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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 30, 2007**



THE HONOURABLE ROSE-MARIE LOSIER-COOL  
SPEAKER *PRO TEMPORE*

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## THE SENATE

Tuesday, October 30, 2007

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

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw your attention to the presence in the gallery of Her Excellency Katalin Szili, Speaker of the National Assembly of the Republic of Hungary. Her Excellency is accompanied by some members of Parliament of the Republic of Hungary. Also in the gallery is His Excellency Pal Vastagh, Hungary's Ambassador to Canada.

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

**Hon. Senators:** Hear, hear!

## SENATORS' STATEMENTS

### THE LATE CAPTAIN MATTHEW DAWE

**Hon. Hugh Segal:** Honourable senators, when we reconvened on October 17, after prorogation, we stood in silence out of respect for the soldiers, all volunteers, whom we have lost in Afghanistan. One of the young men we saluted was Captain Matthew Dawe, whose life was taken on July 4, 2007, when a very large improvised explosive device, IED, destroyed an armoured vehicle and all who served in it.

I rise today to reflect on the qualities that this young man brought to the service of our country and what that kind of loss means for all of us who believe in Canada and Canada's role in a troubled world. Matthew Dawe was one of four brothers, all of whom have served in our military. He graduated from Royal Military College and was a platoon commander from the 3rd Battalion, Princess Patricia's Canadian Light Infantry. He was a father, husband, brother, son and an inspiration to all with whom he came into contact. His leadership, decency and humane commitment to his unit, his soldiers and the people of Afghanistan were remarkable and infused his every gesture.

His father, a former high-ranking Canadian Forces officer, and his mother, a vital part of Kingston's health care community, spoke at the funeral, as did his comrades, brothers and young widow, with a courage, grace and clarity that inspired the more than 2,000 people at the service.

• (1405)

As Captain Dawe was a graduate of the Royal Military College, the funeral procession that brought him to the service passed through the RMC Memorial Arch. As the procession proceeded to the cemetery along Highway 401 after the service, overpasses

and roadsides were lined with fellow Kingstonsians and Canadians who wished to salute this young hero and his family for their unspeakable sacrifice and loss.

Soon parliamentarians and officials will be seized with the dynamics of our future role in Afghanistan. Whatever our respective views on that discussion or the material essential to those who serve there still in our name, we must keep before us the kind of sacrifice men and women wearing the Canadian flag on their shoulders have made and are prepared to make in that cause.

There would be few we might mention or know in our lives that had a brighter future than Captain Matthew Dawe. It is both the ultimate irony and supreme indication of loyalty and service that he laid down his life for the future of a people he had never met, the Afghans, the right of Afghan boys and girls to go to school and the greater security we all share in our country through a stable Afghanistan.

This Remembrance Day will be especially difficult for those whose recent losses in Afghanistan make the wounds deep, fresh and particularly painful. As honourable senators think of the Dawe family today, let us reflect as well on the other families to whom we all owe so much.

### THE HONOURABLE BERT BROWN

#### WELCOME TO THE SENATE

**Hon. Tommy Banks:** Honourable senators, through Her Honour, I wish to add a personal welcome to our Magyar guests from Hungary, remembering many happy times I spent in Budapest where I had the pleasure of performing. I extend my welcome to them through Your Honour.

Honourable senators, I wish to take a moment today to redress the fact that I have not had the opportunity to welcome our new Senator Brown from Alberta to this place. I add my voice to those who have congratulated him.

While from time to time Senator Brown and I will agree on issues having to do with the West and Alberta in particular, we may also disagree slightly on occasion.

I also add my voice to those who have pointed out that no one is more deserving of being here than Senator Brown. He has made an effort over a long period of time which none of us has done. Notwithstanding the fact that we were all appointed by the Governor General, the route by which that happened for Senator Brown is very different.

I welcome Senator Brown and look forward to working with him. I am particularly pleased that he will be a member of Standing Senate Committee on Energy, the Environment and Natural Resources, when we pass the motion of the Senate Committee of Selection, as I hope we will today.

### INTER-PARLIAMENTARY UNION AND UNITED NATIONS COOPERATION

**Hon. Donald H. Oliver:** Honourable senators, on October 24, Canada and the world celebrated United Nations Day. On this day every year since 1948, exactly three years after the United Nations Charter was ratified by the five permanent Security Council members as well as Canada and the other 45 original signatories, the world has recognized the invaluable work that the United Nations does to bring about international peace and understanding.

Over the course of the past 60 years much has changed at the United Nations. One change is the role that parliamentarians now play in the world body. Consider, for example, that on November 19, 2002, the Inter-Parliamentary Union — the IPU — was granted observer status by the General Assembly. The IPU is the international organization based in Geneva that represents 144 countries; it promotes worldwide parliamentary dialogue for peace and cooperation among peoples and for the firm establishment of representative democracy.

Observer status will allow the IPU the opportunity to provide greater parliamentary contributions and support to the UN. This will enable a greater role for the IPU to support the UN Economic and Social Council and the UN Democracy Fund, and to foster greater cooperation in the realms of democracy and good governance with members of the United Nations General Assembly.

Honourable senators, on November 26, 2006, the UN General Assembly's resolution 61/6 allowed the joint IPU-UN meeting, called the Annual Parliamentary Hearing at the UN, to become a regular feature of the program of events during General Assembly sessions.

• (1410)

In return, the IPU now has a new UN committee called the IPU Committee on United Nations Affairs. Its mandate is to improve relations and dialogue between the two organizations. Next month in New York, the 2007 Parliamentary Hearing will bring members of parliaments from around the world to the United Nations Headquarters for an interactive discussion with high-ranking UN officials.

This year's meeting is scheduled for November and is called "Reinforcing the Rule of Law in International Relations: The Key Role of Parliaments." Discussion topics include disarmament and non-proliferation, terrorism, and international criminal justice.

Honourable senators, this is a great opportunity for parliamentarians from around the world to strengthen their ties with the UN.

#### THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON RECEIVING  
HONORARY DOCTORATE OF LAWS DEGREE  
FROM SAINT MARY'S UNIVERSITY

**Hon. Gerard A. Phalen:** Honourable senators, it is with great pleasure that I rise today to congratulate my friend and seatmate, and our colleague, Senator Wilfred Moore on receiving an

Honorary Doctorate of Laws degree from Saint Mary's University this past Sunday. Senator Moore was recognized for his lifetime of service to his university, Saint Mary's; to his city, Halifax; and to his province, Nova Scotia.

In service to Saint Mary's University, Senator Moore had worked tirelessly in such positions as Chair of the Advisory Committee to the President, and for 10 years as a member of the Board of Governors.

In service to his city of Halifax, Senator Moore had served as a Halifax alderman, Deputy Mayor, Founding Director and Chairman of the Halifax Metro Centre and Chairman of the Social Assistance Appeal Board for Halifax and Dartmouth.

In service to his province of Nova Scotia and, for that matter, to Canada, Senator Moore served for 10 years as Chairman of the Bluenose II Preservation Trust. Senator Moore has also served his province of Nova Scotia, and of course his university, by his service in this institution. I am sure that most of you have been cornered in these Senate hallways more than once by Senator Moore in his quest for post-secondary education funding.

Honourable senators, it was truly a treat for my wife and me to attend the convocation ceremony at which Senator Moore received this degree. I would like to close now by quoting from Chief Justice Joseph Kennedy's speech about Senator Moore at the convocation ceremony. He said, "What his curriculum does not capture, cannot capture, about Willy is his passion. There are some people who, quite simply, care more than others and do more than others." That, honourable senators, quite simply, describes our colleague Willy Moore.

[Translation]

### ROUTINE PROCEEDINGS

#### STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

GOVERNMENT RESPONSE TO REPORT  
OF OFFICIAL LANGUAGES COMMITTEE TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 28(3), I have the honour to table the government's response to the eighth report of the Standing Senate Committee on Official Languages tabled on May 17, 2007, during the Senate's previous session.

#### THE ESTIMATES, 2007-08

SUPPLEMENTARY ESTIMATES (A) TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (A) 2007-08, for the fiscal year ending March 31, 2008.

**CORRECTIONAL INVESTIGATOR**

2006-07 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2006-07 annual report of the Correctional Investigator.

**JAMES BAY AND NORTHERN QUEBEC AGREEMENT  
NORTHEASTERN QUEBEC AGREEMENT**

2000-01, 2001-02, 2002-03 ANNUAL REPORTS TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2000-01, 2001-02 and 2002-03 annual reports of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement.

**AUDITOR GENERAL**

OCTOBER 2007 REPORT TABLED

**The Hon. the Speaker pro tempore:** Honourable senators, I have the honour to table, in both official languages, the October 2007 report of the Auditor General of Canada pursuant to section 7(2) of the Auditor General Act.

- (1415)

[English]

**COMMISSIONER OF THE ENVIRONMENT AND  
SUSTAINABLE DEVELOPMENT**

2006-07 ANNUAL REPORT TABLED

**The Hon. the Speaker pro tempore:** Honourable senators, I have the honour to table, in both official languages, the 2007 annual report of the Commissioner of the Environment and Sustainable Development to the House of Commons.

[Translation]

**THE ESTIMATES, 2007-08**

NOTICE OF MOTION TO AUTHORIZE  
NATIONAL FINANCE COMMITTEE  
TO STUDY SUPPLEMENTARY ESTIMATES (A)

**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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2008.

[English]

**INCOME TAX AMENDMENTS BILL, 2006**

FIRST READING

**The Hon. the Speaker pro tempore** informed the Senate that a message had been received from the House of Commons with Bill C-10, An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act.

Bill read first time.

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

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

[Translation]

**NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL**

FIRST READING

**The Hon. the Speaker pro tempore** informed the Senate that a message had been received from the House of Commons with Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Bill read first time.

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

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

[English]

**BANKRUPTCY AND INSOLVENCY ACT  
COMPANIES' CREDITORS ARRANGEMENT ACT  
WAGE EARNER PROTECTION PROGRAM ACT**

BILL TO AMEND—FIRST READING

**The Hon. the Speaker pro tempore** informed the Senate that a message had been received from the House of Commons with Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005.

Bill read first time.

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

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

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

Bill read first time.

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

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

• (1420)

[English]

### HERITAGE LIGHTHOUSE PROTECTION BILL

#### FIRST READING

**Hon. Pat Carney** presented Bill S-215, An Act to protect heritage lighthouses.

Bill read first time.

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

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

[Translation]

### ACCESS TO INFORMATION ACT CANADIAN WHEAT BOARD ACT

#### BILL TO AMEND—FIRST READING

**Hon. Grant Mitchell** presented Bill S-216, An Act to amend the Access to Information Act and the Canadian Wheat Board Act.

