federal regulations and to clarify which prevails.
>
> The same issues and uncertainties exist with respect to many aspects of the life of the Inuit for eating and clothing such as hunting, fishing and harvesting beluga whales, seals, fishes, fauna's down, eggs, wild fruits, sea food as herrings, mollusks and seaweed.

That is in the matter that related to renewable resources. Let me move on to the constitutional aspects.

> **Constitutional Rights' Surrender**
>
> Sub-section 2.1 states that the Agreement is a treaty within the meaning of Section 35 of the 1982 Constitutional Act. Furthermore, the Inuit of Nunavik agree not to exercise or assert any ancestral or treaty rights other than those stipulated in the current Agreement, in accordance with sub-section 2.29.3. Thus, the only ancestral rights of the Inuit of Nunavik will be those found in the Agreement. This is unbelievable.

Senator Corbin: Giving away your soul.

Senator Watt: The letter continues:

> Many generations have worked very hard for the recognition and protection of aboriginal rights as it is now stated by the 1982 Constitution. Presently and for the future we surrender and convert them in a piece of paper, the Agreement providing: Wildlife Board, Planning Commission, Impact Review Board, quotas restrictions for 20 years and $5 million per year for ten years.
>
> Since the Treaty of Paris of 1763, the Indians have signed many treaties and a multitude of Court decisions have confirmed the ancestral and aboriginal rights. Ultimately, the 1982 Canadian Constitution recognizes and protects those rights and for all Indians, Inuit, and Metis.
>
> Today's Agreement would erase all this. It is not constitutional to surrender a right that is recognized and protected by the Constitution and protected by Section 52 of the Constitution, which renders null and void any legislation that is incompatible with the Constitution.
>
> There are also serious doubts as to whether the Makivik representing the collectivity of Inuit can legally surrender ancestral rights on behalf of the individuals to whom such rights have been granted.

One might wonder what that means. Has our individual power of attorney been protected so that our representatives can exercise and surrender our rights? The civil law says that if you give away your rights, you have to provide a power of attorney in order for someone to represent you. Has that been violated? Under the common law, which I am not an expert on, there is the Canadian Charter of Rights and Freedoms and there is the rule of law. Does the rule of law allow anyone to treat me as furniture without my giving consent to someone to represent me? This has to stop because it has been happening not only within isolated areas that I have been talking about. This is an issue that we definitely have to revisit. This is why I call upon the legal minds to determine what adjustments need to be made because we no longer should be in such a position and repeating the same mistakes without ever learning from them. I admired an old lady at the meetings held in Quebec City and in Montreal who said that if we do not learn from our mistakes, we will make the same mistakes again. We are going in the same direction because we have not learned from our mistakes.

Today's agreement would erase all this.

• (1510)

First, Makivik is stipulating for a third person when negotiating the surrender of individual Aboriginal rights of Inuit of Nunavik. Considering that the Inuit of Nunavik live in the province of Quebec, the Civil Code applies and the Makivik must work in compliance with the code. Mainly, they need personal authorization to act on their behalf.

Second, Makivik has a role to play on behalf of the Inuit of Nunavik when it is related to the James Bay Northern Quebec Agreement. However, I do not think they have the same capacity outside the James Bay territory on matters of federal jurisdiction. As honourable senators know, I was founding President of Makivik Corporation and created this instrument, so I know what I am talking about. I have gone through the necessary steps to obtain a power of attorney before I bind them into the agreement in principle. I go through the same exercise before I bind them on the final agreements to obtain the power of attorney. That is protection for me, for the people and for the government. I have not seen that since, but it needs to be revisited and examined seriously.

With respect to the entire issue, the government should refer the agreement and Bill C-51 to the Supreme Court of Canada so that their constitutionality can be examined. It is preferable that such a referral be initiated by the federal government itself since an individual, who has no intention of surrendering dearly bought rights, could decide to go before the courts in search of a new *Malouf* judgment.

I participated in a radio phone-in show between 9:30 a.m. and 12 p.m., along with the Makivik representatives, the people who negotiated this document, and legal counsel from Makivik Corporation. There was heavy emphasis on "extinguishment" and the fact that it did not apply at this time. Do honourable senators know what "extinguishment" means in this case? It means that what is not contemplated in the agreement is considered to be surrendered. It even came to the point that surrender does not apply, let alone extinguishment. They said it does not apply.

