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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, April 10, 2008

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I wish to draw your attention to the presence in the gallery of officers of the Canadian Forces who have joined us today and are guests of our colleague, the Honourable Senator Lucie Pépin.

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

Hon. Senators: Hear, hear!

[Translation]

SENATORS' STATEMENTS

CANADIAN ARMED FORCES PERSONNEL

WELCOME TO THE SENATE

Hon. Lucie Pépin: Honourable senators, I would like to welcome the officers from the Canadian Forces School of Aerospace and Control Operations in Cornwall, who are in the Senate gallery today. They have come to meet with senators and members of Parliament.

This is their first visit to the Senate. They want to learn about how Parliament works, since after graduation, some of them will be army officers responsible for communications with the government. Welcome to the Senate and enjoy your visit to Parliament.

[English]

Hon. Art Eggleton: Honourable senators, I, too, welcome them. As a former chancellor of the Royal Military College and former defence minister, I am delighted to see them.

THE LATE GEORGE GROSS, O. ONT.

Hon. Art Eggleton: Honourable senators, I rise today to note a passing. On March 21, sports journalism lost one of its most legendary and loved members. I would like to take a moment today to pay tribute to George Gross, known to his friends — of which I count myself as one — and colleagues as "The Baron."

George Gross was born in 1923 in Bratislava. He came to Canada in 1950 after having escaped across the Danube River from Czechoslovakia, where he had been jailed under the post-Second World War communist regime for his political views.

His career as a sports writer began with the *Toronto Telegram* in 1959, where he remained until the paper's demise. As one of the founding editors of the *Toronto Sun* in 1971, Gross became the corporate sports editor of Sun Media in 1985 and remained an actively contributing columnist until he passed away at the age of 85.

Widely recognized and celebrated by the sports community, it was often said that if George Gross did not know a celebrated sports figure — not just the athletes but the media and management as well — then that person was not deserving of celebrity status. Dave Fuller, the *Toronto Sun's* sports editor, described George's "little black book" as containing contact information for all the key players in the sporting world. It included everyone from Anna Kournikova, the entire roster of the Toronto Maple Leafs team to the head of the International Olympic Committee.

In 1967, Gross was one of only a handful of journalists covering the Toronto Maple Leafs and was one of two who, upon the team's victory, received a commemorative Stanley Cup ring — a prized possession.

The list of honours received by Gross serves to highlight the contributions he has made to the world of both sports and journalism. He has been inducted into no less than five halls of fame. In 1985, it was the Canadian Hockey Hall of Fame. In the year of its inception, the Slovak Hockey Hall of Fame welcomed George Gross as one of its members. In that same year, 2002, he was inducted into the Etobicoke Sports Hall of Fame. Gross entered the Canada's Sports Hall of Fame in 2005, and then in April 2006 he was inducted as a builder into the Canadian Soccer Hall of Fame.

George Gross is also the recipient of a National Newspaper Award, a Sports Media Canada Achievement Award and the Order of Ontario. He was the first North American journalist to receive the Olympic Order.

His career included the coverage of numerous soccer tournaments, world hockey championships, tennis championships and the Olympics. Gross also gave his time to many worthy causes, including the children's charity Variety Village and the Special Olympics.

During my days as the Mayor of Toronto, I remember well his efforts and support for the establishment of the new Hockey Hall of Fame and for our city's application to host the Olympic Games.

It is no surprise that Gross's colleagues have honoured his memory with an outpouring of editorials eulogizing the great life of The Baron. Lou Clancy, Editor-in-Chief of the *Toronto Sun*, described Gross as one of "the last of the deans of sports writing." He will certainly leave a void in the sports world and will be remembered by many as a truly legendary man.

• (1340)

CRUELTY TO ANIMALS

BILL S-203 TO AMEND CRIMINAL CODE— RECOGNITION OF SUPPORT

Hon. John G. Bryden: Honourable senators, last evening Bill S-203 passed third reading in the House of Commons by a vote of 189 yeas to 71 nays.

Hon. Senators: Hear, hear!

Senator Bryden: Since it has already passed this chamber, it awaits only Royal Assent to become law. I want to thank all honourable senators for their support and patience as the bill worked its way through the maze that is private members' business.

In particular, I want to thank our law clerks, Mr. Audcent and Mr. Patrice, for their advice and precise drafting; Ms. Lank and her crew for providing a step-by-step on how to get back before the House of Commons Standing Committee on Justice and Human Rights and the Standing Senate Committee on Legal and Constitutional Affairs, and the honourable senators for fast-tracking the bill's second passage through the Senate.

As well, I want to thank those senators who did not support Bill S-203 for not impeding its progress, which, of course, they could have done.

Also, honourable senators, I want to put on record my appreciation of two fellow New Brunswickers, the Honourable Charles Hubbard, who sponsored Bill S-203 in the other place — and, at times, thought he had taken on a new career — and the Honourable Dominic LeBlanc, who quarterbacked the bill through the Justice Committee.

Finally, honourable senators, Bill S-203 is a powerful and positive first step that addresses the primary concerns of people and the press that existing penalties no longer fit many of the crimes against animals.

Nothing in Bill S-203 prevents future amendments to further improve and enhance Canada's animal cruelty law. In the meantime, Bill S-203 will give the justice system the tools they need to protect animals from cruelty.

Honourable senators, I believe it was Mae West who said, "I have been rich and I have been poor, and rich is better." Similar to most of us in this chamber who have been involved in campaigns and projects, I have won some and I have lost some, and winning is better.

Thank you for helping me win this one. It is important.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to make a brief statement to congratulate our colleague, Senator Bryden, for his enduring efforts on Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

[Translation]

Bill S-203 shows that Parliament and Canadians take animal cruelty seriously. Adding more serious penalties to the Criminal Code proves that Canadians will no longer tolerate this type of crime. We have Senator Bryden to thank for all the progress that has been made in improving and modernizing animal cruelty legislation.

[English]

The last time a private member's bill from the Senate successfully amended the Criminal Code was in 1947, over 60 years ago. Senator Bryden has worked tirelessly on this bill for numerous years — he tells me 10 years — and we are proud on both sides of this floor to finally see it become law. Congratulations, once again.

[Translation]

THE HONOURABLE MICHEL BASTARACHE

TRIBUTE ON RETIREMENT FROM SUPREME COURT

Hon. Rose-Marie Losier-Cool: Honourable senators, like many francophones and other Canadians, I was surprised to learn yesterday that Justice Michel Bastarache would be retiring from the Supreme Court of Canada.

As an Acadian, I was very pleased to see Justice Bastarache appointed to our country's highest court in 1997. Since then, I had even dreamed that he would become the first Acadian chief justice. A francophone from southeastern New Brunswick; a graduate, professor and dean of the Faculty of Law and the University of Moncton; and a pillar of New Brunswick Acadian society, Michel Bastarache has been a hard worker and a deeply committed jurist.

His early retirement saddens all those who defend the rights of official language minorities.

• (1345)

Michel Bastarache has fought for official languages since his years as a legal translator and as director general of official languages in the former Department of the Secretary of State.

During his time on the Supreme Court, he ruled in favour of the right of Prince Edward Island's Acadian community to French schools. He also contributed to the Beaulac ruling, which recognized the right of an accused person to be tried in the official language of his or her choice.

His departure from the Supreme Court leaves just three French-speaking judges on the bench. Honourable senators, all of the Supreme Court judges are remarkable people, and they were all elevated to that position because of their abilities, objectivity and the wealth of interests and experiences accumulated throughout their careers. Justice Bastarache was no exception: he is still young and has always been brilliant, dynamic and committed, qualities that earned him numerous honours.

The person who replaces him on the Supreme Court bench will be from the Maritimes. I can only hope that this person will be at least a francophile, if not a francophone, and that he or she will keep fighting for Canadian minorities, including linguistic minorities, just as my fellow Acadian did so well.

I would like to thank Justice Bastarache from the bottom of my heart for his dedication, his hard work and his many achievements, and I wish him a long and happy retirement filled with joy and intellectual challenges.

ROUTINE PROCEEDINGS

CANADA-MEXICO INTER-PARLIAMENTARY MEETING

MEETING OF FEBRUARY 17-19, 2008—REPORT TABLED

Hon. Noël A. Kinsella: Honourable senators, pursuant to rule 28.4 and with leave of the Senate, I have the honour to table, in both official languages, a document entitled *Official Visit Report of a Canadian Parliamentary Delegation to the XVth Canada-Mexico Interparliamentary Meeting*, held in Mazatlán, Mexico, from February 17 to 19, 2008.

SCRUTINY OF REGULATIONS

GOVERNMENT RESPONSE TO SECOND REPORT
OF JOINT COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the second report of the Standing Joint Committee for the Scrutiny of Regulations.