Bill read first time.

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

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

### THE SENATE

#### NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM

**Hon. Claudette Tardif (Deputy Leader of the Opposition)**: Honourable senators, I give notice that, two days hence, I will move:

That a Special Committee of the Senate be appointed to consider any matters relating to anti-terrorism that may be referred to it by the Senate from time to time;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members, namely the Honourable Senators Kinsella, Andreychuk, Nolin, Day, Fairbairn, P.C., Fraser, Jaffer, Smith, P.C., and Joyal, P.C., and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the papers and evidence received and taken on the subject by the Special Senate Committee on the Anti-terrorism Act during the First Session of the Thirty-Ninth Parliament be referred to the Committee.

• (1425)

## QUESTION PERIOD

### NATIONAL DEFENCE

#### AFGHANISTAN—TREATMENT OF DETAINEES

**Hon. Céline Hervieux-Payette (Leader of the Opposition)**: Honourable senators, my question is for the Leader of the Government in the Senate. Earlier this year, the Government of Canada was accused of transferring Afghan detainees to local authorities. The detainees were allegedly beaten, mistreated and tortured in Afghan prisons.

When the situation was brought to light, the government found itself in a tight corner. The Minister of Defence guaranteed that the situation would be resolved. Last May, a new agreement was signed with the Karzai government, allowing Canadian inspectors to verify that detainees were treated humanely. However, yesterday the media reported, in an article on failures in Afghanistan, that prisoners captured by Canadians continue to be tortured, beaten and mistreated by Afghan forces, which is completely unacceptable.

What concrete measures will the government take to put an end to this situation immediately?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I wish to point out again that these statements are allegations. The government knows that we can periodically expect to hear these allegations because we also know that allegations like these are standard operational procedure of the Taliban.

As the honourable senator knows, and as she mentioned in her question, we now have mechanisms in place to monitor and follow up Canadian-transferred Taliban prisoners. As I explained previously, in May, we enhanced an arrangement with the Government of Afghanistan that improved the December 2005 arrangement of the previous Liberal government regarding the transfer of Taliban prisoners. Canada respects its international obligations, and we expect the Afghan government to do the same. This agreement ensures that transfer can take place.

[Translation]

**Senator Hervieux-Payette:** Honourable senators, in my opinion the current situation is serious. We must be able to ensure that the Geneva Convention is observed.

These are not Taliban allegations. Our journalists are professionals and know the difference between rumours and facts verified by investigation.

There is talk of nails being torn out, electric shock, detainees hung by their hands that were tied behind their backs. They also mention the cold, because in the prisons in question, the windows do not have any glass. The Canadian Forces could certainly resolve this problem quite quickly.

What does the government intend to do, after investigating, to ensure that the agreements signed earlier this year are respected?

[English]

**Senator LeBreton:** Honourable senators, my answer will not change. These accusations, of course, are allegations. We are proud of the agreement that we signed with the Afghan government. It is, and has been applauded as, one of the best agreements among NATO countries. As *The Globe and Mail* said on May 4, 2007, it transforms Canada into the standard-bearer of all foreign countries in the monitoring of transferred prisoners in Afghanistan. Therefore, honourable senators, the government and, I am sure, the Canadian public are proud of the work our troops are doing in Afghanistan in helping the people to live in a democratic and secure country, and in combating the Taliban, who are renowned for their trampling upon individuals' human rights.

**Hon. Lorna Milne:** Honourable senators, I have a supplementary question. If I may take the leader up on her word, she said that we are proud that the Canadian soldiers are standard-bearers there, and I sincerely hope so.

I also hope the minister has weighed her words carefully because the Red Cross has contradicted this government's statements before and so did the Chief of the Defence Staff. Even deputy ministers have tried to correct the record on what the government says. How can Canadians believe anything that comes from this government about what is going on in Afghanistan?

**Senator LeBreton:** Honourable senators, the honourable senator is referring to old news stories. The government takes all matters seriously.

It is well known, and there is documented proof, that the Taliban train their people to make accusations such as these, if they become prisoners.

• (1430)

**Senator Milne:** Honourable senators, the Red Cross, trained by the Taliban, is making these kinds of allegations?

**Senator LeBreton:** Honourable senators, I did not say that. Senator Milne said that.

## FOREIGN AFFAIRS

### LICENCES ISSUED FOR REMOVAL OF BULK WATER

**Hon. Pat Carney:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. Falling water levels in the Great Lakes are currently a matter of international concern. The International Boundary Waters Treaty Act was amended by the Liberal government in 2001 to permit the Minister of Foreign Affairs to license bulk water removals of more than 50,000 litres, or roughly a container, from the Great Lakes. The Department of Foreign Affairs now requires an environmental assessment of bulk water removals.

Can the Leader of the Government in the Senate ascertain, first, how many licences have been issued and for what amounts; second, when they were issued; and third, how many have proceeded through the environmental assessment process?

I realize, and have indicated to the leader, that I expect some delay in receiving an answer.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I do not need to delay my answer. The government has absolutely no intention of allowing the export of bulk water.

**Senator Carney:** Honourable senators, that is not what I asked the leader. I never mentioned the word "export." I simply said that the International Boundary Waters Treaty Act was amended to permit the removal of over 50,000 litres of water. I am asking how many licences have been issued from the year 2001, for how much water, and whether they proceeded with an environmental assessment. I never asked about exports.

**Senator LeBreton:** Honourable senators, I suppose one could split a hair between "removal" and "export."

I will take Senator Carney's question as notice. However, as I stated in my first response, the Canadian government has no intention of allowing the bulk export of Canadian water.



## THE HONOURABLE MICHAEL FORTIER

### ALLEGED CONFLICT OF INTEREST— USE OF SENATORIAL OFFICE

**Hon. Yoine Goldstein:** Honourable senators, last Thursday Senator Mitchell asked Senator Fortier to admit that he was using his position as a senator to advance his personal interest in winning the riding of Vaudreuil-Soulanges in the next election. In response, Senator LeBreton said that all of Senator Fortier's activities are funded by the political riding association for the constituency, and that it was typical for senators to assist citizens in accessing government services.

While Senator LeBreton sees this situation as normal, I suggest that it is not. Senators, members of Parliament and members of cabinet are not supposed to discharge their duties from party-funded offices. Doing so gives the impression that the services are not available for all Canadians but only for those who support the party in question.

Honourable senators, I will ask again whether Senator Fortier finds it in any way inappropriate for him to offer his services as a senator from his campaign offices, particularly when an office paid for by Parliament is located down the same street. If Senator Fortier has no problem with this arrangement, can we assume that he asks those companies bidding on contracts with the Department of Public Works and Government Services to meet him at Conservative Party headquarters?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, Senator Goldstein has a problem in that he thinks he represents this area. I am sure that if Senator Goldstein would like some particular help from Senator Fortier, Senator Fortier would be happy to provide it.

This activity is completely appropriate. Senator Fortier is not the first person to sit as a senator with the full intention of running for public office when the time arrives. The Liberals' own Bernie Boudreau, who was the Leader of the Government in the Senate, was here in that capacity. He sat here as a senator and, when the election was called, ran for office as a member of Parliament.

• (1435)

When Senator Boudreau was welcomed into Parliament, Senator Lynch-Staunton, the Leader of the Opposition in the Senate at the time, said:

Senator Boudreau is the first senator who, even before being sworn in, announced that his length of stay here will be no longer than the duration of what is left of the present government's mandate.

Hence, it is not unprecedented to have Senator Fortier in the Senate stating that as soon as an election is called he is out of this place campaigning for a seat in the House of Commons.

In addition to setting precedence, since the honourable senator is so concerned with the fact that Senator Fortier is a minister, Minister Boudreau was the Leader of the Government in the Senate and also the Minister of State responsible for the Atlantic Canada Opportunities Agency, ACOA.

**Senator Goldstein:** That response completely misses the point. Senator Boudreau did not use his senatorial status to run. He resigned and then ran. The Conservatives would ask us to believe that Senator Fortier is trying to do his duty to serve the people of his country by helping those in Vaudreuil-Soulanges to access government services. If Senator Fortier's intention is so noble at heart, why does he work solely from two party-funded offices in Vaudreuil-Soulanges? I am certain the good people of his senatorial district, Rougemont, some 100 kilometres away, would appreciate his opening just one office to serve their needs.

Let us have Senator Fortier answer this question: Will Senator Fortier admit that his decision to focus solely on the riding of Vaudreuil-Soulanges indicates that he is using his powers not for the good of the country but rather for his own good and to get himself elected? If that scenario is not the case, could he explain why he has decided that the people of Rougemont, his division, deserve to be ignored.

**Senator LeBreton:** Honourable senators, as Senator Goldstein knows, there is nothing inappropriate here. Senator Fortier is nominated in Vaudreuil-Soulanges and when an election is called he will be the Conservative Party candidate. The honourable senator's line of questioning is most unfortunate. There is a Senate mechanism available to Senator Goldstein — specifically, an Ethics Officer — if he believes there is a serious issue here. If the honourable senator feels so strongly, he should address the question to the Ethics Officer.

**Senator Tkachuk:** And good luck to you.

**Senator LeBreton:** It is entirely legitimate that Senator Fortier is a nominated candidate. There are other senators in this place who have political responsibilities that do not necessarily tie into their responsibilities as senator. Both the president and the campaign co-chair of the Liberal Party of Canada sit in the Senate. If honourable senators have a problem with this, I would suggest they refer their questions to the proper authorities, the Senate Ethics Officer and the relevant committee.

**Senator Goldstein:** I might do that, but independent of that, would the honourable leader tell us what the Conservative Party meant by transparency and accountability?

**Senator LeBreton:** Absolutely. It is what we are doing. I shall answer that question — although it is obvious to people that we are running a transparent and open government. We are still waiting for the answer to the whereabouts of the \$40 million in the sponsorship scandal.

## FISHERIES AND OCEANS

### GRANTING OF LICENCES TO MID-WATER TRAWLERS TO FISH HERRING IN GULF OF ST. LAWRENCE

**Hon. Elizabeth Hubley:** My question is for the Leader of the Government in the Senate. The Minister of Fisheries and Oceans recently granted herring licences in the Gulf of St. Lawrence to two mid-water trawlers, including one capable of carrying nets a quarter of a mile in length. This kind of trawler poses a threat to many inshore fishers who use herring as bait, which has become more difficult to find in recent years.