I quote from the *Windsor Review Legal and Social Issues*, Issue 2, page 29:

> Extinguishment and the Fallacy of Certainty.
>
> Despite the Supreme Court of Canada's recognition of the doctrine of Aboriginal title, and despite various calls from task forces, commissions, and scholars to end its policy

> of extinguishment, the Federal Government has done little to alter this part of its approach to comprehensive land claims agreements. Of course, as was discussed above, more recent agreements have included broader land rights and the removed explicit language of extinguishment. Yet, the latter is really nothing more than a matter of semantics, wherein blanket extinguishment provisions have been replaced by "surrender," cede," or "release" clauses, and in some cases, non-assertion clauses, whereby the affected Aboriginal peoples may not claim in the future any rights that are not outlined in the agreements. Ultimately, the end result is the same — the Government achieves supposed certainty in the agreement, but Aboriginal title and rights must be relinquished in order to achieve a final settlement.

What has changed? It is a fancy way of saying the same thing and they even call it a "technique." It is a federal policy. We had better make changes to government policy if we are to close the gap and succeed with land claims agreements.

I will turn to the heading, "Governance of Territory" in the letter that I described to the President of Makivik Corporation.

> The Agreement stipulates that governance of the Nunavik Marine Region shall be exercised through a Nunavik Marine Region Wildlife Board, a Planning Commission and a Commission charged with reviewing the repercussions.
>
> Under the Agreement, governance of Nunavik Marine Region will not be in the hands of the Inuit of Nunavik and new problems might arise. Let me tell you why.
>
> 1. These organizations will take decisions but none of them will have legal effect. In order to be legally valid and to have any effect, they will have to be approved by the minister.

The people who live by the cycle of nature in that region will not have any power to make decisions. They will have an authority to make recommendations only. They will sit on the board as a minority. I expected, given that my people will benefit from this, that they would be the majority on the board, but that is not proposed.

The Inuit of Nunavik are in minority. The Nunavik Marine Region Wildlife Board, NMRWB, will have seven members, three of whom will be appointed by Makivik, three others by the federal government and a seventh by the Premier of Nunavut.

• (1520)

> The Planning Commission will have a minimum of one federal member and one member from Nunavut and Makivik will recommend two members. It must be noted that those are recommendations only and that the Department of Indian Affairs and Northern Affairs must confirm the appointments.
>
> The commission responsible for reviewing the impact will have five members: Makivik will propose two names and the Minister of Northern Affairs would appoint them. One will be appointed by the federal government and the other by Nunavut. One member will be designated as Chair by the Minister of Indian and Northern Affairs after consultation with Nunavut.

Again, it is outside of our territory, outside of our people.

> The activities of these organizations will require the hiring of specialized and knowledgeable personnel, whom are not necessarily available in sufficient numbers among us, nor among the Inuit of Nunavik. Once again, decision-making will not be primarily in Inuit hands.
>
> The federal government will fund those agencies for the first four years. The activities and the implementation of these agencies' responsibilities will be funded by whom, subsequently?

We do not know. Maybe they will cease to exist. Maybe we have to get the money out of our own pockets.

> Lastly, the governance described in the Agreement does not reflect a genuine partnership in which both parties are the winners.
>
> The benefits of the Agreement are made up of land ownership, the sharing of royalties on resource development, a transfer of funds, payment of an amount for the implementation of the Agreement and a sum of money for research on wildlife resources.
>
> A last word about the capital and the amount of money involved. A Nunavik Inuit Trust will receive, hold and administer this for the benefit of the people and can distribute monies individually or collectively for educational, social, cultural and socioeconomic needs. Saying this, I realize that I do not know what happens with my immediate day-to-day needs.
>
> As you can see, my analysis of Bill C-51 and Agreement has raised many questions and concerns. I feel it is unfortunate that my comments should be forthcoming at this point, but I had no choice. Throughout the negotiation process, things seemed to be developing satisfactorily and the Inuit were hearing positive messages about the Agreement.
>
> I have followed closely what was reported on the radio and in meetings with the people in my community and I realize that the messages I heard do not correspond with the analysis that I have made of it.
>
> Moreover and as you know, since 1993 Inuit of Nunavut have an Agreement similar to the one signed by Makivik Corporation on behalf of Inuit of Nunavik on December 2006. Coincidently, the same month, the Inuit of Nunavut initiate a lawsuit against the Queen in Right of Canada claiming damages for more than $1 billion.