[English]

PERFLUOROOCTANE SULFONATE VIRTUAL ELIMINATION BILL

REPORT OF COMMITTEE

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

Thursday, April 10, 2008

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

SEVENTH REPORT

Your committee, to which was referred Bill C-298, an Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the *Canadian Environmental*

Protection Act, 1999, has, in obedience to the Order of Reference of Tuesday, March 11, 2008, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

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

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

• (1350)

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—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, April 10, 2008

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

FIFTH 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 funds for the fiscal year ending on March 31, 2009.

Pursuant Chapter 3:06, to 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 report, see today's Journals of the Senate, Appendix A, p. 780.)

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

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

[English]

AGING

BUDGET AND AUTHORIZATION TO TRAVEL— REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Special Senate Committee on Aging, presented the following report:

Thursday, April 10, 2008

The Special Senate Committee on Aging has the honour to present its

FOURTH REPORT

Your committee, which was authorized by the Senate on Thursday, November 1, 2007, to examine and report upon the implications of an aging society in Canada, respectfully requests that it be empowered to adjourn from place to place within Canada and to travel inside Canada for the purpose of its study.

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

Respectfully submitted,

WILBERT J. KEON
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 788.)

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 two days hence.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, April 10, 2008

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

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2008-2009:

Aboriginal Peoples (Legislation)

Professional and Other Services	\$ 10,500
Transport and Communications	\$ 1,000
All Other Expenditures	\$ 1,000
Total	\$ 12,500

Agriculture and Forestry (Legislation)

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

Foreign Affairs and International Trade (Legislation)

Professional and Other Services	\$ 6,000
Transportation and Communications	\$ 0
All Other Expenditures	\$ 1,000
Total	\$ 7,000

Human Rights (Legislation)

Professional and Other Services	\$ 7,500
Transportation and Communications	\$ 1,000
All Other Expenditures	\$ 1,000
Total	\$ 9,500

Legal and Constitutional Affairs (Legislation)

Professional and Other Services	\$ 46,250
Transportation and Communications	\$ 21,070
All Other Expenditures	\$ 4,000
Total	\$ 71,320

(includes funds for participation at conferences)

Library of Parliament (Joint Committee)

Professional and Other Services	\$ 2,143
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
Total	\$ 2,143

Rules, Procedure and the Rights of Parliaments (Legislation)

Professional and Other Services	\$ 11,250
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
Total	\$ 11,250

Scrutiny of Regulations (Joint Committee)

Professional and Other Services	\$ 1,200
Transportation and Communications	\$ 5,250
All Other Expenditures	\$ 2,640
Total	\$ 9,090

Transport and Communications (Legislation)

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

(includes funds for participation at conferences)

Respectfully submitted,

TERRY STRATTON
Deputy Chair

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

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

• (1355)

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO INCLUDE IN ITS STUDY OF CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE THE STUDY OF LABOUR MARKET OUTCOMES FOR MINORITY GROUPS IN PRIVATE SECTOR

Hon. A. Raynell Andreychuk: 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 November 21, 2007, authorizing the Standing Senate Committee on Human Rights to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, the committee be further authorized to examine labour market outcomes for minority groups in the private sector and to include this information in its final report to the Senate that is to be submitted no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUE OF SEXUAL EXPLOITATION OF PERSONS

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

That the Standing Senate Committee on Human Rights be authorized to examine and report on the issue of the sexual exploitation of persons, with particular emphasis on children, including questions of trafficking in children, prostitution, sex tourism, pornography, and the sexual exploitation of children on the internet.

That the Committee submit its final report to the Senate no later than June 30, 2009, and that the Committee retain until October 21, 2009, all powers necessary to publicize its findings.

NATIONAL DEFENCE

CAPACITY OF CANADA TO SUPPORT ALLIES
IN A MIDDLE EAST WAR—NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to

- (a) the capacity of Canada and its allies to understand, measure and contain Iranian state-sponsored preparations for war throughout the Iraq, Afghanistan and Middle East regions; and
- (b) the capacity of Canada to support allied efforts should a broad multi-front war break out.

QUESTION PERIOD**PUBLIC WORKS AND GOVERNMENT SERVICES**

NEGOTIATION OF SUBMARINE MAINTENANCE
CONTRACT—BID BY WEST COAST CONSORTIUM

Hon. Jane Cordy: Honourable senators, in view of all the Montreal Canadian sweaters that are around this afternoon, I think it is only right that we begin our questions with the Minister of Public Works from Montreal. I have been told to ask the honourable senator whom he supports, but that is not really my question.

My question is for the Minister of Public Works. Last fall, this government awarded a 15-year, \$1.5-billion contract to take care of Canada's four submarines. This contract was awarded without following the federal rules in place for projects of this magnitude. It is clear that this government violated the Treasury Board guidelines for maintaining a transparent and fair process for contracting out major Crown projects. Why did this government ignore the guidelines for a major Crown project when it awarded the Canadian Navy submarine life-extension program contract? Why has the government broken its own rules? Will the honourable senator's department commit to reopening this controversial submarine maintenance contract?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. As a matter of fact, the contract has not yet been awarded. The honourable senator may have been misled. Negotiations are still being carried out with one of the bidders. No rules and no processes have been violated, and the department has followed its standard procurement guidelines. The guidelines at Treasury Board to which the honourable senator refers were also followed. Hence, when and if we have a formal contract with a supplier to announce, we will do so. Currently, we are still in negotiation mode.

Senator Cordy: My supplementary question is also for the Minister of Public Works. When an access to information request sought and received information on the submarine maintenance contract, all the numbers for the winning bids were blacked out

on the file. I have heard that the West Coast consortium was the highest priced, most expensive bid, yet they won the contract or are having negotiations currently with the government and are, in fact, the only consortium having negotiations with the government.

Was the bid of the West Coast consortium, in fact, the highest priced, most expensive option of all the bids?

• (1400)

Senator Fortier: I cannot speak to the access to information request to which the honourable senator referred. I do not know what that request was about.

Clearly, however, as we are in these final negotiations with a bidder, the honourable senator will understand that we will not be disclosing any of the parameters under which these negotiations are taking place. When and if we do conclude an agreement with this potential supplier, we will obviously share the details of the contract at that time.

Hon. James S. Cowan: Honourable senators, my question as well is for the minister. It follows along the lines of the questions of my colleague Senator Cordy.

Is it not a fact that of this \$1.5-billion contract, which is now under negotiation and for which he has identified a preferred bidder, only \$57 million was the subject of a competitive bidding process?

Senator Fortier: Honourable senators, with regard to the setup in full, no, that is not correct. The RFP, or request for proposal, that was put out for consideration in the marketplace specified exactly what the government was looking for in terms of maintenance and upgrades for these submarines. It was very clear how much money we were willing to pay as a client for these upgrades and maintenance to take place.

There was a competition in terms of allowing one part of the bid to go to tender, if you like. However, we need to look at this process as, basically, a significant procurement RFP. I will not mention an amount because we are still in negotiations but it is significant. I would like it to be for \$57 million, but I know — as does the honourable senator — that it will be significantly more expensive than that.

Senator Cowan: Is it not true that the submarine refits and equipment overhauls are not included in the basic contract?

Senator Fortier: They are an adjunct to the contract. It is the process under which the contract was put up for tender that may lead one to believe that it is a \$57-million contract, but it is not. It is very clear, when reading through the RFP and the information, that we are looking for a bid to maintain and fix the submarines. It is not a \$57-million contract.

Senator Cowan: If that is correct, minister, then why would the contractors who have been selected as the preferred bidders put out press releases, one in January and one in March, that are essentially the same? They say that significant work packages such as submarine refits and equipment overhauls will be added by contract amendment as emergent activities.

Senator Fortier: I have not seen that press release. I think the honourable senator should take a step back. The mechanisms under which we will award the contract at the end of the day is such that the work to be performed is quite significant, and I know that he knows that. We are still in negotiation with one group prior to awarding the contract. We may or may not do that, depending on whether we come to terms with them. Once we come to terms with them, there are various processes under which different phases of the maintenance and the upgrade will take place. This is what they are referring to, I believe, in the press release to which the senator referred, although I have not seen that press release.

Senator Cowan: Would the minister agree with me that, if the government is awarding a contract that is of the global nature that the minister describes, it would be improper to break up that contract into parts so as to avoid his government's own Treasury Board guidelines?

Senator Fortier: There is no attempt to avoid any Treasury Board or Public Works contracting guidelines. I can assure honourable senators that this contract was dealt with under the guidelines that exist at Treasury Board and the procurement guidelines that exist at Public Works.

Senator Cowan: In the minister's view, is this project, in the global description that he has provided, a major Crown project?

Senator Fortier: That determination is made by the client department, not by Public Works.