• (1440)

My questions are as follows: Has the Department of Fisheries and Oceans prepared an assessment of the impact of this decision? What will be the impact on the inshore fishery? Did the minister take this decision with full knowledge that it would make an important source of bait even scarcer?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her questions. Minister Loyola Hearn is cognizant of all of the issues concerning the fishery, including depleting resources and environmental concerns.

I shall take the honourable senator's questions as notice. If Minister Hearn has followed the practice he has followed since becoming Minister of Fisheries, I am quite certain all of the proper steps were taken. I would be happy to obtain that information and provide it to the honourable senator.

**Senator Hubley:** The government claims that it is committed to sustainability, yet the government has licensed mid-water trawl vessels that can put out nets five football fields wide and a quarter of a mile in length and land close to one million pounds of herring in one trip.

The minister's decision casts doubt on whether the government is serious about protecting herring stocks, which is a valuable commercial species upon which many Prince Edward Islanders rely for much of their livelihood.

My questions are these: What consultations took place with representatives of the inshore fishery before these licences were granted? Was the government engaged in responsible stewardship of the resource, or was it merely a question of granting the licences to the highest bidder?

**Senator LeBreton:** Those questions were valid ones, until the honourable senator resorted to a parting shot.

Honourable senators, no one is more conscientious or more concerned about the fishery than Minister Hearn. I shall take the honourable senator's detailed request for information as notice and provide her with answers as soon as I am able.

## JUSTICE

### CIGARETTE SMUGGLING

**Hon. Larry W. Campbell:** Honourable senators, I shall start with the closing shot and then go on.

My question is for the Leader of the Government in the Senate. Can the leader tell honourable senators why her government talks about solving crime and justice issues but, when it comes down to action, this government is nowhere to be seen?

It was recently reported — not by the Taliban — in documents obtained under access to information that the smuggling of black market cigarettes by criminal gangs is not a priority for the Conservative government because it may cause them political headaches with the First Nations.

[ Senator Hubley ]

This is not completely a First Nations issue. By not cracking down on cigarette smuggling, this government is allowing organized crime, in the form of biker gangs, free rein to conduct criminal activities in this country — leading to the deaths of Canadians, contributing to public disorder and causing \$1 billion in lost cigarette revenues.

Why does this government play politics with the lives of its citizens? How can it begin to preach about its proposed tackling violent crime act when it cannot even deal with current problems, problems caused because it chose to ignore its responsibilities?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I was worried when the honourable senator said that he intended to start off with taking the parting shot. Was he not a former policeman? That concerned me somewhat.

As honourable senators know, the number one priority of this government is issues of crime and the security and safety of Canada's citizens.

With regard to the issue of cigarette smuggling and the comments made in the media the other day, I shall take that question as notice.

## THE ENVIRONMENT

### APPROACH TO CLIMATE CHANGE—CARBON CREDITS

**Hon. Grant Mitchell:** Honourable senators, it is not that this government actually opposes the Kyoto process in and of itself as a way of combating climate change; what is clear is that this government opposes any process for combating climate change. This fact became clear to me the other day as I was listening to Senator Tkachuk gleefully diminish and dismiss Kyoto.

[Translation]

In truth, they simply do not want to combat climate change.

• (1445)

[English]

It is also true that after 18 long months this government has done almost nothing to combat climate change. It has missed even the simplest, lowest hanging fruit. Why does this government's finance department expressly prohibit senators and, I expect, all public servants from buying carbon credits to offset their airline travel when, for example, Premier Gordon Campbell in British Columbia requires every last bit of airline travel to be offset by carbon credit purchases?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, as I said the other day, the department knows that the Kyoto train has left the station. It is time for us to move on, to quit worrying about things that did not happen in the past and to work on things that can be done in the future.

Our government is working with our international partners to reduce greenhouse gas emissions and reach a post-2012 international framework. We believe that it should include the

world's major emitters, such as the U.S., China and India; that it should have binding targets; and that it must recognize different national economic circumstances.

In a similar question a few weeks ago, Senator Mitchell said that the Prime Minister did not do anything at the G8. I will read from a press release dated June 7, 2007, in which Hans Verolme, Director of the World Wildlife Fund's Global Climate Change Programme, stated, and I quote:

The support by the EU, Japan and Canada to cut carbon pollution 50 per cent by 2050 means we are a step closer to taking real action for the world's climate.

Senator Mitchell, it is time to turn the page on the Kyoto Protocol and move on. As I said, the Prime Minister is engaging countries, at the Asia-Pacific Economic Cooperation, APEC, summit in Australia, at the European Union, and the United Nations, for example, to deal with the serious concern of climate change.

**Senator Mitchell:** Honourable senators, I am asking that the government move on some of the simplest things, but they do not seem inclined to do so. In fact, they have not done the most basic and easiest things. When the leader talks about the train leaving the station, I remind her that I was asking about airline travel, not train travel, and why the government does not allow us to buy any kind of carbon offset credit.

My next question is: When Premier Campbell went to Portugal to set up British Columbia in a carbon trading market, which is for the future and, you might argue, will get us past Kyoto, where was the Prime Minister? Why is he not on the same plane to involve Canada in this so we can participate aggressively in that new international market? One would think business-like Conservatives would want to do this.

**Senator LeBreton:** I said in my last answer that the Prime Minister has been on the plane dealing with these issues. He went to the EU, he went to Australia and he went to New York. Our government's regulatory framework for air emissions will include domestic emissions trading. The details of the framework, including the trading system, are being worked on as we speak.

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## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Grant Mitchell:** Honourable senators, it is with some pleasure that I rise to speak to the Throne Speech, but it is not with a great deal of pleasure that I rise, for two reasons: First, so little is in this Throne Speech that to suggest one is speaking to it is to exaggerate the point. Rather, one has to speak around it, or one has to speak about all kinds of things that are not in it. I am also not pleased because the minimal amount that is in it is very disconcerting and not particularly inspiring, I believe, for Canadians.

• (1450)

I take offence, first, with the government's statement on the front of the Throne Speech pamphlet that somehow this is clean government. I underline the arrogance of that particular statement. People often describe themselves aggressively in one way simply because they are afraid of the underlying truth that may not actually support that description. We certainly have a great deal of experience with this government saying something over and over again that clearly is not true, on the assumption that if they say it enough people will actually believe it is true.

I would nip in the bud the idea that this government is actually clean, because it is not. I refer to the scandal that has now been coined so aptly the "In and Out Scandal." Two issues are involved in this scandal. First, that the Conservative Party overspent its national campaign budget by approximately \$1.2 million. That, in and of itself, is an egregious violation of the Elections Act.

Honourable senators, even more incriminating when it comes to this government's assessment of it being "clean," is having someone lie about where that money was expended. They said it was expended through 66 constituencies when it was not. They thought they stood to gain \$720,000 in taxpayers' money that they were not entitled to get. That sounds to me like a fraudulent initiative. Someone says something that was not true and, by stating untruthfully that that money was spent through 66 ridings, they stood to gain \$720,000 of taxpayers' money. That is not something that a clean government would do. This was not done at the lower echelons or the peripheries of the party; it was done by some of the most senior people in that party. Its anticipation is documented in the book by Tom Flanagan at page 188 where he makes the point, with some amount of chuff, that they had figured out how to get around the limits imposed by the Canada Elections Act on national campaign expenditures.

Not only did this affect 66 ridings, over 20 per cent of all the ridings in the country that they ran in, but it also affected 34 ridings of elected members of Parliament. Of the remaining non-elected ridings, 11 of the candidates now hold senior positions in ministers' offices or elsewhere in this government.

The first words that someone sees in this government's Throne Speech, "clean government," have expressed the absolute Conservative oxymoron. This government is not clean, as is evidenced by the ruling of the Chief Electoral Officer saying clearly that this government has broken the Elections Act. Underlining his point is the fact that there are now three investigations under way, one of which is a police investigation. This government should be careful about using that exceptionally misleading statement. This is not clean government.

The second part of the Throne Speech speaks about a better Canada. Canada is a remarkable place. It is developing. It will continue to evolve and get better. However, it will not get better because of what this government has outlined in its Throne Speech. In many ways, Canada could become a meaner and more barren place, if I can use that word conceptually, because of what is and what is not in this particular Throne Speech.

I emphasize, as has my colleague Senator Day, that a number of things are forgotten. I would add to his list. Education is forgotten in this Throne Speech. Maybe it is not just forgotten; it is probably consciously dismissed.

Education, as we all must understand, is the future of this country. It is the future of the economy of this country. A 21st century economy will be based upon intellectual property, education, science, technology and the minds of Canadians who are able to confront and beat the rest of the world. None of that is supported by this particular Throne Speech.

As a specific human interest example, I cite a case that has come across my desk of someone who has fought to realize her ambitions, to have an education, to make her life better, her children's lives better, to contribute to this country in a significant way, but who has received little help, and now confronts a significant financial problem. This is a woman who has two young children. She was on welfare. She had the strength of character, the determination and commitment to return to school. She took a four-year university degree and a postgraduate diploma over a five-year period, all the while supporting her two children.

At the end of that five-year period, she had amassed a \$75,000 student loan. When \$75,000 is divided by five, the result is not a great deal of money, in some senses, for supporting two children and putting oneself through school as an annual expense. However, the woman ended up with \$75,000 in loans. It is like having a mortgage, as they say, without having the house. She is now 38 years old. The interest rate on that mortgage is prime plus 2.5 per cent, which puts it upwards of 9 per cent. She will be forced to begin to make payments at \$829 a month. That will be over 25 per cent of her take-home pay, despite the fact that she has a professional job. What assistance has she received? How will she be able to pay for her rent, pay for her children's upbringing, pay for that debt and still provide for some kind of future for herself and her family?

Honourable senators, this is the kind of issue that a caring government, a government that sees the future and has a sense of people and understands empathy would begin to address. This

woman has done exactly what our society has asked her to do. She has taken herself off welfare rolls and done everything she possibly could to secure a future in a productive way, support her family and herself, and she is burdened by a mortgage without a house.

The second evident omission in this Throne Speech is its neglect of women's equality. It is now the case that this government is not allowed to use the word "equality" in the context of women's rights and women's issues. This government has cancelled initiatives that would affect women and promote their interests. They have cut off \$350,000 in annual federal funding for the National Association of Women and the Law. They have cut the \$750,000 annual federal grant to the Canadian Child Care Federation. They have cut the Court Challenges Program, which enabled persons and groups to challenge federal laws on equality grounds. They have cut the Law Reform Commission. They have cut the Canadian Volunteerism Initiative. They have cut \$750,000 from Family Service Canada.