After this, will we have a repeat?

> The Inuit of Nunavut are pleading: breach of contract, breach of its fiduciary obligation and add that: "the Crown has since the inception of the Agreement adopted an inflexible policy of refusing its consent to have any matter related to the Agreement resolved through arbitration." I include the court documents about this.

These elements are why I am openly raising my serious fears and the significant and negative consequences of the Bill and of the Agreement, as I see them.

Remember that many generations have worked very hard for the recognition and the protection of our aboriginal rights. I could never have imagined that our rights would have been set aside in a way that they are by this Agreement.

I am at your service for a discussion of this issue, which is of prime importance, with a view to improving the Agreement. I do believe that there is a way to improve the Agreement without surrendering Inuit of Nunavik's aboriginal rights.

This was a letter that I forwarded to Pita Aatami on May 8. Up to today, I have not received a response, other than very critical responses from time to time that have come through the radio.

I will quickly read another document that I feel should be tabled in the Senate. I also wrote a letter on June 6 to the Minister of Indian Affairs, but this is only two pages long. Before I read the letter, I would like to tell honourable senators that I spoke to the minister, and he has not seen nor read it. The subject of the letter is Bill C-51.

Dear Minister Prentice:

On March 28, 2007, you introduced Bill C-51, which would ratify the Nunavik Inuit Land Claims Agreement. At the same time, you released the final text of the Agreement. I have requested an opinion and I have deep disagreement on both.

On May 8, 2007, I sent a letter to the President of Makivik Corporation, a copy of which was sent to you. This letter raised serious and important concerns about interpretation of the bill and the Agreement and serious impact on the Constitutional and Aboriginal rights.

The President of Makivik Corporation acknowledged receipt of my letter but in no way addressed my concerns, which are now shared by more and more Inuit and non-Inuit. Moreover, Makivik is using a summary that contains misleading information on important elements of the Agreement.

An example of misleading information is about quotas and restrictions to harvest. As you know, those quotas and restrictions have a negative impact on the day-to-day lives of Inuit of Nunavik. However, in the summary of the agreement, prepared by Makivik and used in their campaign, there is no mention that quotas and restrictions are in place and will remain for 20 years. You can see why I became critical.

Those quotas and restrictions put in jeopardy the day-to-day needs of an individual while they should be the priority and the base instead of wildlife preservation and land management.

As you know, Aboriginal people harvest according to the cycle of nature to make sure they fulfil the needs of their families and their communities. In fact, the quotas and restrictions should apply only on sport and commercial activities.

Another example of misleading information is about the establishment of bodies to manage wildlife, for land use planning and to review impact of development in the Nunavik Marine Region. We would expect as the summary from Makivik shows that Inuit of Nunavik would have majority on those bodies, but the final text of the Agreement says they are in minority.

The money is not an issue compare to the most important concern, the surrendering of Aboriginal rights.

While the Constitution of Canada recognizes and affirms Aboriginal rights, it is unacceptable that the Agreement says that the Inuit of Nunavik will not exercise nor assert any of those Aboriginal rights. The impact of the Agreement would be that Section 35 of the Constitution of Canada will become meaningless.

• (1530)

Section 35 of the Constitution of Canada requires positive action from the government in order to respect, to promote and to fulfill such rights. Unfortunately and since the entrenchment of Aboriginal rights, we see a systematic process to extinguish our rights. This is unacceptable. Constitutional rights are upheld as the highest law of the Land, the rule of Law applies and I am sure that you agree with me.

