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**Tuesday, November 20, 2007**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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

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## THE SENATE

Tuesday, November 20, 2007

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

Prayers.

[*Translation*]

### AFGHANISTAN—FALLEN SOLDIERS

#### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in tribute to Corporal Nicolas Raymond Beauchamp and Private Michel Jr. Levesque, who were killed last weekend while serving their country in Afghanistan.

*Honourable senators then stood in silent tribute.*

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• (1405)

[*English*]

### SENATORS' STATEMENTS

#### HER MAJESTY QUEEN ELIZABETH II H.R.H. PRINCE PHILIP, DUKE OF EDINBURGH

##### SIXTIETH WEDDING ANNIVERSARY

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, it is an honour and a pleasure to rise today to recognize a memorable day — the diamond wedding anniversary of Her Majesty the Queen and His Royal Highness Prince Philip, Duke of Edinburgh.

On November 20, 1947, the then Princess Elizabeth and Prince Philip of Greece and Denmark were joined together in marriage. The radio broadcast of the ceremony was played across the country, and I well remember my family listening with much pride.

During their first visit to Canada as a married couple in the fall of 1951, they developed a very close relationship with this country. We all remember that famous news photo of the Princess square dancing at Rideau Hall. Speaking of that visit, Her Majesty said:

From the moment when I first set foot on Canadian soil, the feeling of strangeness went, for I knew myself to be not only amongst friends, but amongst fellow countrymen.

The past 60 years have proven this sentiment to be true. Some honourable senators will recall that within three months of leaving Canada, Princess Elizabeth became Queen of Canada on February 6, 1952. Who can forget that beautiful June day in

1953 when her coronation was broadcast by radio and the ceremony became the first to be covered by television?

That was the first time in my life that I had ever watched television, which was set up in our local school. I must say, we put pressure on my father to get us a television set after that.

Five years later, on her first official visit to Canada as our Queen, Her Majesty became the first reigning Canadian monarch to open Parliament — the First Session of the Twenty-third Parliament — an event that transpired in this very chamber.

The Right Honourable John George Diefenbaker was the new Prime Minister, and he spoke often of that memorable day in his life and the life of our country. I remember him very well telling me many times about that wonderful day.

This week, Prime Minister Harper, along with other Commonwealth prime ministers, will be meeting with Her Majesty as part of the Commonwealth Heads of Government meeting in Kampala, Uganda. As the head of the Commonwealth, Her Majesty has proven to be a strong leader, offering guidance and advice to many countries, not only those over which she reigns.

Above all, Her Majesty has promoted the values of democracy, racial equality and tolerance. Nowhere was this more evident than in relation to South Africa and the fight to end apartheid.

Both the Queen and Prince Philip have maintained their close association with issues that are near and dear to Canadians. In particular, the involvement of his Royal Highness with the youth of our country through the Duke of Edinburgh's Awards program and his commitment to issues related to the environment have been hallmarks of his contribution as consort. We should also recognize the royal couple's special and continuing friendship with the Canadian Forces.

I hope that all honourable senators will join with me in congratulating the Queen and Prince Philip on this auspicious occasion. Long may they live.

[*Translation*]

#### UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, today, November 20, is Universal Children's Day. The United Nations designated this day to commemorate the adoption of the Declaration of the Rights of the Child in 1959 and the Convention on the Rights of the Child in 1989. Ever since, all nations are encouraged to observe this day as one of worldwide fraternity and understanding between children. Therefore, this is a perfect opportunity to promote children's right to life and safety.

In my previous speech, I emphasized that we have to be proactive in fighting violence against children. I would therefore like to introduce a major proactive initiative to ban the use of corporal punishment on children.

In 2004, following a Supreme Court decision on spanking, the Children's Hospital of Eastern Ontario decided to put together a coalition of national organizations concerned about child welfare. The coalition's purpose is to ban corporal punishment.

Honourable senators, more than 271 organizations from across Canada have now signed the Joint Statement on Physical Punishment of Children and Youth. These include health professionals, mental health experts, social workers, religious groups, organizations that defend children's rights, lawyers, first responders and researchers who care about children's rights. They believe that the government should ban outright the use of corporal punishment as a way to discipline children.

To illustrate the credibility of the coalition, here is a list of some of its member organizations: The B.C. Institute Against Family Violence, the Newfoundland and Labrador Foster Families Association, the Children's Aid Society of Halifax, Toronto Public Health, the Commission des droits de la personne et des droits de la jeunesse du Québec, Montreal's Hôpital Sainte-Justine, Catholic Family Services of Saskatoon, Jewish Family Services in Edmonton, the Yukon Family Services Association, Justice for Children and Youth, the Canadian Foundation for Children, Youth and the Law, the Canadian Psychological Association, the Canadian Association of Social Workers and the College of Family Physicians of Canada. I could go on reading the whole list of 271 member organizations. I want to thank them all.

Honourable senators, all of these organizations believe that respect for the fundamental rights of children means banning corporal punishment. They are qualified and experienced. They work with children and their families. They witness first-hand the consequences of using violence to discipline children.

Honourable senators, on this Universal Children's Day, I urge you to offer your full support to these organizations working to protect children's rights.

• (1410)

[English]

#### NATIONAL CHILD DAY CELEBRATIONS IN THE SENATE

**Hon. Ethel Cochrane:** Honourable senators, today marks the adoption of the United Nations Convention on the Rights of the Child, which Canada ratified in 1991. The theme for National Child Day 2007 is "The Right to be Active."

Honourable senators, this chamber was very active yesterday as children from across Ottawa came here with their warmth, passion and energy. These schoolchildren positively charmed us with their powerful words, beautiful music and outstanding athletic achievements. Through their impressive performances, they reminded us of the importance and power that rests in simply taking action.

[ Senator Hervieux-Payette ]

The theme of the Senate event was "Include us; include us all." Indeed, it was clear to everyone how those children, many with various physical and developmental challenges, overcame many obstacles and barriers.

For example, we witnessed Lucas Haneman, a visually impaired guitarist, perform an original song that he had composed just hours before arriving at the event. One thing that he said that I thought was especially poignant was, "Just because we have quote/unquote 'disabilities,' we find our own ways to get things done."

Josh Bortolotti, an amazing fundraiser for autism research, spoke beautifully about his little sister Sophia and her experience with Autism Spectrum Disorder. Josh is only days away from turning 14 years old and has already raised more than \$14,000 for autism research.

Christina Campbell, a Special Olympian who won a gold and four silver medals at the Special Olympics in Shanghai, dazzled us with her rhythmic gymnastics routine. She explained that people with disabilities need to feel included and supported, and that these were keys to her personal success. She added, "When I'm included, I try my best." I have no doubt, honourable senators, that she will do her best again for Canada at the 2011 games in Athens.

Honourable senators, I was profoundly moved by the passion and the eloquence of these children. I commend the Speaker of the Senate as well as Senators Keon, Mercer and Munson and their staff for organizing a truly powerful event. I was deeply touched by the words and performances of these incredible youth. It was both an inspiration and a motivation. I applaud all those children, and I thank them for reminding me and all of us of the power of both action and inclusion.

• (1415)

#### UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

**Hon. Marilyn Trenholme Counsell:** Honourable senators, I too wish to speak about children. Today, as we know, is a day of celebration in recognition of the UN Convention on the Rights of the Child; a day made even more special in this country because we too have made our own declaration: A Canada fit for children.

The children of Canada are our future. All that we do for them during our lifetime will be reflected in their lives. All that we fail to do will also be reflected in the span of Canada's years. The majority of Canada's children are healthy. They are succeeding at school and many are bringing glory to our nation through scholarship, the arts and sports. Our youngest citizens ask the most important questions. They may also offer the most insightful answers. In human rights, global issues, the environment and sheer goodness, they have much to teach my generation. However, too many of our children are being left behind and are not reaching their full potential.

Therefore, honourable senators, on this day dedicated to Canada's children, I am bound to reflect on why this is true: first, poverty in a million Canadian homes; second, a failure to make children a national priority; and third, all too often an unwillingness to acknowledge the latest research and non-fulfillment of our duty to act, especially by governments.

We cannot accept that as many as one third of our children are vulnerable. They are the orphan's orphan when it comes to mental health and addiction. Maternal depression is said to be the single greatest contributor to childhood vulnerability, regardless of socio-economic status.

One path of action stands above all others if we are to do our utmost as individual citizens and as a nation to respect the rights of each child to reach her or his potential. That path is early childhood intervention. It must begin with our youth, even before they enter into parenthood, followed by maternal and prenatal health taken far more seriously than ever before in Canada.

Every child must be assessed as soon as possible after birth and then at two to three years for signs of health and developmental disorders. Physical and mental challenges must be identified at the earliest possible stage, with appropriate interventions and sustained follow-up. Parents must be involved continuously. There must be an enlightened will at the national, provincial, territorial and community level to make early childhood development a priority in our homes and wherever child care is provided in our communities.

From the Governor of the Bank of Canada to this nation's foremost researchers and educators, from neuroscientists to social scientists we are hearing the same message: Children are our greatest investment. Every dollar spent now will save \$6 to \$8 in the future, yet this message falls on deaf ears all too often.

Parents of children with learning disorders, autism, FASD, ADHD and the new one, CAPD, chronic auditory processing disorder, anxiety disorders, depression, and even bipolar and schizophrenic symptoms, are crying for help yet Canada all too often offers tokenism instead of commitment and generosity.

Aboriginal parents desperately need education and prenatal care. Their children need a head start in every sense that such programs can be developed. Canada can and should become a leader in public education.

#### **PUBLIC SERVICE COMMISSION 2006-07 ANNUAL REPORT**

##### **RECRUITMENT RATE OF VISIBLE MINORITIES**

**Hon. Donald H. Oliver:** Honourable senators, the Public Service Commission produced its 2006-07 annual report a couple of weeks ago. Shockingly, it reveals that the Public Service of Canada does not reflect the mosaic and rich diversity of this country. Indeed, we have just learned that there remains a gap for visible minorities between their workforce availability and their representation in the public service.