In this context, government ministers have made it clear that the funding of advocacy groups is not a priority. However, they are selective in how they manage these cuts to "advocacy" groups. They have cut all support for groups that advocate for the equality of women and the rights of families, but at the same time they have added — and this is almost incomprehensible — a \$500,000 grant to the Conference of Defence Associations. Let us support defence associations, but not equality for women.

I have taken a good deal of time to talk about what is not in this speech, and I could go on at some considerable length.

• (1500)

I also point out what is clear in this government's Throne Speech.

What is Senator Segal saying?

**Hon. Hugh Segal:** You cut the guts out of the budget for 13 years!

**Senator Mitchell:** Let us talk about that. Often what this government does is not to achieve some kind of good public policy end or to make the country better. Rather, their actions are based on cynical politics, designed simply to get votes, to promote and manipulate their chance of electoral success.

I will return to the subject of crime bills. If this government truly saw that issue as one that needed to be addressed, they would have allowed the crime bills that were passed in the House of Commons last session to simply be re-established on the list and put through quickly with the kind of support they would have received for that. Instead, they repackage the bills to somehow make the extraneous, elaborate case that the Liberals are soft on crime and are trying to delay the proposed legislation.

There were initiatives in that bill that could have been passed and acted on by now and might well have reduced crime in the Conservative's view of the world. They did not do that. Instead, they manipulated that like they manipulate so much of what they do from a cynical electoral base.

Another thing than I find almost breathtaking is that the Prime Minister actually calls himself an economist. That reminds me of the story that everyone but my Johnny is out of step. The Prime Minister is perhaps the only economist in this country — and I use the word “economist” lightly in his case — who actually believes cutting the GST serves any purpose other than a political one.

One of the major issues facing this country is productivity; and in good times we should be preparing for bad times. One day when we confront a downturn, we will need heightened productivity more than we can imagine, and this government should be cutting taxes that stimulate economic productivity. The GST is not one of those.

Another issue that they miss is Kyoto. I want to emphasize this because Senator Tkachuk is having a pretty good time about it. He clearly underlined this government’s attitude. It is not that they are opposed specifically to the Kyoto process for addressing climate change; it is that they are opposed to any process for addressing climate change.

There are many initiatives that the government could have brought in easily after 18 long months. Look at what British Columbia is doing. Look at the announcements and initiatives made by Premier Campbell. That is a government that said they will be carbon neutral by 2010. They are focused on improving the climate and taking concrete, specific initiatives to achieve that. These initiatives do not cost money; they do not cause economic harm. They stimulate economies, save money and enhance productivity and competitiveness.

The frustration I feel when I read this Throne Speech is never greater than when I read the limited amount that it says about climate change, when I contemplate how much could be done and how little is in fact being done. There is no leadership where leadership is required.

Honourable senators, that brings me to my final comment. When I read this Throne Speech, I am struck at how quintessentially small-minded it is. It does not grab a single major issue confronting this country, such as child poverty, Kyoto, climate change or Kelowna.

**The Hon. the Speaker *pro tempore*:** I must advise the honourable senator that his speaking time has expired.

**Senator Mitchell:** I would ask for five more minutes, please.

**Hon. Senators:** Agreed.

**Senator Mitchell:** I thank my Conservative colleagues, in particular, for allowing me to continue. They are very empathetic and compassionate at certain moments.

When I read this Throne Speech, the first thing that hit me was how light it was, how little there was in it that inspired. It did not address any of the major issues facing this country today. It did not address productivity or climate change; it did not address child poverty or native issues particularly. It did not address any major issue that, with great leadership, could transform this country in some significant way for the future.

I am struck by how quintessentially small “c” conservative this Throne Speech is. It tinkers and modifies only at the margin. It is afraid to grab the future, to lead Canadians to do something great.

Hopefully, honourable senators, it will not be too long before this government will understand the chance that it missed; and we will see one day in the not-too-distant future some great leadership once again for this country from the next Liberal government.

On motion of Senator Hubley, debate adjourned.

[*Translation*]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Jean Lapointe** moved second reading of Bill S-213, An Act to amend the Criminal Code (lottery schemes).—(*Honourable Senator Lapointe*).

He said: Honourable senators, the vast majority of you are already aware of the bill I am presenting for the fifth time today. Since my first speech in this upper chamber on the matter, four long years have passed and many lives have been ruined, devastated, and consumed by the scourge of compulsive gambling, especially the scourge of video lottery terminals.

Honourable senators, the bill before you has already been studied at length by the Senate and two of its committees, the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on Social Affairs.

Two committee reports on this bill have been tabled. It would be absurd for us to waste the precious time of the members of this chamber pursuing the debate and consideration of this bill in second and third readings. I sincerely believe that it is our duty to proceed with this bill quickly in order to avoid wasting taxpayer dollars.

For these reasons, honourable senators, I am seeking leave for this bill to be read the third time today so that it may be sent back to the House of Commons at committee stage at the other place, where it was before last month’s prorogation.

**The Hon. the Speaker *pro tempore*:** Honourable senators, it would be appropriate to move second reading of the bill. We are only at second reading stage.

On motion of Senator Tkachuk, debate adjourned.

• (1510)

[*English*]

## DRINKING WATER SOURCES BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein** moved second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in cooperation with the provinces, an agency with

the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Honourable Senator Grafstein*)

He said: Again, I will not try the patience of honourable senators who have heard this speech before. I will try to briefly bring you up to date.

Bill S-208 has had a brief history in this chamber. It was introduced in the last session. We had a spirited discussion about it and there was general agreement reached, I believe, by both sides that we would pass the subject matter of the bill to committee. I know that Senator Nolin was concerned about certain constitutional aspects of the bill and I suggested that we sort that out in committee, as well as to deal with his other question of whether there was an adjacent or previous bill that might have overlapped this particular bill. Those were two issues that would be addressed more appropriately in committee. We have, I believe, a consensus to refer the subject matter of the bill to committee.

I remind honourable senators about the background of and the rationale for this bill. This is a bill to require the Minister of the Environment to establish, in cooperation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future. Honourable senators will know of my other bill to amend the Food and Drugs Act to provide clean drinking water at the tap. This bill is an upstream bill, and so, in effect, it is a companion piece to the clean drinking water bill. The rationale came to me from experts who said that if we really want to deal with clean drinking water, we must deal not only with the downstream source, but also with the upstream source. Even though this is a companion bill, the two bills each stand on their own feet. In other words, the delay on passage of one, in no way, shape or form, will impede or affect the passage of the other. The two bills are separate in that sense. I do not want any senator to believe that the two are connected. They are not connected except with respect to process and policy.

Water, honourable senators, as an outstanding columnist noted two weeks ago, has become the new oil. Water is now as precious, in a way, as oil, and the cost of keeping it clean is increasing.

It is interesting to note in the newspapers today that the Cirque du Soleil founder, an outstanding Canadian by the name of Guy Laliberté, has pledged \$100 million over the next 25 years to a new foundation which he calls the One Drop Foundation. I read the newspaper clipping, but I have also spoken to the executive director of the foundation, Mr. Michel Lamoureux, who I happened to run into a few days ago. He is well known in this chamber. I believe he previously worked for Senator Poulin.

The press release is clear. It says the One Drop Foundation is a new foundation to which Mr. Laliberté has dedicated \$100 million over the next 25 years. He is quoted as saying,

No one can remain indifferent when we know that at least every eight seconds, a child dies from a disease caused by drinking contaminated water.

This foundation will rebuild water wells and provide drinking water to poor countries. I brought the background of my bill to Mr. Lamoureux's attention. In no way, shape or form do I want

to appear to be a critic of Mr. Laliberté or his efforts, because I think it is an astounding thing that he is doing. However, it strikes me as ironic that while we can support a foundation for clean drinking water overseas, we do not have clean drinking water in some of the poorest and not so poor regions of our country. I hope to achieve a common cause and to join forces with this foundation and to persuade them to assist us with respect to these measures affecting water we have before the Senate.

Let us take a quick look back. Canada is a blessed country. It is blessed because we are sovereign in terms of our resources, not just oil but minerals, semi-precious and precious gems and other resources. We are also sovereign over 7 per cent of the world's land mass. Canada also has within its borders 9 per cent of the world's so-called renewable fresh water. Up until a few years ago, we believed fresh water was renewable, but it now appears that it is not really renewable. Our water supply is not going up or staying at the same level; it is going down. It is going down for two reasons: pollution and chemicals; and more important than that, leakage. There is leakage or seepage in our freshwater system.

Senator Carney referred today to the Great Lakes. This is anecdotal, but it has been confirmed by a number of associations, that the water level of the Great Lakes has dropped about 18 inches in the last two years. In many resorts along the Great Lakes, one will find that the facilities and marinas are marooned as the water level is now 18 inches lower. We have a serious seepage or leakage problem, both from pollution and from the environment, or for other reasons.

The purpose of this bill is to at least find out what is happening. The purpose of this bill is not complicated; it is to map the watersheds, which are the sources of clean drinking water across the country. We still do not have an inventory of those watersheds.

Canada's population is less than half of 1 per cent of the world's population, so we have the greatest per capita allocation of fresh water in the world. This abundance of fresh water has become both a blessing and a curse. The blessings are clear. Water is an essential part of our life on this planet. The Department of Health tells us we need to drink eight glasses of clean drinking water a day to keep healthy. The curse, in my view, is due to overabundance. There is a myth that we have limitless water. That is now a myth. That is no longer the case. We are living by this previous myth. We have become, honourable senators, much too complacent. We take this valuable resource, which I say is diminishing, for granted. Why is there not a vocal national lobby to preserve this precious national asset?

We have the Seven Sisters, or the so-called offspring of the Seven Sisters, the great oil companies. There is a vested interest in protecting and maintaining oil in this country and drawing it out of the surface, yet we do not have Seven Sisters that will protect the water in this country. Why is that so?

With rising economic, industrial and agricultural growth and increased housing added to the utilization of our water resources for recreation, all experts warn — I repeat, honourable senators, all experts, and there is no one to the contrary — that it is time for Canada to take a fuller account of water that is fast becoming a

diminishing resource in Canada. I speak here of 100 per cent of the experts; I have not heard of any expert who disagrees with these contentions.

The Great Lakes, the single largest source of fresh water in the world, contained — and I say “contained” because we do not know this anymore — up until four or five years ago, 18 per cent of the world’s total. However, we cannot say today whether that figure is 18 per cent, 17.75 per cent or 17 per cent. It is not safe to make that calculation. In terms of volume flow, 1 per cent is currently not renewable, according to the most recent science. We can no longer take for granted the sustainability of the Great Lakes for each and every citizen in the Great Lakes basin and beyond.