People of Nunavik are very upset about the consequences of the Agreement compared to the information they received. Yesterday, from 9:15 to 12:15, I took part of an open line on the radio speaking with the people who were alarmed by the fact that their leaders could have misled them. It is regrettable it got to this point. As a Minister, I am sure you do not want to be part of this misleading information to the people.

Daily needs of Aboriginal people, especially Constitutional rights should not be dealt as a regulatory issue. It should be dealt with a nation to nation approach in order for us to have harmony in Canada. I know that you have a very busy schedule and at your convenience, it is important that we meet on this serious matter.

Enclosed, you will find the letter that I have sent to the President of Makivik, my legal assessment document and a copy of a summary from Makivik.

Honourable senators, I know I am taking a lot of time here, but I do feel this matter is important. One issue I wish to emphasize is why I feel I have a responsibility to speak out for justice in this instance. I know the people; I am one of them. I see them, I work with them, I travel with them, I hunt with them. I do feel that I have a very clear understanding of the situation they are in today.

I am talking about where we are compared to the other, bigger societies. Are we ready to be entering into agreements such as this? Will we only going to be hurting ourselves because we did not provide enough protections or put enough protections into the agreement for the actual behaviour of our people — how we work and how we live with nature? That is not implanted in the agreement.

Are we so willing to adopt the new way of life and comply with the law and the regulations? Are we further putting ourselves into the position of being locked up and having more and more people put away? As honourable senators know, when our people have been jailed, they have been put away for quite a while. Will they ever recover from the symptoms they develop as result of incarceration? Those are the issues I must come to grips with.

I must say to honourable senators that there was a way to improve this agreement; unfortunately, however, the bill is ready to go to the committee and be approved.

Although I am in disagreement, there are those who are pushing for this agreement. Whatever reasons they might have are theirs; I have already stated my reasons, which I feel are important as well. However, I am not so willing, at this stage in the lives of my people — knowing where they are at — to say to you that I will comply with those rules and regulations. I know, for a fact, that when we have to eat, clothe ourselves and find shelter, sometimes we have to ignore the rules.

There is a provision in the agreement that states, yes, you can break the law — it does not actually say that; rather, it refers to an emergency. If my life is threatened — if an animal is going to end up killing me — on the basis of such an emergency, I can kill the animal outside of the rules and regulations that have been set — or if I am starving.

The Hon. the Speaker: I wish to advise Senator Watt that his 45 minutes have expired.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes is fine.

Senator Watt: I think I can wrap this up in five minutes.

Senator Cools: I would like time for questions.

Senator Watt: Yes.

It is hard for us to describe at times the way we live, because it is so close to us — the way we live, the way we behave, the way we interact with nature and wildlife. When we travel, many times we do not take with us supplies that we have bought from the store. We take what we need from the land as we go along — and this is not in the agreement. We take off by boat or canoe — both of which have been modernized to a certain extent — but we take what we can take from the land. It might not be the right time, according to the law, but we take it. However, if I do not have the necessary or proper identification for breaking the law, there is no excuse for not knowing the law — something all honourable senators know.

This scares me. A unilingual Inuk person being charged has no idea why he or she is being charged and brought to court. We have had an incident regarding belugas. The Department of Fisheries and Oceans set a quota respecting belugas, and some individuals happened to go over the limit. Three people were charged, and two of them were brought in front of the judge. The judge asked whether anyone could give him a clear indication of what the matter was all about, but no one was there so the matter was postponed.

Eventually, I, together with the people from the Standing Senate Committee on Fisheries and Oceans, brought down the people from the North. I think we had some impact, as they dropped the charges. They were lucky in that sense.

I keep emphasizing that we need a legal mind to help us understand and see whether we can provide better justice. I concur with Senator Segal, when he mentioned this matter should be referred to the Standing Senate Committee on Legal and Constitutional Affairs. I really would like that to happen and I appreciate it too.

Hon. Anne C. Cools: Honourable senators, I should like to ask a question. Yesterday, Senator Segal gave us a presentation on this bill — either yesterday or the day before — and I listened to him carefully. I know Senator Segal to be an extremely sensitive man and a very kind man — and, I would also say, a good senator who wants to see matters put right with the Aboriginal peoples.

