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Thursday, December 6, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, December 6, 2007

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

EIGHTEENTH ANNIVERSARY OF TRAGEDY
AT L'ÉCOLE POLYTECHNIQUE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I rise today to speak in recognition of the National Day of Remembrance and Action on Violence Against Women. This day was established by the Parliament of Canada in 1991 and marks the sad anniversary of the murder of 14 young women at l'École Polytechnique in Montreal.

We all remember that late afternoon on December 6, 1989, when the entire country was flooded by the horror of the mass murder committed against women. Fourteen young women were killed and many more were injured. Do you remember what shocked us the most? They were all dead simply because they were women.

The day after the killings, feminists asked themselves whether they had gone too far. Today, 18 years later, the answer is a resounding no. The commemoration of this tragedy reminds us that the scourge of violence against women and children persists today.

Everywhere in the world, women are victims of violence every day. They are victims of sexual harassment, assault, trafficking, workplace harassment, honour killings, femicide, forced prostitution, female genital mutilation. The list is quite long.

[*English*]

In our country alone, according to Statistics Canada, nearly 1,600 women and children were admitted into shelters between April 1, 2005 and March 31, 2006 — most often to escape from violence.

In Ontario, government statistics confirmed that between 1975 and 2004, on average, 25 women a year were killed by their spouses.

[*Translation*]

As United Nations Secretary-General Ban Ki-Moon said on the International Day for the Elimination of Violence against Women on November 25:

Violence against women continues to persist as one of the most heinous, systematic and prevalent human rights abuses in the world. It is a threat to all women, and an obstacle to

all our efforts for development, peace and gender equality in all societies.

We cannot remember these events without taking action and finding ways to prevent tragedies like the one at l'École Polytechnique from ever happening again. In the days after the killings, Canadians called for stricter gun control. In 1995, the Liberal Party implemented a gun registry for all types of firearms.

[*English*]

The Supreme Court of Canada confirmed the validity of the Firearms Act in 2000, arguing that its primary purpose is to ensure public safety. According to the court, all firearms are dangerous since they are likely to kill and mutilate. Why is it that in 2007 the government is trying to kill the gun registry in tiny increments even though police associations have said it helps to save lives?

[*Translation*]

Honourable senators, in addition to commemorating the anniversary of the mass murder at l'École Polytechnique, this day should forever be devoted to the memory of women and girls who are victims of sexist violence.

• (1340)

In honour of their memory and so they will not be forgotten, I will read out the names of the young women of l'École Polytechnique. There was great hope for these young women, and the parents of Quebec mourn their loss. Geneviève Bergeron, 21, an engineering student; Hélène Colgan, 23; Nathalie Croteau, 23; Barbara Daigneault, 22; Anne-Marie Edward, 20; Maud Haviernick, 29; Barbara Marie Klueznik, 31; Maryse Laganière, 25; Maryse Leclair, 23; Anne-Marie Lemay, 27; Sonia Pelletier, 28; Michèle Richard, 21; Annie St. Arneault, 23; and Annie Turcotte, 21, an engineering student.

For all these women and for the families who lost a loved one, I would ask that we observe a minute of silence.

[*English*]

Hon. Janis G. Johnson: I concur with the comments and remarks of the Leader of the Opposition in the Senate. I would like to go on record to remind people about this kind of prevalent, global violence.

Eighteen years ago on December 6, Mr. Lépine shot and killed 14 women at the École Polytechnique. There was a similar rampage yesterday, in Omaha, Nebraska. This man was not claiming he was fighting feminism; he wanted publicity. Mr. Lépine was fighting feminism in his own disturbed mind.

December 6 has since been chosen as the National Day of Remembrance and Action on Violence Against Women. It is a day set aside to remember these 14 young women and to call Canadians to action to end violence against women in all its forms.

As my colleague said, women experience violence in their everyday lives, emotional and physical, and there are many forms of abuse. There is more of it out in the open now and more action being taken on many fronts, but it is still not enough. With our increasing population and immigration, the issue must be looked at in a different light to encompass different cultures in this country.

According to the Canadian Association of Elizabeth Fry Societies, 51 per cent of women have been victims of at least one physical or sexual act of violence since the age of 16 years. Eighty-three per cent of women with disabilities will be sexually abused in their lifetime, and 40 per cent to 80 per cent of girls with intellectual disabilities will be sexually abused before they are 18 years of age. I saw this firsthand in my work with the Special Olympics and the mentally handicapped over the past 30 years; it was a constant challenge.

Behind each number is a face and name that belongs to someone's mother, daughter or sister. She could be a survivor, living each day with emotional and physical scars and the idea of a woman's life cut too short.

We need to work together and call on all people, not just women, to bring the violence against women to an end. The honourable senator has read the names, so I will not do so again. I hope you will all work in your daily lives toward this goal.

QUEEN'S YORK RANGERS AND AURORA ARMOURY

Hon. Vivienne Poy: Honourable senators, on November 7, 2007, I had the privilege of attending a ceremony in Aurora, Ontario, in which the Ontario Heritage Trust and the Queen's York Rangers unveiled a plaque to commemorate the armoury's long and historic association with the Queen's York Rangers.

The armoury was built in 1874 as a drill shed for the 12th Battalion of Infantry, which is the predecessor of today's Queen's York Rangers. It is the oldest purpose-built armoury still used by the military in Ontario. It was built to train civilian soldiers recruited from local communities.

• (1345)

The Aurora drill shed, as it was called, was one of many similar structures built from the 1860s onwards. Civil defence training facilities for volunteer militia were seen as crucial in a period of border insecurity, particularly with the withdrawal of the British Army garrisons by 1871.

The Aurora Armoury allowed volunteer militia units to train during inclement weather and in the evening, when there was no natural light for outdoor drills. It was part of the early development of Canada's defence capabilities during the period around Confederation, with the young country's growing concern for its increasing vulnerability.

The Queen's York Rangers, also known as the 1st American Regiment, have a remarkable history. In 1885, they served in the Riel Rebellion. Some of its members also volunteered in the South African Boer War of 1899-1902. The Queen's York Rangers

contributed members to the Canadian Expeditionary Forces during the First and Second World Wars, both overseas as well as in Canada, as part of the home defence force. Today, Rangers volunteer in Afghanistan, and the regiment remains a vital element within the Royal Canadian Armoured Corps.

One hundred and thirty years after its creation, the Aurora Armoury remains a thriving facility, home to part of the Queen's York Rangers. It also serves the 2799 Royal Canadian Army Cadet Corps, which provides citizenship and leadership training for our youth within a military environment.

It was a great honour for me to attend the plaque presentation at the Aurora Armoury, which serves to remind us of an important period in Canadian history.

JOB PROTECTION FOR MILITARY RESERVISTS

Hon. Hugh Segal: Honourable senators, I rise today to do something quite uncharacteristic. I want to congratulate the Liberal McGuinty government of Ontario for introducing legislation that will provide job protection for Canada's military reservists. I am pleased that Ontario is following the lead of Manitoba, Saskatchewan, Nova Scotia and Prince Edward Island. I am also most gratified that the McGuinty government is legislating the private member's bill that came from Progressive Conservative M.P.P. Gerry Martiniuk of Cambridge in the last Parliament.

Ontario, Canada's most populous province, needs such legislation, as does the country as a whole. The Canadian government's commitment expressed in the recent Throne Speech regarding reservist job protection at the federal level, the work being done with the provinces by Minister Blackburn and the motion unanimously passed by this chamber more than one year ago all have contributed and will continue to contribute to the move forward on this most important matter.

Just this past weekend, the Brockville *Recorder & Times* reported that the Brockville Rifles in the County of Leeds is preparing for their biggest deployment of soldiers since the Second World War. By next September, up to 20 reservists from the unit, about 15 per cent of its total effective strength, will have their boots on the ground in Kandahar. Senior members of the unit will leave for Kandahar in the spring, and Lieutenant-Colonel Robert Parent, commanding officer of the Brockville Rifles, will assume one of the senior positions in Kandahar as chief of staff of the Joint Task Force headquarters.

The main group of soldiers from the Brockville Rifles heading to Afghanistan will be attached to the 3rd Battalion Royal Canadian Regiment based out of Petawawa. The Princess of Wales Own Regiment, our regiment in Kingston, currently has nine reservists also training in Petawawa who are slated to be part of this same mission.

Kingston's HMCS *Cataraqui*, on the shores of Lake Ontario, has two members currently deployed in Afghanistan and two more who are in training for deployment next spring. These soldiers will perform a wide range of duties, from gate guards and camp security at the Kandahar Air Field to escorts and convoys.

I pay tribute to these 33 men and women, their patriotism and strength of character, and I congratulate the Ontario government for bringing in legislation to offer job protection for reservists from Kingston-Frontenac-Leeds and from all of Ontario.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

PRINCE EDWARD ISLAND— PURPLE RIBBON CAMPAIGN

Hon. Catherine S. Callbeck: Honourable senators, I know I will never forget where I was and what I was doing on December 6, 1989, when I heard that 14 young women were murdered — were in fact singled out because they were women — at the École Polytechnique in Montreal. There is no doubt that those murders were a senseless tragedy that left us in deep mourning.

• (1350)

As a memorial to the lives that were lost, the Prince Edward Island Advisory Council on the Status of Women started a Purple Ribbon Campaign in 1992. The campaign serves not only to commemorate those 14 young women, but it also remembers all women who have died violently or who, even now, live with abuse. It is an opportunity to increase public awareness about violence against women.

The Prince Edward Island Purple Ribbon Campaign started 16 years ago as a small endeavour with only 500 ribbons. This year, hundreds of volunteers prepared 35,000 purple ribbons to be distributed all over the Island. Also, to commemorate this day, memorial services are being held across the province — in Charlottetown, Summerside, O’Leary and at the University of Prince Edward Island.

This year’s campaign explores the idea that violence against women is an equality issue. Violence controls these women’s lives, on Prince Edward Island, in the rest of the country, and around the world. This violence keeps them from participating in society and leading full and productive lives. The campaign calls for equality in relationships — balanced, non-violent and non-abusive partnerships.

Honourable senators, we must never forget those 14 young women in Montreal, nor the thousands of other women who have died violently. We must also do all we can to assist women who live with violence every day, and spread the message that violence against women everywhere must stop.

HALIFAX EXPLOSION

Hon. Donald H. Oliver: Honourable senators, I would like to add my comments to my colleague Senator Carstairs’s statement delivered in this chamber on Tuesday, December 4, about one of the biggest tragedies in Canadian history, the 1917 Halifax explosion. Honourable senators, today, December 6, marks the ninetieth anniversary of this event.

Since 1971, the people of Nova Scotia have been sending to Boston, Massachusetts, a giant Christmas tree in an act of thanks, gratitude and remembrance for the immediate help provided by

Bostonians on that cold winter day so many years ago. The Nova Scotia Christmas tree is Boston’s official Christmas tree for its yearly televised lighting in the Boston Common. This year’s tree lighting was on November 29.

The Nova Scotia Department of Natural Resources has a Christmas tree specialist who scouts the province throughout the year, trying to find the perfect tree. There are even Nova Scotians themselves who will call the department to point out potential trees that they found out in the bush while hunting or fishing, a tree they had heard about or a tree that was on their property that they would like to have sent to Boston.