• (1520)

Economic measurements should start to come into play now. How should groundwater, aquifers or watersheds, which are paramount sources of our fresh water, be shared? In Alberta, there is a huge crisis in water. For every barrel of oil, four barrels of water are needed in order to bring the oil out of the tar sands and the other oil sources. Between the agricultural, oil and health community, how do we share this diminishing precious resource called water? How can we hope to share water if we do not know how much we have and where it is? Hence, the idea of this bill: to map it. After we know what we are talking about — which we do not at this moment — we will be able to share models of allocation between farmers and settlers, between industry and recreation, and between oil and minerals and others as our water abundance decreases.

Honourable senators, recent public opinion polls have demonstrated — and I urge the Conservatives to look at their polls; they will see the same thing — that water is emerging as almost the number one issue in Canada. Water has come out of the mud, literally. Water now rivals medicare in this country because people are becoming aware of this compelling problem. As parliamentarians and politicians, if we value public opinion, we should take this rising phenomenon into account. Water is near the top of the polls in terms of concerns for each and every Canadian from coast to coast to coast.

**Senator Fairbairn:** Don’t forget the mountains!

**Senator Grafstein:** How can I forget the mountains? After all, Mount Sinai is an important mountain in my life.

Simply designed, Bill S-208 — and it was the same number when it died on the Order Paper — would cause the Minister of the Environment, in conjunction with his provincial counterparts, to map out water aquifers across our country. Why? This bill offers a cost-effective, cooperative way to map, measure and create a national inventory of our most precious resource: Water.

Once completed, this inventory, open and transparent, will ensure that the water resource is developed in a fair, equitable and careful way to be shared by all sectors of our society.

Let me relate an extraordinary story from my home province of Ontario. It is well known that one of the major watersheds is the Scarborough Moraine. This moraine services much of the water in Toronto. It was also discovered, as Senator Di Nino will know,

that several developers in Toronto, some of our best friends, had acquired sites there and were starting to build. The Province of Ontario woke up and discovered the moraine was targeted for development.

**Senator Milne:** No, it is the Oak Ridges Moraine.

**Senator Grafstein:** I am sorry; the Oak Ridges Moraine. Thank you, Senator Milne. She is closer to the problem than I am.

The Province of Ontario decided that this was a crisis. They passed legislation that would prohibit building on the moraine. It struck me as curious that building would occur on this precious resource when there was ample place to build elsewhere in the province. Furthermore, this construction would affect the rights of each and every resident of Ontario and each and every resident of Canada and would deny access to this precious resource. Water is a problem wherever we go. However, this problem is no longer local. Water is a national problem because it affects the entire country.

If we do not manage this resource and take steps now to enhance its sustainability, we will unconsciously compromise the future of all Canadians. I urge the adoption of this bill before Canada’s freshwater resources are diminished beyond renovation and beyond sustainability. If we address the situation now, we can save a precious resource from atrophy and deterioration. Canada’s water supply will not run dry if we are careful and transparent, and ensure that we protect fresh water sustainability for future generations.

Honourable senators, the subject matter of this bill is under current study by the government. I know that because the previous government and the previous government to that were also studying this particular matter. Senator Watt is nodding in agreement. We were told that the government will be studying this issue and they will continue to do so until the water is too low to study. This is not a question for further study; this is a question for action.

When I spoke in conjunction with the clean drinking water bill, the act to amend the Food and Drug Act to provide for clean community drinking water, the Gordon Water Group brought their most recent study, released last week, to my office. I read this 55-page document. I urge the committee, if it deals with this matter, to call representatives from the Gordon Water Group as witnesses. This study, called *Changing the Flow: A Blueprint for Federal Action on Fresh Water*, involved every major environmental group and scientist with respect to interest and studies in the water system. It is a prestigious and impressive report.

Honourable senators, I know this is lengthy, but I want to read a quote from the paper here. On page iii, part of the preface is called “Thinking Like a Watershed.” It states:

Because watershed boundaries seldom coincide with political boundaries, we need to take better account of watersheds in our decision-making. Watershed-based management requires an appreciation of the complex interactions that occur between the natural hydrological system and human activities. Activities such as water withdrawal —

Hence, Senator Carney's bill. The paragraph continues:

— urban development, commercial and agricultural operations all impact the quantity and quality of both surface and groundwater. The complexity of these interactions means that our future management approaches need to be more integrated, precautionary and adaptive than they have tended to be in the past.

That is the first quote. Let me go on and give you some of the other highlights.

On page 12, the headline reads, "The Economic Importance of Fresh Water," and states in part:

The measurable contribution of water to Canada's economy is estimated between \$7.5 and \$23 billion annually, values comparable to agricultural production and other major economic sectors.

I point to those who are experts in this chamber. Water outstrips agriculture and other industrial sectors. The paragraph continues:

A prime example of the importance of freshwater to Canada's economy is the Great Lakes-St. Lawrence river region. This region supports 45 per cent of Canada's industrial capacity and 25 per cent of its agricultural capacity, and contributes \$180 billion to Canada-U.S. trade annually. The lakes sustain a \$100 million commercial fishing industry and a \$350 million recreational fishing industry and every year 1.5 million recreational boats enjoy the Great Lakes.

The report goes on to deal with one more topic. I will conclude with this. The heading is interesting. This is right up Senator Nolin's alley because he brought the provincial aspect of the subject to the attention of the Senate and I thank him for that. This quote is found on page 21 and states:

What happened to the federal water policy of 1987?

Ralph Pentland, co-author of this blueprint and a member of the Gordon Water Group, was responsible for drafting the federal water policy of 1987. He describes the policy's rise and fall:

In early 1984, federal Environment Minister Charles Caccia —

An old friend of this side. The quote continues:

— recognized that many of the water issues that would confront Canadians over the next several decades could not possibly be addressed without effective federal leadership. Accordingly, he appointed a three-person inquiry on Federal Water Policy, and instructed it to consult widely with Canadians and report back within 18 months. The Pearce inquiry submitted its final report, *Currents of Change*, in September of 1985.

That is 22 years ago. The study goes on to state:

Over the following years, I chaired an Inter-departmental Task Force, which carefully considered the inquiry's recommendations, and developed a Federal Water Policy

which then Environment Minister Tom McMillan tabled in the House of Commons in November 1987. We have gone from a Liberal minister to a Conservative minister.

• (1530)

Shortly thereafter, the Canada Water Preservation Bill was tabled in the House, promising to prohibit water exports by inter-basin diversions, and the government's green plan promised billions of dollars, as it says — which I do not think was ever allocated or spent — in new environment expenditures. Canadians' hopes were raised that their government would finally address a number of serious water and environmental problems and opportunities. However, their hopes were soon dashed. In 1987, the federal water policy included over 100 well-thought-out commitments. I point out to the senators opposite that few, if any, were ever met in a meaningful way. The water export bill was never passed. Most of the planned green plan dollars evaporated — a nice word — and through the 1990s Canada plummeted from the middle of the pack of countries in the Organisation for Economic Co-operation and Development in terms of per capita environmental expenditures to somewhere near the bottom. I will conclude with the rest of the quote from this section:

Since the National Energy Program fiasco in the 1980s, the federal government has been particularly gun-shy about treading on provincial toes regarding resource matters. That is indeed a great tragedy because water is not just a provincial resource, it is both a key ecological integrator across many jurisdictional boundaries, and a critically important, strategic national resource. A constructive way to look at the turf war question is to start from the assumption that neither the federal nor provincial governments have "powers" per se. What they do have is frequently overlapping constitutionally-defined "responsibilities" to the same citizens, many of which are not being met.

We have a crisis, honourable senators. It is not working. We do not have a water policy in Canada. We have legislation on the books that is not enforced.

Again, I thank the leadership of Senator Banks and his committee, which has followed this issue as assiduously as anybody in this country. Senator Banks is anxious for his committee to receive this bill so that we can invite the officials before us, federal and provincial, to deal with the appropriate questions that Senator Nolin has raised on the constitutional side and I have raised the need for this bill. We must deal with those questions, and I am prepared to do that with Senator Nolin's help and guidance.

More important, time is running out. Time is of the essence. This matter will not wait for another decade, when most of us in this chamber will be gone. It is time to move and time to move now.

This approach is a surgical way, not of solving a problem but of addressing it in a coherent fashion, to map out — and it will not hurt anybody — the watersheds of this country so we can decide how to deal with this precious resource in a fair and equitable way under the Charter and under the Constitution of Canada for the benefit of all Canadians.

On motion of Senator Nolin, debate adjourned.



## COMMITTEE OF SELECTION

### SECOND REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Committee of Selection (membership of Senate committees), presented in the Senate on October 23, 2007.—(*Honourable Senator Segal*)

**Hon. Hugh Segal:** Honourable senators, I want to thank all the members of the committee. We worked in a collaborative, humane, caring and thoughtful way. We had a remarkable list of high-quality members in this place who are prepared to serve with a tremendous amount of time in the interests of public policy matters to be discussed before committees. It was an honour to work with my colleagues on all sides.

I commend the content of the report to the earliest possible approval of this chamber so that our committees can begin the work we were sent here to do by whoever appointed us in the past.

**Some Hon. Senators:** Hear, hear!

**Hon. Anne C. Cools:** I wonder if the honourable senator would take a question or two.

**Senator Segal:** I would be honoured to take a question from the honourable senator.

**Senator Cools:** Honourable senators, I was hoping that Senator Segal would make a more fulsome speech, but in the absence of that, I am prepared to ask a question or two.

The honourable senator, in his remarks, spoke about the abundance of people wanting to serve and their caring thoughtfulness and readiness to serve.

I have reviewed the committee report with some care, and the committee proceedings with an equal amount of care, and I have observed that, for the first time in the years since I have been in this place, my name is absent from this report.

**Some Hon. Senators:** Shame!

**Senator Cools:** I am sure the honourable senator is well aware that I am a diligent worker, and my attendance record at Senate committees is good. Honourable senators, I find this omission most peculiar and odd. Perhaps the honourable senator could give me some insights as to the exclusion of my name in this report. Perhaps the honourable senator could answer that question and then I will follow up with another question, since the honourable senator is open.

**Senator Segal:** I am delighted to respond to that question. The honourable senator will know how much I benefited in my first two years here from her advice and counsel, and how I would have seen the list and asked the same question. The response was given, certainly with respect to my leadership — I cannot speak for the other side — that all senators who are independents were canvassed by our leadership and asked whether they wished to sit on any committees, and no response came from the honourable senator's office.