Recruitment for visible minorities has shown a marked drop from 9.8 per cent in 2005-06 to 8.7 per cent in 2006-07. If the recruitment rate for visible minorities does not increase, the gap in representation will only become aggravated.

On November 14, the President of the Public Service Commission, Madam Barrados, appeared as a witness before the Standing Senate Committee on National Finance. When answering questions posed by senators on the current standing of visible minorities in the Public Service Commission she said:

The good news occurs when there is a centrally run program like the PSC's effort last year to get a pool of pre-qualified visible minorities into the EX group. . . . The only way that I can characterize what is going on is to say that when effort and attention is put to it, we do well.

That said, when there is no effort the opposite is true and there are insufficient visible minorities hired into the public service. Furthermore my colleague, Senator Nancy Ruth, asked Madam Barrados why so many government departments and organizations do not have staffing strategies to address employment equity groups.

• (1420)

Madam Barrados responded that:

The new act . . . allows departments to put in one of the asset qualifications as part of merit that they are looking for someone who is from one of the employment equity groups. That provision is being used rarely and that is a concern of mine.

In response to suggestions that visible minorities are not being hired because not enough attention is being applied to their employment needs, Madam Barrados said to the committee:

By and large —

She is referring here to a provision of the Public Service Employment Act.

— this provision is not being used, and that is a concern.

She goes on to say that almost no one is using the provision. Is it that managers in Canada's public service just do not want to hire visible minorities?

As Senator Di Nino so aptly put it:

This is a truly shameful situation. . . . This has been going on for far too long and to hear, in effect, that we are going backwards is not acceptable.

My great concern is that, for visible minorities, there was an actual decrease in the total number of visible minority appointments in the public service when applications were on the increase. What is more puzzling is that, while a record number of visible minorities were hired into senior management positions, the overall numbers still decreased. That, indeed, is shameful.

Who will Canada's public service hire in a decade from now? According to Statistics Canada, in 2010 — just three years from now — 50 per cent of Canada's population growth will depend on immigrants, some 75 per cent of whom will be visible minorities.

Honourable senators, enough is enough. When will Parliament develop concrete policies — make-it-happen policies — that will positively affect hiring strategies in Canada's public service?

#### **CYCLING IN RUSSIA**

**Hon. Peter A. Stollery:** Honourable senators, some years ago the Standing Senate Committee on Foreign Affairs

conducted a study of Russia, which I chaired. We were the first parliamentary group that I know of to take a serious look at that country. At that time, I had the distinct impression that many witnesses were talking through their hats. I do not intend that comment to be a criticism of our staff. I was involved in trying to get witnesses, and we got some terrific ones, but too many did not seem to me to know enough about Russia, outside of a bit of Kremlinology. Hence, I decided to take a look at Russia on my own and got out my bicycle.

Since then, I have cycled a couple of thousand kilometres, from Western Europe to east of Moscow. One very difficult day, four years ago, I was approaching a town named Torshok, between Vishny Volochek and Tver on the main road to Moscow from St. Petersburg. For more than 70 kilometres, it poured cold rain. There are forests; they were drenched. The occasional group of mushroom pickers huddled under plastic sheets. There was no shelter for me and no hotels. There were no buildings other than one restaurant gas station complex where I walked in like a drowned rat. No rooms.

At Torshok, there is a V. One road goes around the town and the other goes into it. What to do?

As I was about to take the road around, hoping for a motel at the other exit, through the pouring rain I spied in the distance a figure on a bicycle coming my way from the town. It was another long-distance cyclist loaded with bags. I thought he might know of a place to stay, and companionship in adversity is a great thing. He slowed down. "English?" I shouted. "Français?" "Deutsch?" "Castillano?" "Castillano," he shouted back. "Sixty-two days from Zaragosa."

Long-distance cycling is a solitary business. We are idiosyncratic people. The two of us stood in cold, unrelenting rain and talked like mad to each other. His name was Jesus San Agustin Vicente. He was heading for Latvia, to study Russian before he went any further. He saved my bacon. There was a terrific small hotel in Torshok, and I would have missed it. It was already four o'clock in the afternoon, and I tried to talk him out of what was going to be a bad run west. Off he went.

Last week, four seasons later, I got an email in Spanish. "Arrived in Tokyo."

Don Jesus San Agustin Vicente, I salute you.

[Translation]

## ROUTINE PROCEEDINGS

### THE HONOURABLE MARJORY LEBRETON

LETTER TO CHARLOTTETOWN *GUARDIAN*  
REGARDING CANADA PENSION PLAN TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a letter written by Minister LeBreton, sent to the editor-in-chief of *The Guardian*, entitled "Government is Investing in Seniors."

[ Senator Stollery ]

## CHIEF ELECTORAL OFFICER

2006-07 ANNUAL REPORT PURSUANT  
TO PRIVACY ACT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to section 72 of the Privacy Act, I have the honour to table, in both official languages, the annual report of the Chief Electoral Officer of Canada.

• (1425)

[English]

### THE HONOURABLE MARJORY LEBRETON

LETTER TO CHARLOTTETOWN *GUARDIAN*  
REGARDING CANADA PENSION PLAN TABLED

**Hon. Catherine S. Callbeck:** Honourable senators, I request leave to table a document that was mentioned during Question Period last Thursday. It is my reply to Senator LeBreton's original letter to the editor which was published in the November 8 edition of *The Guardian*.

**The Hon. the Speaker:** Is leave granted?

**Hon. Senators:** Agreed.

[Translation]

## OFFICIAL LANGUAGES

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Official Languages, which outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 139.)

[English]

## FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Bill Rompkey:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report on the Standing Senate Committee on Fisheries and Oceans, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 140.)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

**Hon. Art Eggleton:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Social Affairs,

Science and Technology, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 141.)

## HUMAN RIGHTS

### REPORT PURSUANT TO RULE 104 TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 143.)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### SECOND REPORT OF COMMITTEE PRESENTED

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

Tuesday, November 20, 2007

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

### SECOND REPORT

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

1. The issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years. The Senate does not currently have any provision in its Rules dealing with the reinstatement of bills following a prorogation. As a result, some bills, particularly non-government bills, have been reintroduced and debated or studied in a number of successive sessions.
2. Since 1998 the House of Commons has provided for the reinstatement of non-government bills from the previous session in the same Parliament. Provision was originally made that an item of Private Members' Business would be reinstated at the request of the Member in question, although it is now automatic. Non-government public bills originating in the Senate can also be reinstated in the Commons at the same stage they had reached during the prior session if such bills are re-introduced in the House of Commons within the first 60 sitting days of the session, after being passed again by the Senate, and the Speaker of the House of Commons is satisfied that the bills are in the same form as they were at the time of prorogation. In the case of government bills from the Commons, reinstatement is not automatic, but may be effected by passing a motion to that effect. From time to time, the government has proposed a general motion in a second or subsequent session of Parliament allowing it to reinstate bills if certain conditions are met.

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

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

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

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

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

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

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

*Reinstatement of a bill from the previous session*

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

*Senate bill*

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

*Commons bill*

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

*Notice of motion to reinstate a bill*

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

*Definition of "same form"*

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

*Tabling text of committee amendments*

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

*Tabling list of amendments*

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

*Reinstatement of a government bill*

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

*Reinstatement of a Senate public or private bill*

(9) Only the Senator who presented a Senate public or private bill during the preceding session may act under subsection (2). If, however, the Senator who introduced the

original bill is Speaker, is a Minister of the Crown, is Deputy Leader of the Government in the Senate, is retired, is deceased, or has resigned, any Senator may act under subsection (2).

*Reinstatement of a private bill*

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

*Speaker to advise Senate that bill is in same form*

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

*Delayed application of rule 27(3)*

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

*Procedures for consideration and effect of motion*

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

*Second reading*

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

*Committee study*

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



*Report stage*

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

*Third reading*

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

*Amendments from preceding session deemed made to bill*

(e) If, in the preceding session,

- (i) a report recommending one or more amendments to the original bill was adopted, or
- (ii) the original bill was adopted at third reading and passed by the Senate with one or more amendments,

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

*Bills negatived during the preceding session*

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

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

- (a) Delete “and” at end of paragraph 58(1)(i);
- (b) Change current paragraph 58(1)(j) to 58(1)(k); and
- (c) Insert new paragraph: “(j) for the reinstatement of a public or private bill under rule 80.1; and”.

Respectfully submitted,

WILBERT J. KEON  
*Chair*

**The Hon. the Speaker:** When shall this report be taken into consideration?

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

## THIRD REPORT OF COMMITTEE PRESENTED

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

Tuesday, November 20, 2007

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

## THIRD REPORT

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

1. In a ruling given on October 26, 2006, dealing with the process for raising questions of privilege, the Speaker noted three aspects of the Senate’s procedures which could be clarified. First, he considered the level of detail required in the written and oral notices to raise a question of privilege under Rule 43 and concluded that the notice should clearly identify the issues that will be raised as a question of privilege. Second, the Speaker invited your Committee to examine the apparent inconsistency of Rules 43 and 59(10) insofar as the two provisions deal with the notice required for questions of privilege. Third, the Speaker invited your Committee to examine ways in which the rules might more clearly delineate the beginning and end of the Routine of Business, as under Rule 23(1), questions of privilege and points of order cannot be raised during the Routine of Business or during Question Period.
2. On March 20, 2007, your Committee heard from Mr. Charles Robert, Principal Clerk, Chamber and Procedure Office, Senate of Canada.
3. After reviewing the Speaker’s ruling, and examining the issue, your Committee believes that the following amendments should be made to the *Rules of the Senate*:
  - With respect to the written notice to be given by a senator wishing to raise a question of privilege, your Committee agrees that the notice should provide some detail so as to give senators an indication of the subject of the general nature of the issue to be raised. Accordingly, amendments are proposed to sections 3, 4, and 7 of Rule 43.
  - Rule 59(10) allows a question of privilege to be raised without notice. As the Speaker explained, this Rule is linked to the pre-1991 provisions of the *Rules of the Senate* and should have been reviewed as a consequence of the amendments that were adopted at that time. The idea behind Rule 59(10) should be maintained to allow matters that occur during a sitting of the Senate to be dealt with. Nevertheless, your Committee believes that it would be helpful to move this provision and link it more directly to the other provisions relating to questions of privilege and to clarify how they relate to one another. Accordingly, a new section to Rule 43 is proposed.