According to the website for the Nova Scotia Department of Natural Resources, there are even specifications for the selecting of the tree. It must be 40 or 50 feet high, healthy with good colour, medium to heavy density, uniform and symmetrical, and easy to access.

I am happy to report that the 2007 Boston Christmas tree is a 45-foot white spruce from Granville Centre, a rural town in Annapolis County along the Bay of Fundy in the western end of the province. When it made the 700 kilometre trip to Boston, it was paraded into the Boston Common with its own police escort and, in Nova Scotian fashion, it had its own bagpiper.

As reported by Gordon Delaney of the *Halifax Chronicle-Herald* on November 15 of this year, for this year’s tree-cutting ceremony, “. . . several school buses trucked 300 elementary school students to watch the tree” as it was being cut down. “They waved Nova Scotia flags and cheered. There were also at least another 100 people who lined the road and snapped photos.” The school children also recited a poem in honour of the event.

At the event in Granville, the Honourable David Morse, Nova Scotia’s Natural Resources Minister, said: “With great pride, we present this tree to our friends in Boston, whose outpouring of kindness in 1917 will never be forgotten.” This truly is an important event for Nova Scotians.

Honourable senators, I would like to quote another article, from the *Boston Globe*, dealing specifically with this annual Nova Scotia tradition. It was written by Mr. Keith O’Brien and was published on November 26, 2006. He wrote:

The so-called Boston Tree — the towering spruce that Nova Scotia donates to Boston every Christmas for the city’s annual tree-lighting festival — is far more complicated than most of its wooden brethren. People have cried over it, argued about it, even penned song lyrics in its honour.

The article goes on to say “. . . what’s often taken for granted” in Boston “is feted, even treasured,” by Nova Scotians.

• (1355)

And so, more than 50 years later —

In 1971.

— Nova Scotia decided it would thank Boston every November by sending down one very large Christmas tree.

Honourable senators, for 36 years this is how Nova Scotians have been honouring the victims and survivors of the Halifax explosion. This is how we thank the city of Boston, which was the

first to provide medical supplies and doctors to Halifax. It was the closest city that could transport disaster relief by train for those who needed it on this horrific day some 90 years ago.

**NATIONAL DAY OF REMEMBRANCE AND
ACTION ON VIOLENCE AGAINST WOMEN**

**EIGHTEENTH ANNIVERSARY OF TRAGEDY
AT L'ÉCOLE POLYTECHNIQUE—SILENT TRIBUTE**

The Hon. the Speaker: Honourable senators, further to the statements made today by the Honourable Senators Hervieux-Payette, Johnson and Callbeck, I ask that we rise for a moment of silence out of respect for the victims of the tragedy at the École Polytechnique and all women who have been similarly critically victimized by violence.

Honourable senators then stood in silent tribute.

ROUTINE PROCEEDINGS

**INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION**

SECOND REPORT OF COMMITTEE PRESENTED

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

Thursday, December 6, 2007

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

SECOND REPORT

Your Committee recommends that the following funds be released for fiscal year 2007-08.

Aboriginal Peoples (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 5,700 |
| Transportation and Communications | \$ 1,000 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 7,700 |

Agriculture and Forestry (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 2,250 |
| Transportation and Communications | \$ 1,000 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 4,250 |

Banking, Trade and Commerce (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 34,000 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 8,000 |
| Total | \$ 42,000 |

Energy, the Environment and Natural Resources (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 8,000 |
| Transportation and Communications | \$ 500 |
| All Other Expenditures | \$ 1,500 |
| Total | \$ 10,000 |

Foreign Affairs and International Trade (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 6,000 |
| Transportation and Communications | \$ 750 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 7,750 |

Human Rights (Legislation)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 2,500 |
| Transportation and Communications | \$ 1,000 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 4,500 |

Internal Economy, Budgets and Administration

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 5,000 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 0 |
| Total | \$ 5,000 |

National Finance (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 44,000 |
| Transportation and Communications | \$ 12,980 |
| All Other Expenditures | \$ 1,000 |
| Total | \$ 57,980 |

(includes funds for participation at conferences)

Rules, Procedures and the Rights of Parliament

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 9 750 |
| Transportation and Communications | \$ 0 |
| All Other Expenditures | \$ 0 |
| Total | \$ 9,750 |

Scrutiny of Regulations (Joint Committee)

| | |
|-----------------------------------|-----------------|
| Professional and Other Services | \$ 1,200 |
| Transportation and Communications | \$ 1,650 |
| All Other Expenditures | \$ 2,640 |
| Total | \$ 5,490 |

Transport and Communications (Legislation)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 10,000 |
| Transportation and Communications | \$ 8,000 |
| All Other Expenditures | \$ 2,000 |
| Total | \$ 20,000 |

Respectfully submitted,

GEORGE J. FUREY
Chair

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

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

[Translation]

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—STUDY OF FEDERAL
GOVERNMENT RESPONSIBILITIES
TO FIRST NATIONS, INUIT AND METIS PEOPLES—
REPORT OF COMMITTEE PRESENTED

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

Thursday, December 6, 2007

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

SECOND REPORT

Your committee, which was authorized by the Senate on November 21, 2007 to examine and report on matters generally relating to the Aboriginal Peoples of Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada, for the purpose of such study.

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

Respectfully submitted,

GERRY ST. GERMAIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 247.)

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

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

[English]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—STUDY ON RURAL
POVERTY—REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on rural poverty in Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada, for the purpose of such study.

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

Respectfully submitted,

JOYCE FAIRBAIRN
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 254.)

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

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

• (1400)

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON PRESENT STATE AND FUTURE
OF AGRICULTURE AND FORESTRY—REPORT OF
COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on the present state and the future of agriculture and forestry in Canada, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of this study.

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

Respectfully submitted,

JOYCE FAIRBAIRN
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 262.)

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

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

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE—REPORT OF COMMITTEE PRESENTED

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place and travel within Canada for the purpose of this study.

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

Respectfully submitted,

W. DAVID ANGUS
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 267.)

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

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

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE PRESENTED

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTH REPORT

Your committee, which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report upon the present state of the domestic and international financial system, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to travel within and outside of Canada, for the purpose of this study.

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

Respectfully submitted,

W. DAVID ANGUS
Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 279.)

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

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

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO MANDATE—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, November 15, 2007, to examine and report on emerging issues related to its mandate, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

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

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix F, p. 287.)

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

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

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Thursday, November 22, 2007, to examine such issues as may arise from time to time relating to foreign relations generally, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

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

Respectfully submitted,

CONSIGLIO DI NINO
Chair

(For text of budget, see today's Journals of the Senate, Appendix G, p. 295.)

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

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

[English]

STATUTES REPEAL BILL

REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to table its

THIRD REPORT

Your committee, to which was referred Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, has, in obedience to the Order of Reference of Wednesday, November 28, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Tommy Banks: Honourable senators, I have the temerity to propose that this bill be read a third time now.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Banks: I move that third reading of this bill be considered at the next sitting of the Senate.

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

• (1405)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Deputy Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report on the national security policy for Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

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

Respectfully submitted,

DAVID TKACHUK
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix H, p. 301.)

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

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

BUDGET AND AUTHORIZATION
TO ENGAGE SERVICES AND TRAVEL—
STUDY ON VETERANS' SERVICES AND BENEFITS,
COMMEMORATIVE ACTIVITIES AND CHARTER—
REPORT OF COMMITTEE PRESENTED

Hon. Joseph A. Day, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on the services and benefits provided to veterans in recognition of their services to Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, to adjourn from place to place within Canada, and to travel inside and outside Canada, for the purpose of such study.

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

Respectfully submitted,

JOSEPH A. DAY
For Colin Kenny, chair of the committee

(For text of budget, see today's Journals of the Senate, Appendix I, p. 315.)

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

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

[Senator Tkachuk]

RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT

BUDGET—FOURTH 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:

Thursday, December 6, 2007

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

FOURTH REPORT

Your committee, which is authorized, pursuant to rule 86 (1)(f): i) on its own initiative to propose, from time to time, amendments to the rules for consideration by the Senate; ii) upon a reference from the Senate, to examine and, if required, report on any question of privilege; and iii) to consider the orders and customs of the Senate and privileges of Parliament, respectfully requests that it be empowered to adjourn from place to place within Canada and to travel inside Canada, for the purpose of such study.

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

Respectfully submitted,

WILBERT J. KEON
Chair

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

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

(For text of budget, see today's Journals of the Senate, Appendix J, p. 325.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—STUDY ON IMPACT
AND EFFECTS OF SOCIAL DETERMINANTS
OF HEALTH—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on November 20, 2007 to examine and report on population health, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada, for the purpose of such study.

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

Respectfully submitted,

WILBERT KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix K, p. 330.)

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

On motion of Senator Keon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1410)

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON CURRENT SOCIAL ISSUES OF
LARGE CITIES—REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 6, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTH REPORT

Your committee, which was authorized by the Senate on November 20, 2007, to examine and report on cities, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary.

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

Respectfully submitted,

WILBERT KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix L, p. 338.)

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

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

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION
TO ENGAGE SERVICES AND TRAVEL—
STUDY ON CONTAINERIZED FREIGHT TRAFFIC—
REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, December 6, 2007

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

SECOND REPORT

Your committee, which was authorized by the Senate on November 14, 2007, to examine and report on containerized freight traffic handled by Canada's ports, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada, for the purpose of its study.

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

Respectfully submitted,

LISE BACON
Chair

(For text of budget, see today's Journals of the Senate, Appendix M, p. 344.)

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

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

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY
SITTING AND AUTHORIZE COMMITTEES
TO MEET DURING SITTING

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

That, notwithstanding the Order adopted by the Senate on October 18, 2007, when the Senate sits on Wednesday, December 12, 2007, it continue its proceedings beyond

4 p.m. and follow the normal adjournment procedure according to Rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, December 12, 2007, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1415)

[English]

QUESTION PERIOD

PUBLIC SAFETY

PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on December 6, 1989, 14 young women were killed in Montreal at École Polytechnique. On this, the eighteenth anniversary of the tragedy, can the Leader of the Government in the Senate stand in this chamber and explain why her government wants to abolish the long-gun registry?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I, too, well remember what I was doing on that bitterly cold December day back in 1989. As the Prime Minister said this morning, the scale of this tragedy was shocking, but even more horrifying was the killer's motive because every one of the victims was a young woman.

With regard to Senator Tardif's question on the long-gun registry, I have said many times in this place that there is a lot of confusion concerning the gun control laws in this country. The strictest gun control laws in this country were, in fact, brought in by Conservative governments. In the mid-1990s, the government of the day, Mr. Chrétien's government, brought in legislation establishing the long-gun registry. I can paraphrase, but if the honourable senator checks the record, at the time that legislation was before the Senate, I asked the question as to whether the money that was to be spent on this long-gun registry would not be better spent on border security and homes for battered women. I do not remember my exact words.

It was a foretelling statement because had the money been spent on border security and homes for abused women, I believe we would have gone a long way to addressing some of the concerns today.

With respect to the government's policy, our government is committed to effective gun control that strengthens the licensing system. In Budget 2007, we allocated \$14 million to improve front-end screening for first-time firearm licensed applicants to prevent firearms from falling into the wrong hands. The Auditor General reported that \$1 billion was wasted on the long-gun registry. We have introduced legislation that will repeal the requirement for individuals and businesses to register non-restricted long guns and will require firearms retailers to

record all sales of non-restricted firearms, which was the case prior to the imposition of the long-gun registry. That was something we had put on the books ourselves.

