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(HANSARD)

**Wednesday, May 7, 2008**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Wednesday, May 7, 2008

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

Prayers.

### AFGHANISTAN—FALLEN SOLDIER

#### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of Corporal Michael Starker, whose tragic death occurred yesterday while serving his country in Afghanistan.

*Honourable senators then stood in silent tribute.*

## SENATORS' STATEMENTS

### MENTAL HEALTH WEEK

**Hon. Joan Cook:** Honourable senators, May 5 through May 11 is Mental Health Week in Canada. This national awareness week, spearheaded by the Canadian Mental Health Association, provides citizens across the country with opportunities to learn more about the importance of mental health and how to achieve and maintain it in our daily lives.

This year's theme, "Work-Life Balance: Make it Your Business," focuses on the role that employers and businesses can play in making their workplace a mentally healthy and productive environment.

Statistics show that one in five Canadians will experience some form of mental health problem at some point in their lives. However, in spite of the fact that almost all of us know someone who has been or who will be affected by mental illness, very few of us know much about it.

It is human nature to fear what we do not understand and, unfortunately, mental illness still carries a stigma. Sadly, many people hesitate to get help for a mental health problem. Canadians need to know that effective treatment and help exists and that the fear associated with mental illness will begin to disappear as people learn and talk more about this illness.

In my home province of Newfoundland and Labrador, the Canadian Mental Health Association will be hosting numerous events this week, beginning on May 5 with the signing of a provincial proclamation by the Honourable Ross Wiseman, our Minister of Health and Community Services, declaring Mental Health Week in Newfoundland and Labrador. I am proud to be a member of the Pottle Centre board, a drop-in centre for mental health consumers in St. John's, and they, too, will be hosting an open house this week.

In keeping with the theme of the week, "Work-Life Balance: Make it Your Business," information brochures will be circulated electronically to private and public sector employers across the province.

Honourable senators, I urge you to take some time this week to learn a bit more about mental health and help all Canadians win the fight against the stigma associated with it. Together, we can create a mentally healthy Canada.

### ZIMBABWE ELECTION

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to the proactive steps taken by Canada in the electoral uncertainty arising from the recent Zimbabwe elections. I want honourable senators to know that Canada has been extremely active in working behind the scenes to help find a solution to the electoral crisis in Zimbabwe to help prevent the outbreak of civil war.

On April 20, I flew to Mauritius where, with the able assistance and counsel of Her Excellency Roxanne Dubé, Ambassador in Harare, we engaged in more than nine major bilateral meetings with African heads of state and foreign ministers of the Southern African Development Community, SADC, countries.

While we attended the Southern African Development Community International Conference on Poverty and Development in Mauritius, we utilized the opportunity to lobby senior African delegates to encourage them to take steps to find a solution to the crumbling credibility of the electoral process in Zimbabwe.

At the request of Foreign Affairs and International Trade Canada, we advanced Canada's position to urge African leaders to play a more active role in defusing the crisis. At each meeting, we referred to a powerful statement from the 135 national parliaments that had just met in Cape Town at the one hundred and eighteenth Inter-Parliamentary Union Assembly. The IPU document said:

The people of Zimbabwe have a right to determine their future through free and fair elections, as enshrined in the universally accepted norms and standards, as well as the continental (African Union) and SADC Principles and Guidelines governing democratic elections.

Ambassador Dubé and I spoke with African leaders from Zimbabwe, Zambia, South Africa, Mozambique, Tanzania, Angola and others to encourage greater African leadership in resolving the crisis. This was the second SADC summit that Her Excellency had attended, post-election, to lobby African leaders.

Our hope was that civil war would not break out at the cost of thousands of lives. With sensitive issues such as this, diplomacy is often done quietly.

The Canadian Embassy staff acted as election observers on the day of the election and closely monitored events both before and after. In fact, the Canadian Embassy was the only embassy present at the official recount of presidential ballots.

Ambassador Dubé and her staff have been working closely with non-governmental organizations, NGOs, including the Zimbabwe Election Support Network, which has played a crucial role in the election.

• (1340)

Thanks to the direct intervention and advocacy of Ambassador Dubé, journalists from *The Globe and Mail* and the Canadian Broadcasting Company were among the few Western journalists to be granted permission to report the elections from inside the country. Her close and visible contact with the journalists during their stay may very well have protected them during a crackdown on foreign journalists.

Honourable senators, I wish to commend Ambassador Dubé for her excellent work.

[Translation]

#### INVISIBLE RIBBON CAMPAIGN

**Hon. Lucie Pépin:** Honourable senators, on Saturday, May 3, the Trenton Military Family Resource Centre held its fourth annual invisible ribbon gala. This celebration of the military family was first held in Winnipeg in 1996. Barbara Little and Maureen Macdonald created the plastic ribbon to symbolize the invisible uniform that Canada's military spouses wear.

The contribution of military spouses and their families deserves to be widely known and celebrated. While our troops are constantly on the move, at the front, on missions or in training, their spouses must become heads of their households and take on many responsibilities by themselves. They do all this with great energy and make it possible for their military partners to do their own jobs well.

Military spouses work constantly to reconcile the demands of military life with their status as civilians. They have had to adapt to these constraints and to the resulting regular disruptions in their own professional lives.

The moral strength and discretion they demonstrate are worthy of our admiration. I have always been overwhelmed by their will to take charge of their lives. They never give up. They are my heroes and heroines.

[English]

The spouses make many sacrifices, expecting nothing in return. They only want their partner's mission to end in success. Their supporting role in their husband's or wife's well-being is of extreme importance.

Honourable senators, I encourage you to continue to support the military brass in its effort to increase the recognition of the sacrifices these families make. I know that every senator in this chamber is aware of the enormous contributions these families make and see those efforts for their true worth.