• (1540)

I would remind honourable senators that this is not Senator Segal's bill, and we must be mindful of that. Senator Watt put a lot on the record, and much of what the honourable senator has said will have to be carefully studied and looked at. I am sympathetic to that, and I will read it very carefully. However, I wanted not to defend Senator Segal, because Senator Segal needs no defence, but only to say we should be mindful at all times that it is not unusual for honourable senators here to be very —

The Hon. the Speaker: I wish to advise the house that the extra five minutes that Senator Watt was awarded has expired.

Senator Cools: Can I finish my sentence?

Hon. Tommy Banks: Honourable senators, I apologize, because I had indicated earlier that I wished to speak to this, and then I said I did not, and now I do. I hope one of us will move this at its conclusion to the committee.

Honourable senators, there is no one in this place or anywhere else who knows less about Aboriginal matters and settlements than I do. There is no one who knows more about it than Senator Watt, who was involved in agreements which have long since existed and seem to be operating well. In fact, he was involved in the beginning of this agreement as well.

Great attention must be paid to the things Senator Watt has said, as Senator Cools has mentioned. I trust the members of the committee will do that. However, there are specific questions which I think we ought to have had the advantage of being able to ask and which we cannot ask because the effect of this bill is to give legal status to an agreement and we do not know what is in the agreement. The agreement is not here. Ordinarily, when we are talking about bills like this that bring something else into effect, we are able to see the something else. It had not occurred to me the other day to raise that question, but Senator Watt has raised questions that give rise to other questions other than the ones he has specifically referred to that would require looking at the agreement to which this bill refers. I hope and trust that the committee will do that.

Two specific questions have been brought to mind by things that Senator Watt said. For example, if we look at Bill C-51, we will see on page 2, in clause 2:

> "Makivik" means the corporation established by An Act respecting the Makivik Corporation, R.S.Q., c. S-18.1 . . .

I presume "RSQ" means Revised Statutes of Quebec. The question that immediately came to mind is whether the Government of the Province of Quebec is party to the agreement referred to here.

With respect to things raised by Senator Segal the other day, some of the lands referred to in the agreement are in the province of Newfoundland and Labrador. Is the Province of Newfoundland and Labrador a party to this agreement? Have they acquiesced to this agreement?

I am sure these questions will be answered. I commend the attention of all honourable senators to follow closely the proceedings of this bill because of the things that Senator Watt has raised. I reiterate that no one here knows more about these issues than Senator Watt. I thank Senator Watt for the lesson. We have just been to school.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, later today, the Standing Senate Committee on Foreign Affairs and International Trade will meet with Canada's Minister of Foreign Affairs to consider Bill C-61, An Act to amend the Geneva Conventions Act, An Act to incorporate the Canadian Red Cross Society and the Trade-marks Act. Fortunately, the schedule that follows clause 3 of the bill is available to us. All senators have it in their possession. It contains the text of Protocol III, which is a protocol additional to the Geneva conventions.

Each time that the Parliament of Canada has been faced with adopting legislation pursuant to a convention, a treaty, or a protocol, the full text of the treaty, protocol, or convention has always been printed with the text of the bill.

Clause 3 of Bill C-51 says that:

> The Agreement is a treaty within the meaning of section 35 of the Constitution Act, 1982.

Why do we not use the same provisions for accords or treaties with Canada's Aboriginal peoples that we use for international accords, treaties and protocols? They are recognized as nations, after all. The text of this bill refers to the agreement signed between the Government of Canada and the Nunavik Inuit, but the text of the agreement is not provided. Furthermore, I would like to know if it is available in Inuktitut, French and English, as required by the Official Languages Act and related statutes.

It seems to me that the text of the agreement should have been printed, to allow senators to acquaint themselves with its contents and satisfy their natural curiosity before approving the text of the bill before us.

I wonder if, in the case of treaties signed in the past with Aboriginal peoples, we actually printed the text of the agreement. It seems to me that we should follow the international practice, given that it is a treaty. This treaty should be available in both official languages as well as in the native language of the people governed by the agreement and the bill.