- The Speaker noted in his ruling of October 2006 that Rule 23(1) prohibits points of order or questions of privilege during either the Routine of Business or Question Period. A careful reading of Rule 23(6), however, indicates that Senators' Statements are, in fact, not part of Routine of Business, as it provides that the Routine of Business is a distinct category of business called after Senators' Statements. The intent behind this Rule is that the regular business of the Senate at the beginning of each sitting, whose time is limited, should not be interrupted. Your Committee agrees that the prohibition on points of order should apply to Senators' Statements as well, and an appropriate amendment to the Rules is proposed.

4. These proposed amendments lead to a number of consequential changes to the *Rules of the Senate*.

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

(1) That section (1) of Rule 23 be replaced with the following:

Consideration of questions of privilege and points of order

23. (1) During proceedings of the Senate taking place before Orders of the Day, including Senators' Statements, Routine of Business, Question Period and Delayed Answers, it shall not be in order to raise a point of order. Any point of order in respect to any proceeding shall be raised either at the time the Speaker announces Orders of the Day or, in relation to any notice given during the Routine of Business, when the Order is called for consideration by the Senate.

(2) That sections (3), (4), (7), and (10) of Rule 43 be replaced with the following:

Written notice

(3) Subject to section (3.1) below, a Senator wishing to raise a question of privilege shall, at least three hours before the Senate meets for the transaction of business, give a written notice of such question to the Clerk of the Senate, provided that the written notice shall clearly identify the subject matter that will be raised as a question of privilege.

Exception — Proceedings in Chamber

(3.1) With respect to a question of privilege arising out of proceedings in the Chamber during the course of a sitting, a Senator has the option of either raising it immediately without written notice or giving written notice in accordance with sections (3) and (4).

Notice for Friday

(4) Notwithstanding section (3) above, a Senator wishing to raise a question of privilege on a Friday shall, at not later than 6:00 o'clock p.m. on the immediately preceding Thursday, give a written notice of such question to the

Clerk of the Senate clearly identifying the subject matter that will be raised as a question of privilege.

Oral notice

(7) A Senator having given a notice, in accordance with section (3) or (4) above, shall be recognized during the time provided for the consideration of "Senators' Statements", for the purpose of giving oral notice of the question of privilege. In doing so, the Senator shall clearly identify the subject matter that will be raised as a question of privilege and shall indicate that he or she is prepared to move a motion either calling upon the Senate to take action in relation to the matter complained of or referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Order of consideration

(10) The order in which the notices were received under sections (3), (3.1) or (4), as the case may be, shall determine the order of consideration of questions of privilege.

(3) That section 10 of Rule 59 be deleted and that current sections 11 to 18 be renumbered as 10 to 17.

Respectfully submitted,

WILBERT J. KEON  
*Chair*

**The Hon. the Speaker:** When shall this report be taken into consideration?

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

• (1430)

## FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

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

That the Committee submit its final report to the Senate no later than Friday, June 27, 2008.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

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

That the Standing Senate Committee on Fisheries and Oceans be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Art Eggleton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. Art Eggleton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

**ABORIGINAL PEOPLES**

NOTICE OF MOTION REQUESTING GOVERNMENT  
RESPONSE TO STUDY ON RECENT REPORTS  
AND ACTION PLAN CONCERNING DRINKING WATER  
IN FIRST NATIONS COMMUNITIES

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government to the Eighth Report of the Standing Senate Committee on

Aboriginal Peoples, entitled *Safe Drinking Water for First Nations*, tabled in the Senate on May 31, 2007 and adopted by the Senate on June 12, 2007 during the First Session of the Thirty-ninth Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians being identified as the Minister responsible for responding.

NOTICE OF MOTION REQUESTING GOVERNMENT  
RESPONSE TO STUDY ON INVOLVEMENT  
OF ABORIGINAL COMMUNITIES AND BUSINESSES  
IN ECONOMIC DEVELOPMENT ACTIVITIES

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report from the First Session of the Thirty-ninth Parliament of the Standing Senate Committee on Aboriginal Peoples, entitled *Sharing Canada's Prosperity — A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007 and adopted by the Senate on March 27, 2007, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, the Minister of Human Resources and Social Development Canada, and the Minister of Natural Resources Canada being identified as Ministers responsible for responding.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY FEDERAL GOVERNMENT  
RESPONSIBILITIES AND MATTERS GENERALLY  
RELATING TO ABORIGINAL PEOPLES

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and on other matters generally relating to the Aboriginal peoples of Canada;

That the Committee submit its final report to the Senate no later than December 31, 2008.

• (1435)

[English]

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

**HUMAN RIGHTS**

NOTICE OF MOTION TO AUTHORIZE  
COMMITTEE TO ENGAGE SERVICES

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY ISSUES RELATED TO NATIONAL AND  
INTERNATIONAL HUMAN RIGHTS OBLIGATIONS  
AND REFER PAPERS AND EVIDENCE  
FROM PREVIOUS SESSIONS

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-seventh Parliament, the Thirty-eighth Parliament and the First session of the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY INTERNATIONAL OBLIGATIONS  
REGARDING CHILDREN'S RIGHTS AND FREEDOMS  
AND REFER PAPERS AND EVIDENCE  
FROM PREVIOUS SESSIONS

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to monitor the implementation of recommendations contained in the Committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, tabled in the Senate on April 25, 2007;

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

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY CASES OF ALLEGED DISCRIMINATION  
IN HIRING AND PROMOTION PRACTICES AND  
EMPLOYMENT EQUITY FOR MINORITY GROUPS  
IN FEDERAL PUBLIC SERVICE AND REFER PAPERS  
AND EVIDENCE FROM PREVIOUS SESSIONS

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

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

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY LEGAL ISSUES AFFECTING ON-RESERVE  
MATRIMONIAL REAL PROPERTY ON BREAKDOWN  
OF MARRIAGE OR COMMON LAW RELATIONSHIP  
AND REFER PAPERS AND EVIDENCE  
FROM PREVIOUS SESSIONS

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the Committee for the purpose of updating the members of

the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003;

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

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 31, 2008.

• (1440)

[Translation]

### OFFICIAL LANGUAGES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

**Hon. Maria Chaput:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matter of bills and estimates as are referred to it.

[English]

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

**Hon. Maria Chaput:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Official Languages be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY OFFICIAL LANGUAGES ACT AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Maria Chaput:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that, later this day I shall move:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of

Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages;

That papers and evidence received and taken during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report from time to time to the Senate but no later than December 31, 2008, and that the Committee retain all powers necessary to publicize its findings until March 31, 2009.

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

**Hon. Senators:** Agreed.

[English]

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### NOTICE OF MOTION TO STUDY APPLICATION OF THE CHARTER OF RIGHTS AND FREEDOMS AS IT APPLIES TO THE SENATE

**Hon. A. Raynell Andreychuk:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Senate refer to the Senate Standing Committee on Rules, Procedures, and the Rights of Parliament, the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.

[Translation]

### QUESTION PERIOD

#### JUSTICE

#### AMENDMENTS TO COMPLY WITH UNITED NATIONS INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, the Conservative government tends to not always meet its international commitments in Canada. It is not complying with the Kyoto Protocol; it is violating the Geneva Convention by turning detained minors over to the Afghan authorities; it is violating the Universal Declaration of Human Rights by refusing to grant clemency to all Canadian citizens sentenced to death in another country; and today, on this Universal Children's Day, instead of celebrating, we unfortunately have to point out another failure by the government to meet its international obligations, and quite humbly, I must say that the previous government also failed to honour this international commitment.

Since 1995, the United Nations has twice stated clearly that Canada was not complying with the Convention on the Rights of the Child. Knowing that Canada is violating children's rights to

life and security by maintaining section 43 of the Criminal Code, can the Leader of the Government in the Senate tell us when her government plans to amend the legislation and comply with the convention?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. If Senator Hervieux-Payette is specifically asking about her bill, we will let the bill make its way through Parliament before commenting on it.

• (1445)

With regard to our commitment to the well-being of Canada's children, the government has taken many measures to improve the livelihood of our children. The well-being of children in this country, as in other countries, begins with their families. Families must have adequate incomes and good housing. On both of those fronts, our government has taken steps to improve the livelihood of all Canadians and, therefore, that of children.

This government has taken a number of initiatives to help children and their families. For example, in 2006 we introduced the Universal Child Care Benefit and a Children's Fitness Tax Credit. We also increased the maximum annual amount paid under the Child Disability Benefit. Budget 2007 committed \$6 million to combat sexual exploitation and trafficking of children, \$2 million to the Canadian MedicAlert Foundation for its program to provide free MedicAlert bracelets to children, and \$300 million for a vaccine program to help protect women and young girls against cervical cancer. Our new Registered Disabilities Savings Plan will help families plan for long-term financial security of severely disabled children, which is often of concern.

We are proud of our record with regard to children. I believe any objective observer would know that this government is very committed, as we all should be, to the well-being of our children.

## HUMAN RESOURCES AND SOCIAL DEVELOPMENT

### ORGANIZATION ON RIGHTS OF CHILDREN

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** As the English saying goes, it is really motherhood and apple pie. I was talking about Canada's international obligations with respect to the rights of children.