• (1405)

Public Works receives a request from a department to find a good or service, but the determination of whether something constitutes a major Crown project rests with the client department. Those are Treasury Board guidelines. Those guidelines do not rest with us.

Senator Cowan: Do they not rest with Treasury Board, whose guidelines they are?

Senator Fortier: Yes, but I am not Treasury Board.

Senator Cowan: I understand that. However, is the minister saying that the determination of the classification of the project is in the hands of the client department rather than Treasury Board?

Senator Fortier: No, I did not say that. I said that it is the client department's role to determine whether a project is major. Those rules reside within Treasury Board. Treasury Board has stated that is something that the departments determine themselves. When we are asked to find an asset for a client department, the determination as to whether or not the project is a major Crown project has already been made by the client department.

Senator Cowan: Does Public Works assess whether that determination is reasonable or whether it is an attempt to break up and avoid the guidelines? Surely someone other than the client department would be involved in that process.

Senator Fortier: The honourable senator seems to be assuming that the client departments are not following Treasury Board guidelines. My department is responsible for buying goods and

services for various departments. When a request comes in through the door, the “what” has already been determined; we need to determine the “how.” That is really what we do.

PURCHASE OF HELICOPTERS

Hon. Marcel Prud'homme: Honourable senators, on Tuesday I asked a question of my friend the Honourable Leader of the Government in the Senate about the recent statement of the Honourable Minister of Public Works. I understood that he said that the 16 aircraft were not intended to fill Canada's immediate need for helicopters in Afghanistan, that that would be an overhaul.

My friend Peter MacKay said that the helicopter purchase is about getting the Canadian Armed Forces into the war-ravaged country as quickly as possible.

Is the purchase in reserve or is it to be used right away? In a nutshell, the minister was surprised. He said that he did not have a clue, except he did not know how to spell “clue” the day after. Even I do not know. He did not have a clue what I was talking about. However, I am sure the Minister of Public Works will have an answer now because, after all, he has had two days to reflect on this. I am sure he can inform us about what is what.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I wish to thank the honourable senator for that question.

As a matter of fact, the request for proposal has just gone out for the helicopters that we are proposing to purchase. Last week we announced that negotiations will begin in earnest with the supplier.

Again, it depends on whether we can come to a deal with the supplier. There is always the possibility that we will not. All things being equal, those 16 new helicopters would not be delivered before fall 2012.

The confusion may rest with the fact that under the Manley report we have been requested to find helicopters for May 2009. My department, with the assistance of Minister MacKay's department, has been having discussions with a number of suppliers, including Boeing. It may be that people have confused the possibility that we may be buying some Boeing helicopters, but these would be separate from the 16 which were governed by the RFP issued last week.

I do not know if this explains the situation, but I believe that is where the confusion arises.

Senator Prud'homme: I will do like my friend: I will have to agree, again, because I do not have a clue about the answer he gave me. I must admit that I am not an expert.

• (1410)

RECOGNITION OF EMPLOYEES— LEFTOVER PARTY FAVOURS

Hon. Marcel Prud'homme: Honourable senators, on another question of interest, everyone knows that I have received visits from thousands of seniors and young students over the past 44 years. Since the honourable senator wants to run for office, he will see the virtue of that and how every little detail counts.

I was happy to read this morning that a big party took place recently where \$1,000 was allocated for balloons and \$3,000 for posters and souvenirs. Having been an active politician, I know there is always a surplus. Would the minister kindly let me know if there is a surplus of balloons and posters, et cetera? It would be useful for my young students who will visit me during the months of May and June.

[Translation]

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I know that Senator Prud'homme is very concerned with precision, not only in terms of words, but also in terms of facts. I believe the honourable senator is alluding to an event that was organized by the deputy minister, well within his rights, in order to celebrate the accomplishments of some of the 12,500 Public Works and Government Service Canada employees across the country.

The only part of the evening that I had to approve — because of Treasury Board guidelines — was the food, which cost \$6,000. That is the only aspect I approved. I am not saying this in order to distance myself from the event. Deputy ministers are the departments' decision makers, and each has his or her own way of doing things.

As for a breakdown of the costs, we of course had to bring the award winners to Ottawa. We provided them with a hotel room for one night, and out of the \$100,000 spent, a lot of money was put towards employee travel. We must do more than just praise public service employees amongst ourselves. We need to recognize that employees deserve to have their work celebrated as it is in the private sector. The former deputy minister was in charge this year. I have been told this is done in other departments. We must recognize the dedication of these employees in Canada's public service.

[English]

AFGHANISTAN—SUPPLY OF HELICOPTERS AND UNMANNED AERIAL VEHICLES

Hon. Colin Kenny: Honourable senators, my question for the Minister of Public Works and Government Services relates to Senator Prud'homme's first question.

Further to the Manley report, there was an undertaking agreed to in the other place that an additional 1,000 soldiers would be supplied. There would also be additional helicopters and UAVs. When will those helicopters and UAVs arrive in theatre?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for that question.

Honourable senators, the obligation to supply these helicopters and UAVs is for February 2009. We are trying to secure those helicopters and have had discussions with various countries and manufacturers with a view to the various options, including pre-owned and new helicopters.

The same is true for UAVs. We are confident that we will be able to provide these assets to our Armed Forces before February 2009.

Senator Kenny: I have a supplementary question, of which I gave notice to the Leader of the Government in the Senate. I have reason to believe that the helicopters in question are Chinooks and are already in the country. Will the Leader of the Government in the Senate confirm that to this chamber?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. He did give me notice. My answer is exactly the same as that of my colleague the Minister of Public Works. The government is working to obtain the helicopters and the UAVs. The honourable senator claims to have knowledge that the items in question are already in the country. I do not have that information.

• (1415)

In any event, as Senator Fortier has said, every effort is being made to acquire the helicopters and the UAVs in order to have them in theatre by February 2009.

Senator Kenny: Perhaps the Leader of the Government in the Senate could confirm that there are troops currently training in the United States on Chinooks and that, in fact, they are in the country.

Senator Segal: That is a security issue.

Senator Kenny: In response to Senator Segal, that is not a security issue at all. In fairness, he is the one who spoke about dates of travel.

NATIONAL DEFENCE

FUNCTION OF UNMANNED AERIAL VEHICLES

Hon. Colin Kenny: Honourable senators, this question is to the Leader of the Government in the Senate. Do the UAVs have the capacity to drop ordnance? Is that what the government is looking for with this purchase or does it anticipate simply to have UAVs available for surveillance?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. He is asking for some very technical information. I do not have that information available. I will therefore take his question as notice.

[Translation]

THE HONOURABLE MICHAEL FORTIER

STANLEY CUP PREDICTION— EFFECT ON ELECTION CAMPAIGN

Hon. Jean Lapointe: Honourable senators, we have discussed balloons that gently float up into the sky and helicopters that lift off gently and come down faster than they go up. I would now like to ask a very serious question of Minister Fortier. I am wondering if he thought carefully before telling the papers that the Montreal Canadiens would not get past the second round. It is

a well-known fact that the New York Rangers as well as the Yankees are likely to stack their teams. Nevertheless, in baseball, the Boston Red Sox won the World Series.

To come back to hockey, how can a man as intelligent as the minister dare compare the Rangers to the Canadiens? I realize that the likes of Scott Gomez together with leader Brendan Shanahan and agitator Sean Avery can rival Kovalev, Markov, Latendresse, Lapierre and even the old journeyman, Patrice Brisebois.

Have you forgotten that there is no comparison between Henrik Lundqvist and the young Carey Price?

Here is my question, Minister: Although your prediction is not so bad, do you not believe that cheering on a foreign team here, in Canada, will cause you to lose many votes in your riding of Dorion in the next election?

Senator Prud'homme: Vaudreuil!

Senator Lapointe: You know, Minister, hockey fans have a long memory.

[English]

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

This is not a matter for the Minister of Public Works. In view of His Honour's ruling on Tuesday, I am unsure of the public policy part of this question, but I would be happy to respond. As a matter of fact, when I saw all of the Montreal Canadiens sweaters being exposed to us, I thought: "What does that make an Ottawa Senators fan feel like?"

An Hon. Senator: A loser.

Senator LeBreton: In any event, I was very happy to see, for the first time in months, that Senator Hervieux-Payette finally had something to smile about.

Having said that, I can attest that my colleague is a diehard Montreal Canadiens fan. I am told he has been a season ticket holder for some time. His heart was, of course, with his beloved Habs. On my reading of the story, he feared the New York Rangers, ultimately.

• (1420)

I do not think there is any question whatsoever about the bona fides of Senator Fortier as a true blue and red Montreal Canadiens fan.

[Translation]

Senator Lapointe: I appreciate the answer from the Leader of the Government. Perhaps she was not wearing her earpiece when I began my question, but I should point out that it was directed at Minister Fortier. If she does not have any objection, I would like to hear his answer.