**Senator Cools:** Perhaps there is some sort of misunderstanding, honourable senators, because I am not aware of, nor have I received any information from my staff or anybody in my office to any such effect. If we are willing, I can look again.

However, I have an additional point. Perhaps the honourable senator could share with me who it was that gave him the information that I was canvassed.

**Senator Segal:** Let me say first that every other independent was canvassed and did respond, so I would be stunned if, in fact, on purpose there was any intent not to have Senator Cools as part of that canvass.

Second, I inquired of the staff of our leadership, who assured me that there had been a general distribution of a canvassing note asking independents if they wished to sit on committees.

If my honourable colleague expressed a desire to be on a committee, I would be surprised, even at this late moment, if my colleagues on the Selection Committee would not wish to reconvene and accommodate that request in some way after we receive some direction from the leadership on both sides — the minority and the majority — who, after all, do make the nominations under the Westminster system, which she defends and I support, in this place.

**Senator Cools:** I thank the honourable senator for that. I noted that Senator Segal has stated that I am an independent. Therefore, unless I am to understand that I am at the mercy totally of some staff to write to me and to report to the honourable senator about my responses, perhaps I can put the question another way.

• (1540)

Senator Segal, as a chairman of committee, is ordered and empowered by this Senate to perform a particular function and to obey a particular order.

Let me put the question another way. I wonder if the honourable senator could tell me and honourable senators exactly what steps he took to ascertain that all senators, particularly, all independent senators, were canvassed or solicited for the sake of expressing to him, as chairman, and to the committee, their interest in serving on a committee? The honourable senator has some responsibility in the matter.

**Senator Segal:** I thank the honourable senator for bringing that to my attention in what was a fair supplementary question, if I may say so.

First, to the extent it turns out that Senator Cools was not canvassed, as I was informed that she was, let me accept full and complete personal responsibility for that oversight, which I do without exception and without any qualification.

Second, the honourable senator made reference to the status of “independent” and my reference thereto. I believe the *Rules of the Senate of Canada* specify that the status of every senator is affirmed by that senator in their relationships with the table, and it is not appropriate for anyone on either side to make a reference that has not already been undertaken by individual senators on their own behalf. I am not aware that Senator Cools has done

that. If I have misspoken in that respect, I apologize directly for that. Whether one was canvassed as an independent or not, it is my belief that the honourable senator was canvassed. If the honourable senator verifies in her own office that she was not canvassed, I would be glad to work with the honourable senator to find out what we might do on the next steps thereafter.

**Senator Cools:** My understanding — and I am old enough to be ready, willing and able to be wrong — is that I have not been canvassed. It is my understanding that no one on the honourable senator's side has spoken to me for a long time. I want the honourable senator to understand that, in the tradition I come from, being canvassed means a bit more than sending an email here and there. I make that point to the honourable senator. The solicitation of opinion is a profound thing.

Let me clarify: Do I understand the honourable senator to say that, as chairman, he is prepared to reopen the matter if interest were ascertained or stated from me? Did I understand the honourable senator to say that?

**Senator Segal:** I did say that, and I said I would do that in consultation with the leadership from the minority and the majority, and with my colleague, who is the deputy chair, so that we do it in a way that reflects the normative duality of this place, but I did say that in that specific way.

**Senator Cools:** Perhaps the way we should proceed is that I should express now, as I always have, my intention to serve on committee, and perhaps give the honourable senator, as chairman of the committee, the opportunity to conduct the necessary consultations, and, to facilitate that, maybe I should take the adjournment to allow that to happen.

**Senator Segal:** The honourable senator has the right to take that adjournment, and that is her decision, which I respect.

First, if there is a mistake, it is a mistake that I take upon myself, and I have said that to the honourable senator directly. Second, we have members on both sides, and I include the honourable senator, who would like to get work of committees underway for good and substantial reasons, and I will appeal to the honourable senator not to take the adjournment. She has the right to do that and to make whatever decision she thinks is in the public interest, so that the work of this place can continue. If she chooses to take the adjournment, I will respect that decision, but I am doing my best as chair to facilitate the movement through this house of a motion that had unanimous consent from all those present on both sides. I appeal, therefore, to her own best judgment and reflection as to whether she might allow that motion to progress, understanding full well that the matter she has raised, and that I have undertaken to pursue, relative to her own status on the committee, is something I am delighted to consult with her on at her earliest convenience.

**Senator Cools:** The honourable senator could have consulted with me before he met with the committee, and the steering committee also could have consulted with me. I propose, honourable senators, that to the extent that this issue represents the entire committee and the entire Senate, perhaps I should move the adjournment and give the honourable senator an opportunity to consult. Then we shall proceed from there.

I move the adjournment, honourable senators.

[ Senator Segal ]

**The Hon. the Speaker *pro tempore*:** Is Senator Cools moving the adjournment?

**Senator Cools:** If they have questions for Senator Segal —

**The Hon. the Speaker *pro tempore*:** Please keep your adjournment motion.

**Senator Cools:** I wish to move the adjournment.

[*Translation*]

**Hon. Pierre Claude Nolin:** Honourable senators, I am well aware that each senator can, if he or she wishes, participate in almost all committees. I am also aware that we want all the committees to be set up as quickly as possible. However, as a French Canadian, I feel I must ask the senator a question.

No French Canadian, no Quebecer, sits on the Standing Senate Committee on National Security and Defence. Is this on purpose or simply an oversight?

I must apologize to Senator Day. Although he is part of the extended French-Canadian family, for the purposes of my argument he is not.

**Senator Segal:** I would like to thank the senator for his direct and positive question. During the last session, there was no Quebec senator sitting on that committee. On the government side, there are two Quebecers, great senators who serve the public very well, and on the opposition side, I believe there are 14 Quebecers.

The Selection Committee works with the nominations put forward by the two sides of the Senate. There are a number of committees to cover and few senators, but it was not decided that there would be no Quebecers as members. If we must find a way to do so, I am sure that my colleagues on the other side would be prepared to consider a positive option to answer your question.

[*English*]

**Hon. Tommy Banks:** I add my voice to the question that has been raised by Senator Nolin, and I can tell the Honourable Senator Segal that on the Standing Senate Committee on National Security and Defence, of which I have the honour to be a member, we have often discussed the desirability of having Conservatives as members operating on the committee, and also of having a Quebecer. The contribution that is made in the defence of Canada with respect to our Canadian Forces from Quebec is disproportionately high, and it is appropriate that there should be a member from Quebec on that committee.

I am confused as to the status of Senator Cools here. My understanding is that Senator Cools is a member of the Conservative caucus, and I asked the leader last week to confirm it. The leader was not able, or found it inappropriate, to answer that question.

However, the honourable senator, in his explanation and answer to Senator Cools, referred to her, as I understand it, as an independent senator. Is that the case? Has the table determined that, so that we will all know? I and, perhaps, some of my other colleagues are confused in that respect.

I mentioned the table because Senator Segal suggested that was how members were determined. Senator Segal suggested that. It is the nature of my question because he suggested that was the case. Could Senator Segal tell us the basis on which he has responded to Senator Cools, to the effect that she is an independent senator?

**Senator Segal:** I think the honourable senator for the question. I think I did correct, in my subsequent response to Senator Cools' learned question, that it was not for me to determine whether someone had a status or not. I made a reference to canvassing independents. I wanted to make sure that I did not inappropriately categorize anybody. I made that as clear as I could. As to who is or is not a member of the Conservative caucus, that question would be beyond my competence as chairman of the Selection Committee to offer a public view.

• (1550)

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

**Hon. Eymard G. Corbin:** Would Senator Segal request an extension of time in order that I could ask him a question?

**Senator Segal:** I request an extension of two minutes in order to accommodate my good friend.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** We agree to an extension of five minutes.

[*Translation*]

**Senator Corbin:** Honourable senators, I am sad to see that Senator Segal has become the chair of this committee. Traditionally, the government whip presides over the Committee of Selection. Why did Senator Segal accept a position for which there is no additional salary?

[*English*]

**Senator Segal:** My view of loyalty is that when your leadership asks you to take on a task, you do it, and do it happily.

**Senator Corbin:** That is a most unsatisfactory answer. Why have we broken with tradition?

**Senator Segal:** That is a question best directed to those who have been part of the tradition longer than I. This is only the second Selection Committee I have seen during my time in this place, so I am not as much a part of that tradition as are others.

**Senator Corbin:** I guess Senator Segal is pleading ignorance.

**Senator Segal:** Amongst other things.

**Hon. Terry Stratton:** Honourable senators, I have been a part of the leadership on both sides over the years. I would be amazed if Senator Cools did not receive the form inquiring as to which committees she would like to sit on. I have never seen that happen and would be quite surprised if she did not receive it.

We currently have 18 standing committees. We also have the committee on Conflict of Interest for Senators, the Veterans Affairs Subcommittee, and three subcommittees, or their equivalents, of the Social Affairs Committee.

That makes a total of 26 committees, which is quite a substantial number. Special committees are of particular concern to me. The best example of a special committee is Senator Dan Hays' committee that was struck to study Senate tenure. The committee did its job, finished its work, and was disbanded.

We now have the Special Senate Committee on the Anti-terrorism Act, a special committee being resuscitated once again. Enough; it has done its work. The Supreme Court has made its judgment, and the government is acting on it. Why do we want to continue with this committee? Will we add this committee now and next year another committee? When will this end? It is nonsense that we keep adding committees.

Why do people want to recreate the special committees year after year? I would not want to say that it could possibly be for the money for the chair and deputy chair.

**Senator Tkachuk:** I think so.

**Senator Stratton:** That is impossible. That would never happen, right?

**Senator Tkachuk:** I would take the money.

**Senator Stratton:** It bothers me that special committees reinvent themselves repeatedly.

**Senator Tkachuk:** Let's not pay anybody.

**Senator Stratton:** It is time that we called for this to stop. Now they want to make it a standing committee. What next? When will this end? It is becoming ridiculous. Why are we really doing this? When a special committee is struck, does not finish its work, and multiple continuations are sought, I have to wonder whether it is for the money.

**Senator Corbin:** Oh, for God's sake.

**Senator Cools:** Honourable senators, I would like to address a question to Senator Stratton, and I want to take the adjournment as well.

Senator Stratton said a few minutes ago that he would be surprised if I had received no notice, and I missed his very last word. What does he mean by that?

**Senator Stratton:** I will repeat what I said. In all my years in leadership on both sides, every senator in this chamber, independent or otherwise, has received a form on which to indicate their preference for service on committees, in some form or other. We on the government side look after a certain number of independents, and I would be amazed if Senator Cools did not receive that form.