Firearm owners, or those who wish to acquire firearms or ammunition, will still have to hold a valid firearms licence and comply with all safe storage requirements, and the registration of prohibited and restricted firearms, such as handguns, will continue to be in effect, as was the case when we brought in the legislation in the late 1980s and early 1990s.

[Translation]

Senator Tardif: Honourable senators, that is not what we are hearing from police forces across the country. Every day, nearly 5,000 requests are received by the Canadian Police Information Centre from police forces across Canada.

How can anyone justify eliminating such an important law enforcement tool, one that saves lives?

[English]

Senator LeBreton: I have answered this question previously. There are various interpretations of the validity of the information to which the police have access. It is part of a much bigger field of inquiries they make, firearms registry being one.

It is also well known that the serious problem with firearms use in this country is banned illegal firearms and handguns, most of which are smuggled into the country, and it makes me proud that I had the foresight many years ago to say we should be strengthening our borders.

• (1420)

The long-gun registry was a costly program that was not effective. We are committed to strict gun control and we always have been. The difficulty in the minds of some is the issue of the long gun. The lines between the long-gun registry and strict firearm controls are blurred.

STATUS OF WOMEN

RESTORATION OF PROGRAMS INVOLVING WOMEN'S ADVOCACY AND RESEARCH FOR EQUAL ACCESS TO JUSTICE

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. As the minister knows, today is a very sad day in our country. The events that occurred 18 years ago are etched in the memory of all Canadians, who will never forget those young women who dared to dream to become engineers and were savagely killed. In fact, today, 51 per cent of Canadian women over the age of 16 still experience an act of physical or sexual violence in their lifetime.

Since taking office, the Conservative government has closed 12 Status of Women Canada regional offices, a \$5 million cut to a modest budget of \$13 million; eliminated the Court Challenges Program and the Law Commission, a \$5.2 million cut; and refuses to fund women's advocacy groups. As a result of these aggressive measures, women's equality-seeking organizations are finding it more difficult to carry out their work.

[Senator Comeau]

Honourable senators, that work supports vulnerable women in our society. Instead of trying to silence women who speak out for equality, the federal government should be restoring funds for women's advocacy and research for equal access to justice.

May I call on the honourable leader to take leadership to help restore these programs? What will she be doing?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I will be supporting what the government has been doing, putting more money into Status of Women Canada to fund programs directly into the communities, where those funds are required; and not into offices, where advocates sit around and talk to each other.

As I have said before, our government believes in the full participation of women in Canadian society. We will continue to support women through programs that are managed effectively. Those are important words: "managed effectively."

Budget 2007 provided a new, refocused women's program at Status of Women Canada with an annual budget of \$15.3 million, the highest budget in its history. The women's program supports projects that have a direct impact on women in their communities, as I said a moment ago, in such areas as violence against women and girls. The second call for proposals for funding under the Women's Community Fund is currently under way. The first calls for proposals were issued in June. On October 11, Minister Verner announced 60 projects that would receive funding totalling \$8 million. If the honourable senator checks the record instead of believing the rhetoric, she will see that we are putting real money into the community, where we can address the issues that women face — not at the advocacy level, but in the community where women live and work.

FUNDING OF HOMES FOR BATTERED WOMEN

Hon. Mobina S.B. Jaffer: Honourable senators, when the honourable leader was speaking about the gun registry years ago, she said money should be put toward homes for battered women. Since her government has come to power, how many homes for battered women has the government funded?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I replied to that question in my earlier answer to Senator Jaffer. In response to the actions of the previous government that was spending all this money on the long-gun registry, we found out that \$1 billion was spent. I made that comment in the context of an action the government has taken.

I just mentioned to the honourable senator that Minister Verner has announced 60 projects that will receive funding totalling \$8 million. I will be very happy to provide Senator Jaffer with a description from Minister Verner in regard to the types of projects that were funded.

Also, in November, Minister Verner announced funding for a project in Quebec to help women aged 55 to 65 re-enter the workforce. She also announced funding for an outreach program in British Columbia to help senior women who are experiencing abuse. As the honourable senator knows, as the Secretary of State for Seniors, I recently attended an FTP meeting in Saskatchewan. One of the subjects that received the most attention, from not

only the federal government but also provincial and territorial governments, was the issue of elder abuse.

[*Translation*]

PUBLIC SAFETY

PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the gun registry, which she rebuffed somewhat cavalierly.

This registry, in its current state — and I insist — has the support of the Canadian Association of Chiefs of Police, the Canadian Professional Police Association, the premiers and attorneys general of Quebec and Ontario, the Centre for Suicide Prevention, the Canadian Paediatric Society, the Canadian Association of Emergency Physicians and more than 40 women's groups.

How can her government ignore the repeated appeals from these concerned parties? Does the government think they are all wrong?

• (1425)

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): We are not ignoring the continued cries from these people, as the honourable senator says. What we are trying to do, whether through Status of Women programs, measures to address issues of youth violence or the criminal justice measures we are bringing in on sentencing, which is part of Bill C-2 — I am eager to get that bill through this place — is to strengthen our support and our laws.

Senator Fox is quite wrong in saying that we are ignoring these concerns. We are trying to deal at the community level with these very serious problems. Anyone who would suggest that we are ignoring the cries of victims of various crimes is not paying attention to what the government is doing.

Senator Fox: I have a supplementary question. The minister is saying that I am wrong. Obviously, what she is saying is that all the associations I listed are wrong. It is a question of fact that they are all supporting the gun registry in its current form.

MARKING OF IMPORTED FIREARMS

Hon. Francis Fox: The minister responded to me in terms of the criminal justice package. I should like to ask her another question, then.

According to news reports, cabinet quietly passed an order two weeks ago delaying measures to have imported guns marked. In a letter co-signed by the President of the Canadian Police Association, the Canadian Association of Chiefs of Police and the Canadian Association of Police Boards to Mr. Day, they noted that the U.S. has had import-marking regulations since 1968 and that Canada is obligated to require importers to mark firearms from originating countries under the UN Firearms Protocol and the Organisation of American States Firearms Convention.

The police leaders told Mr. Day that import marking helps police trace guns involved in crime, even if their serial numbers are obliterated. The system can shorten firearms tracing times to hours versus months, the letter said.

How can the government pretend to advance a crime-reduction program while refusing to adhere to basic standards concerning the importation of arms into this country? Please do not tell me I am wrong.

Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I shall not tell the honourable senator he is wrong; I shall tell him that this government measure is exactly the same decision that was taken by the previous government on the very same issue. There has been a lot of consultation on this issue with many stakeholders, including several Liberal members of Parliament who wrote to Minister Day about this issue. The government decided to defer, as did the previous government, the firearms marking regulations to December 1, 2009.

That decision was taken to allow us to consult the law enforcement agencies and industries in order to look at all options for marking and to examine similar initiatives in other countries.

Currently, all legal firearms can be traced through serial numbers located on the firearms. This will not change.

As I have said before, our government is committed to the safety of all Canadians. We believe in strong and effective gun control. As I mentioned earlier, we are investing \$14 million over two years to improve front-end screening for firearms licence applicants.

Senator Fox: In light of the fact that the measures are endorsed by all of the organizations I have just mentioned — all involved in preventing and fighting crime — how does the government's position make Canadian streets safer for Canadians?

Senator LeBreton: The honourable senator claims that many people supported this. That is true, but there are many people who had opposing views including, as I mentioned, several Liberal members of Parliament who personally wrote to Minister Day.

• (1430)

All legal firearms have serial numbers. We are not delaying this measure for any great length of time; we are simply delaying it until December 1, 2009, in order to ensure that all groups who have a view on this subject are consulted, which was the case in the previous government as well. I suppose those same Liberal MPs made their views known to them. The government would not make a decision that would cause a situation in which our streets are less safe. That is why we are bringing in strong justice legislation. These pieces of legislation are meant to act as measures to make our communities and streets safer. We want to make all elements of society safer by addressing victims of crime, drugs, youth, gun crimes, provisional sentencing and other issues.

[Senator Fox]

JUSTICE

POSSIBLE CLEMENCY ORDER REGARDING ROBERT LATIMER

Hon. W. David Angus: Honourable senators, I have a question for the Leader of the Government in the Senate. Like thousands of other Canadians, I was deeply moved last evening watching the various television reports with respect to the latest travails of Mr. Robert Latimer. As I am sure honourable senators know, yesterday, the National Parole Board panel denied Mr. Latimer day parole from the William Head Institution near Victoria. Following his conviction for second-degree murder after killing his severely-disabled daughter, he has served seven years at that institution. This is a tragic case which has raised complex legal issues and has been the subject of national debate on euthanasia. Quite apart from these issues, there is a poignant human issue that I suggest cries out for immediate resolution on compassionate grounds.

In the case of Mr. Latimer, is the government prepared to consider a clemency order, as was recommended at the time of conviction by the jury and the trial judge?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I saw the same broadcast last night and the comments of various people in civil liberties organizations. I have not been part of any discussion around these issues, but I will be happy to take the honourable senator's question as notice.

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON REVIEW OF GOVERNMENT POLLING

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, for the past two days, I have had the pleasure of asking the Minister of Public Works and Government Services questions about the polls conducted by his government. Today, I would like to know whether a date has been set for tabling Mr. Paillé's report and when the minister plans to make the report public.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I met with Mr. Paillé on October 5. I said yesterday, and I will say again today, that when we are ready to table this report, the senators will be notified. We hope to table the report very soon, and we will do so in the taxpayers' best interests. The issue of public opinion polls required by the various departments is very important to the federal government.

Senator Hervieux-Payette: Honourable senators, we are dealing with two issues here. The first is the release of a report that can be studied by parliamentarians and the Canadian public. This report might help you set all the criteria for your policy. Clearly, the report itself can be read independently by a number of experts in the field.

The other one is the recommendations. Would the minister consider making the report public so that we can help him set the criteria?

Senator Fortier: That is a rather alarming proposal. The honourable senator is asking the government to rely on parliamentarians to develop solutions. She will understand that I am going to refuse her proposal. I assume that she made the offer in the spirit of sharing at Christmas.

When we table this report, we will have proposals directly related to Mr. Paillé's recommendations. This is how reports are treated when they are taken seriously. The honourable senator is well aware of this, as she has been here much longer than I have.

• (1435)

It is not a matter of shelving reports and then not doing anything with them. On the contrary, we have to treat them seriously, consider the proposed recommendations and provide Canadians with possible solutions.

Senator Hervieux-Payette: Perhaps the minister should attend standing Senate committee meetings more often. He would learn that the Senate's standing committees make very serious recommendations that, if taken into account, could help the minister and probably save the taxpayers money.

Since the report is on Liberal Party polls, members of the Senate committees might be able to provide some expertise that the minister is lacking for having been in the new government for such a short time.

The Senate has studied a number of other issues in the past and has always made recommendations in the interest of Canadians, rising above partisanship. I think the Senate has excellent committees; the Standing Senate Committee on Legal and Constitutional Affairs in particular could focus on the standards and other committees could examine the report.

I want to point out that we, on our side, are prepared to take concrete action to ensure that Canadians are better served in the future when it comes to polls.