[English]

Senator LeBreton: As the honourable senator knows, the Speaker made a ruling some time ago that questions can only be asked of ministers regarding their specific portfolios. Otherwise, as the Leader of the Government in the Senate, I answer the questions for the government. This question, of course, does not fall within those parameters.

Senator Lapointe has previously accused me of tap dancing and figure skating; now I am a hockey player. Actually, I do know a bit about hockey, having followed it all of my life.

The senators here could probably have done better than the Ottawa Senators did last night. That will probably get me in trouble with the Ottawa Senators.

In any event, this is all in good fun, but I do not think we can question Senator Fortier's loyalty to his beloved Montreal Canadiens, whom he has supported not only with his heart but also with his wallet.

[Translation]

Senator Lapointe: I thank the Leader of the Government for her answer, and I can assure her that I shall go to bed tonight a wiser person.

[English]

HERITAGE

EFFECT OF BILL C-10 ON TAX CREDITS TO TELEVISION AND FILM PRODUCTIONS

Hon. Tommy Banks: Honourable senators, I will change the topic from the sublime — hockey — to the ridiculous — income tax.

My question is addressed to the Leader of the Government in the Senate and is entirely non-partisan. I have been assured of that over the past few weeks by the proceedings of the Standing Senate Committee on Banking, Trade and Commerce, which is considering Bill C-10. As all senators are aware, Bill C-10 contains provisions regarding the production tax credit that is available to Canadian filmmakers once a film has been completed. It is usually the only way in which a Canadian film producer can earn a return on investment.

In light of the testimony that has been given from all sides about the problem of that aspect of Bill C-10, and in light of the testimony that that aspect was missed by everyone on all sides in the House of Commons and that it was paid no attention to —

Senator Fox: They introduced it; they did not miss it.

Senator Banks: — will the minister undertake to tell us whether the government will entertain an amendment in order that that provision of the bill can be corrected?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I heard some of the testimony this morning. As I said yesterday, I believe there is a lot of misinformed opinion about this aspect

of Bill C-10. As I have reminded honourable senators in this place on several occasions, this clause originated under the previous government. It was announced by Minister Manley in 2002 and again by Minister Manley and Minister Copps in November 2003. There was much documentation on it at that time. There was a government discussion paper under the previous government entitled "Simplification proposals for the Canadian film or video production tax credit" dated March 6, 2001.

• (1425)

This was distributed to 33 industry organizations 21 months before the government of the day introduced the provision in the legislation that is now part of Bill C-10.

The honourable senator asked about entertaining an amendment. I, of course, would never be so foolish to suggest what a committee should do with the legislation before it. Let us wait to see what the committee does.

Senator Banks: Everything that the leader has said is true. The ecumenical nature of the hearings over the last several days have made it clear that it does not make much difference what colour or stripe these provisions originated under or whether or not they were previously brought into effect. Has the government, of which the honourable senator is a minister, had a chance to consider the interest that has been generated in that aspect of the bill and would she indicate whether the government is contemplating an amendment to the bill?

Senator LeBreton: We are aware of the discussion surrounding the bill. We are aware of the testimony of the minister when she appeared. I believe, honourable senators, that this is a bill before Parliament, so it is not something that the government would be considering until the bill has made its way through Parliament.

INDUSTRY

POSSIBLE SALE OF MDA CORPORATION TO ALLIANT TECHSYSTEMS INC.

Hon. Bill Rompkey: Honourable senators, my question for the Leader of the Government in the Senate does not concern the high-flying Habs but the high-flying satellite, RADARSAT-2, and the proposed sale of MacDonald Dettwiler and Associates Limited to Alliant Techsystems Inc. We saw the news reports today, and the minister appears to be inclined to do the right thing. I want to impress upon her the importance of this technology to us.

First, RADARSAT-2 involves state-of-the-art Canadian technology, 80 per cent of which has been paid for by the Canadian taxpayer; but, most importantly, it is just about all we have at the moment. At the time that the Northwest Passage is opening up exponentially, RADARSAT-2 is there. We do not have Aurora flights over the Arctic. The government has announced a new icebreaker, which is well and good, but that will not come for 10 years. RADARSAT-2 is our instrument of surveillance, not only in the Arctic but everywhere.

Therefore, it is very important to keep this technology in this country. If the Americans get it, we will have to ask for time on the satellite. If there is a contest between using time in Iraq and time in the Northwest Passage, I think we know what the answer will be.

I do not know the wish of the chamber; I do not think that has been expressed yet, although Senator Grafstein has introduced a bill. I wanted to impress upon the minister the importance of this issue.

The Hon. the Speaker: Honourable senators, we are trying to undertake a new practice. One minute before the 30 minutes for Question Period has expired, one of the officers of the table will rise. I would invite honourable senators to maintain order during Question Period and keep an eye on the table. When that officer rises, that will indicate the final 30 seconds of Question Period.

The pith and substance of the Honourable Senator Rompkey's question is before us. Does the leader wish to reply, or shall I call delayed answers?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I could give a more complete answer tomorrow. I wonder whether the honourable senator read what the minister said this morning. The honourable senator is expressing concerns and perhaps trying to claim ownership for a decision the minister has made.

[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 an oral question raised by the Honourable Senator Mercer on April 2, 2008, regarding Agriculture and Agri-Food Canada, the Canadian Wheat Board and the composition of its board of directors.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— FIRING OF VICE PRESIDENT OF COMMUNICATION

(Response to question raised by Hon. Terry M. Mercer on April 2, 2008)

The Board of Directors of the Canadian Wheat Board (CWB) consists of fifteen persons. Ten Directors are elected by producers. Five Directors are appointed by the Governor in Council.

Each elected Director represents one of ten districts which all together comprise the CWB designated area. Directors are elected for a period of four years. Elections are held in five of the districts every two years such that elections in the even numbered districts and odd numbered districts alternate every two years.

The President and Chief Executive Officer is one of the five Directors appointed by the Governor in Council. The President and Chief Executive Officer, on behalf of

the Board of Directors, is responsible for the management of the CWB and the day to day operations of the CWB.

The Chairman of the Board of Directors is selected from among the fifteen Directors by the Board of Directors.

[English]

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons to return Bill S-203, An Act to amend the Criminal Code (cruelty to animals) and to acquaint the Senate that they have passed this bill without amendment.

• (1430)

ORDERS OF THE DAY

THE ESTIMATES, 2008-09

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on National Finance (*The Human Resource Management Issues in the Public Service*), presented in the Senate on April 8, 2008.

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

He said: Honourable senators, this report deals with human resource management issues in the public service.

Honourable senators will recall that in 2003, there was at that time a bill called Bill C-25, an Act to Modernize the Public Service. We are seeing now, honourable senators, a flow of changes resulting from that piece of legislation. Your National Finance Committee, responsible for and interested in the machinery of government, continues to talk to Treasury Board and to Ms. Barrados and the Public Service Commission in order to have an understanding and appreciation of the changes that are taking place. I commend this report to you, honourable senators, and suggest you may wish to look at it. It gives you a bit of an understanding of what is transpiring within the public service today. There are some significant changes.

Honourable senators will recall that the Public Service Commission was originally the body that did all of the hiring for the public service. All of the departments went through the Public Service Commission. With the Public Service Modernization Act of 2003, that authority has now been delegated down to the deputy ministers. The concept and basic theme of the legislation, honourable senators, was to let the managers manage and then hold them accountable for the work that they had full authority to implement, according to the rules. That is, in effect, what we are now monitoring.

[Senator Rompkey]

The Public Service Commission, the entity which previously did the hiring, is now doing an audit and carrying on an oversight practice. Ms. Barrados, President of the Public Service Commission, is very important in that oversight as deputy ministers take on these responsibilities. It used to be that we could look at one entity to see if hiring practices were fair. Now we must rely on Ms. Barrados's department to examine hiring practices within 85 different departments and agencies and to advise Parliament as to whether that work is being conducted in a manner that is in accordance with the rules.

One of the acts within the new public service reorganization was the new Public Service Employment Act. Honourable senators will have heard about that act and the various features of it. I will talk about a few of those shortly. Perhaps we should have a chart up on display so that honourable senators can follow the details of this discussion. However, I will have to talk about this matter a number of times until honourable senators start to get the flavour.

The Canada Public Service Agency is the agency responsible for human resource management of the public service once someone is hired. The deputy minister is responsible for the hiring practices, and the oversight of those practices is by the Public Service Commission. Once the person is in the public service, then we have this agency responsible for ensuring that there are plans for human resources and that type of thing. One of the areas we were particularly concerned about within this whole area is the equity features of employment and the importance of having those equity features. We also spoke to the Canada Public Service Agency.