I encourage honourable senators to show your ongoing support and solidarity this week by wearing the invisible ribbons that are on your desks.

[Translation]

There are many ways to support our brave troops, but if you ever have the chance to meet a military spouse, shake her hand and tell her how much you admire and respect how she handles things. They are invisible, but they are there.

#### MENTAL HEALTH WEEK

**Hon. Wilbert J. Keon:** Honourable senators, May 5 to 11 is Mental Health Week, an annual event that gives Canadians many opportunities to learn more about the importance of mental health.

[English]

The focus of Mental Health Week this year is "Mental Health: Make it Your Business," which is about the role that employers and businesses have to make work environments places that are productive as well as supportive of mental health.

Toxic offices are not simply difficult places to work, they also cost all of us money. Employee burnout results in an estimated \$12 billion spent on health claims, lost productivity and absenteeism.

An article from *The Globe and Mail* on May 8, 2007, stated that:

... 22 per cent of Canadian workers consider themselves workaholics. And money is the major motivator.

The article continues by saying that studies also show that:

Over the longer term, however, research shows that overworking is an unprofitable behaviour. Allowing work to encroach on rest, relaxation and personal relationships increases vulnerability to stress-related impairment or illness.

Fortunately, we are doing something to support mental health.

As honourable senators are aware, the Senate has made the mental health of Canadians a priority, as evidenced in the May 2006 report from the Standing Senate Committee on Social Affairs, Science and Technology entitled *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*.

This government has also made the mental health of Canadians a priority. Last year's budget provided funding to establish the Mental Health Commission of Canada. In addition, our former colleague, the Honourable Michael Kirby, has been chosen to chair the commission.

• (1345)

This year's budget continues our support for mental health by providing \$110 million to fund proposed demonstration projects. I must say that Senator Kirby has been tireless in his efforts to get

the job done. These projects will help us find solutions by targeting the very real problems experienced by people with mental health issues.

This is the kind of leadership that will provide real help to Canadians. Honourable senators wishing to learn more about mental health should check the website of the Canadian Mental Health Association.

## TRANSPORT

### MANITOBA—ELECTRONIC PETITION REQUESTING INSTRUMENT LANDING SYSTEM AT BRANDON MUNICIPAL AIRPORT

**Hon. Sharon Carstairs:** Honourable senators, over 1,100 citizens of the Brandon area in my home province of Manitoba have signed a petition requesting both assistance and action on the establishment of an Instrument Landing System, ILS, at the McGill Field in Brandon. Brandon is Manitoba's second largest city and has always had poor passenger and freight service, not the least of which has been caused because they have not had the appropriate safety requirements which an ILS requires.

Unfortunately, honourable senators, the petition is an online petition and the rules of this place make online petitions unacceptable for tabling. Perhaps the Rules Committee should look into this restriction since citizens use the new technology every day to express their views to the politicians of this country.

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

**Senator Carstairs:** The petition reads as follows:

We the undersigned citizens of Western Manitoba, ask the Government of Canada to provide the necessary infrastructure to enable safe air travel at Brandon Municipal Airport. The current lack of an Instrument Landing System creates uncertainty for scheduled air services and presents safety concerns for air ambulance and other services. An ILS would provide reliability and safety for scheduled commercial flight, air ambulance, and business aircraft in all weather conditions. Investing in this infrastructure would make possible the recruitment of national/international carriers to serve Brandon Municipal Airport. We look forward to the support and leadership of the Government of Canada regarding this important issue for the people and the economy of Western Manitoba.

Honourable senators, the people of Brandon and Western Manitoba deserve the support of the Government of Canada.

## THE LATE RICHARD DILLON

**Hon. Hugh Segal:** Honourable senators, a great Canadian, Colonel Richard Dillon of London, Grand Bend and Toronto, a distinguished soldier, civil servant and engineer died last month at the age of 87. He was awarded the Military Cross for distinguished and meritorious service in battle in World War II during the Italian campaign. It was at the town of Assoro where that cross was won. *The Globe and Mail* provided the following description of events:

On July 23, 1943, two companies of the RCR were ordered to skirt the town of Assoro, under cover of darkness and attack it from the rear. Nothing went according to plan: The commanding officer was killed, communications broke down and Capt. Dillon, with a section of carriers, was instrumental in re-establishing contact with the beleaguered forward companies, which were in disarray.

The Military Cross citation reads, he:

... led the carriers skillfully across difficult rocky and mountainous country during daylight under constant observed enemy artillery, mortar and machine gun fire, and through enemy patrols, contacted the forward Companies and carried out his mission. The officer displayed leadership and outstanding devotion to duty in carrying out his difficult mission.

Among others, Field Marshal Bernard Law Montgomery signed that citation.

Richard Dillon went on to become the first Dean of Engineering at the University of Western Ontario and the first Deputy Minister of Energy in Ontario's history. After the election of the Parti Québécois in 1976, he, William Darcy McKeough and Richard Schmeelk of Salomon Brothers inaugurated the Schmeelk scholarships.

[*Translation*]

French Canadians can study in English at an anglophone university and English Canadians can study at a francophone university, all in the interest of national unity.

[*English*]

Richard Dillon was a patriot, someone who did his remarkable generation proud. His last moments were described in *The Globe and Mail* in this way:

Mrs. Dillon cared for her husband at home until finally, when he could no longer recognize his loved ones and even a walk in the garden could frighten him, she allowed him to be moved into the veteran's wing at Sunnybrook. . . .

He died there some time later surrounded by his family. About an hour after his passing, the chaplain and some of the nurses on duty came into Mr. Dillon's room. According to Kelly, one of Dick Dillon's three daughters:

The Chaplain read some passages and said a prayer. . . . Then she looked at my mother and said: "On behalf of the people of Canada I want to thank you and your husband for his service to the country and for the freedom we enjoy today." And then, they placed the flag over his body.