**Senator Cools:** Honourable senators —

**Senator Stratton:** I answered the one question, and that is all I will do.

**Senator Cools:** I wish to raise a point of order, then. I have been trying to understand why no senators have consulted with me to ascertain my interest in serving on committees. My track record here is pretty strong and long.

Senator Stratton said he would be surprised if I had not received a questionnaire. Senator Stratton cannot speak about receiving a questionnaire; he can speak about whether he sent any. However, he articulated his remarks about whether something was received.

Honourable senators, I have not seen, touched, read or handled any such questionnaire. I have not received it. I have no knowledge of it whatsoever. That is a true statement. I said earlier that things happen sometimes. I am a great believer in love and forgiveness — we all know that — and I am prepared to have my staff search yet again. I have asked them whether anything ever came, and they have told me no. However, I am prepared to have them check again.

Honourable senators, regardless, I have seen, heard, touched, read, responded to absolutely nothing. I cannot believe that the leaders on the other side could possibly forget me so easily.

• (1600)

I do not think I am that forgettable. Honourable senators, I want to raise this question under the guise of a point of order. It may be more self-evident, but I want to know who sent what notices and to whom rather than idle speculation about whether some individual may or may not be surprised whether another individual may or may not have received the notice.

Honourable senators, maybe there is no need to rule on this question. Maybe it is self-evident after all. However, I think honourable senators have a fair understanding that the movement ahead of something like this without the involvement or the voice of any senator is a serious matter and a major slap in the face.

Honourable senators, I want to take this adjournment when we are finished. Maybe it is not a question of order. Maybe it is something we can resolve in the debate as we go along.

**The Hon. the Speaker *pro tempore*:** Does any other honourable senator wish to speak on the point of order?

I thank the Honourable Senator Cools for raising that question, and I will take it under advisement and give an answer on the specific point of being out of the committee, on the specific point of your committee.

**Senator Cools:** I wish to take the adjournment.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** I will ask for a voice vote. All those in favour of the motion will signify by saying “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed will signify by saying “nay.”

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**Senator Stratton:** I ask for a 30 minutes bell as there are people in the Victoria Building.

**Senator Cools:** I am not sure that the whip on the other side has sole discretion on this matter. I think I have some say as well.

**The Hon. the Speaker *pro tempore*:** How long do honourable senators want for a bell for a vote? Our rules say at least 15 minutes.

**Senator Hubley:** Thirty minutes will be fine.

**The Hon. the Speaker *pro tempore*:** Is there agreement on a 30 minutes bell? Call in the senators. There will be a 30 minutes bell.

• (1630)

Motion agreed to on the following division:

YEAS  
THE HONOURABLE SENATORS

Adams	Grafstein
Bacon	Hervieux-Payette
Baker	Hubley
Banks	Jaffer
Biron	Joyal
Callbeck	Lovelace Nicholas
Cook	Merchant
Cools	Milne
Corbin	Mitchell
Cordy	Moore
Dallaire	Pépin
Dawson	Phalen
Day	Poulin
De Bané	Robichaud
Eggleton	Sibbeston
Fairbairn	Stollery
Fitzpatrick	Tardif
Fox	Watt
Goldstein	Zimmer—38

NAYS  
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Brown	Nancy Ruth
Champagne	Nolin
Comeau	Oliver
Di Nino	Segal
Eyton	St. Germain
Gustafson	Stratton
Johnson	Tkachuk—17
Keon	

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE  
ON AGING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C.:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, pursuant to rule 85(1)(b), the committee be comprised seven members, to be nominated by the Committee of Selection and that three members constitute a quorum;

That the Committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2008, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.—(*Honourable Senator Tkachuk*)

MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I reread the text of this motion and found the reporting date marked as June 30, 2008. I checked with the leadership and learned that an agreement had been made on both sides for a wrap-up date for this committee of March 31, 2008. Hence, I believe both sides would honour the discussions and agreements made at that time. With that in mind, I move:

That the motion be amended by replacing the words "June 30, 2008" with "March 31, 2008" in the last paragraph.

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

On motion of Senator Tardif, debate adjourned.

• (1640)

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO  
PREPARE REFERENDUM ON WHETHER THE SENATE  
SHOULD BE ABOLISHED—DEBATE ADJOURNED

**Hon. Hugh Segal,** pursuant to notice of October 23, 2007, moved:

WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)

AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House since the constitutional agreement establishing its existence

AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum

THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

He said: Honourable senators, I rise today to speak to the motion I introduced last week. I hope that, upon reflection, honourable senators in this chamber on both sides might understand and welcome the merits of such a proposal.

Let me offer one quotation in support of the proposition:

The Senate is likely the least admired and least well known of our national political institutions. Its work attracts neither the interest of the media, the respect of elected politicians, the sympathy of the public, nor even the curiosity of academia. How paradoxical that very few Canadians have an understanding of the history, role, and operations of the Senate, and yet everyone seems to have an opinion on the institution.

I quote, of course, from Senator Joyal's *Protecting Canadian Democracy: The Senate You Never Knew*, a compendium of excellent essays regarding this institution and its merits, containing eight chapters written by thoughtful and distinguished scholars on the constructive work of this chamber on a range of issues.

I agree with my honourable friend's comments regarding the outside view of the Senate, and I believe that this motion, if successful, will go a long way in not only educating the public about our role here but also towards legitimizing an institution that has often come under attack without any clear understanding of its function or merits.

Yes, it could also result in its abolition but, after years of "negotiating," "attempts at reforming" and seemingly endless "discussions," perhaps the time has come to allow the electorate to weigh in and settle the question politicians of all affiliations have been unable to answer since Confederation itself.

In a democracy, specifically in the key working elements of its responsible government, respect must be tied in some way to legitimacy. While questioning "legitimacy" of long-established democratic institutions is usually the tactic of those seeking a more radical reform, the passage of time does not, in and of itself, confer de facto legitimacy, and seems a particularly undemocratic way of moving forward. The purpose of my motion regarding a referendum question put to the Canadian people is to focus squarely on the legitimacy issue.

There are many differences between Canada, Iraq and Afghanistan, too numerous to mention. One difference, however, relating to the basic law under which each seeks to govern itself is that those who negotiated the content of the respective basic laws in Iraq and Afghanistan over the last decade saw those constitutions put to the test in a popular referendum in which there was a high voter turnout. A referendum never happened in the Canada of the 1860s, which is not surprising. There was no universal suffrage at that time. There was not even a secret ballot. It is not surprising it did not happen then.

The British North America Act was never sanctioned by a popular referendum in which Canadians had the chance to legitimize the work of the Fathers of Confederation.

[Translation]

Today, after 39 federal elections and approximately 300 provincial and territorial elections since 1867, surely we can say that the elected assemblies that make our laws have been

legitimized by millions of voters on numerous occasions. What is more, Canadians voted against constitutional change in the 1992 referendum on the Charlottetown Accord. We can therefore conclude that there has been some public input, which strengthens the legitimacy argument. But it would be going too far to include the unelected Senate in this circle of legitimacy.

Except in Alberta, which elected Stan Waters in the 1980s and Senator Brown, Canadians have never voted in any way to legitimize an unelected upper house, which has potentially huge legislative powers.

[English]

The present Government of Canada deserves some credit for attempting to address this legitimacy question through proposals in the House to consult the public on Senate vacancies before appointments are made, and to shorten terms, an effort launched in this place in a previous session. In this regard, Prime Minister Harper follows in a long and noble line of federal leaders who have attempted Senate reform. Since 1867, Liberals and Conservatives, there have been 17 proposals at Senate reform and not one has succeeded.

Surely, in a democracy, the more fundamental question is: Should the Senate exist at all? Is a second chamber, as presently constructed, necessary for the democratic governance of a modern Canada? Many democracies operate with only one chamber. While existing governments, legislators, public servants and constitutional scholars should have a say, as should every member of this place, is it not only appropriate that those people are consulted? Surely the people in an open and single question referendum also have the right to participate in this decision.

[Translation]

To make fundamental changes to our system of government, the Crown, Parliament or the regular election cycle, the current amendment formula requires the consent of all provincial legislatures and the Parliament of Canada.

[English]

It must be unanimous.

In the design of any referendum on the abolition or maintenance of the Senate, it would be of immense value if Ottawa and the provinces would simply agree that Ottawa would sign onto an amendment if 50-per-cent-plus-one majority of Canadians voted for abolition. Any premier would sign on for an amendment if 50-per-cent-plus-one majority of the people in his or her province voted for abolition as well.

The late-night, never-ending First Ministers' conferences where deals might be struck or broken, and constitutional amendments might be lost or won, would be unnecessary. Such a 50-per-cent-plus-one agreement would simply be a formula that embraces the rather dramatic notion that governments work for the people, even on issues of constitutional legitimacy, or perhaps, especially on these issues, as opposed to the other way around.

[ Senator Segal ]

Moreover, such a referendum would allow us to avoid another cycle of reform contortions until we knew whether Canadians actually wanted the Senate itself to continue in any way.

There is little that is not intriguing about the backflips, acrobatics, artistry, creativity, and physical strength and beauty of the Cirque du Soleil. On Senate reform, however, we cannot continue in perpetuity through a range of acrobatic manoeuvres until the price of admission is paid. We need to know simply if the public wishes to have a Senate at all.

As a member of the Senate, I share the view of many that the Senate, as an institution, and many who have served within it, have done outstanding work for their country. Surely, without the legitimacy of a public and democratic expression relative to the Senate's existence itself, this work is, while interesting and even compelling, a little bit beside the point. There are wonderful, hard-working economists and social policy advisers who laboured for years in the Kremlin. Mother Russia was their only concern. They did good work, they were elected by no one in particular and they had no democratic legitimacy. Doing good work does not constitute, *de facto*, democratic legitimacy.

The Senate's existence via constitutional agreement in the 1860s has forced prime ministers to fill it. Many of those people who have been appointed from partisan or other careers have served with distinction, but those historical facts do not equal legitimacy. They reflect constitutional reality not particularly impacted by any legitimacy except the passage of time, surely a weak proxy for democratic legitimacy conveyed by the people through exercising of their democratic franchise.

[*Translation*]

Many of those who insist that we still need a Senate — and I am one of them — and even those who claim that an appointed Senate is better than an elected Senate, say that senators have as much legitimacy as judges, who are also appointed by the duly elected government.

[*English*]

Actually, honourable senators, I submit to you with great respect that there is a huge difference. Judges are appointed to interpret the laws on a case-by-case basis. Senators get to change the law, make law and refine or reject laws sent to it by an elected House of Commons.