Today, a new report from UNICEF denounces this government in terms of not responding to child poverty and violence towards children. Can the Leader of the Government in the Senate tell me today whether this government is willing to put in place an organization that will be in charge of monitoring respect for the rights of children according to the Charter of Rights, a proposal found in the final report — which was tabled on April 25, 2007 — of the Human Rights Committee Study on International Obligations Regarding Children's Rights and Freedoms dealing with children?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I am well aware of the UNICEF report. Some of the concerns UNICEF has raised with regard to children in this country relate to situations that did not occur only

[ Senator Hervieux-Payette ]

in the last couple of years. Their concerns underscore long-standing problems in this country, which is not a situation that anyone should be pleased about.

The government will carefully study the findings and recommendations found in the UNICEF report; the government will give much consideration to UNICEF's views and concerns. As I said, some of the issues raised in the report have been around for a long time — which is not to say the issues are more or less serious. They are serious issues that all parliamentarians of all political stripes should take seriously.

### NATIONAL CHILDREN'S COMMISSIONER

**Hon. Jim Munson:** I have a supplementary question for the Leader of the Government in the Senate. In that same report, Nigel Fisher, the UNICEF Canada president, says:

There is no national focus on the child in Canada. . . . We have so many jurisdictions between provincial and federal that there is, in fact, no focal point for monitoring what is happening to kids in this country.

Working with the great Conservative senator from Saskatchewan, Senator Andreychuk, and with other senators, on the report entitled "Children: The Silenced Citizens" we recommended earlier this year the same thing that has been recommended in the UNICEF report, that there would be a national children's commissioner.

Is the government ready to implement that key recommendation by our Senate committee, headed by Senator Raynell Andreychuk?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** The government did receive, and I believe has responded to, the study by the Standing Senate Committee on Human Rights, headed up by Senator Andreychuk.

• (1450)

The government is well aware of the committee's recommendation for a children's commissioner. I believe the government responded to the report but the government has not addressed that particular issue.

**Senator Munson:** On a very brief supplementary, I would like to ask if, in the honourable senator's personal readings of this report, she is in favour of a national child commissioner?

**Senator LeBreton:** I think the honourable senator can understand that such a question is not proper. Given that I am a member of the government and of the cabinet, the honourable senator would not expect me to answer that question.

I have followed these issues for quite some time. In fact, I have followed them since our former colleague, Senator Landon Pearson, was the co-chair of our initiatives in the United Nations. This government has done many things that include housing and post-secondary education, removing some people off the tax rolls and providing more income for families. We are doing many things to improve the livelihood of families and their children.

## NATIONAL DEFENCE

AFGHANISTAN—  
TREATMENT OF JUVENILE DETAINEES

**Hon. Roméo Antonius Dallaire:** My question is for the Minister of Defence, but I will pose it to the Leader of the Government in the Senate. It relates to the response by the minister in the other place. In this morning's *Globe and Mail*, Defence Minister MacKay is quoted as saying, "With respect to detainees taken by Canadian Forces, we take a similar practice. They are not housed in proximity of other detainees." The minister is referring to juvenile prisoners in Afghanistan.

I wonder if the honourable senator could respond with an answer to what procedures the Canadian Forces are actually implementing in that theatre of operations, specifically in regard to the Optional Protocol to the Convention on the Rights of the Child and the fact that children under the age of 18 years are not considered prisoners of war. They are wards to be demobilized, rehabilitated and reintegrated.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** As Senator Dallaire knows better than most honourable senators, the transfer of juveniles is done in accordance with procedures established by NATO. These are rumours and speculation; there is not a shred of evidence that any juveniles transferred by the Canadian Forces have in fact been harmed.

I will repeat: There are NATO procedures for handling juveniles in a theatre of war. Just as I am certain that all NATO partners follow those NATO-established procedures to the letter, this government does as well.

**Senator Dallaire:** I have a supplementary question. I am asking the honourable senator to give us information in regard to what those procedures are and whether or not we are abiding by them. The response would indicate that we are not even using the right terminology in regard to these child soldiers. We are calling them "prisoners" and even "detainees." Right from the start, we are not even in the right ballpark.

Second, we know they have been demobilizing about 3,000 child soldiers in that theatre of operations. A number of NGOs such as UNICEF are involved. To what extent are our Canadian Forces and our NGOs or humanitarian people in the field actually participating in the processes, and do they have the standard operating procedures that surround the handling of child soldiers in a theatre of operations? After three years of research, it is not obvious what those procedures are. I would be very keen to know what we are doing about it.

• (1455)

**Senator LeBreton:** I thank the honourable senator for his question, which I shall take as notice. I shall refer Senator Dallaire's question to the Minister of National Defence and ask that the guidelines, to which I have just referred, are provided to the honourable senator.

## HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDY ON CHILD CARE AND EARLY CHILDHOOD  
DEVELOPMENT—REPORT OF SOCIAL AFFAIRS,  
SCIENCE AND TECHNOLOGY COMMITTEE

**Hon. Marilyn Trenholme Councill:** Honourable senators, my question, which is directed to the Leader of the Government in the Senate, regards the November 8, 2007 tender of a report on early learning and child care in Canada 2007.

Knowing how much the honourable leader respects the work of the Standing Senate Committee on Social Affairs, Science and Technology, and assuming that she is aware that this committee is presently studying early childhood development and child care in Canada, assuming that she is aware that the study will be completed early in 2008 whereas the study announced by her government will conclude only on July 31, 2009, assuming the honourable leader would want to prevent the unnecessary waste of taxpayers money — in this case, \$400,000 — and assuming the honourable leader is in a very strong position of power with respect to cabinet decisions, I would ask why she did not ask her cabinet colleagues to await the Senate report on early childhood development and child care in Canada rather than giving her support to further delay, unnecessary duplication and probably an unconscionable waste of money, \$400,000, that should be going to quality child care and early childhood development programs for parents in the provinces and territories?

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

Many years ago, I was well warned about using the word "assume." We all know, when the word is broken down, what is made.

Many studies take place in both Houses of Parliament. The government has a definitive agenda to follow in terms of child care. Therefore, as much as most of the various committee studies in both Houses are of value to the government at times, no government — the previous government or this government — can set policy based on studies in this chamber or the other, especially in this atmosphere.

**Senator Trenholme Councill:** I believe we could have a very excellent atmosphere with respect to children and early childhood development. In fact, the atmosphere in the Standing Senate Committee on Social Affairs, Science and Technology on this subject is excellent; the support of the Honourable Senator Keon and other senators speaks to that. Whatever happens in other parts of this whole operation of the Senate is not reflected in our committee.

I "know" the leader has a very powerful position; I do not "assume" it. I suppose I should have used another word; I will not use that word again. I put it in as a form of debate. I know her position is powerful.

I should like to ask her very directly — because I know she is powerful and values the work of the Senate committee and I know she is a frugal person by nature in terms of government money — whether at any time she asked her cabinet colleagues to look carefully at what we are doing vis-à-vis this subject and discuss the possibility of avoiding this duplication?

**Senator LeBreton:** Senator Trenholme Counsell knows very well that I am not in a position to speak publicly about discussions in cabinet.

## FINANCE

### ATLANTIC ACCORD—OFFSHORE OIL AND GAS REVENUES—CANCELLATION OF BRIEFING

**Hon. James S. Cowan:** On October 10, 2007, the Governments of Canada and Nova Scotia, with great fanfare, announced settlement of their dispute with respect to the Atlantic accord. On October 18, 2007, the chair of the Nova Scotia Liberal parliamentary caucus requested a briefing on the arrangements from the Minister of Finance.

On November 1, Minister Flaherty announced that the briefing would be held on November 5, during the parliamentary break. Late on the afternoon of Friday, November 2, the minister changed the meeting date to November 13.

On November 9, the parliamentary secretary to the minister, Mr. Menzies, announced another cancellation and rescheduling, to this morning at 10:30. The reason given for the cancellation was so that the legislation required to implement the arrangements could be tabled in advance of the meeting. Mr. Menzies confirmed the time and place of that meeting as late as 5:30 last evening.

• (1500)

This morning at 10:16, for the fourth time, Minister Flaherty cancelled the meeting by email, when officials of the Department of Finance and all opposition members from Parliament and Nova Scotia had gathered at the appointed time and place selected by the minister.

My question is for the Leader of the Government in the Senate. Was the leader correct when she told me on two different occasions in this house that there would be no proposed legislation? Has there been a breakdown once again in the October 10 arrangement, or is it simply another example of the disrespect shown by this government to Nova Scotia and the members of Parliament who are not members of the Conservative Party?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for the question. I will not re-enter the debate on budget implementation legislation. As both the Minister of the Atlantic Canada Opportunities Agency and the Minister of Finance said, the details of this arrangement will be available as part of the budget implementation bill.

With regard to the meeting this morning, which was cancelled, I can repeat what the honourable senator said in his question. The Department of Finance did not proceed because officials did not want to do the briefing until the proposed legislation is tabled in the House of Commons.

**Senator Cowan:** Perhaps the Leader of the Government in the Senate could find out what happened between 5:30 p.m. yesterday and 10:16 a.m. today that caused this change of attitude.

**Senator LeBreton:** I will take that question as notice. I am not aware of the circumstances but I will be happy to try to find the answer for the honourable senator.

**Hon. Jane Cordy:** It is my understanding that copies of this proposed legislation are in the hands of Progressive Conservative ministers and others in Nova Scotia. Would the leader respond to that, please?

**Senator LeBreton:** Honourable senators, Senator Cordy seems to have information that I do not have.

## PUBLIC SAFETY

### BORDER SERVICES AGENCY—CROSSING DELAYS

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have a follow-up question to the Leader of the Government in the Senate with respect to the border. I have not yet received a response to my question some weeks ago about the critical choke points along the border; in particular at the Detroit-Windsor and Buffalo-Niagara border crossings. Since that question was raised in the Senate, the situation has grown visibly worse, with longer lineups and increased pollution at both border crossings. Obviously, there is a growing daily crisis at those border points. Again, yesterday, a lead editorial in *The Globe and Mail* referred to a terrible incident involving Canadian firefighters seeking to cross the border to help put out a fire in New York State. The building burned down because the firefighters were held up at the border because of some security clearance issues.