Senator Fortier: Honourable senators, the suggestion by the Leader of the Opposition is interesting. However, if the Standing Senate Committee on Legal and Constitutional Affairs is so proactive, then why would it want to look at this today?

In 2003, the Auditor General looked at the problems with public opinion and polls. Where was this famous committee in 2005 when she raised the issue? What was it doing? It was doing nothing, as usual.

POLLING ON SUPPORT FOR FIREARMS REGISTRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, to come back to a more constructive dialogue, I want to remind my colleague that the biggest spending on polls occurred on his watch.

Since there is no moratorium for now, we could suggest that the minister commission a poll to find out whether Canadians still want a firearms registry. The minister could use the information to amend our bills.

Senator Fox: Good idea!

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, unlike other governments, we do not take polls in order to run the country.

Senator Dawson: They commission polls for nothing.

Senator Fortier: I know that Senator Hervieux-Payette can make the distinction, since she is the political lieutenant of the leader of the official opposition. I know she has judgment. What we are talking about here is very different. We are talking about publishing a report that asks for each and every person's opinion.

I will be pleased to answer questions when everyone has read the proposed suggestions. I think that would make more sense. If your famous committee wants to address the issue and provide other possible solutions, I am always ready to hear them.

[English]

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. James S. Cowan: My question is also for the Minister of Public Works and Government Services. On Tuesday, Senator Hervieux-Payette asked the minister about the out-of-control polling expenditures being incurred by this government, some \$31.7 million in 2006-07. In response, he said, "In order to impose parameters on polling, the government, effective today, will ask all its departments to refrain from using public funds for polls until further notice."

Senator Hervieux-Payette asked for clarification, and the minister replied that this directive, this policy initiative, "... will apply to the entire public service until parameters are established for polls commissioned and paid for by the public service."

Within hours, that very clear and very correct announcement was contradicted by the minister's own director of communications. I am sure the minister will understand why Canadians find it hard to believe that his definitive statement on Tuesday was a mere slip of the tongue.

My question to the minister is a simple one: Was this reversal of his very sound policy decision dictated by the Prime Minister's Office? Who runs the minister's department: the minister or the Prime Minister?

• (1440)

Hon. Michael Fortier (Minister of Public Works and Government Services): I explained the matter yesterday in French. That is probably why the honourable senator missed it.

Senator Cowan: That is a cheap shot.

Senator Fortier: This is an important matter. I answered that question yesterday. If the honourable senator had been listening yesterday, he would know that I apologized for having misled the Leader of the Opposition. I was clear yesterday. I invite him to read the transcript from yesterday, and he will find exactly what I said.

AGRICULTURE AND AGRI-FOOD

PROBLEMS FACING LIVESTOCK PRODUCERS

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Livestock producers in Canada are in a crisis situation. In my home province of Prince Edward Island, close to one in three hog operations have gone out of business in recent weeks. The beef industry in my province is facing the loss of a number of operators — operations that have been family farms for generations.

Given the crisis faced by the livestock producers across the country, why has the Conservative government not offered immediate assistance so that these producers will not be forced from their livelihood?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The situation facing beef and pork producers is not unique to Prince Edward Island, as she knows. As a result of some of the border issues and the appreciating Canadian dollar, difficulties have been caused in the livestock industry, as in other industries across the country.

Mr. Ritz, the Minister of Agriculture, has been meeting with beef and hog producers and discussing the scope and the seriousness of the problem. I will be happy to ask Minister Ritz to provide me with the results of his deliberations thus far.

Senator Callbeck: Certainly, I know that this situation is not unique to Prince Edward Island. In my question, I said that these problems are happening all across the country.

I hope that the minister will return with an answer the first of the week, because this is a crisis situation and livestock farmers cannot wait.

Those of us on the Standing Senate Committee on Agriculture and Forestry have heard from livestock producers who state they need immediate and substantial assistance right now in order to survive. They are not thinking about next year. They are worried about making it through the next couple of weeks and being able to put presents under the Christmas tree. That is how critical this situation is.

Will the leader impress upon her cabinet colleagues that funding is needed now, that producers will not survive and that they will be out of business if this government does not act immediately?

Senator LeBreton: I will do my best, honourable senators.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on November 21, 2007, by Senator Callbeck regarding Passport Canada and demand for a passport office in Prince Edward Island.

FOREIGN AFFAIRS

PRINCE EDWARD ISLAND—PASSPORT OFFICE

(Response to question raised by Hon. Catherine S. Callbeck on November 21, 2007)

The Government recognizes that Canadians need access to passport services wherever they reside.

Passport Canada is continuously looking at ways to improve client services while prudently managing its funds in order to ensure an accessible, reliable, flexible and efficient service at a reasonable cost. As Passport Canada is funded through revenues received from its fees, the opening and expansion of Passport Canada offices is based on the financial sustainability of such initiatives. This reasoning applies to all regions across Canada, including PEI.

Historically, passport offices have been located in large urban centres to maximize the accessibility rate in Canada. Today, with the assistance of the Receiving Agent program:

- Over 75 per cent of passport applicants reside within 10 kilometres of a passport point of service.
- Over 88 per cent of passport applicants reside within 25 kilometres of a passport point of service.
- Over 95 per cent of passport applicants reside within 50 kilometres of a passport point of service.
- Over 98 per cent of passport applicants reside within 100 kilometres of a passport point of service.

A key element of Passport Canada's service strategy is to offer efficient and economic alternatives such as receiving agents, where it is not financially sustainable to open new offices. The Receiving Agent Program, developed in partnership with Canada Post and Service Canada, helps broaden access for Canadians to passport services in urban, rural and northern areas.

Receiving agents assist citizens with their standard passport application by reviewing it on-site for completeness and forwarding it on their behalf to Passport Canada for processing. They also accept payment and provide a file number for the application.

This year, Passport Canada, in collaboration with Service Canada, has opened over 60 new service points across the country. Between passport offices and receiving agents, there are now more than 190 service points across Canada, compared to just 30 in 2003.

Service Canada receiving agents are available in O'Leary, Montague and Souris. Canada Post receiving agents are also available in Charlottetown and Summerside.

Under normal circumstances, passport applications sent through receiving agents are processed in four weeks or 20 business days.

For security reasons, all passport applicants requesting urgent services are required to make a personal appearance at a full service Passport Canada office to allow for an immediate and thorough verification of identity.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I wish to introduce two pages who are with us from the House of Commons.

Elizabeth Dubois of Dartmouth, Nova Scotia, is enrolled in the faculty of arts in the University of Ottawa, where she is majoring in political science and history.

Anthony Maher is majoring in communications at the faculty of arts at the University of Ottawa. Anthony is from St. John's, Newfoundland and Labrador.

• (1445)

ORDERS OF THE DAY

THE ESTIMATES, 2007-08

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A)—REPORT ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Finance (*Supplementary Estimates (A) 2007-2008*), presented in the Senate on November 28, 2007.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators will have received the Supplementary Estimates (A) 2007-08 report of the Standing Senate Committee on National Finance, the report that I am asking consideration of today. With honourable senators' permission, I wish to point out some of the report's highlights, which may help in coming to a conclusion with respect to the report.

[Translation]

Each year, the federal government tables Part I and Part II of the estimates for the coming fiscal year, which starts April 1 and ends March 31.

Part I is the Government Expenditure Plan and Part II is the Main Estimates, which sets out the federal government's planned expenditures. Amendments to these documents during the fiscal year can be found in the supplementary estimates. There are normally two supplementary estimates: Supplementary Estimates (A), usually tabled in November, and Supplementary Estimates (B), tabled in February or March. Supplementary estimates are usually tabled in Parliament a few weeks before the appropriation bill, to give parliamentary committees and our Standing Senate Committee on National Finance the time to examine them before voting on the appropriation bill.

[English]

Honourable senators will have received Supplementary Estimates (A), the large blue book of supplementary estimates. Supplementary Estimates (A) was referred by the government to our Standing Senate Committee on National Finance for study, which study we have begun. I wish to point out, honourable senators, that once referred, the committee continues to study this Supplementary Estimates (A) and the Main Estimates, which are filed here in the Senate and referred to our committee in March of each year for the coming fiscal year. Our committee has the continuing mandate to study each of those particular documents, which will continue.

The supplementary estimates serve a number of purposes. There are Main Estimates for the year, and then in October or November we receive Supplementary Estimates (A). First, the estimates seek authority, that is, approval from Parliament, for revised spending levels to be approved in the appropriation bill, receipt of which is anticipated within the next week or so.

Second, the supplementary estimates provide Parliament with information. The second purpose is for information purposes on changes in the estimated expenditures that would be made under statutory authority. The information is here, but the spending has already been approved by this chamber in other statutes.

Finally, the Supplementary Estimates (A) help the Senate in seeking parliamentary approval for items such as the transfer of money between votes. If there were earlier approval for money in a particular category, and if all of that categorized money was not used but a department would like to use that saving in another manner, then the Senate must approve that. A department cannot go ahead and use the global amount wherever it wishes. The use is determined in different categories, referred to as "votes." Therefore, you will see certain movement between votes in the supplementary estimates.

• (1450)

Honourable senators, in the estimate documents planned spending is broken down into budgetary and non-budgetary expenditures and is displayed for both voted and statutory expenditures. Non-budgetary expenditures include items such as student loans, which the government expects to be paid in due course. It changes the financial position of the government, but is not a permanent change, hopefully, when the student loans are paid back.

Having studied these estimates in the form of a pre-study, when the appropriation bill is introduced in this chamber in the next week or so, it is our practice to allow the supply bill to proceed directly from first reading to second reading. After second reading we have debate and it will proceed directly to third reading rather than being referred, as is our tradition, to a committee for study because in effect we have already studied the bill. We have already studied the subject matter of the bill through the estimates.

Our committee makes sure that the schedules in the document that we have studied and the supplementary estimates are the same as the schedule that is attached to the supply bill. If it is, then we are not surprised and we would recommend that it proceed through once our report has been accepted.

The 2007-08 supplementary estimates were tabled in October, and honourable senators have received copies. The Standing Senate Committee on National Finance, which I have the honour to chair, has studied the particular document. Mr. David Moloney and Mr. Brian Pagan of the Treasury Board Secretariat appeared before the committee and we asked for several undertakings, as you will have seen from the report itself.

The committee deputy chair is Senator Stratton, and I would like to thank him and the other members of the committee for the diligent work they have performed in relation to this very important part of our parliamentary function, to hold the government to account with respect to expenditures. We perform that duty by looking at what the government proposes to spend, we ask difficult questions, we look for clear answers so that we understand where that money will be spent, and then make sure that the money is spent in the authorized manner.

As a result of ongoing improvements in the presentation of documents, and due to the urging of your committee, these particular estimates are more transparent and readable, and they are the changes that have been proposed. Mr. Moloney of the Treasury Board Secretariat informed the committee that the Supplementary Estimates (A) are seeking approval for these changes to create two central votes. They are votes housed under Treasury Board but apply throughout government departments, all 133 of those government departments, and there is a horizontal schedule of where Treasury Board is sending some of that money out of that vote. That avoids the necessity of each of those 133 departments having to put a page in the estimates saying that they want to move money from here to there, et cetera.

The two central votes, honourable senators, are for a government-wide operating budget carry forward. The second vote is for government-wide pay list requirements. Let me point out, first, that this does not create additional spending. Rather, it brings together spending or changes into one central vote and then explains in a schedule where that money goes in those various departments. It is intended in this way to reduce the paper burden, save some trees and at the same time create better transparency.