• (1350)

## ROUTINE PROCEEDINGS

### CANADA MARINE ACT CANADA TRANSPORTATION ACT PILOTAGE ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-23, An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence.

Bill read first time.

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

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

[Translation]

### ANTI-SPAM BILL

#### FIRST READING

**Hon. Yoine Goldstein** presented Bill S-235, An Act concerning unsolicited commercial electronic messages.

Bill read first time.

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

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

[English]

## QUESTION PERIOD

### TREASURY BOARD

#### DISCONTINUANCE OF COORDINATION OF ACCESS TO INFORMATION REQUEST SYSTEM

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. In response to my question yesterday about the cancellation of the Coordination of Access to Information Request System, the leader described it as:

. . . elaborate and incomplete centralized control over access to information that is expensive, bureaucratic and does little to improve actual access to information.

Therefore I ask the minister to tell this chamber how much the government will save by cancelling the CAIR system?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I wish to thank the honourable senator for that question. I believe I answered all of the questions on this matter yesterday.

It is quite clear that very few people use this system. In fact, there was an article in the *National Post* newspaper yesterday, reporting that federal government officials had said that there were 13 users a month, at an annual cost of \$50,000.

This registry has been used in the past as an early warning system to restrict the flow of access to information. Our government has increased access to information.

• (1355)

I have a list of 69 agents of Parliament, Crown corporations and wholly-owned subsidiaries that the government has added to the registry. Anyone who wants to file an access to information request, and who is in this registry, is able to receive that information. They need only to make the inquiry and they will receive the information.

**Senator Hervieux-Payette:** Honourable senators, I believe we need more information not only about the costs but also about what would be provided to the general public and for those who need to consult. From what the leader is telling honourable senators about the number of requests under this program, I understand that some free services were provided to the government because external parties were completing the work.

Can the government provide a system with a mechanism that allows direct government access and, thereby, not use volunteers who are kind enough to put the information on the website for the general public to access? Can the government complete the information and provide access to the Canadian taxpayer?

**Senator LeBreton:** Honourable senators, we have expanded the registry for access to information with the addition of 69 agencies and bodies. The public has increased access to information, as indicated by the higher number of access requests made over the last two years. There is nothing in this decision to shut down this particular registry that restricts anyone in any way from access to information. The registry was simply a compilation of the requests that have been made. As I said yesterday, we have a proven example of the registry being used for wrong purposes when it allowed the previous PMO to be aware of an access request, to fashion its response and to figure out a communications strategy before any of the information was known to the public.

In no way does the discontinuation of this list impede anyone in any way from using his or her rights as a Canadian citizen to access information. If someone files an access request and suspects that someone who may or may not have been on this list has filed the same request, they simply have to ask to be advised if that is so. That information is available.

**Hon. Francis Fox:** Honourable senators, the Access to Information Act is seminal legislation that serves the cause of Canadian democracy. Any tampering with access mechanisms

raises serious concerns. I should like to ask the minister the following question: Freedom to information was a value that the once proud Progressive Conservative Party of Canada believed in. With the elimination of the registry, the legacy of Gerald Baldwin, Walter Baker, Joe Clark and Brian Mulroney is being significantly weakened, if not discarded.

Why is the government betraying its own party's legacy? Why is the government's commitment to open and transparent government in its 2006 platform being whittled down and abandoned?

**Senator LeBreton:** Honourable senators, I am very proud of the legacy of our party in this area. I well remember Gerald Baldwin from Peace River, Alberta, who first raised the issue of freedom to information in Parliament.

• (1400)

I also know that it took a long time for the issue to pass through Parliament. As a matter of fact, the Mulroney government was the first government confronted with access to information because it was brought in very late in the previous government of Pierre Elliott Trudeau.

I am proud of the legacy of the Conservative Party in this regard. As proof of how much we value our legacy, we have expanded access to information. As I mentioned a few moments ago, I would be happy to read the list for honourable senators. We have expanded the coverage to 69 additional organizations to make them subject to access to information. That is all good news.

Honourable senators, 13 customers per month is not extensive use of a registry. There is also some evidence that it was not up to date, and there is nothing that is in the registry that is not available to anyone who wants to ask for information on just who has filed an access request.

### PRIVY COUNCIL OFFICE

#### ACCESS TO INFORMATION— RELEASE OF INFORMATION

**Hon. Francis Fox:** If the minister wants to talk about history, we will. It was a Liberal government that took over the bill of freedom of information proposed by Mr. Clark and shepherded it through Parliament by July 1, 1983. I happen to remember it well, because I am the one who shepherded it through Parliament. I do see it as a shared legacy of parliamentarians on both sides of the Senate.

However, by abolishing the registry, the government is surely making access less efficient and more cumbersome. This, in itself, is a serious weakening of the access process. The minister spoke yesterday of the evils of centralization through instruments such as the registry.

Can the Leader of the Government in the Senate now confirm or deny that the Privy Council has been given the task of coordinating the release of any information requested under the Access to Information Act?

[ Senator Fox ]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** That is very interesting. This idea originated with the Conservatives, and then it took three years for the then government of Mr. Trudeau to bring it forward. However, as I have pointed out, the full effect of the act was not implemented until the government of Brian Mulroney.

With regard to this decision, there is no reason to believe that discontinuing it impedes the ability of Canadians to access information from the government. As I said a few moments ago, we have strengthened the act. We have added 69 more organizations that are now accessible. Honourable senators need only to witness the stories we are now seeing in the media about the CBC and their expenses.