Honourable senators, I will tell you once again the areas of responsibility of the deputy ministers: Recruitment, staffing, employment equity, official languages and human resource planning. You can see that the deputy minister now has oversight by two different groups, one being the agency for the people he has hired and the other being the Public Service Commission for the hiring process. That is about the easiest way to explain what is happening.

The first area of concern that we wanted to bring to your attention is an area that was discovered by the Public Service Commission, and that is with respect to recruitment through the temporary workforce. The general rule seems to be that in order to become a permanent employee of the public service, one has to have been either a temporary or a term employee of the federal government. Over the past eight years, 80 per cent of the new permanent hires, those hired into the public service on a permanent basis, had been either term employees or temporary employees. It is true that they had to go through a competition, but they were in the department and they had learned rules. A cynic might say that the definition of requirement for the employee was, in part, slanted towards the targeted employee. That is a concern that is sometimes referred to as bureaucratic patronage, and it is a major concern of the Public Service Commission.

As Ms. Barrados pointed out, what we want to achieve is to hire the very best employee for a specific position, and that person may be working somewhere else. When you advertise a job, if the only people who are really being considered are those who are already working there on a temporary or a part-time basis, then you are losing out on a whole group of people working on a permanent basis somewhere else. Ms. Barrados will be watching

this situation very carefully, as will the Standing Senate Committee on National Finance.

We believe this to be a serious statistic that may suggest a situation that is not desirable in our quest to achieve the very best merit-based, independent public service. One of our recommendations, and I believe we only had two in this report, is that the Public Service Commission provide the National Finance Committee with regular status reports on the temporary and casual hiring within the federal government. In that way, we will be able to stay on top of this particular matter.

Honourable senators, the other area I wanted to bring to your attention is employment equity. Senators were troubled to learn about certain trends regarding employment equity in the public service. The current legislation identifies four employment equity groups. These are four areas where we can have special rules to help ensure that people from those identified groups are hired into the public service. The four employment equity groups are: women, persons with disabilities, Aboriginal peoples and visible minorities. Three of these equity groups are well represented in the public service. Hiring has resulted in a good representation equalling or exceeding that group's level of employment in the private sector, which is the objective. The one area that is not covered, honourable senators, is visible minorities. Visible minorities are under-represented in today's public service. This is of concern to those who oversee the hiring practice, but it is of concern to your Senate as well.

• (1440)

The overall recruitment to the public service of visible minorities has shown a marked drop of 9.8 per cent. Not only is that not a good representation of visible minorities, but recruitment has gone down almost 10 per cent of all new appointments to the public service during the period 2005-06 and 2006-07. This is a matter of considerable concern to us.

Ms. Barrados explained that the Public Service Employment Act contained provisions to correct this trend. The first task is to identify the problem, and we asked whether there are ways to correct the problem. She said there are if the person doing the employing wishes to use those particular provisions of the act, but they are not being used in the manner that they should be. Those provisions include adding as part of the merit principle that particular targeted employment group. Reverse discrimination is not at issue because we still need the equity ability aspects, but all else being equal, that person will have an advantage in the hiring process. Ms. Barrados indicated that those provisions are not being used. Therefore, the Public Service Commission advised us that they will be conducting further investigations to determine what the problem is and why it is not being corrected once it is identified.

Honourable senators, the Public Service Commission agreed with us that they need to push the federal government harder in order to address the issue of hiring visible minorities within the federal government. In the view of the head of the Public Service Commission, the declining rates of hiring of visible minorities were likely attributable to "bad habits and not making the extra effort to change." We know what we have to do, and that has been identified as a serious problem.

Another question that is not asked often enough is whether bilingualism has an impact on hiring equity groups, such as visible minorities and Aboriginals. If these groups do not have the level of bilingualism required, are they being excluded from being hired because of that? Even though we want to encourage equitable groups to be hired, if they do have not a certain level of bilingualism, they may be excluded. We asked Ms. Barrados to investigate that. There has been no work done on that issue as far as the Public Service Commission is aware.

Ms. Barrados did indicate that there may be some difficulties because these equity groups may come from areas with no proper second language training. That is an area we will have to investigate and address further.

Our committee believes that the current under-representation of visible minorities within the federal government is a serious concern, and we have asked the Public Service Commission to provide us with further detailed information in that regard. Honourable senators, one of the good things about the mandate of the Finance Committee is that we have the opportunity to review these issues on a regular basis without having to obtain a further mandate.

It may interest honourable senators to know that under the new rules the Public Service Commission is mandated to maintain an impartial public service. That includes the requirement that all public servants who wish to run for political office at any level must obtain approval from the Public Service Commission. There were 95 public servants who made a request last year, but only one third of those were granted permission because they did not fit within the rules that the Public Service Commission had set up. Most of the people making requests were not timely enough in asking for approval. There is clearly a need to communicate the requirements for this to all public servants, and the Public Service Commission recognizes that.

The Hon. the Speaker: Honourable senators, Senator Day's 15 minutes have expired.

Senator Day: May I have two minutes to finish?

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

Senator Day: The final recommendation is that the Public Service Commission provide the Standing Senate Committee on National Finance a report before the end of fiscal year 2008-09 on the appointment situation within the Office of the Correctional Investigator. As I mentioned earlier, the oversight of hiring practices within the Office of the Correctional Investigator are now overseen by the Public Service Commission. The process is delegated down to the deputy minister level with oversight by the Public Service Commission. The PSC conducted four audits last year; three of them were fine. One of them, being the Office of the Correctional Investigator, was found to be unsatisfactory. In my recollection, nine out of ten hirings were outside the rules set down that every other deputy minister was following. In regard to the nine people that had been hired, we were told that the PSC is monitoring the situation and reviewing the individual appointments in question to determine what steps to take. We will be informed about what steps they decide to take at a later date.

Honourable senators, those are the main points of this report. There is, of course, a comment with respect to Canada-wide hiring.

Honourable senators will know that the report of our committee in regard to Bill S-219, the private member's bill of Senator Ringuette to require Canada-wide hiring, is also on the *Order Paper*. Bill S-219 is the third iteration of this particular issue, I believe. The federal government, as a matter of policy, has agreed that there should be a Canada-wide hiring process for positions so that every Canadian has a chance to obtain a job within the public service. However, the legislation continues to be delayed, and that is the reason Senator Ringuette's bill continues to be here. Though the process is still not fully implemented, the government is moving in the right direction.

The report from our committee, according to our rules, requires an explanation as to why we made an amendment. The unanimous amendment will merely add the date that the law is to come into force. That report is currently awaiting debate. The matter has been adjourned so others can add to, contradict or amplify the explanation I have given, presumably. Once that report has been adopted, we will move to third reading on that issue. There will be ample opportunity to debate the important issue of Canada-wide hiring.

I urge honourable senators to adopt this report, and I hope that you will have the opportunity to read it.

• (1450)

Hon. Tommy Banks: All honourable senators would agree with the concern about visible minorities. However, I understood Senator Day to have said that, all other things being equal, visible minorities would be given preference. The honourable senator then expressed a concern that the bilingualism requirement was standing in the way of hiring visible minorities.

Does bilingualism and visible minority status fall into the "all other things being equal" category, or do you propose that members of visible minorities ought to be excused from the language requirements in public employment?

Senator Day: I am not proposing that. I am proposing that, as long as language requirements exist within the public service, we owe it to all Canadians to give them an opportunity to learn the second language. In areas where individuals do not have that opportunity, and therefore do not meet the language requirement, they are not hired. This is the difficulty with Canada-wide hiring, which is a serious drawback in trying to implement a public policy issue.

Hon. Percy E. Downe: I believe it could be concluded from Senator Day's report that the Public Service Commission to a large degree has been neutered. What has happened since the early 1900s is that Canada has had a Public Service Commission that has done —

The Hon. the Speaker: Order.

Senator Downe: May I have two minutes?

The Hon. the Speaker: We have a house order for five minutes. However, it is continuing debate. Does any other senator wish to debate?

Hon. Pierrette Ringuette: I will continue the debate on the report of the Finance Committee so that my colleague can come back in a few minutes and ask the questions that he was seeking to ask. With the indulgence of honourable senators, as a member of the Standing Senate Committee on National Finance, you have heard me talk for the last four years about the desperate need for a national area of selection in the public service hiring process.

Honourable senators, bear in mind that the Public Service Commission only deals with the positions that are publicly advertised.

Statistics indicate that there were 85,000 new hirings in the last eight years. Seventy-five per cent of those, which is roughly 70,000 new public servants hired on a full-time basis, had previous jobs within the public service as casual or term positions of three to six months. That gave them the edge. Of course, these casuals — 99.9 per cent of the casual jobs within the public service — are not publicly advertised. Term positions are not publicly advertised, or very rarely so. A somewhat incestuous situation is happening within the public service.