Treasury Board explained, first, with respect to the operating budget carry forward. Honourable senators will know that in the past, we have approved departments being able from their operating budget, usually in vote one, to move 5 per cent from the current year to the next year. That avoids the department looking at the year coming to an end and rushing out and spending money unnecessarily just to use up their budget. They can move it forward so it makes for much more efficient management of funds within the departments.

That 5 per cent carry forward, if any department earns that by managing their yearly budget well, can be carried forward and the department will be able to access that 5 per cent through the central vote of Treasury Board.

The second central vote is a pay list requirement, and that has another implication that is important for us to point out. It deals with the Treasury Board vote five government contingencies. This is Treasury Board having a pot of money to dip into to help departments on contingency matters. Sometimes departments need money on an emergency basis and the department explains the expense to Parliament after it is caught up. We are always very concerned about the use of that vote five by Treasury Board.

[Senator Day]

One of the purposes for which vote five was used was with respect to statutory items like maternity leave, sick leave or permanent disability. The department would ask Treasury Board to give it the money under vote five. That is not an emergency or a contingency; it is predictable. We have asked that it be taken out and dealt with in another manner and if you approve the Supplementary Estimates (A), and I am urging honourable senators to do so, it will be dealt with in another manner. We feel it is a way of tightening up and making more restrictive the use of the vote five contingency funds.

Honourable senators, we are making good headway with respect to those items that we have referred to and for a good number of years from your Standing Senate Committee on National Finance.

Let me talk about some of the planned spending with respect to supplementary estimates. Honourable senators will see that Supplementary Estimates (A) outline an increase of \$13.6 billion. That is a bit higher than you would normally see in a supplementary estimate; approximately \$8 billion is voted. In effect, you are being asked to approve not only changes in presentation but approve increased expenditures of \$8 billion. The government was quick to point out that this is still within the planned spending that was announced for this fiscal year of \$233 billion. With this \$8 billion you are voting and \$211 billion voted for in the Main Estimates, it is up \$225 billion with the \$8 billion added and the statutory expenditure.

It is interesting to compare the government's forecasted expenditures this year of \$233 billion planned expenditures to previous fiscal years. In the last fiscal year the total expenditure was \$222 billion, so there is an \$11 billion increase. In the year before that the actual expenditure was \$209 billion. In three years we have gone from \$209 billion to \$222 billion to \$233 billion, and counting.

[Translation]

Mr. Moloney reminded senators that the Main Estimates 2007-08 were tabled on February 27, 2007, three weeks before Budget 2007 was tabled on March 19, 2007. Consequently, the Supplementary Estimates ask Parliament for authorization to incur expenses for several strategic initiatives and key priorities announced in Budget 2007 and the related cabinet decisions. As he explained, the federal government is asking Parliament, by means of the supplementary estimates, for authorization to allocate \$8.1 billion for expenses that were not adequately specified or that were unknown when the Main Estimates were tabled in February.

• (1500)

[English]

The Hon. the Speaker pro tempore: I must advise the Honourable Senator Day that his time has expired. Is the honourable senator asking for more time?

Senator Day: Honourable senators, could I have a bit more time to explain what I would like you to vote on?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: It appears to be the pleasure of the chamber to extend more time.

Senator Day: Thank you, honourable senators.

Honourable senators, the last time I talked about supply I spoke about multi-year appropriations and certain departments that are authorized to have multi-year authorizations. When you vote, typically you vote for one year on how much they can spend, but three agencies — Canada Revenue Agency, Parks Canada Agency and Canada Border Services — are authorized to have an amount authorized for expenditure in more than one year. We will keep an eye on that so that you will be informed when asked to vote on that.

With respect to fiscal equalization, there is a payment of \$1.2 billion in this particular supply bill. This is not reflective of the latest agreement between the federal government and Nova Scotia. This is, rather, reflective of the earlier proposal that the provinces could opt in or out of the new government fiscal equalization arrangement. At that time, once they opted in, they were not able to opt out. Nova Scotia was not happy with that. As they told us, they would like to be able to opt in when it is attractive to them, but to opt out when it is more attractive to use the offshore accord. The \$1.25 billion is the additional amount to cover Nova Scotia and Newfoundland and Labrador if they happen to opt into the new fiscal arrangements.

Honourable senators, I finish with an area that is important to bring to your attention, and that is with respect to human resources, as it appears here, skills development or social development. This item is reflected in the supplementary estimates. It is important to understand this. You would have seen that a summer student employment program expended quite a bit more money than was anticipated. The government was able to have that program, which initially they were not intending to have, but then they had to fund it.

We have learned through the presentation before our committee that a significant amount of money, \$82 million, was saved from another program. Honourable senators will find that in the estimates at page 179. It says that \$45 million in total authorized money — money we have already authorized — is available within vote one to reduce operating requirements as a result of advance payments previously made under the Indian residential schools settlement agreement. We all recognize the extreme importance of settling claims with respect to the Indian residential schools settlement, and an agreement was entered into in that regard.

However, \$45 million for reduced operating requirements has been found. If you look at the government website, as of November 2, it says that since implementation, there has been an overwhelmingly positive response by the students to the payments, much higher than originally anticipated. Within the first six weeks, the government received 70,000 applications. This large volume has caused some delays in processing. There is also a provision that, after all the applications are processed, the balance left in this amount we have already approved of some \$109 million will go to certain education foundations for First Nations and Inuit.

We are now taking money out of this particular program that we have already approved. Honourable senators may say that

\$82 million out of \$1.9 billion dollars is not very much, but I have been assured by the government that they are not taking money out of the residential school settlement program that will prevent the balance from going where they were obligated to let it go.

If that money is taken out, as we are being asked here with \$82 million, that will not be there to go to the educational foundations for natives. I have been assured that is not the case. I am told that \$82 million was paid by Residential School Resolution Canada under Privy Council before they created this trust, as they call it. They want to take that \$82 million out of that trust.

I asked myself, and we will continue to ask this question in our committee, if all of our committee is in agreement, why were we asked to approve if they knew that \$82 million was not necessary and they had already paid that out? Why were we asked to approve it in the first place?

Second, if they are overwhelmed with the applications and are apologizing on their website for meeting the demand of these people who have been waiting for decades to be compensated for an injustice that was perpetrated on them, why are we taking funds out of the operating budget of this group to handle these applications and why are we saying that \$45 million is not necessary? Those are important points, honourable senators, that we must resolve.

Honourable senators, those are the issues that we deal with when we are working on your behalf in our Senate committee. Thank you for reviewing the report that we have placed before you. There are many other issues I would have pointed out, but I can do that at another time. I leave you with this: There are no supplementary estimates for the Senate, but there are supplementary estimate requests for the House of Commons of \$7.5 million.

Honourable senators, I urge you to support the report of our committee.

Hon. Lowell Murray: Honourable senators, I wish to take advantage of the latitude that is traditionally offered by a report of this kind, to say a few words about polling, which has been much in the news and apparently much on the minds of honourable senators these last few days.

I suggest that before too long the Standing Senate Committee on National Finance should take a couple of hours one day to look into the subject of public opinion research by the federal government, its departments and agencies. Perhaps the time to do that would be the occasion that would be offered by the tabling of the Paillé report by the Minister of Public Works and Government Services.

I intervene now on this subject because there seems to persist in the media and, as a matter of fact, in Parliament, in both Houses and on both sides of both Houses, a good deal of misunderstanding about public opinion research as it is carried on and sponsored by government.

My understanding is that there are at least three controls or disciplines that apply to public opinion research by the government.

• (1510)

First, prior to the beginning of every fiscal year, the departments and agencies of government are required to make a proposal as to the amount of money each of them intends to spend on public opinion research projects and to justify that proposed expenditure by presentation of a public opinion research plan that they put forward to the relevant officials, central agencies or inter-ministerial committee.

Second, in the case of each public opinion research project, each poll, the sponsoring department or agency has to justify the necessity of that particular poll and present the proposed questionnaire and the sample for evaluation of their statistical and scientific validity before proceeding.

Third, and perhaps more an external control, and that I would dwell on for a minute or two, government for the last few years has been required to publish the results of every poll that any department or government sponsors. The results are made public — and, I believe, they are supposed to be made public immediately. Indeed, perhaps by legislation or an internal regulation, departments are actively discouraged from obtaining verbal rather than written briefings with regard to these polls. The polls are published.

Those three disciplines, if you like, and especially the third one on the publication of every poll after it is taken, are almost a fail-safe method against the abuse of polling for partisan purposes.

I heard what Senator Cowan said a little while ago during Question Period. I saw in one of the metropolitan dailies, as recently as today, an accusation, if you like, that, for example, polling on Canada's role in Afghanistan crosses the line into partisanship. How is that possible, unless the questions that are being asked relate to a minister's performance or a party's view, perhaps?

If polling is being done on Canada's role in Afghanistan, and if the results are being made public immediately after the poll is collected, surely that information, which is useful, is available to the public and to all political parties, not only to one party.

The Auditor General has looked at this recently, although I cannot remember whether it was under the present government or under the Martin government. Ms. Fraser came to the conclusion, as I recall, that, while there had been the occasional misuse or abuse, in recent times the process had been sufficiently cleaned up such that there was no great cause for concern on her part.

The fail-safe is the publication of the polls after they are done. If we think a line has been crossed into partisan considerations, then the opposition and others in Parliament can certainly say so. More than that, the Auditor General will almost certainly say so.

I have not seen any of these polls or any of the questionnaires, but I did see the descriptions of them in various media reports a couple of days ago. As well, I heard what the Leader of the Opposition in the Senate has said. I do not think that, on the face of it, the particular subjects on which the government was polling had crossed the line into partisanship. I would reserve judgment until I see the questionnaires as published.

Honourable senators, we must keep these matters in some perspective. I must also say that the amount of money attached to it, I believe \$31 million, is possibly a record high. It is approximately \$2 million more than the previous government spent in its last full year in office on this activity. The subject matters have not changed that much over the years from one government to another. I confess that I have had some direct experience in this matter some many years ago.

We should not be scandalized that governments use public opinion research as one of the tools to stay in touch with the evolution of public opinion in the country. Government must, and all political parties should, use whatever modern tools are available to evaluate their policies, to test public opinion and to stay in touch with the people.

Last Tuesday morning at the National Finance Committee, we were discussing a problem that Senator Downe had raised, and Senator Callbeck more recently — that is, the problem of thousands of Canadians who are eligible to receive the Guaranteed Income Supplement, GIS, or the Canada Pension Plan, CPP, but who do not know they are eligible.

One of the discussions was on how to get in touch with those people. We heard testimony by officials from the Department of Finance and Human Resources and Social Development Canada, HRSDC, and by the chief actuary. Members of the committee and government witnesses agreed that we had to do a better job of contacting these people, that we had to do something more and something different than send them a letter through Canada Post.

Yes, more is being done. One of the government witnesses told us about a pilot project and the methods being used to inform the homeless people in this area about their eligibility for some of these programs. As I say, sending letters by Canada Post will not suffice. I suppose there is no point in trying to poll them — although I must say parenthetically I have been bemused by reports of polls of the people of Afghanistan, and I wonder how in the name of God the pollsters manage to draw a valid sample to do a poll there, given the conditions in that country.