With regard to the specific question, I am not aware of what Senator Fox is talking about, so I will simply take that portion of his question as notice.

**Senator Fox:** Perhaps, in the spirit of access to information, the minister could undertake to make those inquiries and give the Senate a commitment to table whatever protocol or directives have been given to departments and agencies regarding the new processes governing access to information since this government took office?

**Senator LeBreton:** I should point out that all of the activity with regard to access to information, of course, falls within the Treasury Board Secretariat. We have made great strides, not only on access to information but on many other areas of the accountability act and other offices of Parliament. I would be happy to provide a chronology of all the great work that we have done.

• (1405)

### TREASURY BOARD

#### ACCESS TO INFORMATION—RESPONSE TO REQUESTS

**Hon. Joan Fraser:** Honourable senators, as it happens, just this week I received a letter from the Privy Council Office in relation to the Access to Information Act because last summer I sent a letter to the Prime Minister and to then Minister of Defence, Mr. O'Connor, asking for action on behalf of veterans who were suffering from post-traumatic stress disorder. I will cite the request of the letter in the original French as follows:

[*Translation*]

... copies of all the letters sent to Stephen Harper's attention, except letters from the public, from July 1, 2007 to today, October 19, 2007.

[*English*]

I take it from that that the request was made on October 19, 2007. My letter from the Privy Council Office says that they are considering the release of this material but believe that it may contain information that falls under subsection 21, which has to do with exceptions, for example, information that does not have to be released. For my convenience, they have attached extracts from the act.



For the life of me, I cannot see how my innocent letter to the Prime Minister would fall under any of these exceptions, but I was particularly interested in what I take to be the act's requirement that when a record is requested under this act, the head of the relevant institution shall, within 30 days after the request is received, give written notice to the third party of the request. If this request was made on October 19, that is now close to seven months.

How can we square that with the government's repeated assurances that it is doing more than anyone in history to enhance access to information and transparency?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question, although it sounded rather like one of her old editorials in the *Montreal Gazette*.

I cannot respond. Obviously, the honourable senator has sent a letter to the Prime Minister, so that would fall within the purview of the Privy Council Office.

In response to Senator Fox, the implementation of the act falls within the purview of Treasury Board.

In response to Senator Fraser, however, as I do not have the details of what the honourable senator is asking, and as she read only snippets from her correspondence — and probably well selected snippets — she cannot expect me to answer.

I must say that I remember, back in the opposition times, when Mr. Chrétien was the Prime Minister and was running around saying he was a “Chevy Prime Minister,” and the expense to make a Chevrolet bullet proof was reported in the newspapers. They started with a Chevrolet and ended up with a Buick Roadmaster. I had a researcher who worked for me file a simple access to information request — I paid the five dollars myself — and what I asked was a very simple question. I was not asking for security details; I just wanted the cost. My researcher was investigated by the RCMP for simply asking the question, and his request was cited by the former Information Commissioner as an abuse of power. That was my own experience with the previous government.

I would have to have more details to fashion a proper response to Senator Fraser's question.

**Senator Fraser:** I will be happy to provide the leader of the government with details of the correspondence. Let me just ask her to accept my assurance that while, yes, I was an editor for many years — a period she apparently remembers fondly — it has been my practice, then and now, not to edit so as to distort. I would never mislead this chamber.

**Senator LeBreton:** As Senator Fraser would remember, I sent many letters to the editor of the *Montreal Gazette*. When Senator Fraser was appointed to the Senate, she ended up being my neighbour, and one day she yelled in to my secretary, “Your senator used to send me lots of letters,” to which I yelled back, because I was inside my office, “Yes, and it might have been nice if I had had the odd reply.”

In any event, the honourable senator did not give me enough information to properly respond to her question.

• (1410)

## CORRECTIONAL SERVICE

### PROGRAMS FOR OFFENDERS—FUNDING

**Hon. Lorna Milne:** Honourable senators, some time ago the Standing Senate Committee on Legal and Constitutional Affairs heard evidence from a number of individuals with regard to correctional services provided in Canada. Following those presentations I received a letter from the Office of the Correctional Investigator of Canada stating that, for 2006-07, of a total budget of \$1.8 billion, only \$37 million was spent on programs that contribute to the safe reintegration of offenders following release. This represents an actual decrease in programming funds of more than 28 per cent over the past few years after inflation is taken into consideration.

As we all want safer streets, including the Leader of the Government in the Senate, will the government extend its law and order agenda to include increased funds to improve programming for offenders so that they are less likely to reoffend once they are released?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for that question. The government takes the safety of our streets and communities very seriously. Many bills have been introduced in and passed through Parliament that deal with crime in our country. I do not have the figures on the amount expended by Corrections Canada for people after they are released from incarceration, so I will take that question as notice.

**Senator Milne:** I thank the leader for that response. However, I am concerned about where this government's dedication to convicting Canadians and throwing away the key will lead us. I am afraid we are going the way of the United States regarding correctional services. It was recently announced that more than 1 in 100 adult Americans is behind bars.

Last year, over \$49 billion was spent on corrections in the United States, \$10 billion more than was spent in 1995. That is an increase of approximately 20 per cent. Meanwhile, in Canada, corrections spending has doubled over this same period, a 200 per cent increase. With spending on corrections rising while program spending for inmates is falling, it is little wonder that the Office of the Correctional Investigator found a shortage of core programming in maximum security prisons.

Will the Leader of the Government use her considerable influence to remind her cabinet colleagues that the responsibility to offenders does not end when they receive a sentence for their crime? We owe it to the safety of Canadians to ensure that offenders are provided with the opportunity to access programs that may help them to be productive members of society once they get out of jail.