*The Globe and Mail* describes this as a tale of bureaucracy run amok, and the situation continues to grow worse each day. Compounded by the rising Canadian dollar, the line-ups on both sides of the border are three and four hours long.

*The Globe and Mail* article referred to some bureaucratic problems that obviously are not being solved by this government, such as twelve separate sets of documents to bring one load of automobile parts across the border. Yet, if a German exporter brings in a car from overseas, he only needs one set of forms. In effect, our regulations are hindering Canadian industry.

*The Globe and Mail* article also said that the Security and Prosperity Partnership between the United States, Canada and Mexico established with great fanfare in 2005 is all but dead. This is not news to senators on the other side and has been confirmed by witness testimony at Senate hearings. At least 44 Canadian and American agencies have jurisdiction over the border and the federal and provincial governments introduce and revise 4,500 regulations each year. The U.S. numbers are comparable.

It is my view that *The Globe and Mail* has underestimated the compliance tab of roughly \$33 billion per year. I estimate the indirect cost to be in excess of \$100 billion per year. The Conference Board of Canada has said that the backups are so bad they are eroding the efficiency gains from the Canada-U.S. Free Trade Agreement.

Instead of fiddling with forms and putting 575 billion trading relationships at risk, Canada should insist on remediating this problem.



• (1505)

Therefore, I ask the honourable senator two questions: First, when will she respond to my last question, because the crisis has been growing; and second, what immediate steps is the government taking to remediate this growing situation that is costing Canadians money and jobs?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I answered a similar question last week from Senator Mahovlich. There is no question that this thickening of the border is a serious problem. It has been compounded, as I mentioned to Senator Mahovlich last Thursday, by the strengthening dollar. Even people who participate in the FAST program cannot get into the fast-track lane because of the tie-ups at the border.

As the honourable senator knows, the Minister of Transport has been working very hard with his counterparts in the United States to resolve the Windsor-Detroit crossing by building a new bridge in the Windsor-Detroit area.

As well, Canada is confronted with a situation where security matters trump trade in the United States. That is obvious. With the likes of Lou Dobbs on CNN and the various positions taken by presidential candidates in both major parties in the United States, and in addition the protectionist sentiment in Congress, there is no question that this serious matter is of great concern to the government.

As I reported last week, the Minister of Industry, Jim Prentice, has been in Washington and has had several meetings, and is working on this issue. The Minister of Finance, Jim Flaherty, is working on the same issue. Ambassador Wilson is seized of this matter almost 24 hours a day, seven days a week. The government is working very hard to try to resolve this problem.

With regard to the earlier question, I will certainly find out where the written response to the first question is and provide that as quickly as possible.

The government considers this a serious issue. Minister Day is working on the public safety side. This matter is receiving a significant amount of attention from the government and, hopefully, through our negotiations with our United States counterparts, it will come to some resolution.

It would be helpful if we did not have some of the hysteria that is being demonstrated in the United States when they confuse the security along the U.S.-Mexican border with issues that are not even relevant to the U.S.-Canadian border.

**Senator Grafstein:** Honourable senators, I have a supplementary question. First, the situation is not all gloom and doom. The Provinces of Ontario and British Columbia are moving forward with automobile licences that will be acceptable to the Department of Homeland Security. The states of Washington and New York are doing the same thing.

However, we will not talk about what is happening in the United States; we will talk about what is occurring in Canada. The point of my question was that there are Canadian regulations, and bureaucratic holdups and confusion in Canada that contribute to a made-in-Canada clog at the border.

I know the American side of the Canada-U.S. problem and I know we are working hard to remediate on the U.S. side. However, we are showing no leadership on our side to cut through the bureaucratic red tape to make the process easier for Canadians and in particular Canadian automobile manufacturers and others to export their products. Therefore, the issue does not lie solely with the United States. The primary issue is to show leadership in this country. The question I have for the leader is: Will she speak to her government, to each and every department, and say "Hurry up, let's cut out this bureaucratic red tape, let's move forward to make it easier for Canadians to export to the United States"?

**Senator LeBreton:** Honourable senators, I believe I answered that question in my last answer. Ministers Day, Prentice and Flaherty, in particular, and Ambassador Wilson have this subject very much in mind. They are all working very hard on this issue.

• (1510)

In his preamble to the question, and it is one of the reasons why I spoke about the situation along the United States side of the border, the honourable senator mentioned the fire truck that could not cross the border. That was specifically because the border officials on the U.S. side, with firemen and a fire burning within their sight, were expecting the firemen to produce identification when they had jumped into a fire truck to put out a fire. There have been two incidents, including an ambulance that could not cross the border.

This is the kind of thing we are dealing with. I do not have to go from minister to minister and department to department, honourable senators, because I know that is exactly what they are doing.

## FOREIGN AFFAIRS

### LICENCES ISSUED FOR REMOVAL OF BULK WATER

**Hon. Pat Carney:** Honourable senators, my question to the Leader of the Government in the Senate deals with written submissions. A couple of weeks ago I asked her to supply a written answer to my question regarding the number of licences for bulk water removal from the Great Lakes system, when they were issued and the environmental assessments that were involved.

The question was simply: How many licences have been issued, when were they issued and what were the environmental assessment results?

In contacting the department officials, they have yet to find any written request from the office of the honourable senator to find this information. I was wondering if the leader could clarify where she is in this process of finding this out.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. I do not know which officials she was speaking to in the department, because the moment I make a commitment to provide a written response during Question Period, that request is processed immediately. When I make a commitment to obtain

information, the request is submitted. I have not and will not ever sit on a question and send it off when I get around to it. That is not the way it works.

[*Translation*]

#### DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting delayed answers to three oral questions: a question raised by Senator St. Germain on October 17, 2007, concerning the Speech from the Throne, specifically, the measure to address Aboriginal land claims; a question raised by Senator Milne on October 18, 2007, concerning the Canada Border Services Agency and the enforcement of regulations regarding food imports; and a question raised by Senator Hubley on October 30, 2007, concerning Fisheries and Oceans, specifically, the granting of licences to mid-water trawlers to fish herring in the Gulf of St. Lawrence.

#### SPEECH FROM THE THRONE

##### MEASURE TO ADDRESS ABORIGINAL LAND CLAIMS

(*Response to question raised by Hon. Gerry St. Germain on October 17, 2007*)

The settling of specific claims is an urgent matter, not only for First Nations but for all Canadians. Specific Claims represent historic grievances that must be dealt with in a fair and timely fashion. The introduction of legislation to establish a Specific Claims tribunal is a priority of the government and we can expect to see this Bill introduced in the near future, certainly before the end of the calendar year.

#### PUBLIC SAFETY

##### ENFORCEMENT OF REGULATIONS REGARDING FOOD IMPORTS

(*Response to question raised by Hon. Lorna Milne on October 18, 2007*)

##### Canada Border Services Agency

The Canada Border Services Agency (CBSA) is responsible for the administration of a variety of other government departments' (OGD) legislation at the border, including that of Health Canada and the Canadian Food Inspection Agency. OGDs are responsible for the development of their legislation and programs, the setting of applicable standards, and for domestic regulations. OGDs identify to the CBSA those commodities which could pose a threat to the health and safety of Canadians and CBSA uses its targeting capabilities to identify and refer those commodities for examination, detention and/or disposition at the port of entry.

##### Health Canada

The Canadian food safety system is a complex system that requires extensive and close collaboration among all levels of government involving federal, provincial and

municipal players from both the health and agriculture sectors. At the federal level, maintaining the safety of Canada's food supply is a shared responsibility between Health Canada, the Canadian Food Inspection Agency (CFIA), and Canada Border Services Agency (CBSA) at the border.

Health Canada is responsible, under the *Food and Drugs Act (FDA)*, for the establishment of policies and standards relating to the health, safety, and nutritional quality of food sold in Canada. All foods sold in Canada must meet the safety and nutrition requirements specified in the *FDA* and its regulations whether produced domestically or imported. Health Canada works through the *Codex Alimentarius Commission* and with international partners to develop international food safety standards that are comparable and compatible with Canadian standards and reflect Canadians' expectations for safe food.

The CFIA is the federal agency responsible for providing all federal inspection services related to domestic and imported food products sold in Canada. The CFIA leads the investigation and management of food emergencies, enforces the federal food safety policies and standards established by Health Canada, and takes enforcement action when standards are not met or when health risks are identified. The *Canadian Food Inspection Agency Act* gives the Minister of Agriculture and Agri-Food the authority to order a product recalled.

The CBSA assists other government departments in the administration and enforcement of their legislation as it applies to imported products. The *Customs Act* provides the legislative authority for Border Services Officers to detain goods that may be in contravention of the *Customs Act*, or any other act or regulation governing the import or export of goods.

##### Border Services Officers:

- review import documentation, ensuring that all required permits, certificates and licences (including those for other government departments) are presented before the goods are released; and
- perform examinations of food shipments to verify that the information/documents being presented at the time of release are relevant to the goods.

#### FISHERIES AND OCEANS

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

(*Response to question raised by Hon. Elizabeth Hubley on October 30, 2007*)

The impact of this decision was evaluated both in terms of stock conservation and socio-economic impacts. The fact that the fall herring stock is healthy and that the fishery is managed with a total allowable catch (TAC), which is lower

than the maximum sustainable catch, ensures that conservation principles are respected. In addition, any positive socio-economic impacts from this fishery will reflect across the southern Gulf herring industry as a whole.

Given that the fishery is managed with a TAC, and that this TAC is divided between inshore fishers and the mobile gear fleet before the start of the fishing season, there should be no additional impact on the inshore fishery. The vessels using midwater trawls must follow all the established rules and regulations on the water including the 25-fathom line that is important to Prince Edward Island fish harvesters.