I am not suggesting, in the case of those who are eligible to receive the Canada Pension Plan but do not know they are eligible, that we should poll them. My point is that governments have to use all the modern tools at their disposal to evaluate their programs, to keep in touch with their citizens and to test public opinion.

Honourable senators, I shall not make a motion at this time — nor would it be in order anyway. However, the chair and the steering committee of the National Finance Committee should give serious consideration to spending a few hours one day to try to clarify as best we can the misunderstandings about the process and the substance of public opinion research as it is sponsored by the federal government, its departments and agencies.

Motion agreed to and report adopted.

[Senator Murray]

• (1520)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

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. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, there are a number of issues in regard to Bill S-215 that I wish to address. The comments which follow are mine. They were not prepared by the minister's office and/or his department, as is usually the case when I prepare my comments.

First, for the record, most members in this chamber are aware that I have had a long-standing interest in the protection of coastal fishing communities, our way of life and the protection of fisheries resources. In fact, in my 22 years on Parliament Hill, my first request for committee assignment has always been Fisheries. Over the past 22 years, I have tracked the evolution of fisheries issues, and the one constant is that there are never sufficient monetary resources to adequately address fisheries and oceans requirements, whether they be research, stock assessment, small-craft harbours, surveillance, search and rescue, Coast Guard, improving our lighthouses, or other matters.

We witnessed the devastation caused by the northern cod collapse, and we still do not have answers. We need more research on West Coast salmon stocks and the impact of climate change on Arctic waters.

A second issue I should like to put on the record is my support for heritage buildings, including lighthouses. I can think of no honourable senator who does not endorse the protection of heritage buildings, whether they be lighthouses, grain elevators, train stations, heritage government buildings, bridges, post offices, armouries, et cetera.

In Canada, being against protecting heritage buildings is like being against hockey, icewine or maple syrup. Legitimate questions, however, have been asked. A number of questions have been raised which have yet to be addressed by this chamber of sober second thought. Does this bill meet the expectations of Canadians in protecting heritage structures? Are we proceeding in the right way? In other words, is this bill the best we can do to protect heritage structures in Canada? Legitimate questions have also been raised that this bill requires diverting funds from the operational budgets of Fisheries and Oceans to fund the designation of heritage lighthouses. Should the fishing industry, therefore, not be consulted in this matter?

The diversion of funds is a legitimate issue that should be examined but does not diminish in any way the worthy object of protecting heritage buildings.

As an aside, one of the key roles of parliamentarians in our parliamentary system is to scrutinize legislation, as so well exemplified earlier by Senator Day in the terrific work that his committee is doing on scrutinizing government spending.

The preparation of legislation, however, is generally proposed by the executive. As one would say, the government proposes and Parliament disposes. However, being a minister of the Crown has no bearing on whether or not a parliamentarian can introduce legislation. That being said, when it comes to the financial initiatives of the Crown, for example, spending money, these bills should come from the executive. That, in essence, is the meaning of sections 53 and 54 of the Constitution Act, 1867.

Private members' bills, therefore, have to be drafted in such a manner that they bypass this constitutional limitation. Private members' bills can only redistribute funds from other programs within a department. In this case, DFO would have to divert operational funds from such areas as small-craft harbours, enforcement, rescue or some other area in order to fund the heritage buildings. For this and other reasons, private members' bills are a crude and inefficient means to design public policy initiatives and to spend public money.

To illustrate this point, honourable senators will note that the bill obliges the Minister of the Environment, through the Parks Canada Agency, to administer the designation process, but Parks Canada does not have the funds for implementation costs. Therefore, after designation, implementation would then be funded from existing Fisheries and Oceans budgets. Such a byzantine process would certainly not be undertaken if the designation and funding were undertaken as a government initiative.

The issue is further complicated in that Fisheries and Oceans does not have heritage buildings expertise and experience. Heritage is not a core DFO mandate, but DFO would have to go into the business of Heritage under this bill. DFO would then duplicate activities currently performed by Parks Canada and/or the Department of Heritage.

Not only would DFO need to develop this heritage operational expertise, but it would also need to build up expertise and experience to prepare submissions for ongoing budgetary and Treasury Board requirements after the designation takes effect. We are going into some pretty strange areas. This would result in further diversions from core DFO funding.

DFO entering into the business of heritage buildings would send a conflicting message at a time when the government, as exemplified by Public Works, is exiting the ownership of buildings as a responsibility in order for government to concentrate on its core responsibility of governing.

Incidentally, this policy was a priority of the previous government when then public works minister Scott Brison implemented the policy. This is not something that we on this side have designed. This has been in place for a number of years.

Rather than setting up a comprehensive and cohesive federal government policy on heritage buildings, this bill could be a template for the future of other heritage buildings and structures, leading to ad hoc, bureaucratic and unfocused policies on the designation of heritage buildings and structures, and the maintenance of such structures.

If DFO is legislated to fund heritage lighthouses, will the next private member's bill legislate the Department of Agriculture to fund abandoned heritage grain elevators and will the Department of National Defence be mandated to fund armouries? The list could go on.

Similar to DFO, would these departments, and possibly others, not be required to set up heritage divisions to respond to their new responsibilities? In fact, this concern was raised in the Fisheries Committee in the last session, but the implications of the issue were ignored by the members of the Fisheries Committee at that time.

Parks Canada Agency officials testified as follows:

This is the second Private Member's bill that has been developed to address a single type of building (the Heritage Railway Stations Protection Act being the first.) If it is successful, additional bills could come forward to protect other types, such as post offices, armouries and grain elevators to name only a few. The Auditor General made an observation in the November 2003 report on the protection of cultural heritage in the federal government that, "the list of heritage sites and federal heritage buildings contains many similar sites or buildings" and one of the examples cited was lighthouses.

The Auditor General went on to say:

... the time has come to adopt a more strategic and global approach to the protection of cultural heritage. The federal government needs to define more clearly the results that it seeks related to heritage protection, the means available, and the resources it can earmark.

The Auditor General was very much in favour of a cohesive and comprehensive program rather than the ad hoc program by which we seem to be getting into designating various departments to protect heritage structures. The Auditor General has recognized the problem and has suggested ways of dealing with it.

Another implication is the impact and cost of this bill. It is my impression that little attention was paid in this chamber to the issue of the funding of the designation of heritage lighthouses.

DFO officials appeared before the Fisheries Committee in the last session and made some important observations. Their comments do not amount to a ringing endorsement of this particular bill.

I will review a few points they made. They said that the department supports, in principle, the intentions of the bill but does not have the financial resources to cover the implementation costs. Supporting the intentions of a bill is a far cry from supporting a bill in principle.

The officials further said:

The existing reference levels of DFO cannot absorb current or downstream costs related to the passage of this bill.

• (1530)

A further quote is as follows:

If the bill is passed without the necessary funding, the resources to support heritage could only be funded by diverting core program funds, which would be inappropriate in the context of our mandate and could compromise our ability to deliver program services.

I have heard sufficient bureaucratise over the years to understand that to mean that the livelihood of fishermen could be put at risk if limited resources are diverted from operations to heritage.

Officials further noted that — and I quote:

... this bill could significantly add to our budgetary pressures.

Further on, they say the following:

As custodian with new responsibilities under the bill, DFO could no longer defer structural repairs required to ensure that many of these heritage light stations remain standing. In fact, DFO will require access to some funds immediately, as repair work cannot be delayed further if many of these heritage lighthouses are to be protected, as proposed in the bill.

Here is another quote:

For the bill as written, it is estimated that DFO would require \$364 million of a total estimated \$384 over five years for recapitalization costs and \$28.5 million of a total of \$30 million annually thereafter for maintenance costs in order to respect the statutory obligations for those lighthouses under our custodial control.

Those quotes are from DFO officials.

Later, we had officials from Parks Canada. Allow me to quote some of their comments.

The first quotation concerns the fact that Bill S-220 does not — and I quote:

... include any control over costs.

Here is a further quotation:

Because it is entirely open-ended in this respect, it is impossible to accurately predict what the costs of implementation would be.

To predict its costs we need to know approximately how many designation proposals might come forward.

Here is another quotation:

... petitioners are not provided with any guidance in the bill to gauge the importance of a lighthouse to Canada's history.

Further on, Parks Canada officials state that there are several ambiguities in the bill that add to the difficulty of estimating its implementation cost. They noted the following:

While perhaps unintended, it appears that the bill could apply not only to federal lighthouses, but also to privately-owned lighthouses as well.

Further on, they note the following:

If the obligation for an extremely high standard of care applied to any of these lighthouses, there would be no reason for a community group to assume ownership.

Why assume ownership if the federal government will take it over?

Furthermore, any third party may be reluctant to consider assuming ownership of a lighthouse given the possibility that it could be designated, and the costly maintenance obligation would then apply.

Senator Murray assures us that the officials were being alarmist when they presented estimates of the cost. Allow me to quote exactly the words that Senator Murray said:

It is clear to me that some witnesses have made very alarmist, unjustified, unnecessary statements.

Senator Murray implies that the departmental officials have possibly — perhaps inadvertently — misled members of the committee.

Senator St. Germain: Shame!

Senator Comeau: If we cannot depend on our own officials in government to provide us with statements that are not alarmist, unjustified and unnecessary, that is serious.

Senator Murray: I would add “exaggerated.”

Senator Comeau: He is adding exaggerated.

Who are we to believe then? Is it just a simple matter of interpretation that Senator Murray is suggesting to us that the officials are alarmist, that their statements are unjustified and unnecessary — and now exaggerating — and that we cannot depend on our own officials to give us proper advice? We are in deep doo-doo.

Senator Tkachuk: How did they translate that?

Senator Comeau: In proper Latin, it would be “el kaka de toro.”

At a minimum, who are we to get between Senator Murray’s long experience on the Hill and the officials trying to do what is supposedly an objective job? Caution would suggest that the issue of cost should be at least further pursued. Even Senator Murray would suggest that it would be worth our while.

To repeat the numbers, so we all know the numbers that were provided at committee and so that nobody gets it wrong, DFO requires \$364 million of a total of \$384 million over five years for recapitalization cost, and \$28.5 million for a total of \$30 million annually thereafter for maintenance cost, in order to respect the statutory obligations for these lighthouses.

As a minimum, caution would suggest that we at least provide the officials with the opportunity to explain how they arrived at these figures. We must be able to depend on a professional civil service and the dedication of our public service to be able to provide us with guidance. We owe it to them not to be too hasty to dismiss the comments they make at committee.

Regarding the minister responsible for Bill S-215 and its amendments, on November 20, 2007, in response to a question in this chamber, I indicated that there had been a change of ministers since the bill was last before the Senate. I stated I was waiting for the views of the minister, Minister Baird, the new minister on the bill. I was admonished very brutally by Senator Carney for suggesting that there had been a change of Minister of the Environment since the bill had last been before the Senate. In fairness to the honourable senator, I quote Senator Carney:

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 Carney raised the issue again the very next day in this chamber on a point of order as follows:

There was some debate from the Deputy Leader of the Government about whether the minister responsible was Environment Minister Ambrose or Baird. I want to say that, for the record, the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

In fact, Ms. Rona Ambrose ceased to be Minister of the Environment on January 3, 2007, and Bill S-220 was passed at the Standing Senate Committee on Fisheries and Oceans on December 7, 2006. Therefore, Minister Baird was not the Minister of the Environment when the previous bill was last before the Standing Senate Committee on Fisheries and Oceans in the last session.