I do not want a tax credit on that, Senator Comeau.

This chamber must realize that, in the last four years, the National Finance Committee has done much work on this issue of public service hiring. Unfair practices have been happening for decades: managers hiring one another's relatives and after six months they would have a term extension for another six months if that person did not have the opportunity to learn the job and needed another six months in order to perform in a publicly advertised job.

Therefore, when do people from New Brunswick, Prince Edward Island, Vancouver or Regina have an opportunity to showcase their ability as a public servant for all Canadians within the public service? It is almost zero.

In order for a young person from Vancouver or Newfoundland, for example, to have an opportunity to acquire a position within the public service in this region, they must have a contact who is a relative.

I admire Ms. Barrados because she has only been in her job for two years and in that time we have seen progress. However, that is the will of one person in a key position. There are 90 people in this chamber who should have the same will so that their region, wherever it is, and their people, whom they represent in this chamber, have a decent chance to showcase their competency and provide good services to the taxpayers of Canada and to any government, whatever colour.

This is not a political issue to me at all. It is a question of fairness, decency and abiding by the Constitution of Canada, which states very clearly that no one should stop a Canadian from moving from one province to another to earn a decent living. That is the fundamental law of the land. I believe it is part of our mission to stop the unfairness and the bypassing of decent Canadians who want to provide good service to Canada for the future of this country. That is our responsibility.

I am proud of the work that the Standing Senate Committee on National Finance has done so far. We have done a good job, but there is much more to do in order to ensure a fair system.

Senator Downe: I congratulate our colleague from New Brunswick on her outstanding work on this file. She has worked on it for many months, and she is close to a successful conclusion.

Was the committee concerned that the authority for departmental hiring had been transferred from an independent, non-partisan agency, the Public Service Commission, to deputy ministers who are appointed by the Prime Minister? These deputy ministers do not go through competition, public interviews or public advertisements.

I say this in a non-partisan manner; I am not talking about the current Prime Minister or past prime ministers. However, in 10 years, we could be in a situation where a prime minister appoints deputy ministers who are instructed to hire various people in the department, which is a setback from the system we have had since the early 1900s. It is a concern, and I believe it is a weakness in the system.

The chair of the committee indicated that the Public Service Commission has found, as I understood his presentation, violations of the hiring code. What do they do? They consult, they look at the violations and review them.

• (1500)

The people who have been hired — if I understood the chair correctly — have not lost their jobs. Those people have been hired against the rules, as the Public Service Commission understands them, but they continue to be employed. That would not have happened had the Public Service Commission still been in charge of hiring for the Public Service of Canada; is that correct?

Senator Ringuette: Honourable senators, I will try to answer that question as best I can. I do not pretend to speak on behalf of all of the members of the committee; I can only answer from my knowledge and perception of these issues.

Yes, I am gravely concerned with the delegation of authority because, before the Public Administration Act was enacted two and a half years ago, there was no delegation of that authority in a legal way, but it has not changed anything. Only now the Public Service Commission has the authority to withdraw that delegation. For example, two years ago, only 22 per cent of government departments had human resources planning. In two years it has gone to something like 87 per cent or 88 per cent, which is better. However, we have not seen these plans and we are not able to judge the validity, credibility and foundations of those human resource plans if those human resource plans only put forth what is happening in actuality — that 30 per cent of human resources in that department are term employees hired for six months at a time. That is not a quality human resource plan. Yes, I am concerned about that delegation of authority.

With regard to the violations, Ms. Barrados and the audits she performed are credible. She had concerns. There is one situation where the bureaucracy takes over. We have the public service agency, which is a different entity from the commission. There

seems to be a lot of overlap between one and the other — overlap in authority, I would even say. In addition to that, the public service agency must administer, promote and communicate Treasury Board policies. There are 600 people in the national capital working for this agency.

Honourable senators, the bottom line is that if I were in a private sector business providing services — not goods — to customers and had an organizational plan such as we currently have in the public service, it would be a disaster. I would be bankrupt. No client would want to do business with me. That is the bottom line.

On motion of Senator Stratton, debate adjourned.

STUDY ON CANADIAN ENVIRONMENTAL PROTECTION ACT

REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE—ORDER STANDS

On the Order:

Consideration of the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *The Canadian Environmental Protection Act (1999, c. 33) Rx: Strengthen and Apply Diligently*, tabled in the Senate on March 4, 2008.

Hon. Tommy Banks: Honourable senators, I do not rise to speak directly today to this report but, rather, on a point of order having to do with the report because an error has been found in the report which has been provided to you.

On page 36 of the report, it says:

It was also noted that shorter timelines forced companies to take action that they would otherwise not take, or would delay taking. The example was given of how quickly DuPont, a major manufacturer of PFOS, was able to stop production of PFOS when its production was banned in the U.S. . .

We were wrong in attributing that to DuPont; it was another chemical company, the 3M Corporation, that was involved. I want to obtain the permission of the Senate to change the record in all available versions of the report — online, and in a correction to be tabled in this place. I ask the permission of the Senate to do that because the event referred to a different company than the one named in the report. The event is true and what happened did happen, but it was attributed to the wrong chemical company.

The Hon. the Speaker: It is a question of correcting the record. In this instance, it is the record of that report. When we proceed to debate on the report, it will have the wording as corrected.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Order stands.

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-231, An Act to amend the Citizenship Act (oath of citizenship).

He said: Honourable senators, I rise today to speak to Bill S-231. I proposed this bill because it is time for the Parliament of Canada to send a signal on behalf of all Canadians. That signal, on the question of citizenship, must be inclusive, welcoming and one that is warm and inviting, but it must also be clear.

The core symbols of our citizenship, the core institutions of our society and the values they reflect and defend are not just another list of negotiable preferences to be chopped up in court challenges. Our French, English and First Nation roots and history are not negotiable. Equality before the law, the three elements that comprise the Parliament of Canada — the House of Commons, the Senate and the Crown — are not negotiable. One part of the Constitution, the Charter of Rights and Freedoms, should not be used or useable to crush another part of the Constitution — that of the Crown — as some might wish to do by using the Charter of Rights and Freedoms before the courts. Allegiance to the Crown, through loyalty to the Queen, is an integral part of the present citizenship oath.

Can the oath of citizenship be changed? Of course it can. It has been changed in the past. Before 1947, people in the independent countries of the commonwealth and empire were simply subjects of the King. Canada created its own separate citizenship that year. Prior to 1947, immigrants to Canada simply took the Oath of Allegiance to become Canadians. From 1947 to 1977, they took the Oath of Allegiance for purposes of citizenship, an adaptation of the Oath of Allegiance provided in the Citizenship Act of 1947.

In 1976, in order to make it clear to new Canadians that they were swearing allegiance to Canada, the words “Queen of Canada” were inserted under the Queen’s name. The oath was also officially named the Canadian citizenship oath at that time.

• (1510)

The oath can be changed in the future as well, but by Parliament, through petition to Parliament, through political campaigns and the election of people who wish to make such a change. Bill S-231 asserts that by giving the oath’s statutory status the protection of the “notwithstanding” clause, changes cannot be made simply by using the courts and the Charter.

I support the Charter of Rights and Freedoms. It was my great privilege to be one small part of a team of officials, as Associate Secretary of Cabinet for federal-provincial relations in Ontario, that helped with the wording and the structure of the Charter. It was my great privilege to negotiate and work with our recently retired Senator Kirby, who had the analogous official’s role working for Prime Minister Trudeau at that time.

As a result of that experience, I know that there would be no Charter of Rights and Freedoms without the notwithstanding clause, which is an integral part of the Charter. I know that the

clause was put in to protect parliamentary sovereignty and not totally Americanize and judicialize our Constitution, as a charter without that specific clause would clearly have done.

I know that when Premiers Blakeney and Peckford proposed the notwithstanding clause in those negotiations, one a New Democrat from Saskatchewan and the other a Progressive Conservative from Newfoundland and Labrador, they did so to both end an impasse and preserve their respective rights to legislate targeted social programs in their provinces without being found to be discriminatory by the courts under the Charter. Premier Blakeney said so specifically at the time.

The phobia around the use of the notwithstanding clause is narrow-minded and, in my humble view, anti-democratic. The phobia has the effect of gutting the careful balance negotiated in 1982 between courts and elected parliaments, assemblies and legislatures of Canada. That balance was endorsed by this chamber, the other place as well as nine legislatures, assemblies or provincial parliaments at the time. Honourable senators, I do not suffer from that phobia.

As for those who wish not to become citizens if it involves allegiance to Her Majesty, we should respect their right not to become citizens. We should respect their right to petition, campaign and advocate for the removal of that allegiance, however we may disagree with their position. However, neither they nor anyone else should have the right to use one part of the Constitution to eradicate another through the use of the Charter in the courts. The bill before honourable senators would ensure that that travesty, that assault on the Crown, would not be facilitated in the future by the use of the Charter.