**Senator LeBreton:** In terms of the overall budget of Corrections Canada, Senator Milne makes the assumption that none of the increased costs are invested in rehabilitation and preparing those incarcerated to return to their communities and not to reoffend. I know it is popular to compare our system with that of the

United States. I cannot answer for the United States. Our system is completely different. We have introduced many justice bills, some of which have been passed and some of which have been held up, to address serious issues facing law enforcement.

The honourable senator assumes that none of the increased costs at Corrections Canada have been invested in the prison population, and I do not believe that is the case.

When I ask the minister's office to respond to her first question, I will ask for a breakdown of where some of this money has been spent.

• (1415)

### PUBLIC SAFETY

#### AUDITOR GENERAL'S REPORT—BORDER SERVICES AGENCY—TRACKING OF ENFORCEABLE REMOVAL ORDERS

**Hon. Terry M. Mercer:** Honourable senators, I note in the Auditor General's report yesterday that she has joined the hundreds of thousands of other Canadians who want Prime Minister Stephen Harper out of 24 Sussex Drive.

**Some Hon. Senators:** Oh, oh.

**Senator Mercer:** I could not let that line go by without delivery.

Honourable senators, yesterday's Auditor General's report included some findings of great concern to Canadians. One of particular note is that the Canada Border Services Agency does not know the whereabouts of almost 41,000 people who have been ordered removed from the country. That is more than some of the smaller towns in my province.

Auditor General Sheila Fraser also noted that the agency's guidelines give wide latitude to officers to decide when to actually detain someone. Also, no system is in place to ensure these decisions are consistently being made across the country.

My question is to the Leader of the Government in the Senate. When will her leader, Prime Minister Stephen Harper, do something about the apparent inability of the Minister of Public Safety to actually keep Canadians safe?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Does the honourable senator expect people to believe that the condition of 24 Sussex Drive deteriorated since January 2006, and that all of these people went missing since January 2006?

I will quote the report of the Auditor General. She said:

Since our last audit, the Agency has made a number of improvements in its management of detentions and removals. It better estimates the number of outstanding cases and it focuses its efforts on removing the higher-risk individuals.

The government very much appreciates the work of the Auditor General. She has pointed out areas that need attention, unlike in the past, where every Auditor General's report was a massive

abuse of taxpayers' dollars — such as the Human Resources and Social Development Canada scandal and the sponsorship scandal. In this case, the Auditor General is bringing legitimate concerns to the government's attention while acknowledging improvements since her last audit.

**Senator Mercer:** The Leader of the Government in the Senate constantly refers to the previous government. At which point in time, at which point in history, what is the date, what is the marker, where is the benchmark for when this government will take responsibility for what the government does? I would say that it is the day the Conservative Party assumed office, and the leader should recognize that and start taking some responsibility.

The Auditor General's report also noted the Canada Border Services Agency does not check to see whether detainees are being treated fairly according to established human rights objectives; imagine that. We have no idea whether these people are being properly treated. The agency also does not monitor how often individuals released under certain conditions actually comply with these conditions. Therefore, people are released and given some restrictions, but we have no idea whether they follow them. The agency also does not pay attention to the costs of detaining and removing individuals; the list goes on and on.

Meanwhile, I asked the Leader of the Government in the Senate last month about the Canada Border Services Agency rejecting an offer from the Halifax Regional Police to dust for fingerprints in a bus aboard a ship where stowaways were hidden. They refused; they were not interested in knowing the number of stowaways on that bus. This pattern of ineptitude of the Minister of Public Safety is rampant.

• (1420)

I received another one of Minister Day's email missives that he sends to all of his employees extolling his virtues and trying to be buddies with his employees. If the minister is too busy trying to be everyone's friend and not properly running his department to ensure the safety of Canadians, when will Stephen Harper be firing this minister and putting in place someone who will do the job?

**Senator LeBreton:** We are happy to take responsibility for the actions of our government, after having formed the government in January and being sworn in in February 2006. I am happy to answer for that government. The honourable senator often refers to statistics that obviously did not just happen within the two-year period that we have been in government.

With respect to the Canada Border Services Agency, Minister Day, who is a competent and well-liked minister, has directed the Canada Border Services Agency to develop an action plan to improve the management of the detention and removals program. This plan will include national supervision of the detention and removals process to make it more effective, with better control of costs and better tracking of individual cases in order to strengthen the removal process and protect the public safety.

Minister Day, as is the case, is well ahead of the honourable senator on this matter, and I await news from his department as to how they are planning to implement this action plan.

[ Senator LeBreton ]

**Senator Mercer:** The minister may know that the rest of us await this action as well, because the Auditor General has told us that 41,000 people are roaming the streets of this country, from north to south, and from east to west. The government has had two years to change this situation.

This is a government that was elected on a great law-and-order platform. Their stated goal was to make Canadian streets safe. However, the Auditor General tells us that there are still 41,000 people roaming the streets who have been ordered to be removed from this country, and Mr. Day does not know where those thousands of people are. I would suggest that this is a sign of incompetence.

**Senator LeBreton:** The fact is that even the Auditor General has acknowledged that some of those 41,000 might not even be in the country. The difficulty is in tracking them.

As I said, the minister has instructed the Canada Border Services Agency to put in place a number of initiatives to improve the situation. It is hoped that when the Auditor General revisits this issue, she will again be able to report that, since our last audit, the agency has made a number of improvements in its management of detentions and removals.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting an answer to an oral question raised in the Senate on April 17, 2008, by the Honourable Senator Jaffer, concerning CIDA, the Initiative to Save a Million Lives and funding to combat malaria.