Regarding letters of support for the bill in principle, I should like to quote Senator Carney in Hansard November 1, 2007, where she said:

It should be noted that this bill is supported by the departments of Environment, Heritage and Fisheries. I have letters of support from the ministers.

I expressed my support at the time that the Department of Canadian Heritage would write a letter of support, and Senator Carney subsequently confirmed that the Heritage Minister did not, in fact, send a letter of support. I did table, however, the two letters from the other two ministers. I tabled them last week. I quote from the letter dated September 19, 2007, from the Minister of Fisheries and Oceans so that we will have the proper comments on the record. The minister said:

I continue to support the objectives of the bill.

I think we all do that.

• (1540)

Further on, the minister notes:

In closing, I wish to express my support for the principles of Bill S-220.

Honourable senators, I do not think anyone in this chamber has ever doubted the principles of protecting lighthouses. Support for the principles and the objectives of this bill is not necessarily support for this particular bill in principle, but it does signify that the minister supports the principles of protecting heritage lighthouses. In the letter from the Minister of the Environment, there is no reference whatsoever to his support or lack thereof for this particular bill.

Arguments have been made on many occasions that this lighthouse bill has been before the Senate a number of times in the past and should therefore be passed with great haste. Some have suggested jumping directly to committee stage in the other place. In fact, I believe Senator Murray said that there were similar or identical bills to those bills that had been here in the past.

For the record, our rules, as they currently stand, do not support this argument. A private member's bill introduced in a new session is a new bill that must go through the process again. There may, in fact, be reasons why these rules are there. I understand that they are currently being placed before this chamber as a subject of discussion. We might find out more in the coming weeks and months as to whether we should, in fact, change the rules to be able to introduce private members' bills further on, but that is a subject for another discussion. The current rules are that we reintroduce bills at the introductory stage.

In the previous session, Senator Carney met with officials from the office of Minister Ambrose regarding amendments to her bill. Ms. Ambrose was Minister of Environment at that time and her staff indicated that Minister Ambrose could support the bill if certain amendments were passed. These amendments were proposed at the committee that met to consider the bill the last time around, but they were mostly rejected or substantially altered at committee. In fact, the amendments that passed at committee bear no resemblance whatsoever to the agreement made between Senator Carney and the minister's staff. If you doubt that, I invite honourable senators to read the transcripts of the meeting to get the flavour of the meeting and the way the amendments were proposed, passed and rejected.

At this point, I draw the attention of honourable senators to the particular concerns I have with this bill. Communities where lighthouses are situated have a particular interest in seeking heritage designation to ensure the continuing public use and care of these icons in Canadian maritime history. This should be highlighted in the bill, given their important role as stewards of heritage places; that is, Canada's coastal communities. Communities are not mentioned in the bill.

The term "related built structure," in my opinion, could require the designation and maintenance of structures that, while related to lighthouse operation, make no contribution to its heritage character. The vagueness of this description could lead to a much higher expenditure than envisioned by the sponsors of this bill. It is of critical importance that this bill be clear about preserving buildings rather than incidental structures.

Supposedly, one of the bill's primary objectives is to facilitate the divestiture of lighthouses that are surplus to operational requirements from Fisheries and Oceans Canada to community groups and other organizations for their continuing public use and care. I believe this provision needs much greater clarity.

The bill, as currently drafted, will not facilitate the divestiture of lighthouses that are surplus to operational requirements. In fact, it will impede the process. In my view, a department could be obligated to maintain designated lighthouses, including those that are surplus to operational requirements. While the bill does not require continuing federal ownership, it does not create any incentive for local groups to acquire lighthouses that would be already guaranteed protection in federal hands.

This bill requires a public meeting to be held when a heritage lighthouse is being sold, unless the sale is to a municipality. In most cases, sales are made to not-for-profit groups, such as local historical societies, that are acting in the interests of their communities so that lighthouses can continue to serve a public purpose. I believe it is redundant to require a public meeting when an agreement has been reached to sell a designated lighthouse or transfer its ownership to a third party for a public purpose.

One of the most important situations that should require a public meeting is a proposal to demolish a heritage lighthouse, as this would result in irrevocable loss. However, a provision for consulting the public in such instances is not set out in the bill. The bill indicates that a meeting is required for any alteration to a heritage lighthouse, except for emergencies and operational reasons, provided its heritage character is not affected. Since no alteration that would impair heritage character would be permitted, the requirement for a public meeting is unnecessary.

I am sure all honourable senators are aware that most bills include the request for authority to make consequential amendments to other legislation. Nowhere could I find that in this bill. That could be a drafting error; I am not sure. That could be an unintentional oversight. It is important to ensure that such a simple but necessary feature is addressed.

On the last point, honourable senators, I wish to stress once again that it takes time to look properly into the simplest of bills. This is what we pride ourselves on in this place. If we had passed this bill, or any other bill, through all stages without inspection, we would not have demonstrated due diligence.

I remind honourable senators that I only received the minister's comments on this bill last Monday. We are proceeding with great haste to move this bill through as quickly as possible.

Where do we go from here?

Senator Fraser: Fast?

Senator Comeau: The honourable senator has probably not even read the bill, for crying out loud, so she should not make those kinds of cooing comments. I am referring to whoever said that. She has probably not read the bill, so, by all means, do so, and then make those cooing sounds.

Senator Fraser: Sure I have.

Senator LeBreton: She writes editorials, though.

[Senator Comeau]

Senator Comeau: Where do we go from here? I am being —

Senator LeBreton: No, do not apologize. Keep going. We do not have to put up with that nonsense all the time.

Senator Comeau: Senator Carney informed me in a recent letter that Senator Rompkey had agreed that the committee study could be skipped. This raises a number of issues and concerns. Senator Rompkey was not chair at that time, when he agreed to the process on behalf of the members of a future committee which had not yet been constituted by this chamber. If I recall, the Selection Committee had not made its report at that time.

Our rules currently call for the bill to go through a legislative process and the Senate has traditionally respected this process.

What I take away from the letter that I received from Senator Carney is that the Standing Senate Committee on Fisheries and Oceans has nothing further to say regarding this bill, and is therefore not able to answer the questions that I have raised this afternoon regarding the bill. There are some important questions, including those whereby some simple drafting aspects must be fixed.

Given that the fishing industry as well was not consulted the last time around, I suggest strongly that the fishing industry's views be heard on the issues of the divergence of DFO's budget from its operational requirements to heritage structures.

• (1550)

Finally, the issue of cost should be seriously considered as well. I respect the honourable senator's views, and I do respect Senator Murray's deep knowledge of government and the way government works — he has been around for a long time and I have never known him not to be as forthcoming and as knowledgeable as any one of us. However, I also respect the views of government officials.

I am not prepared to accept the honourable senator's conclusions that the government officials misled us and that we should therefore ignore their testimony regarding the cost implications regarding this bill. In fact, the allegations that parliamentarians might have been misled merits giving the officials an opportunity to come forward and explain themselves.

These questions and concerns are obviously within the scope of a different committee than the one that dealt with this bill in the last session. It would be a committee familiar with the complex questions of budgets, Treasury Board submissions — which this bill will now require other departments to do — and the public service. The Standing Senate Committee on National Finance meets on a regular basis and has a deep knowledge of the officials who deal with the public service.

We are all aware that a private bill has a vastly greater likelihood of success in the other place if it enjoys the support of government. Given the potential of securing the minister's support for this bill, it is very important that there is a thorough investigation concerning the questions of cost, the relationships between the various arms of the government and the effects on any potential amendments. In my view, this was not done during the last session.

I have great confidence that our colleagues on the Standing Senate Committee on National Finance would do an excellent job and pursue this matter speedily and with great haste, as proposed by many in the chamber.

I submit that all honourable senators who want to see this bill finally succeed and become law ought to join me in asking this chamber to give this bill second reading and refer it to the Standing Senate Committee on National Finance.

Hon. Lowell Murray: I have already spoken on this bill and do not think I have a right to speak again. I suppose I could pretend to be a stand-in for Senator Carney and close the debate, but I will not do that. However, as a matter of personal privilege, if you like, the honourable senator who has just resumed his seat has two or three times taken the liberty of paraphrasing what I said in debate by attributing to me the sentiment or the words that the officials had misled the committee. I have said, and I repeat, that their testimony, notably on the financial side — which my honourable friend has repeated today, thereby compounding the felony — was alarmist, unjustified and exaggerated. I did not say, and would not say, that they deliberately misled Parliament or the committee.

Senator Comeau: Just briefly, I never, in all of my comments in this speech, indicated that the senator indicated the witnesses had deliberately misled the committee.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Carney, seconded by the Honourable Senator Nolin, that Bill S-215 be read a second time.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read a third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-213, An Act to amend the Criminal Code (lottery schemes).—(*Honourable Senator Tkachuk*)

Hon. Bert Brown: Honourable senators, I am pleased to rise today and speak to Bill S-213, introduced by Senator Lapointe. Bill S-213, as you are aware, amends the Criminal Code related to

gaming offences by restricting the locations at which the provinces allow the installation of video lottery terminals, or VLTs, and slot machines to casinos, racetracks and betting theatres.

Although I am a new senator in this place, I am aware this bill has been before the chamber several times, and most honourable senators have heard the details more than once. I understand that this is behind the motivation to send this bill to the House of Commons in a quick manner.

I am, however, new to this place and new to the study of this bill, and as a duly elected representative of the Province of Alberta, I will be paying close attention to any such bill that has the potential of interfering in areas of provincial jurisdiction.

It is important to note right from the start that I am sympathetic to the intent of the bill. I know many stories of the tragedies facing the families of people who have become addicted to VLTs. They present a danger to our communities due to their highly addictive properties. I am sure we are all aware of the stories about the victims of these machines.

While I am sympathetic to the aims of this bill, I must stress that I cannot support a bill that intrudes into provincial jurisdiction. Even though we have the best of intentions, it would be unwise to force this legislation on other levels of government. Thanks to two federal-provincial agreements signed in 1979 and 1985, control over gaming falls largely in the hands of the provinces.

Section 1.1 of the agreement of 1985 states:

The Government of Canada undertakes to refrain from re-entering the field of gaming and betting and to ensure that the rates of the provinces in that field are not reduced or restricted.

Honourable senators, this language is clear and unambiguous. There is no way to amend the bill and there is no way of getting around the fact that the federal government will be doing what it agreed not to do.

While the evidence is clear that VLTs do contribute to compulsive gambling, the jurisdictional concerns remain. Consequently, I cannot support the bill. I hope we will exercise proper restraint and respect the role of provincial governments in dealing with the issue of VLTs.

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

[Senator Brown]

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

• (1600)

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Dallaire*)

Hon. Yoime Goldstein: Honourable senators, we have had the privilege of hearing Senator Segal and Senator Dallaire address the issues associated with Bill S-202 with their usual eloquence and deep knowledge of the issues.

It is indeed important that job protection be available for all members of the Armed Forces when they come back, whether they are reservists or regular members of the Canadian Forces. Honourable senators, at the moment we have soldiers serving their country in far away places such as Afghanistan, Sierra Leone, Lebanon — with the United Nations Interim Force — and a variety of other places.

During this festive season, we will be spending time with our families. Members of the forces will be spending time alone, without their families, in situations of danger, physical discomfort and sadness in a time when there should be happiness and families gathered around each other.