I will not raise a point of order, but I find this to be a serious matter of substance. How can we intelligently examine a bill, without Senator Segal's briefing book? How can we weigh the importance of this agreement before giving our approval to the bill? Perhaps committee members have copies. If I am asked, at second reading stage, to comment on the substance of the bill, first I would like to take a look at the text of the agreement. I am a citizen of Canada and I want to know what commitments my government is making to the peoples of the North. I am making this complaint. I am not raising a point of order, but I hope that the committee members who will be asked to examine Bill C-51 will take my complaint into consideration.

• (1550)

[*English*]

Hon. Hugh Segal: Honourable senators, I wish to ask a question of my colleague Senator Corbin and I do so in the context of my own relative inexperience in this place. I did inquire of officials, with whom I met before I presented the bill for consideration of senators, and was informed that the agreement of which the honourable senator speaks was tabled in the Senate by Senator Comeau on March 28, 2007.

However, I am asking the senator whether he will accept my apology. I should have asked officials to make copies in all three languages available before I spoke. I did not do that. I ask that the honourable senator accept my apologies concomitant with a commitment that those agreements will be distributed to all members of the Senate before committees begin to meet on this matter.

Senator Corbin: The senator is so nice that I will forgive any of his sins of commission or omission.

I was not, in the course of my remarks, reproaching the honourable senator. I was merely indicating that he had the material in his possession and could use that material in his speech at second reading. I do not have that material. I do not know what I am committing myself to. I must put all my trust in a member of that committee to do a thorough job. In the process, I also had the specific grievance of wanting to ensure that it is available in Inuktitut and both French and English. Can the honourable senator answer me in that respect?

Senator Segal: The document is in English and French. The framework agreement for negotiation, signed by our good friend, Senator Watt, who was then the president of Makivik, provided for negotiations and documents being done only in English. That was the framework agreement agreed to among the negotiators on all sides. However, I will inquire. Certainly English and French is available and I will address that straight away. As to the other availability, I will find out and bring that information back as quickly as I can.

Senator Corbin: I recognize the absolute right of people to negotiate in the language they wish, but for the purposes of the Parliament of Canada and the purposes of passing legislation, it must be available in both official languages.

Senator Segal: In regard to the Inuktitut proposition that the honourable senator raises, I do not know the answer, but I will inquire.

Senator Cools: I would like to add a few words in this debate on Bill C-51. I would like to begin by thanking Senator Watt and Senator Segal. I think Senator Segal yesterday gave a good description of the bill. I am very mindful it is not Senator Segal's bill, but he gave a very good description of the bill, and as we know, Senator Segal is an extremely gifted, competent and I would say, well-intentioned senator and we should bear that in mind.

Senator Watt knows the deep affection that many honourable senators hold for him. I want to raise and put on the record a few of the questions and perhaps some of these questions can be raised with Mr. Prentice, the minister.

In addition to the points that Senator Corbin and Senator Banks have raised, it is very important that whatever we are voting on must be before us. These doings are seeping into our practices more and more. Some years ago there was a bill before us, which I remember had something to do with the old Quebec civil law. I argued at the time that we could not just pass a law saying that something was done unless the clauses and the actual words we were voting on were actually before us in the bill.

I would like to note a few more anomalies about the bill. The heading "Her Majesty," which is clause 4, reads as follows:

> This Act is binding on Her Majesty in right of Canada or a province so as to give effect to the Agreement in accordance with its terms.

Her Majesty gives effect to the agreements. I find that strange. Her Majesty gives effect to every single bill and is the enacting power. She is the one who enacts this bill. As a sovereign, she is the signer of every treaty. I find this strange.

If honourable senators go down to clause 5 under the heading "Agreement," clause 5(1) states:

> The Agreement is approved, given effect and declared valid.

How can this house approve, give effect and declare valid something when one does not know what it is and it is not in the text of the bill at all?

Mr. Prentice is an extremely well-intentioned man. I have respect for Mr. Prentice as a minister. I am not sure to which committee this is going, but I would suggest the Standing Senate Committee on Legal and Constitutional Affairs and I would suggest that the committee take a careful look at this bill in terms of its drafting because there are some oddities.

There is also the other question on the substantive issues as put forward by Senator Watt that the committee will have to review. I have been listening carefully, Senator Watt, and I have full confidence that Senator Segal would never mislead this house.