#### FOREIGN AFFAIRS

##### FUNDING TO COMBAT MALARIA—CANADIAN INTERNATIONAL DEVELOPMENT AGENCY— WORLD HEALTH ORGANIZATION REQUEST FOR FUNDING TO PROVIDE BED NETS

(Response to question raised by Hon. Mobina S.B. Jaffer on April 17, 2008)

#### The Initiative to Save a Million Lives

The Initiative to Save a Million Lives will focus on training, equipping and deploying front line health workers to deliver basic health services to children and pregnant women. This Canadian-led Initiative will include, among other basic health services, new medicines to treat malaria and long-lasting insecticide treated mosquito nets to prevent malaria.

UNICEF is currently working with the Ministries of Health in the assessment of needs and gaps in coverage of key health services, including services for malaria. Gaps have already been identified in some of the countries, while work is still ongoing in others. For example, in Mozambique, the gaps have been identified in mosquito net coverage for children and pregnant women. Therefore, Canadian funds will support the delivery of over 400,000 long-lasting mosquito nets to children and pregnant women by the end of the year.

Canadian funding to the Initiative will also provide other critical services, such as immunizations, vitamin A supplements and treatment for pneumonia — interventions that are aimed at the illnesses that greatly contribute to childhood deaths in developing countries. The Initiative aims to ensure that the results will be sustainable by making sure that there are sufficient health workers trained to deliver these services to those who need them most.

CIDA will monitor the use of these funds closely through annual reports provided by UNICEF and validate the results reported through an independent evaluation.

#### Malaria

Canada will continue to play a world leadership role in malaria control, working with a range of organizations, including the World Health Organization.

Since 2003, CIDA's support to malaria has resulted in the distribution of over 6.4 million bednets in Africa through partnerships with the Canadian Red Cross, UNICEF and World Vision Canada. It is conservatively estimated that these nets will save approximately 180,000 lives.

Canada was the early leader among donor countries in the provision of long-lasting insecticide treated nets (LLITNs), and remains one of the lead donor countries.

The second element in the fight against malaria is expanding access to treatment for the poor. CIDA will be playing a major role in providing sick children with the new highly effective malaria treatments, called artemisinin-based combination therapies (ACTs).

In addition, Canada has recently pledged \$450M over three years to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria. This brings Canada's total contribution to \$980M, and is one of the largest international aid commitments ever made by Canada. Approximately one-quarter of Global Fund monies have gone for malaria prevention and treatment.

#### POINT OF ORDER

##### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, before proceeding with the Orders of the Day, I have a Speaker's ruling on Senators' Statements.

At the end of Question Period on May 1, 2008, Senator Fraser rose on a point of order relating to Senators' Statements. She had two specific concerns: that a statement made earlier in the day had not met the criteria of rule 22(4) and that its content may have violated rule 51. On a separate issue, she asked for guidance as to when, if ever, mention may be made to the absence of senators.

Senators Comeau, Carstairs, Goldstein, Banks, Corbin, and Stratton all spoke to the matter, focussing on specific aspects of Senator Fraser's point of order. I thank all the honourable senators for their helpful contributions.

• (1425)

[English]

On the first point, I will read rule 22(4) in full.

When “Senators’ Statements” has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate. In particular, Senators’ statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate. In making such statements, a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

Senators must, usually, rely on their own understanding of the appropriate matters for statements. This is evident from the rule itself, which states that senators may raise matters that “they consider” to be urgent. The rule reflects the fact the Senate remains in large measure a self-regulating chamber.

[Translation]

Senator Fraser’s second concern was that the statement may have violated rule 51, which forbids “All personal, sharp or taxing speeches.” Her objection concerned some of the language that was used.

Rule 51 seeks to preserve decorum and order. As I have noted in previous rulings, the Senate functions best when its business proceeds in a courteous and dignified manner appropriate to the chamber of sober second thought. I again underscore this point for senators, and invite them to show care in how they frame remarks at all times during the sitting.

[English]

As a final point, Senator Fraser also sought guidance about restrictions on referring to the absence of a senator. This is not the first time the topic has come up during the current Parliament. A ruling of February 7, 2007, addressed this very issue. It stated that:

As to the matter of referring to senators who may or may not be present, *House of Commons Procedure and Practice* by Marleau and Montpetit is clear, at page 188, that “the Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because ‘there are many places that Members have to be in order to carry out all of the obligations that go with their office.’” This is just as much the case for senators. Similarly, *Beauchesne’s*, at page 141, citation 481(c) of the sixth edition, prohibits reference to the presence or absence of specific members.

[Translation]

Canadian practice discourages any reference to the absence of senators. Practices in other countries, which were mentioned in discussion on the point of order, are not of direct relevance to the conduct of Senate business in this case.

[ The Hon. the Speaker ]

[English]

Just as reference is not to be made to the absence of a senator, members should also refrain from drawing attention to the arrival or departure of any honourable senator. We all understand that senators have many legitimate competing obligations on their time.

[Translation]

As already noted, honourable senators are themselves to a great extent in control of how the Senate runs. We must share responsibility for this.

[English]

I would like also to take this occasion to address the concern raised by Senator Mercer yesterday. He made reference to rule 19, which deals with the demeanour of senators in the chamber. The purpose of this rule is to maintain an appropriate level of respect and dignity amongst honourable senators. The first item in the rule indicates that it is out of order for any senator to pass between the Chair and the senator who is then speaking. I urge all honourable senators to observe all the proprieties established in this rule 19 scrupulously.

[Translation]

In conclusion, I wish to thank all honourable senators for their comments. I once again encourage all honourable senators to reflect on the manner in which we conduct ourselves during the sitting, to ensure that we preserve the useful and respectful exchange of ideas and information that is the hallmark of the Senate.