• (1650)

The illegitimacy of that status quo emerges from two realities, of which the government to date has tried to address only one. Canadians have no say in who sits in the Senate, and Canadians have never had a say as to whether we need a Senate.

In the most recent U.K. government proposal on reform of the Lords, a review of second chambers across the democratic world concluded that Canada's Senate was the most theoretically powerful of any in the entire world. Surely, it is the spirit of constitutional coherence and stability that we face the issue of legitimacy straight up. Canadians surely have the right to answer a simple question directly. A decent referendum period with a clear question and ample time for information, discussion and debate would facilitate such a response.

We do not need to recreate the wheel. In 1992, the Conservative government presented to Parliament, and Parliament passed, the Referendum Act, which authorizes the Governor-in-Council, in the public interest, to obtain by means of a referendum the opinion of electors on any question relating to the Constitution of Canada. With little fuss, it could be presented to Parliament by the present administration facilitating a referendum on the abolition of the Senate. Perhaps, circumstances willing, this work can be done before the next election.

A simple question — do you want to maintain or abolish Canada's second chamber of Parliament — could be put. The abolitionists can make their case over a period of some weeks. Those in favour of a second chamber, of which I would be one, reformed or otherwise, could make their case as well. There would be regional, demographic and other subsections to the debate, but we would have faced, as a country, the essence of the legitimacy question. For those colleagues across the way and on my own side who have talked about the wording of the question, let us follow the mechanics. If this motion were to pass, and the request went to the Governor-in-Council, the government would have to decide to bring in the referendum legislation in which, if they used the 1992 model, Parliament would decide on the wording of the question. Thus, for colleagues on both sides who might be concerned about the wording of the question — some have asked me why the question should not be abolition or reform — there would be ample time for that debate.

If Canadians voted to abolish in sufficient number and with a majority, nationally and in each province, then our leaders would have clear direction to act. If they did not vote thus, then the Senate would have the basic legitimacy required to justify the effort. If the option of abolition were presented, and Canadians were to choose not to take it in sufficient number in a way that obviates and makes easy the amendment, then that would constitute a public consultation and the public would have spoken on the Senate of Canada.

Serving senators who support this proposal, and admittedly there might not be many, might be asked: How can you serve in a Senate that you feel is illegitimate? I do not feel that the Senate is illegitimate but we have a chance to seek legitimacy and have the question put to the public of Canada in an open referendum. As to why those of us who might favour that referendum are still enthusiastic about serving in this place, I, and others, would say: When asked by a prime minister, duly elected under our system to take on a task for the country, one would have to be pretty self-important to say no. When one takes an oath of service and signs it, one has a duty to serve the institution as it exists to one's best ability.

Surely, that obligation does not imply disengagement from the democratic imperative of legitimacy — and democratic participation in the architecture of legitimacy. The motion I propose will afford parliamentarians a broad opportunity to reflect on the issue and contribute their own perspectives. Should a similar motion be introduced in the House, the debate would be enjoined more broadly still. While I would vote against abolition for reasons that relate to both the need for a chamber that reflects regional and provincial interest and some careful assessment of quickly and often badly drafted federal laws too often passed by the House too quickly, my vote is but one amongst our fellow citizens. My opposition to abolition does not weaken in any way my deeply held belief that Canadians should decide something they have never been allowed to decide before.

One of the core premises of the development of responsible government in Canada is the process of evolution. To be relevant and engaged, all aspects of our democratic institutions must be open to reflection, public scrutiny and public sanction. The Canadian Senate, venerable, thoughtful, constructive and often nonpartisan as it may be, cannot be outside the circle of democratic responsibility.

**The Hon. the Speaker *pro tempore*:** Would the honourable senator accept questions?

**Senator Segal:** Yes.

**Hon. George Baker:** Honourable senators, can Senator Segal explain why Canadians, when there are such pressing issues for their consideration such as wait times in hospitals, Afghanistan and the numbers of poor in this nation today as identified by the Chief Justice last week, would be seized with such an intellectual and academic exercise as the honourable senator proposes?

My recollection of the Referendum Act is that this would be a reverse process. The actual question is decided not only by the Governor-in-Council but also after consultation with the opposition leaders in the House of Commons. A strict procedure is followed, not the exact question of Senator Segal but rather a question that is devised in the House of Commons. The whole procedure is outlined under the direction of the Speaker of the House for a certain number of days. Why does Senator Segal not suggest a question that would be more acceptable to the legislation than the question he proposes? How will he tell Canadians that this question is the important one of the day rather than the real questions facing the Canadian nation?

**The Hon. the Speaker *pro tempore*:** Senator Segal may answer Senator Baker's question, after which he will have to request extra time to continue.

**Senator Segal:** With regard to the first part of the honourable senator's question, I disagree with some of his adjectives. The infrastructure of democracy is as important as the infrastructure of social policy, health care system, roads, et cetera. When we do not tend to the infrastructure of democracy, we run into legitimacy problems that can be serious — for example, if we were called upon to pass on matters such as peace and war or conscription, serious divisions that require legitimacy in our chambers. I think Canadians would be engaged. The level of response that I have received from both sides of the issue indicates a willing participation for this kind of debate.

On the second point, I do not purport to be the entire fount of wisdom on the question. I have offered my wording in the motion that I put before this chamber, for its consideration. In invoking the reference to the 1992 referendum statement, I accept fundamentally that a process in that law would have to be followed. It would involve consultation across more than only one party in the other place. In the end, that legislation, or any legislation on a referendum, has to come from the other place. It would have to emanate from the Governor-in-Council in the normative way and they would have to give due consideration. If the motion were to pass second reading and go to committee for study, additional amendments might arise, which might strengthen further the relevance of the motion, should that

transpire. However, if this motion were to pass, then it would be up to the Governor-in-Council how to proceed with Parliament.

[*Translation*]

**The Hon. the Speaker *pro tempore*:** Honourable senators, Senator Segal's time has expired. Does the honourable senator wish to request more time?

[*English*]

**Senator Segal:** I would be delighted to have more time to answer questions.

**An Hon. Senator:** Five minutes.

• (1700)

**Hon. Gerry St. Germain:** Honourable senators, my question to Senator Segal, as a proponent of Senate reform, is whether he has taken into consideration the question of representation. I believe the subject of representation is important to place on the record.

The region that I represent is the fastest growing region in our country. If a simplistic question were put forward, I fear that would possibly put in jeopardy the institution in which I believe, in its reformed manner. Has the honourable senator given any consideration to that? I realize we are at the embryonic stage of this thought process being brought forward to create dialogue and interest in the country. This subject is critical to those of us from my region, which encompasses Manitoba, Saskatchewan, Alberta, British Columbia, and the Territories. We would be remiss, those of us who represent that region, if we did not mention it. Does the senator have a comment on that?

**Senator Segal:** I thank the senator for the question. I am cognizant, as are all honourable senators, of the motion advanced by our former colleague Senator Austin and Senator Murray with respect to changing the representation and increasing representation from the West, which I think any thoughtful democrat from that part of the country would support.

If there is a debate between abolition versus reform, it strikes me that those on the side of non-abolition would make the case, and I recall the same sort of debate in the Quebec referendum, as will Senator Joyal and others in this chamber, that when we said vote for Canada and vote no, we said vote for Canada because we will work on constitutional change. We will make it a better balance.

[*Translation*]

We will respect Quebec's legitimate demands.

[*English*]

That is what those of us in favour of Canada argued.

I believe those of us who are opposed to abolition would say we are vote to keep the Senate because we undertake to make the changes necessary, including the important shift of population that should be reflected in this place and that is underlined in the question. That would change the nature of the debate, and we would then have the public weighing in and giving direction to politicians about priorities such as the very important one that was just mentioned.



**Hon. David Tkachuk:** Is not a referendum on the Senate a contradiction, since those who wished to maintain the Senate were those who wanted the protection from the majority?

**Senator Segal:** That is a very good question and an important philosophical point. The case can and has been made — it was certainly made in the wonderful book monographed and edited by Senator Joyal — that the protection of minority interests, the protection of the non-majority and the protection of various groups, has been an important role for this place; I could not agree more.

The notion that protection of minorities would take place in an institution has never received the benefit of public endorsement. Its purpose and presence in the system was never endorsed in any way, electorally or otherwise, which I think diminishes the rather sacred role of minority protection. In a perfect world, that minority protection would become part of the debate, and that would be one of the reasons people voted against abolition, but it would be a public vote, and the importance of minority protection would be part of that dynamic.

I take Senator Tkachuk's point very well, because that approach is an important part of the many contradictions we must face in this debate. I am not suggesting for one moment that the debate is a slam dunk on one side or the other — quite the contrary. I take the view that the maturity of our country, our fellow citizens, is sufficient that we can trust in their judgment, particularly if there is sufficient time to have a discussion on all sides as we have in the past on some issues and where the conclusion was positive — I think of Quebec, for example — and the conclusion in the Charlottetown Accord was at least definitive in terms of direction to the country thereafter.

**Senator Tkachuk:** Is the honourable senator saying that Prince Edward Island and Newfoundland should trust Ontario?

**Senator Segal:** No, that is not what I am saying. However, I am saying that with respect to the unanimous amendment that is

required for the Constitution to be changed, if the people of Prince Edward Island, Newfoundland and Labrador and New Brunswick vote against abolition, that will make a unanimous amendment impossible, and that would also be sanctified by public involvement, not just a view of premiers unrelated to public vote.

**Hon. Anne C. Cools:** Honourable senators, I thank Senator Segal for his rather imaginative presentation. I notice that he has drawn the definition of legitimacy in an extremely narrow way, and he has drawn it essentially to mean direct election. In our system of governance, the Prime Minister is an appointment, as are we. The position of Prime Minister is not an elected position. He has a commission, just as we do. Am I to understand from this motion that the honourable senator is suggesting that the position of Prime Minister in this country is not a legitimate one because it is not directly elected by the public?

**Senator Segal:** With respect, honourable senators, my proposition is precisely the opposite. I take the position that, in a series of elections that have taken place, legislatively and in a parliamentary context, over 300 of them since Confederation, voters have voted with their feet to legitimize those institutions by voting popularly any way they chose so to do. We have never had a vote on the legitimacy of the Senate. I want a direct vote on the legitimacy of the Senate. I am not making a specific case for an elected Senate. That is a debate for another time and another place. I appreciate the distinction that the question draws in that respect.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the extension of five minutes has expired.

On motion of Senator Banks, debate adjourned.

The Senate adjourned until Wednesday, October 31, 2007, at 1:30 p.m.

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