Any removal of fish, either by inshore fish harvesters or by mobile gear operators, reduces the total amount of fish available. Any landings by midwater trawl will be counted against existing allocations. Since the TAC is set lower than the maximum sustainable catch for this herring stock, there should be no additional impact on the resource, whether it is fished with purse seines or midwater trawls.

With respect to consultation with inshore fish harvesters, the 2007 management plan for the Gulf herring fishery allows for up to three mobile gear licence holders to fish using midwater trawls. This plan was reviewed by all members of the Gulf Small Pelagics Advisory Committee at meetings in December 2006. This Committee includes government and industry representatives from Prince Edward Island, New Brunswick, Nova Scotia and Quebec.

The number of mobile gear herring licences in the Gulf has not been increased; rather, two existing licence holders are authorized under their existing licences to use different vessels with midwater trawls instead of purse seine nets. There is no additional quota for these licences. Vessels will not be allowed to fish after existing quotas have been met. There is no increase in fishing capacity as a result of this decision.

The use of midwater trawls, with current restrictions and management measures, is consistent with sustainable fisheries and conservation principles. It is the responsibility of the Minister to grant fair and equitable access to legally allocated quotas and to ensure that all fish harvesters abide by the rules set out in management plans.

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[English]

## ORDERS OF THE DAY

### CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

**Hon. W. David Angus** moved third reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

He said: Honourable senators, it is with great pleasure that I rise to say a few words at third reading respecting Bill S-2, this latest amendment to the Canada-United States Tax Convention Act, 1984.

Honourable senators, several weeks ago, I spoke in some detail on the specific details of this bill at second reading stage. Therefore, I wish to limit my comments to a few brief remarks today.

The present convention was signed in 1980 and has been updated four times in the past, through agreements known as protocols. Bill S-2 proposes to put into force the fifth protocol to the tax treaty between Canada and the United States.

• (1515)

Honourable senators, the bill is the culmination of almost a decade of discussions and negotiations between Canada and our most important trading partner, the United States.

The fifth protocol was signed in an important ceremony at Meech Lake during September with Finance Minister Flaherty, representing Canada, and Secretary Paulson, representing the United States. This agreement will permit our respective tax systems to be more efficient and will strengthen economic cooperation between our two nations. As well, it will facilitate cross-border trade, investments and other key Canada-U.S. economic activity. Indeed, this bill will benefit both Canadians and Americans in many important ways.

Honourable senators, the bill was referred to the Standing Senate Committee on Banking, Trade and Commerce. It was studied there last week and reported on Thursday without amendment and with unanimous all-party support. In my capacity as chairman of the committee, I opened the hearings with the following question:

Are the officials with you comfortable that there has been proper consultation? It is been a long, 10-year process, as I indicated at the outset, but we need that reassurance if we are going to proceed possibly even to clause by clause today.

Brian Ernewein, General Director, Tax Policy Branch, responded as follows:

It is true that it has been a long process. It is also the case that the text of the treaty is not shared or circulated in draft form. The first time that the text of the agreement would have been seen by the public would be on the date it was signed, when both countries would publish it and make it generally available.

Since that time, there have been some narrow questions on the interpretation and application of the rules, but nothing that would change our view, before signature, that this represented a good deal for Canada — indeed, a good deal for both countries.

I should also add that even though the text of the agreement was not released until it was actually signed, the topics under discussion were known to the tax community. Indeed, they were sometimes brought up by the tax community. What you have before you reflects to a large measure input we have received from the tax community in changes that they thought important to make to the treaty.

I said:

Thank you for that.

I turned to Mr. Lawrence Purdy, Senior Chief, Tax Legislation Division, and said:

Mr. Purdy, did you have anything you wanted to add to that?

He said:

I have nothing to add other than to reinforce the point that much of what is in this protocol does reflect the direct requests from concerned sectors.

Honourable senators, just before the sitting this afternoon, an email was brought to my attention that was addressed to me and copied to all senators sitting on the committee. It is from a certain tax lawyer with Ernst & Young in Montreal who is saying that the firm had taken cognizance of the transcript of the hearing and that he and his colleagues have some points they wish to make on it.

Honourable senators, this is an “S bill,” that is, it originated in the Senate. After we give it third reading, which I hope will happen today, it will be studied in the other place. We must accept in good faith the answers given by the officials. This matter was before them for some 10 years while the treaty was being negotiated. We have received this email, albeit after the bill was reported here unanimously and without amendment, and I undertake to send it along to our counterparts in the other place to do with as they see fit.

Given that this bill has been in the public eye for more than a month and has not been criticized, before this email, by any group or organization, I submit that it is good, solid, long-overdue and necessary legislation. This is not a bill with public policy provisions; it is implementing a treaty that has already been concluded between our two nations and is therefore not subject to amendment by the normal process.

• (1520)

I hope this bill will receive the same support here in this chamber as it received at committee. As such, honourable senators, I move third reading of the bill and that it be referred to the other place.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I would ask honourable senators for a delay of one day on this. I do want to have Senator Goldstein, the deputy chair, consulted. He is away, and I want to confirm with him and his office that he has taken note of the email in question. I know Senator Angus is eager to proceed with this bill as quickly as possible, but it is important that the deputy chair be aware of this new information.

**Senator Angus:** Agreed.

On motion of Senator Tardif, debate adjourned.

[ Senator Angus ]

## PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Pierrette Ringuette** moved second reading of Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection).—(*Honourable Senator Ringuette*)

She said: Honourable senators, I am pleased to speak to the second reading of this bill — which I have tabled for the third time in the Senate, first as Bill S-44 in September 2005, then as Bill S-201 tabled in April 2006. The current Tory government accuses us of delaying their bills.

Bill S-201 was tabled on April 2006 and sent to our National Finance Committee in September 2006, which committee reported the bill with a slight amendment on October 3, 2006. That all seems reasonable, so far as delay is concerned. However, it took two Tory senators seven months to comment on this bill for a maximum of 20 minutes each. Now, that is certainly a delay tactic.

Bill S-201 received third reading and was sent to the other place last May.

However, honourable senators, I am pleased to report that, even with the delay tactics of our Tory friends, there has been slow but constant progress. The president of the Public Service Commission expressed to us in committee last week her commitment to removing the restrictive geographic areas of selection in external competition for federal public jobs anywhere in the country. She has promised that by December 2008, in 13 months, the objective will be achieved.

I applaud Madam Barrados, the current president of the Public Service Commission. She is a woman of great determination, and I am thankful that she has put in place this policy — and I stress the word “policy.”

May I remind my colleagues that, as I just indicated, removal of the geographic restriction is based only on a policy, championed by the current president of the commission, Ms. Barrados. With respect to policy change, as we have seen on other issues, depending on the government of the day and, in this particular situation, the sole person who presides over the Public Service Commission, policies are changed without warning from and for all parts of government operations.

Policies and even agreements have been changed by this government in the last 20 months. That is why I am continuing my quest to remove the geographic barriers with legislation, so that the PSC will have to ask to amend future legislation if it wants to reintroduce geographic barriers for federal jobs.

It has been an issue for over 13 years for me and for thousands of Canadians wanting to have at least an opportunity to compete for a federal public job, wherever it is and wherever they reside. It is a question of respect for our Charter’s mobility rights for our citizens, and equity in opportunity.

May I also remind honourable senators that only 20 per cent of federal hiring last year was done via the external competition route. Incredible to believe, that this service-based industry is hiring 80 per cent of its staff as part-time, term or indeterminate.

At 80 per cent, we are talking about over 45,000 hirings last year. Only 5,700 jobs were jobs advertised on the Public Service Commission website, while permanent appointments were at 7,720. Seventy-five per cent of the new permanently hired public servants had prior experience as either part-time, term or casual employees.

I am certain that the private sector looking at these statistics would have a very good laugh at us. Eighty per cent of hiring without competition speaks directly to the second part of Bill S-219, since it would prohibit bureaucratic patronage. A recent survey done by the Public Service Commission indicated that 73 per cent of public servants acknowledge that bureaucratic patronage is happening in their work unit. Other Commonwealth nations, U.K. and Australia, for example, have put forth legislation in addition to rules prohibiting bureaucratic patronage.

No wonder the commission is preoccupied by the current practices. Honourable senators, it is cause for alarm for the entire apparatus of government and how it will service our citizens.

Considering the importance of the issue and its current and future implications, I strongly believe we should mandate a Senate standing committee to look at staffing in the federal public service along with staffing in the private sector done via immigrants and working visas.

There is a looming revolt, and, as the economy goes into stagnation, citizens will not stand for the actual unfairness of treatment.

Honourable senators, I could go on and on, and I have been going on and on. I have spoken about this issue many times. Therefore, I move that Bill S-219 be deemed to have been read a second time, that we accept the committee report dated October 3, 2006, and that we move the third reading of Bill S-219.

On motion of Senator Stratton, debate adjourned.

• (1530)

## HERITAGE LIGHTHOUSE PROTECTION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

**Hon. Lowell Murray:** Honourable senators, my friend the Deputy Leader of the Government has held the adjournment of this bill, in which I have some interest, for some time. What is the intention of the government with regard to this bill and its passage through the Senate?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, we have been following a practice for quite some time, and it might go as far back as when Senator Murray was the leader in this place, that when bills are brought before the

Senate, senators who act as critics on a bill do like to obtain the minister's views on the bill prior to providing their comments on it. That does not mean that the critic of the bill will necessarily follow the minister's line, but at least the critic likes to hear the minister's views on the current status of the bill.

In this case, this bill has not been addressed by the minister's review group yet. We are waiting on the minister's review of Bill S-215 at the present time.

Some issues have arisen since the last time this bill was before honourable senators. My understanding is that we now have a new minister in place. The lead minister on this bill would be the Minister of the Environment. As well, there is an impact on another department, the Department of Fisheries and Oceans, which would be called on to fund the implementation of the bill. I do not think I am bringing anything earth-shatteringly new to what was there previously. We are looking for the minister's review on this to see what its current status is, and whether they support or do not support the bill.