Honourable senators, we have a robust host culture in Canada. It is based on the evolution of responsible government, not against the Crown but with the Crown. This is not the United States. The values of 1776 were rejected by Canadians when invited to join that rebellion. They were repelled when American forces marched on Canada between 1812 and 1814. British regulars, Canadian militia, French and English Canadian local forces like La Régiment des Voltigeurs from Quebec combined to repel American Manifest Destiny from Quebec and the Maritimes to Niagara.

The Crown is a symbol of our history, our roots and our future. It is both the diverse personalities of our royal and viceregal constitutional heads of state and the laws enacted, advanced and prosecuted in their name. It is the embodiment of the clear sense that the society we share when reflected by the Crown is greater than any elected politician or first ministers du jour. First ministers and governments, as we all know, come and go, as should be the case in a democracy, but the enduring values of civility, due process, equality before the law, institutional memory, fairness and the public interest continue through the Crown. That is what the oath affirms. That is what citizenship embraces. That is part of how our society endures.

Those who are now before the courts to strike down the Crown from the oath will be judged on the merits of their petition under present law. I make no comment on the validity of their case or that of the Crown law officers who valiantly oppose it.

Bill S-231, honourable senators, is about the future, a future all of us, in our oath of allegiance to Her Majesty when we were summoned to this place, swore to serve and protect.

Hon. Joan Fraser: Would the honourable senator take a question?

Senator Segal: I would be delighted to do so.

Senator Fraser: Honourable senators, this debate is not so much about the citizenship oath, where I suspect I agree with the honourable senator's basic position, as it is about the notwithstanding clause. Senator Segal has a privileged position in that he was part of that historic work.

Why do we need the notwithstanding clause in light of section 1? Section 1 allows for exceptions that are demonstrably justifiable in a free and democratic society. The Charter also has, if memory serves, a section that specifically allows for programs that might otherwise be deemed discriminatory that are designed to ameliorate the condition of disadvantaged groups.

All that is left for the notwithstanding clause to do is legitimate something that would not be justifiable in a free and democratic society. I am sorry; I do not follow the justification for that. Maybe the honourable senator could enlighten me.

Senator Segal: I would be glad to do so.

As a general premise, I do not think people petitioning for the right to become a citizen should have the right to decide what the wording of the oath should be. I do not think they should be able to assert that right through the courts by using the Charter, as is being attempted now. It is important, therefore, for us to put a wall around certain things which some courts, perhaps, may decide are not reasonably protective or can be changed because of a particular interpretation that would transpire at a lower court to indicate that those things are actually beyond the jurisdiction of that court because they violate something so fundamental that we want to protect it by the notwithstanding clause.

I believe in great restraint in the use of the notwithstanding clause. I would have differed from the government of Mr. Chrétien when it brought in the anti-terrorism legislation without using the notwithstanding clause. Honourable senators will recall that the government of the time said we can bring in Charter-proof material. They brought in so-called Charter-proof material, which was largely struck down in some measure by the court. It would have been, in my view, more frank to say that the terrorist threat is fundamental, different, out of the ordinary and, therefore, we do need a notwithstanding clause, which has a precise sunset in the context.

I believe there are times when the clause is appropriate. I think this is one of those times.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I listened carefully to Senator Segal's speech. I agree that this is an extremely important matter. I am also impressed at how well he presents his case for his private member's bill. However, I have some reservations that I feel I must present to this chamber. In fact, this matter is currently before the courts. It would be highly unusual for this place to intervene in this matter before the courts have had a chance to render some kind of decision.

Without discussing the subject matter — which I do not intend to do — I need to speak about how we, in this chamber, should handle cases that are before the court. However, I will need some time to reflect and prepare my notes on the subject so that we know how to deal with such issues.

I propose the adjournment of this debate for the balance of my time.

On motion of Senator Comeau, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Johnson, for the second reading of Bill C-343, An Act to amend the Criminal Code (motor vehicle theft).
—(*Honourable Senator Carstairs, P.C.*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Carstairs took the adjournment on this bill, but she has indicated to me that she will not speak on it. If no other senator wishes to speak to this bill, she is willing to have it referred to committee.

The Hon. the Speaker pro tempore: Is there any debate on the bill?

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

• (1520)

INCOME TAX ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill C-253, An Act to amend the Income Tax Act (deductibility of RESP contributions).
—(*Honourable Senator Di Nino*)

Hon. Wilfred P. Moore: Honourable senators, with regard to Item No. 5, in two days' time it will be one month since Senator Di Nino took the adjournment of the debate on this item. Could the honourable senator indicate when he intends to speak on this matter?

Hon. Consiglio Di Nino: As I indicated to the honourable senator privately when he asked me, it is my intention to speak to this matter when we come back after the break. I have not had the chance to look at it thoroughly.

Senator Moore: We are here next week and then we have a week's break. Will the honourable senator speak to it in the week after that?

Senator Di Nino: It is my intention to do that at that time, yes.

Order stands.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the eleventh report of the Standing Senate Committee on National Finance (Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection), with an amendment), presented in the Senate on April 3, 2008.—(*Honourable Senator Stratton*)

Hon. Joseph A. Day: Honourable senators, Senator Stratton has taken the adjournment on this order, but he was preoccupied when we were going over the Order Paper, and I wondered if he had noticed that we were there.

Hon. Terry Stratton: Honourable senators, I mentioned to Senator Ringuette yesterday across the floor of the chamber that I indeed will be speaking to this matter.

Order stands.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO STUDY APPLICATION OF THE CHARTER OF RIGHTS AND FREEDOMS AS IT APPLIES TO THE SENATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Di Nino:

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

Hon. Anne C. Cools: Honourable senators, the motion is currently standing in my name. Actually, I was speaking with Senator Andreychuk today and I indicated my intention to speak to this matter. Having said that, honourable senators, I would like

to adjourn the debate in my name for the rest of my time so that I may speak to this order along with Senator Joyal's bill as the two issues are related. I will speak to this order next week, I believe, honourable senators.

On motion of Senator Cools, debate adjourned.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

STUDY ON AFRICA—*OVERCOMING 40 YEARS OF FAILURE: A NEW ROAD MAP FOR SUB-SAHARAN AFRICA*—MOTION TO PLACE COMMITTEE REPORT TABLED DURING PREVIOUS SESSION ON ORDER PAPER—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin:

That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, during the First Session of the Thirty-ninth Parliament, be placed on the Orders of the Day for consideration at the next sitting of the Senate.—(Honourable Senator Cools)

Hon. Anne C. Cools: Honourable senators would know that I was ready and willing to speak to this item yesterday, but I could not because of the hour of the day. Honourable senators, since this order stands at day 15, I intend to speak to it next Tuesday. From long experience in this place, I have discovered that it is not a good idea to raise new or difficult subject matter late on a Thursday afternoon.

On motion of Senator Cools, debate adjourned.

THE SENATE

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

On the Order:

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

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

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

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

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

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(Honourable Senator Cowan)

Hon. Hugh Segal: Honourable senators, I wish to ask a question of my good friend Senator Cowan, for whom I have great respect and affection. Knowing of the onerous task that he carries with him as Liberal whip on the other side, I am sure one of the most difficult and foreboding tasks that could ever be put on anyone's shoulders in this house, I wonder, as the male lifespan is 82, if he could share with us any sense of timing about when he will intervene on this crushingly important issue so that we may have the benefit of the Liberal Party's views on the matter and then perhaps proceed to some deliberation, and perhaps even a vote, where all of us could express our view on this core democratic question.

Hon. James S. Cowan: Honourable senators, I assure my good friend Senator Segal that it is a pleasure to be a part of this Liberal caucus. Perhaps I would invite him to join us on some occasion so that he could see for himself how much more he would enjoy life on this side than on that side. You never know until you try.

Having said that, this is an important topic. I and other colleagues on this side are giving it careful consideration, and I will be speaking to this matter in due course.

Order stands.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY GUARANTEED ANNUAL INCOME SYSTEM—DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the implementation of a guaranteed annual income system, including the negative income tax model, as a qualitative improvement in income security, with a view to reducing the number of Canadians now living under the poverty line;

That the Committee consider the best possible design of a negative income tax that would:

- (a) ensure that existing income security expenditures at the federal, provincial and municipal levels remain at the same level;

- (b) create strong incentives for the able-bodied to work and earn a decent living;
- (c) provide for coordination of federal and provincial income security through federal—provincial agreements; and

That the Committee submit its final report no later than June 30, 2009; and

That the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.—(*Honourable Senator Eggleton, P.C.*)

Hon. Art Eggleton: Honourable senators, I am delighted that such a progressive proposal is being put forward by a Conservative. They dropped that word from the title of their party, but at least one of them — and maybe a few others — are still a bit more progressive thinking when it comes to ideas dealing with social issues that are faced by Canadians.