On the issue of these drafting oddities, I have noticed the terminology. This bill is called Bill C-51, An Act to give Effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act. The phrase "an act to give effect to" seems to have come into currency. As I am looking at Senator Fraser, I remember Bill C-20, the Clarity Act. It was described as an act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference. Perhaps we should be looking at some of this terminology in regard to this bill or in other bills.

I would suggest that at some time, separate from this bill, this house should strike a committee to look at these oddities and practices that are introduced little by little quite often by well-intentioned drafters over at PCO or the Department of Justice, but who, in fact, know very little about Parliament and the ancient parliamentary requirements around drafting.

Honourable senators will remember that the Federal Accountability Act had some strange language in it, such as "referring matters to the Speaker" and so on. We all know what an order of reference is and that you cannot refer anything to a Speaker. All honourable senators know what that means.

The substance of the question is profound. I do not pretend to know enough about Aboriginal issues. However, I say to Senator Watt — and I am sure I speak for Senator Segal and for most honourable senators in this room — that most of us would like to see matters put right with the First Nations people of this country. It is a continuing source of pain and anguish for a large number of us. Therefore, the honourable senator should begin with the understanding that there is a lot of goodwill.

However, that being said, these matters must be dealt with in terms of what is before us.

I appeal to Senator Segal and to the committee to take a serious look at Bill C-51 because there are a few things that are very odd in the drafting of this legislation and simply tabling the treaty does not bring it forward in this proceeding. As we know, some action has to be taken on a document that is tabled. It does not become part of this proceeding on Bill C-51 without specific action. Because I know it is coming to the end of the term and because I have considerable respect for —

Debate suspended.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 4 p.m., pursuant to the order adopted on April 6, 2006, I must interrupt the proceeding for the purpose of suspending the sitting until 5:30 p.m., at which time the Senate will proceed to the taking of the deferred vote on the subamendment to Bill C-288. The bells will start ringing at 5:15 p.m.

The sitting was suspended.

• (1730)

KYOTO PROTOCOL IMPLEMENTATION BILL

THIRD READING—MOTIONS IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED

On the Order:

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

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

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

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

(*b*) in clause 5,

(i) on page 4,

(A) by replacing line 2 with the following:

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

(B) by replacing line 6 with the following:

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

(C) by adding after line 13 the following:

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

(ii) on page 5,

(A) by replacing line 9 with the following:

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

(B) by replacing line 23 with the following:

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

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

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

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

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

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

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

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

(*d*) in clause 7,

(i) on page 6,

(A) by replacing line 32 with the following:

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

(B) by replacing line 38 with the following:

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

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

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

(*e*) in clause 9,

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

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

(ii) on page 8,

(A) by replacing line 3 with the following:

"Minister considers appropriate within 30 days", and

(B) by replacing line 7 with the following:

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

(*f*) in clause 10,

(i) on page 8,

(A) by replacing line 9 with the following:

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

(B) by replacing line 11 with the following:

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

(C) by replacing line 38 with the following:

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

(ii) on page 9,

(A) by replacing line 6 with the following:

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

(B) by replacing line 9 with the following

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

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

(i) by replacing line 17 with the following:

"and Sustainable Development may prepare a",

(ii) by replacing line 32 with the following:

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

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

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

On the subamendment of the Honourable Senator Segal, seconded by the Honourable Senator Gustafson, 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).

Motion in subamendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

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

NAYS
THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Baker	Hubley
Banks	Joyal
Biron	Kenny
Bryden	Lavigne
Callbeck	Lovelace Nicholas
Campbell	Merchant
Cools	Milne
Corbin	Mitchell
Cordy	Moore
Cowan	Munson
Dawson	Murray
Day	Pépin
De Bané	Peterson
Downe	Phalen
Dyck	Robichaud
Eggleton	Rompkey
Fairbairn	Smith
Fitzpatrick	Spivak
Fraser	Stollery
Furey	Tardif
Goldstein	Trenholme Counsell
Grafstein	Watt—47
Harb	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Senate adjourned until Thursday, June 21, 2007, at 1:30 p.m.

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