• (1430)

[English]

## ORDERS OF THE DAY

### JUDGES ACT

#### BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk, for the second reading of Bill C-31, An Act to amend the Judges Act.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, would my colleague across the floor provide an indication as to when they intend to deal with this bill? This is an extremely important bill that would provide access for Canadians in the appointment process of justices. As I understand it, there is a certain number of judges from the Aboriginal communities of Canada who would benefit from the passage of this bill.

Could my honourable colleague provide an indication as to when we might expect her side to deal with this issue?

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, as Senator Comeau has indicated, this is an important bill, which requires serious consideration. Certainly, our side is looking closely at the legislation and preparing our information in order to respond appropriately.

Order stands.

#### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I call the attention of all honourable senators to the presence in the gallery of our distinguished former colleague, the Honourable Senator Pat Carney.

On behalf of all honourable senators, welcome back.

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

#### HERITAGE LIGHTHOUSE PROTECTION BILL

##### MESSAGE FROM COMMONS— AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-215, An Act to protect heritage lighthouses:

1. *Preamble, page 1:* Add after line 15 the following:

“AND WHEREAS it is important to provide access to heritage lighthouses in order for people to understand and appreciate the contribution of those lighthouses to Canada’s maritime heritage;”

2. *Clause 2, page 2:* Replace line 9 with the following:

“this Act, and includes any related building”

3. *Clause 2, page 2:* Replace lines 19 to 28 with the following:

““related building”, in relation to a heritage lighthouse, means any building on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse.”

4. *Clause 6, page 3:* Replace line 6 with the following:

“include any related building that the Min-”

5. *Clause 7, page 3:* Replace line 29 with the following:

“whether any related buildings should be”

6. *Clause 11, page 4:* Replace line 19 with the following:

“lated building should be included in the des-”

7. *Clause 16, page 5:* Replace line 23 with the following:

“house and whether any related building”.  
—(Honourable Senator Murray, P.C.)

**Hon. Lowell Murray:** Honourable senators, in rising to commend this motion to your attention and support, I will be brief.

After 10 years and seven or eight iterations, and with Senator Carney having flown all the way from Vancouver to ensure that we do this right, I would not dare do anything to impede the progress of this bill toward passage by the Senate and Royal Assent.

The issue that is addressed by these amendments and the issue in which Senator Carney and I as well as other proponents of the bill on the one hand, and the government on the other, have been joined this past little while is that of public access to lighthouses and sites designated as heritage lighthouses and areas.

Senator Carney’s concern, and our concern, was that ministerial designation of a heritage lighthouse as provided under this bill would be, if not a dead letter, certainly of dubious effect without some assurance of public access to these heritage sites.

I pause long enough here to thank our friends on the Senate committee who assisted Senator Carney and me with this undertaking. At committee we wrote into the text of the bill binding stipulations to ensure that the designation of a heritage lighthouse would be accompanied by the provision of access.

At the House of Commons, the government stated that the provisions we had written into the bill at the Senate committee went too far. They found those provisions to be too constraining. The government, as it not infrequently does, invoked the well-known doctrine of unintended hypothetical consequences in the future. This led to a series of negotiations and discussions involving the sponsors of the bill and various interested parties outside Parliament. There are and have been many interested and strongly committed parties urging this bill upon us. We had negotiations and discussions that led to the amended bill that is now before us.

Senator Carney and other proponents of the bill agreed to a new preambular clause in the bill, which I will read:

AND WHEREAS it is important to provide access to heritage lighthouses in order for people to understand and appreciate the contribution of those lighthouses to Canada’s maritime heritage. . . .

In the body of the bill, there are now references not only to the lighthouse to be designated but also to “related” buildings. The minister in charge of Parks Canada, the Minister of the Environment, may designate a lighthouse as a heritage lighthouse. He or she may also designate any related building as part of the heritage site. This, together with the preambular reference to the importance of providing public access to heritage lighthouses, seemed to us to be an honourable compromise, which we have accepted and which, on behalf of the proponents, I commend to honourable senators.

Finally, honourable senators, let me say again that this bill has at least a 10-year history in Parliament. It originated, I believe, with our late friend and colleague, the Honourable Michael Forrestall, a veteran of over 30 years in both Houses of Parliament, whose memory I salute with affection this afternoon.

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

**Senator Murray:** The legislation was taken up by Senator Carney from the West Coast, whose prodigious persistence knows no bounds, as I have better reason to know than almost anyone here, having inherited the bill and having acted on her instructions for these many months.

I should also say a word about our friends in the House of Commons. Mr. Gerald Keddy, MP, from Nova Scotia; and Mr. Larry Miller, MP, had the carriage of this bill in the House of Commons and did so with quite exceptional skill, vigour and commitment.

Mr. Miller is the Member of Parliament for Bruce—Grey—Owen Sound. He has Georgian Bay in his constituency, with six lighthouses — which explains to some extent his great interest in this matter — dating back to the period 1855 to 1859. It seems to me that this is a matter of interest and concern not just to those of us who have some connection on one or other of the coasts, but to people like Mr. Miller in the province of Ontario.

The minister who oversees Parks Canada, Mr. Baird, and the Minister of Fisheries and Oceans, Mr. Hearn, also need to be congratulated. It is Mr. Hearn's department that will foot the bill for much of this going forward. Naturally, he had to take the traditional and frugal perspective on these matters given the many other demands on the budget of that department. We thank him, also, for his interest and forbearance.

• (1440)

On the first occasion that I went to see Mr. Miller, the MP for Bruce—Grey—Owen Sound, he told me that he had looked up my biography in the parliamentary guide and that I was born the same year as his mother. However, after that rather rocky start, our relationship came to a productive end.

Thank you, honourable senators. I do commend this bill to your attention.

**Hon. Bill Rompkey:** Honourable senators, I wish to make a few comments on this bill, having had some association with it. Lighthouses are very powerful instruments, and it is our argument that lighthouse keepers are very powerful people.