In this particular case, we are talking about poverty. Proposals to reduce poverty are most welcome. This particular proposal has been around for a while: a guaranteed annual income. I am surprised that a Conservative would come up with that one. Nevertheless, it is a proposal that needs to be considered in the context of dealing with poverty reduction.

In fact, I think Senator Croll, in his report dealing with poverty in Canada, going back to the late 1960s and early 1970s in this chamber, also suggested the idea. It has not been adopted by either Liberals or Conservatives, but it is one that needs to have a fresh examination and, indeed, it has already.

The Standing Senate Committee on Social Affairs, Science and Technology is looking at the issue of poverty, housing and homelessness, in the context of two major studies it is conducting, one on cities and one on population health, which our colleague Senator Keon is leading. We are looking at this issue of a guaranteed annual income in that context because it is one of many ideas. It may not be an idea that everyone embraces. I think at one time it was seen as perhaps a “quick fix” or a “silver bullet,” or whatever phrase you want to use to describe what might be a solution. Many commentators, analysts and researchers today would say that that is not the way to go or that it is only part of the answer. However, I think the subject needs thorough examination.

• (1530)

Tomorrow, the Library of Parliament researchers are holding a symposium, which I will attend, and at which all senators are welcome, to get the ball rolling with discussion and presentations on the matter.

The Social Affairs Committee has already heard witnesses on this very issue, some of whom are suggesting variations of such a program and different names for it. It is not always referred to as a “guaranteed annual income” or a “negative income tax.” Progressive thinkers have ideas on how to deal with the terrible plight of many people in our country who suffer from poverty.

This item has been standing in my name for 13 days. I have had a discussion with Senator Segal about proceeding with this. As the committee is already seized with the matter, I do not see the need

to pass this motion. Passing the motion would result in a separate study on guaranteed annual income with a deadline of June 30, 2009, with many of the same provisions as a new study would have. However, this matter does not require a new study because it is already being examined by the subcommittee that is examining poverty, housing and homelessness. Our discussion was about the senator perhaps having the matter stand in his name until we see what the Social Affairs Committee comes forward with. Senator Segal is welcome to come to our committee and participate in these discussions. When we report on the broader issue of poverty, housing and homelessness, we will address this issue, as is logical. Depending on what that report says, the disposal of this motion can be determined.

I understand that Senator Segal or another honourable senator will hold this matter in their name for further discussion and debate. Subject to agreement by honourable senators, the matter may remain on the Order Paper until such time as the committee issues its report on reducing poverty in our country and, dealing with housing and homeless, which are very closely related, as are many other issues.

Senator Keon is working feverishly to complete the report of the subcommittee studying population health. It is to be hoped that the report of the Subcommittee on Cities dealing with poverty, housing and homelessness will also be ready by the end of this calendar year, elections notwithstanding.

On motion of Senator Johnson, debate adjourned.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

Hon. Bill Rompkey, pursuant to notice of April 9, 2008, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, November 21, 2007, the Standing Senate Committee on Fisheries and Oceans authorized to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans, be empowered to extend the date of presenting its final report from June 27, 2008 to December 19, 2008; and

That the Committee retain until February 12, 2009 all powers necessary to publicize its findings.

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

Motion agreed to.

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES**

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDIES ON BILL S-205 DURING FIRST SESSION
OF THIRTY-NINTH PARLIAMENT, BILL S-42 DURING
FIRST SESSION OF THIRTY-EIGHTH PARLIAMENT
AND BILL S-18 DURING FIRST SESSION
OF THIRTY-SEVENTH PARLIAMENT
TO CURRENT STUDY ON BILL S-206

Hon. Tommy Banks, pursuant to notice of April 9, 2008,
moved:

That the papers and evidence received and taken on the subject of Bill S-205, An Act to amend the Food and Drugs Act (clean drinking water), during the First Session of the Thirty-ninth Parliament, Bill S-42, An Act to amend the Food and Drugs Act (clean drinking water), during the First Session of the Thirty-eighth Parliament and Bill S-18, An Act to Amend the Food and Drugs Act (clean drinking water), during the First Session of the Thirty-seventh Parliament be referred to the Committee on Energy, the Environment and Natural Resources for the purpose of its consideration of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water).

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

Motion agreed to.

[Translation]

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, April 15, 2008, at 2 p.m.

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

Motion agreed to.

The Senate adjourned until Tuesday, April 15, 2008, 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, April 10, 2008

*(*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	07/12/14	32/07
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	08/03/04	2	08/03/06		

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	07/12/12	Legal and Constitutional Affairs	08/02/27	0 observations	08/02/27	08/02/28	6/08
C-3	An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act	08/02/06	08/02/07	Special Committee on Anti-terrorism	08/02/12	0 observations	08/02/12	*08/02/14	3/08
C-8	An Act to amend the Canada Transportation Act (railway transportation)	08/01/29	08/02/12	Transport and Communications	08/02/14	0	08/02/14	08/02/28	5/08
C-9	An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)	08/01/31	08/02/12	Foreign Affairs and International Trade	08/02/28	0	08/03/04	*08/03/13	8/08
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					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	08/01/31	1 observations	08/02/07 Message from Commons-agree with Senate amendment 08/02/12	*08/02/14	2/08
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	07/12/13	0 observations	07/12/13	07/12/14	36/07
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	07/12/11	6 observations	08/01/29		
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	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
C-35	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No. 3, 2007-2008</i>)	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-37	An Act to amend the Citizenship Act	08/02/26	08/03/04	Social Affairs, Science and Technology					
C-38	An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River	07/12/12	07/12/12	Committee of the Whole	07/12/12	0	07/12/12	*07/12/12	31/07
C-40	An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act	08/02/14	08/03/04	National Security and Defence					
C-41	An Act respecting payments to a trust established to provide provinces and territories with funding for community development	08/02/05	08/02/05	National Finance	08/02/07	0	08/02/07	*08/02/07	1/08

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-42	An Act to amend the Museums Act and to make consequential amendments to other Acts	08/02/14	08/02/26	Human Rights	08/03/04	0	08/03/05	*08/03/13	9/08
C-44	An Act to amend the Agricultural Marketing Programs Act	08/02/26	08/02/27	Agriculture and Forestry	08/02/28	0	08/02/28	08/02/28	7/08
C-48	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No. 4, 2007-2008</i>)	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	10/08
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (<i>Appropriation Act No. 1, 2008-2009</i>)	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	11/08

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-253	An Act to amend the Income Tax Act (deductibility of RESP contributions)	08/03/06							
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17	08/03/04	Human Rights					
C-287	An Act respecting a National Peacekeepers' Day	07/11/22	08/02/26	National Security and Defence					
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples					
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade	08/04/03	0 observations			
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	08/03/11	Energy, the Environment and Natural Resources	08/04/10	0			
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							
C-343	An Act to amend the Criminal Code (motor vehicle theft)	08/02/28	08/04/10	Legal and Constitutional Affairs					
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12							

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	08/02/27	4	08/03/06		
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	Dropped from Order Paper pursuant to Rule 27(3) 08/04/01						
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	08/02/13	Social Affairs, Science and Technology					
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17	08/03/05	Banking, Trade and Commerce					
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17	08/04/03	Energy, the Environment and Natural Resources					
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	07/12/11		
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	Report on subject-matter 08/02/28				
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17	08/03/13	Legal and Constitutional Affairs					
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17	08/02/28	Legal and Constitutional Affairs					
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							
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S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13 Report amended 07/12/13	19	07/12/13		

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S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30	Dropped from Order Paper pursuant to Rule 27(3) 08/03/13						
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31	08/03/05	Human Rights					
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance	08/04/03	1			
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0	07/12/04	*08/02/14	4/08
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28							
S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04							
S-223	An Act to amend the Non-smokers' Health Act (Sen. Harb)	07/12/04	08/03/13	Social Affairs, Science and Technology					
S-224	An Act to amend the Parliament of Canada Act (vacancies) (Sen. Moore)	07/12/13	08/03/04	Legal and Constitutional Affairs					
S-225	An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	07/12/14	08/04/09	Legal and Constitutional Affairs					
S-226	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	08/01/29							
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S-228	An Act to amend the Canadian Wheat Board Act (board of directors) (Sen. Mitchell)	08/02/13							
S-229	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	08/02/26							
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S-232	An Act to prohibit the transfer of certain assets and operations from MacDonald, Dettwiler and Associates Limited to Alliant Techsystems Incorporated (Sen. Grafstein)	08/04/08							

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