I suggest that as honourable senators are in the process of signing Christmas and New Year's cards with best wishes for the year to come, that we go to the Armed Forces website at www.forces.gc.ca. One will find the names and addresses of all the people serving abroad on that site. Pick any six names, send them a card to tell them we are thinking of them, that we appreciate them and that we admire their courage, loyalty and devotion to their country. I wish to reserve the rest of my time for the future. Therefore, I move the adjournment of the debate.

On motion of Senator Goldstein, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings).—(*Honourable Senator Andreychuk*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, unfortunately Senator Andreychuk has been unavoidably detained. I know that she is very interested in this bill and she wants to speak on it at great length and others may have the same inclination. With that in mind, I ask that we continue the adjournment in Senator Andreychuk's name.

Order stands.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Campbell, for the second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).
—(Honourable Senator Cowan)

Hon. Vivienne Poy: Honourable senators, today I wish to speak briefly in support of Bill C-280.

I support Bill C-280 primarily because Parliament determined that a Refugee Appeal Division should be established at the time when the Immigration and Refugee Protection Act was passed in 2001, and I believe it is regrettable that a number of ministers in both the Liberal and Conservative governments have chosen not to carry out the will of Parliament.

I have been in communication with many constituents over the past six months, and have spoken to representatives from the Canadian Council for Refugees. I assured them that I would publicly express my support for this bill.

As Senator Goldstein has detailed, the 2001 legislation was intended to streamline the refugee and immigration process by reducing from two to one the number of panel members who preside over a case, thereby, theoretically, doubling the number of refugee cases being heard. The appeal division was put in place as a safeguard measure to ensure the integrity of the system, but it was never implemented. It was presumed that applying for judicial review to the Federal Court would suffice. However, this not only puts an unfair burden on the court, but it also does not substitute for an appeals division. As Senator Goldstein emphasized, the vast majority — 90 per cent — of applicants are refused leave to apply to Federal Court for a review since the grounds are “essentially limited to alleged errors of law,” leaving no appeal on the merits available to refused refugee claimants.

Filing at the Federal Court is also very expensive when compared to the review process of the proposed Refugee Appeal Division. According to representatives for the Canadian Council for Refugees, the implementation of the RAD would “greatly reduce the caseload of the Federal Court and, in particular, eliminate frivolous Federal Court applications.” They expect the Refugee Appeal Division, ultimately, to be both cheaper and faster, thereby helping to curb backlogs in the system.

Honourable senators, mistakes are made in refugee cases. Human beings are fallible and systems are imperfect. As Peter Showler, former chairperson of the Immigration and Refugee Board, wrote in his brief prepared for the Standing Committee on Citizenship and Immigration in the other place, more mistakes are made with single-member decisions. His detailed reasons are based on his experience as chairperson of the IRB, and can be read in his presentation dated March 29, 2007.

While I am willing to accept that there are false claims, there are many more refugees who flee genuine persecution in their homelands. They deserve the full protection as designated in our existing legislation.

To quote the Inter-American Commission on Human Rights Report, on the situation facing asylum seekers in Canada:

Where the facts of an individual's situation are in dispute, the effective procedural framework should provide for their review. Given that even the best decision makers may err in passing judgment, and given the potential risk to life that may result from such an error, an appeal on the merits of a negative determination constitutes a necessary element of international protection.

Refusing to provide an appeal process as promised in legislation undermines our international reputation. Canada is committed to upholding international law with respect to refugees, and our failure to provide an appropriate appeal process is a failure to meet our obligation.

Ironically, the present government claims that it is not implementing the RAD because it would slow down the system and it wants to clear up backlogs. Unfortunately, under the current government, the backlog is growing. According to the Canadian Council for Refugees, the government is not filling enough vacancies on the Immigration and Refugee Board and is not renewing the memberships of candidates, many of whom are highly qualified.

• (1610)

In addition, the government has rejected the recommendations of a non-partisan group whose members, drawn from the legal, academic and NGO communities, had put forward a number of names to fill vacancies. To quote the response of Ms. Janet Dench, Executive Director of the Canadian Council for Refugees:

The appointments process at the IRB has been really problematic because of the political nature of the appointments. In the last few years, there has been some movement away from that . . . Now, it seems the government is wanting to claw back political control over the process.

The lack of renewals of the appointments of experienced members, and the failure to appoint those recommended by the non-partisan panel, prompted the resignation of the board's chair, Jean-Guy Fleury, in early 2007, with the claim that the IRB lost “300 years of experience in one year.” The number of vacancies has grown from five under the previous Liberal government to over 40 vacancies currently. Mr. Fleury felt he could no longer carry out his job since the board was so seriously understaffed and under-resourced. The rest of the advisory board also resigned.

In the meantime, refugee claimants are facing longer and longer wait times for their hearings, under great anxiety as they put their lives on hold.

Honourable senators, refugee claimants are in Canada because they fear for their personal safety. Claimants have a right to a speedy hearing and a chance to appeal the decision; they are being denied both under the current system. Bill C-280 will at least allow refugees to take advantage of the provisions in our present legislation.

In addition to the Canadian Council for Refugees, Amnesty International, the Canadian Bar Association and the Parliamentary Standing Committee on Citizenship and Immigration in 2004 have all called for the implementation of the Refugee Appeal Division.

The UNHCR has written that, “Canada, Italy and Portugal are the only industrialized countries which do not allow rejected asylum seekers the possibility to have first-instance decisions reviewed on points of fact as well as points of law.”

This legislation should be viewed as a non-partisan issue because we are talking about human beings, not just numbers. I urge honourable senators to respect the will of Parliament, because many lives are dependent on it.

On motion of Senator Tkachuk, debate adjourned.

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament (mandate of the committee and quorum), presented in the Senate on December 4, 2007.—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I move the adoption of the report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE ADOPTED

On the Order:

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Social Affairs, Science and Technology (budget - study on impact and effects of social determinants of health — power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Wilbert J. Keon: Honourable senators, I move the adoption of the report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[*Translation*]

THE SENATE

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE AUTHORIZED TO STUDY POLICIES IN ORDER TO REDUCE GREENHOUSE GAS EMISSIONS

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on changes to Senate policies necessary to incorporate into both the 64-point travel system for individual Senators and into committee travel budgets the costs of purchasing carbon offsets that meet the goal of reducing greenhouse gas emissions and also meet internationally recognized standards and certification processes;

That the Committee also evaluate, as a further means to reduce greenhouse gas emissions, the possibility of expanding the use of teleconferencing and other technological systems to reduce the need for witness travel to Ottawa; and

That the Committee present its final report to the Senate no later than December 12, 2007.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this motion has been on the *Order Paper and Notice Paper* for some time now, and since I am not aware of any other senators wishing to speak on this matter, I would like to move that we address it now.

I would like to draw to your attention the fact that the deadline for presenting the report is December 12, 2007, which will not give the Standing Committee on Internal Economy, Budgets and Administration enough time to take care of it.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I therefore propose an amendment to the motion to give the committee more time. I have talked to the opposition about amending the motion:

by replacing the words “December 12, 2007” with “December 11, 2008”.

Hon. Eymard G. Corbin: Honourable senators, I would like to ask the Honourable Senator Comeau a question. When he said he had consulted the opposition, is he specifically including Senators Sibbeston and Adams? I ask because this is their motion.

Senator Comeau: The Honourable Senator Corbin may suggest that if he wishes. That said, I am willing to withdraw my motion, because I did not consult the two senators in question.

The Hon. the Speaker: Honourable senators, if Senator Comeau wishes to withdraw this motion, he must obtain the unanimous consent of the chamber.

Senator Corbin: Honourable senators, I was merely asking for information. I was not objecting. I just wanted to know whom the senator had spoken to on our side.

Senator Comeau: I had a discussion with the Deputy Leader of the Opposition in the Senate. We were of the opinion that putting everything off to that later date would give the Committee on Internal Economy enough time, even though the committee will not likely need all that time.

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

Hon. Senators: Agreed.

Motion, as amended, agreed to.

• (1620)

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 11, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, December 11, 2007, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Thursday, December 6, 2007

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

**GOVERNMENT BILLS
(SENATE)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|-------------------------------------|----------|-------|-----------------|------|-------|
| S-2 | An Act to amend the Canada-United States Tax Convention Act, 1984 | 07/10/18 | 07/11/13 | Banking, Trade and Commerce | 07/11/15 | 0 | 07/11/21 | | |
| S-3 | An Act to amend the Criminal Code (investigative hearing and recognizance with conditions) | 07/10/23 | 07/11/14 | Special Committee on Anti-terrorism | | | | | |

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|--|-----------------|-----------------|----------------------------------|--------|-------|-----------------|------|-------|
| C-2 | An Act to amend the Criminal Code and to make consequential amendments to other Acts | 07/11/29 | | | | | | | |
| C-10 | An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act | 07/10/30 | 07/12/04 | Banking, Trade and Commerce | | | | | |
| C-11 | An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act | 07/10/30 | 07/11/29 | Legal and Constitutional Affairs | | | | | |
| C-12 | An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005 | 07/10/30 | 07/11/15 | Banking, Trade and Commerce | | | | | |
| C-13 | An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) | 07/10/30 | 07/11/21 | Legal and Constitutional Affairs | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|------|---|-----------------|-----------------|---|--------|-------|-----------------|------|-------|
| C-15 | An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act | 07/11/21 | 07/11/29 | Energy, the Environment and Natural Resources | | | | | |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
| C-280 | An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171) | 07/10/17 | | | | | | | |
| C-287 | An Act respecting a National Peacekeepers' Day | 07/11/22 | | | | | | | |
| C-292 | An Act to implement the Kelowna Accord | 07/10/17 | | | | | | | |
| C-293 | An Act respecting the provision of official development assistance abroad | 07/10/17 | | | | | | | |
| C-298 | An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999 | 07/12/04 | | | | | | | |
| C-299 | An Act to amend the Criminal Code (identification information obtained by fraud or false pretence) | 07/10/17 | | | | | | | |
| C-307 | An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate | 07/11/29 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal) | 07/10/17 | 07/11/28 | National Finance | | | | | |
| S-202 | An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal) | 07/10/17 | | | | | | | |
| S-203 | An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden) | 07/10/17 | 07/11/13 | Legal and Constitutional Affairs | 07/11/22 | 0 | 07/11/27 | | |
| S-204 | An Act respecting a National Philanthropy Day (Sen. Grafstein) | 07/10/17 | | | | | | | |
| S-205 | An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein) | 07/10/17 | | | | | | | |
| S-206 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein) | 07/10/17 | | | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|--|-----------------|-----------------|--|----------|-------|-----------------|------|-------|
| S-207 | An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks) | 07/10/17 | 07/11/28 | Legal and Constitutional Affairs | 07/12/06 | 0 | | | |
| S-208 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 07/10/17 | | Subject matter 07/11/13 Energy, the Environment and Natural Resources | | | | | |
| S-209 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 07/10/17 | | | | | | | |
| S-210 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein) | 07/10/17 | | | | | | | |
| S-211 | An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein) | 07/10/17 | | | | | | | |
| S-212 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.) | 07/10/18 | | | | | | | |
| S-213 | An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe) | 07/10/23 | 07/12/06 | Legal and Constitutional Affairs | | | | | |
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