My understanding, and I listened carefully to Senator Carney when she last spoke on the matter, is that she did have letters of support for the bill from three ministers; namely, the Minister of the Environment, the Minister of Fisheries and Oceans, and the Minister of Heritage. If that is the case, I do not see why it should take long to process this bill, if these three ministers support the bill.

**Hon. Tommy Banks:** Honourable senators, I wish to address a question to Senator Comeau. What he has just said is news to me. I want to ensure that I am interpreting the information correctly.

Is the honourable senator saying that senators' bills introduced in the Senate, with respect to their process through the Senate, are subject to, and have in the past been subject to, vetting, for all intents and purposes, by the government?

**Senator Comeau:** Honourable senators, I do not think it will come as any great surprise to a parliamentarian of Senator Banks' seniority in the Senate that ministers do like to look at bills prior to indicating whether or not they like the bill. The honourable senator might have noted my careful wording when I said that it does not necessarily mean that the critic will follow the minister's suggestions. It does mean that the critic for the bill would like to get the minister's views prior to preparing his or her comments on it as critics in this place. This is a long-standing practice. This goes back to when the honourable senator's party was in government. Critics like to obtain a minister's view on a bill prior to preparing comments for parliamentary review in this place.

**Hon. Pat Carney:** Honourable senators, I realize that I cannot comment on this bill, but I do have a question of the Deputy Leader of the Government.

The honourable senator says that a new minister has been appointed. Who is the new minister? The minister named in the bill, which was passed one year ago in the Senate, is the same Minister Baird who is the Minister of the Environment. The minister involved in the bill is the Minister of the Environment. That was as outlined in the old Bill S-225 and in the new bill. As far as I know, there has been no change in the Minister of the

Environment, nor has there been a change in the Minister of Fisheries and Oceans. It is not correct to say that the Minister of Heritage is involved because it is clearly the Minister of the Environment named in the bill.

Has there been a change in the ministry that I am unaware of that supports the honourable senator's view that there has been a change in the ministry since this bill passed the Senate, after meetings with the minister's staff, after amendments offered by the Minister of the Environment, and after amendments passed by the Senate Fisheries Committee?

**Senator Comeau:** Honourable senators, my impression was that Minister Ambrose was the minister when this bill went through the committee process. I may be subject to correction, which I would entirely accept.

I hear what the honourable senator is saying with regard to Heritage Canada. When she spoke in this chamber, she indicated that she had letters of support from three ministers, that is, the Minister of Fisheries and Oceans, the Minister of Heritage and the Minister of the Environment. If there are three letters of support for a bill from three very prominent ministers, I would suggest to Senator Carney that the matter would probably be handled quite expeditiously in this place.

**Senator Carney:** If the honourable senator reviews the *Debates of the Senate*, he will find that two ministers are named and not three. The letters of support come from the Minister of the Environment and the Minister of Fisheries and Oceans.

**Senator Comeau:** Far be it from me to try to correct this. The matter is quite simple. I read the Hansard. Three ministers were mentioned; it is that simple.

**Senator Murray:** The Honourable Deputy Leader of the Government holds the adjournment. Does he have any objection if I intervene at this point?

**Senator Comeau:** I have no objection whatsoever, provided that the 45 minutes allotted to the critic be reserved for the critic and that the time for the honourable senator's comments at this point would be reserved to those subsequent to the critics, that is, the 15 minutes.

**Senator Murray:** Honourable senators, I have never imposed on the Senate for 45 minutes; at least, I have not done so recently.

**Senator Carney:** You do not need to.

**Senator Murray:** Honourable senators, I wish to intervene for the purpose of appealing to the Senate to expedite passage of this bill now or at a very early date so that it may be reinstated at committee stage in the House of Commons as provided for under their rules.

As the sponsor of the bill reminded us when she spoke on November 1, this is the seventh time that a similar or identical bill has been before Parliament. An identical bill was passed by the Senate last June and received second reading in the House of Commons and was at the committee stage where it was being discussed and witnesses were being heard when prorogation overtook the first session of this Parliament. It is with a view to

having the bill passed quickly in this place so that it can be reinstated there that I wanted to intervene.

I also wish to make some comments on the substance of the bill, comments that honourable senators may not have heard before. Even if they have, those comments bear repeating.

• (1540)

I have read the debates. There have been some good speeches in both Houses and at the committee. I have read the testimony at the committee. I have reread the bill. It is clear to me that some witnesses have made very alarmist, unjustified, unnecessary statements. It is clear that these statements have been reflected in interventions by parliamentarians in both Houses to the general effect that implementation of this bill would impose an enormous financial burden on the government, or at least on one or more of the departments of government. A reading of this bill convinces me that there is nothing in it that warrants such an apprehension that implementation of the bill would break the bank.

I draw your attention to the fact that the key powers and responsibilities attributed by this bill to the minister — the minister of whom the bill speaks is the Minister responsible for Parks Canada, presently the Minister of the Environment — are to be exercised at his or her entire discretion. I invite your attention in particular to clauses 6, 7, 9, 10 and 15 of the bill. The minister "may" designate a lighthouse to be a heritage lighthouse. The minister "may" include any related built structure in the designation. Alternatively, 25 residents of Canada who are 18 years of age or over may petition the minister to have a particular lighthouse designated as a heritage lighthouse, in which case what must the minister do? The minister "must" consider the petition. The minister "must" determine whether or not to designate a particular lighthouse as a heritage lighthouse. The minister "must" establish an advisory committee. The minister "must" consult with that committee and "may" consult with others. We have not spent a nickel yet. The minister "must" establish criteria for designation. He "must" establish criteria for any alterations or maintenance, and so it goes. There are mandatory provisions in this bill for public involvement and notice to the public if and when the government decides to sell or alter or demolish a lighthouse so designated.

The present situation is that the lighthouses, like any other property, can be designated as heritage buildings by the minister responsible for Parks Canada. They may be so designated, but there is no statutory protection for them. There is no obligation on the part of the government to preserve or maintain them, as I read the statutes. This bill would change that. This bill provides a framework for the specific designation of heritage lighthouses. It provides better protection for lighthouses so designated. It creates a process or channel through which public opinion may be brought to bear on the government with regard to the designation and protection of these lighthouses. As of now, lighthouses — certainly lighthouses no longer in service — may be sold off, torn down, burned down or left to rot at the entire discretion of government officials.

**Senator Segal:** Shame.

**Senator Murray:** That is the status quo that official Ottawa wants to preserve. That is the status quo that Senator Carney and Senator Forrestall before her and the Senate on six occasions has

sought to change with a publicly defined criteria, a public process and a public accountability on the part of the government. That is the purpose and the purport and the objective and will be the result of this bill being passed.

The bill is, as we have noted, at second reading here. In my humble opinion, it would be an imposition to send it to committee again. If, for the purpose of form, as was done for Senator Bryden's bill, it is the view of the Senate that it should go to committee, that is fine. It should not take more than one sitting, given the history of the bill. Alternatively, we could do clause by clause in committee of the whole almost now or tomorrow and/or go to third reading almost immediately.

With regard to the exchange that we heard a few moments ago among Senator Carney and Senator Comeau and Senator Banks, of course it is proper for officials to brief their ministers on the implications for the government and, in particular, for the Treasury, of a private member's bill. It is understandable if ministers want to take a united stand for or against a private member's bill. It is quite understandable and normal if ministers want to offer guidance to government supporters in their caucus. We would have to live with the outcome.

What I think is improper and beyond the pale, especially given the history of a bill like this, is to stall the bill in Parliament. That would be an affront to Parliament and, in this case, quite a wound and an insult to people out there who hold the preservation of our heritage close to their hearts and are really interested in this bill.

We do not have the last word on it. On six previous occasions, we have had the last word that we can say on it. I ask the Senate to send it to the House of Commons, who will have the last word. Send it there again so that it may be reinstated at committee stage, and trust to their good judgment.

**Senator Banks:** Honourable senators, I wish to attach myself very much in support of what Senator Murray has just said. Without referring to the substance of the bill to which he has referred, I remind you that, in addition to Senator Bryden's bill, which has been dealt with with alacrity, four other bills, including Senator Carney's, Senator Ringuette's, Senator Grafstein's and my bill, are in the same circumstances as described by Senator Murray. Fairly recently, we passed those bills in this place, and all of them had passed second reading in the House of Commons. All of them were at the committee stage. In the case of my bill, it was about to be reported. In the case of the adjournment taken by the Honourable Senator Segal in respect of the bill of which I am the author, he said at the time that he was in support of the bill.

I join Senator Murray in urging whatever signal needs to be given on the part of the government leadership in the Senate to the critics of these bills to proceed with the debate on which they hold the adjournment. We should do that as quickly as we can. Senator Oliver was correct when he counted the days and said that if we take the 60 days as set out in rule 84(1) of the House of Commons, it takes us into March. That is correct. However, let us be practical. When a bill is introduced in the Senate, it has certain advantages by comparison with a private member's bill in the other place. We all know that. Once a Senate bill gets to the House of Commons, it is treated in that place as a private member's bill, together with all the other private member's bills. It is no longer a Senate bill in term of its treatment. The fact is there is not a snowball's chance in hell of a private member's bill being

introduced, notwithstanding that it was introduced in its previous stage into the House of Commons in March, and being passed before the summer recess. That just will not happen.

Therefore, the authors of these bills have an interest in alacrity in order there is some chance that each of them, which have been introduced time and time again, might actually get to where they are approved or defeated in the House of Commons.

• (1550)

Therefore, I urge the government leadership to send whatever signal is necessary to the critics to speak to these bills and move them by whatever means necessary as quickly as possible.

**Hon. Consiglio Di Nino:** Honourable senators, I will make a couple of brief comments. I am somewhat concerned about this debate. I believe there may have been some value if this matter had been held up.

Looking at the Order Paper, one can see that this is the third sitting day for this item. It is unfair to start suggesting delay tactics when a bill has only been held for three days. I have sympathy with some of the comments being made on this issue and others, but honourable senators will agree that three days is not an unreasonable length of time.

On motion of Senator Comeau, debate adjourned.

## KELOWNA ACCORD IMPLEMENTATION BILL

### SECOND READING—ORDER STANDS

On the Order:

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

**Hon. James S. Cowan:** Honourable senators, Bill C-292 was introduced in the House of Commons in May 2006. It was passed in that place in March 2007. It arrived here; it went to committee and then died on the Order Paper when prorogation took place. It was reintroduced in the Senate on October 16. Senator Campbell, the sponsor of the bill in this place, spoke on that day. We are waiting for the government to express its views.

I reiterate the points made by Senator Banks and Senator Murray, and ask the Deputy Leader of the Government in the Senate when he would expect a government response on this issue.

**Hon. Terry Stratton:** Honourable senators, Bill C-292 stands at day three in the Senate. I wanted to have a word with Senator Campbell before I spoke, but he is not here. I wanted to speak with him about the bill. That was my intent.

**Senator Tkachuk:** It is day three, which is pretty good.

**Senator Corbin:** Question!

Order stands.

**DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL**

## SECOND READING ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, for the second reading of Bill C-293, An Act respecting the provision of official development assistance abroad.—(*Honourable Senator Segal*)

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I wish to ask the government what its intention is in regard to Bill C-293.

This bill was reintroduced on October 16, 2007. It was given second reading on October 24, and Senator Dallaire spoke to it on October 24 and October 25. That has been much more than three days. When can we expect the government to speak to this item?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, Senator Segal is the critic on this bill. If the impression has been caused by previous discussions and comments by some in this chamber that we are delaying for the sake of delaying, that is simply not the case.

We have a limited number of senators on this side. I know that is not the fault of the other side; it is just a fact of life in this chamber. Our limited numbers, as good as they are, as solid and as enthusiastic as they are, are trying their best.

The Order Paper lists the numbers of Senate public bills and Commons public bills coming into the Senate. We have not had such large volumes of bills in the past. That does not include the government bills we try to handle. Honourable senators on this side need to scrutinize and establish positions on these bills.

Additionally, the limited numbers on this side have committee work with which we must deal. If the honourable senator is trying to create the impression that we are unduly delaying bills, I assert that is not the case. She need only look at the numbers on this side and she will see that is not the case. We are trying our best. This place is supposed to produce good work, and we will not be rushed into producing critics' positions that are not sustainable.

Earlier, Senator Murray made some points regarding Bill S-215, the lighthouse bill, saying that alarmist comments had been made by witnesses in committee. I find that extremely interesting given that the only witnesses who have appeared at committee on the lighthouse bill were officials of the government. Senator Murray was making extremely alarming allegations against public officials. This sort of issue is the reason we may wish to send this bill back to committee. By doing so, we will provide an opportunity for those public officials, who Senator Murray said had made alarming allegations, to explain their positions. Were they providing wrong information to us? It is quite an alarming comment that was made.

We may wish to start looking at these issues.

• (1600)

Senator Murray said that the numbers attributed to the Department of Fisheries and Oceans were wrong. That really concerns me, because honourable senators learned at the committee hearings into the lighthouse bill that there was an extremely heavy budgetary cost to this, along with implications for the Department of Fisheries and Oceans.

I am glad that Senator Murray brought these matters up because we may wish to clarify some of these things. This is why we cannot be rushed when we look at private senators' bills. These bills are not prepared with the aid of research and legal staff. These bills are done in the privacy of a senator's office, sometimes with the best of intentions.

That is why we need to be able to dig a little bit deeper than just simply standing up in this place to say that this bill is a great bill on the surface so let us get it through in a rush; let us have one, two, three readings in one day and send it off to the House of Commons. That is not the way we work.

[*Translation*]

**Hon. Fernand Robichaud:** Honourable senators, just so this is clear; is Senator Comeau's speech considered as the second speech, the one by the government, for which 45 minutes is allocated, with the next speech being limited to 15 minutes?

**The Hon. the Speaker *pro tempore*:** The motion is on Bill C-293.

[*English*]

Is it your pleasure, honourable senators, that this item remain adjourned in the name of Senator Segal?

**Hon. Senators:** Agreed.

Order stands.

**SCRUTINY OF REGULATIONS**

## FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re rule 104), presented in the Senate on November 15, 2007.—(*Honourable Senator Eyton*)

**Hon. J. Trevor Eyton** moved the adoption of the report.

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

Motion agreed to and report adopted.



## THE SENATE

### MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal:

That the Senate urge the Government of Canada to update the 1989 *Phosphorus Concentration Regulations* to prevent the growth of toxic algae in Canada's lakes, rivers and streams.—(*Honourable Senator Comeau*)

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

On motion of Senator Tardif, debate adjourned.

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Colin Kenny**, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Colin Kenny**, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON NATIONAL SECURITY POLICY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS PARLIAMENTS

**Hon. Colin Kenny**, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of the

Department of Public Safety and Emergency Preparedness to carry out its mandate;

- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee report to the Senate no later than March 31, 2009 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

Motion agreed to.

### COMMITTEE AUTHORIZED TO STUDY VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

**Hon. Colin Kenny**, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

- (a) the services and benefits provided to members of the Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada;
- (b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans achievements and sacrifices; and
- (c) the implementation of the recently enacted Veterans Charter;

That the committee report to the Senate from time to time, no later than March 31, 2009.

Motion agreed to.

## BANKING, TRADE AND COMMERCE

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. W. David Angus**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may

be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES  
DEALING WITH INTERPROVINCIAL BARRIERS  
TO TRADE AND REFER PAPERS AND  
EVIDENCE FROM PREVIOUS SESSION

**Hon. W. David Angus**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade in Canada, in particular:

- the economic and trade barriers that exist between provinces in Canada;
- the extent to which such interprovincial barriers are limiting the growth and profitability of the affected sectors of the economy as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and
- measures that could be taken by the federal and provincial governments to facilitate the reduction or the elimination of such interprovincial trade barriers in order to enhance trade, develop a national economy, and strengthen Canada's economic union; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

Motion agreed to.

COMMITTEE AUTHORIZED  
TO PERMIT ELECTRONIC COVERAGE

**Hon. W. David Angus**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[ Senator Angus ]

COMMITTEE AUTHORIZED TO STUDY PRESENT  
STATE OF DOMESTIC AND INTERNATIONAL  
FINANCIAL SYSTEM AND REFER PAPERS  
AND EVIDENCE FROM PREVIOUS SESSION

**Hon. W. David Angus**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Joan Fraser**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

[Translation]

COMMITTEE AUTHORIZED  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Joan Fraser**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[English]

COMMITTEE AUTHORIZED TO STUDY INCLUDING IN  
LEGISLATION NON-DEROGATION CLAUSES  
RELATING TO ABORIGINAL TREATY RIGHTS  
AND REFER PAPERS AND EVIDENCE  
FROM PREVIOUS SESSIONS

**Hon. Joan Fraser**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament, the First Session of the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee present its report to the Senate no later than December 20, 2007.

Motion agreed to.

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

COMMITTEE AUTHORIZED TO STUDY STATE  
OF EARLY LEARNING AND CHILD CARE AND REFER  
PAPERS AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Art Eggleton**, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated “. . . national and provincial policy for the early education and care of young children in Canada is still in its initial stages and coverage is low compared to other OECD countries;”

That the Committee study and report on the OECD challenge that “. . . significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn.”; and

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY IMPACT  
AND EFFECTS OF SOCIAL DETERMINANTS  
OF HEALTH AND REFER PAPERS AND  
EVIDENCE FROM PREVIOUS SESSION

**Hon. Art Eggleton**, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of 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, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY CURRENT  
SOCIAL ISSUES OF LARGE CITIES AND REFER PAPERS  
AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Art Eggleton**, for Senator Keon, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty
- (b) housing and homelessness
- (c) social infrastructure

- (d) social cohesion
- (e) immigrant settlement
- (f) crime
- (g) transportation
- (h) the role of the largest cities in Canada's economic development

That the study be national in scope, with a focus on the largest urban community in each of the provinces;

That the study report propose solutions, with an emphasis on collaborative strategies involving federal, provincial and municipal governments;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of 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, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Motion agreed to.

• (1610)

#### AGRICULTURE AND FORESTRY

##### COMMITTEE AUTHORIZED TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Leonard J. Gustafson**, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the present state and the future of agriculture and forestry in Canada;

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

That the Committee submit its final report to the Senate no later than December 31, 2008.

Motion agreed to.

##### COMMITTEE AUTHORIZED TO STUDY RURAL POVERTY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Leonard J. Gustafson**, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;
- (b) conduct an assessment of Canada's comparative standing in this area, relative to other OECD countries;
- (c) examine the key drivers of reduced opportunity for rural Canadians;
- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

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

That the Committee submit its final report to the Senate no later than June 30, 2008; and

That the Committee retain until September 30, 2008 all powers necessary to publicize its findings.

Motion agreed to.

##### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Leonard J. Gustafson**, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

##### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Leonard J. Gustafson**, for Senator Fairbairn, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

##### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Consiglio Di Nino**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

## COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Consiglio Di Nino**, pursuant to notice of November 15, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

[*Translation*]

## OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY  
OFFICIAL LANGUAGES ACT AND REFER PAPERS  
AND EVIDENCE FROM PREVIOUS SESSION

**Hon. Maria Chaput**, pursuant to notice given earlier today, moved:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time

to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the Committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages;

That papers and evidence received and taken during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report from time to time to the Senate but no later than December 31, 2008, and that the Committee retain all powers necessary to publicize its findings until March 31, 2009.

Motion agreed to.

The Senate adjourned until Wednesday, November 21, 2007, at 1:30 p.m.

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