There is an apocryphal story about two ships meeting: The signal from the first ship indicates, "I have the right of way. Change direction to starboard." The signal comes back from the second ship, "I have the right of way. Change your direction to port." The signal from the first ship replies, "I am a battleship. Change your direction to starboard." The signal comes back from the second ship, "I am a lighthouse. Change your direction to port."

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

[ Senator Murray ]

**Senator Rompkey:** To go from the ridiculous to the sublime, I want to call on the assistance of Honourable Senator Smith in reflecting on the origins of that old hymn, "Let the Lower Lights Be Burning":

Let the lower lights be burning!  
Send a gleam across the wave!  
Some poor fainting, struggling seaman  
You may rescue, you may save.

**Senator Smith:** Let the Lord.

**Senator Mercer:** Would you turn up the music, please?

**Senator Campbell:** The temptations!

**Senator Rompkey:** That puts it in context.

If one lives on the coast, lighthouses are probably second only to the cross on the church steeple in terms of iconic signals. The church was obviously built on a hill because it could be used for navigation purposes. However, a lighthouse becomes very important to people who live on the sea.

I simply want to give credit to Senator Michael Forrestall. I learned at lunch today that he was in the Merchant Navy. That was something I had not realized before. He spent some time on the sea and was quite well aware of its perils and glories, and the importance of lighthouses. If one is out there, one needs some connection with the shore and with home. The lighthouse gave us that.

Therefore, I want to pay tribute to Senator Forrestall, who initiated this bill, and also our friend Senator Carney, who continued the effort. I hope that the Senate will give it proper approval today.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I, also, would like to thank everyone, both in the Senate and in the House of Commons, who was involved in the work that went into this bill to move it through Parliament.

I would also like to not let it pass by without remembering the hard work that our late and dear friend Senator Forrestall put into initiating this bill. He put much heart into it when he came up with the bill. I also want to thank Senator Carney, who approached the bill with gusto and enthusiasm, and Senator Murray, who acted as an intermediary between the various interests that had to arrive at a solution as to how to proceed with the bill.

Finally, I want to thank Minister Baird and Minister Hearn. Minister Baird is the lead minister to administer most of the provisions of this bill. Minister Hearn must find the money to fund the application of the implementation of the bill.

Congratulations to all.

**The Hon. the Speaker:** It was moved by the Honourable Senator Murray, P.C., seconded by the Honourable Senator Spivak that the Senate concur in the amendments made by the House of Commons to this bill without amendment, and that a message be sent to the House of Commons to acquaint that House accordingly.

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

[*Translation*]

Motion agreed to.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before proceeding to the next item, Bill S-234, I draw your attention to the presence in the gallery of Grand Chief Eva Ottawa; Chief Jean-Charles Piétacho; Andrew Delisle, Sr.; and Ghislain Picard, President, Assembly of First Nations of Quebec and Labrador.

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

[*Translation*]

### ASSEMBLY OF THE ABORIGINAL PEOPLES OF CANADA BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Aurélien Gill** moved the second reading of Bill S-234, to establish an assembly of the aboriginal peoples of Canada and an executive council.

He said: Honourable senators, let me thank you for your consideration and your expressions of support. As you know, my time in this place will be coming to an end soon. I would therefore appreciate your help in seeing this bill through to completion.

I also thank my Aboriginal colleagues in the Senate for their support and trust, especially Senator Watt, who has agreed to look after this bill throughout the process. I also thank the Law Clerk of the Senate, Mr. Mark Audcent and his staff for their help and expertise with regard to Bill S-234.

My thanks also go to Kathleen Lickers and her Indigenous Bar Association colleagues, to my staff, as well as to Serge Bouchard and my great friend Andrew Delisle.

The enactment I am putting before you today at second reading stage was given long and careful thought. It follows up on the statements I have made in this chamber over the years. Indeed, you have often heard me speak. Some might even say that I repeat myself, and they might be right. I apologize for that. Indians, as we were called for the longest time, tend to repeat themselves, and the reason we repeat ourselves so much is that it seems to us that nobody is listening.

Honourable senators, my public life is coming to an end. It was an honour to sit in the Senate as an Aboriginal person, and proud to be so. I am all at the same time a Montagnais, an Abenaki, an Englishman and a French Canadian. See how complicated a story it is.

[*English*]

Having grown up on the Pointe-Bleue Reserve of the Lac-Saint-Jean area, I have always been very sensitive to the fate of our people through history and today.

All my life, I have fought for Aboriginal causes. All my life, I have seen the ravages of dependence. It is clear that the Canadian government will not forever be able to fulfill the fiduciary obligations it took on in the 19th century. We have said it 100 times, 1,000 times, and have to say it again: the Indian Act is an anomaly. The Department of Indian Affairs is an anomaly. It is important and urgent to break the bonds of this trusteeship.

This paternalistic system, symbolized by the Indian Act and the department responsible for its enforcement, has shown its limitations. It is time to consider a system that gets Aboriginals involved in the management of this country's affairs, especially in affairs that concern them.

• (1450)

It is urgent that we move forward, and do what has been recommended in all the sensitive and intelligent reports, including the one from the Royal Commission on Aboriginal Peoples, which is to make Aboriginals more responsible.

How do we do that? We must do so slowly, and start by establishing a framework that gives Aboriginals the opportunity to properly participate in this country's decision-making process. Such a structure would recognize the interests, cultures and values of our peoples and give them the opportunity to consider any issues that are vitally important to First Nations, Metis and Inuit peoples. For Aboriginals, this institutional framework would represent an opportunity to officially organize and express their concerns.

I am essentially proposing a responsible political body and a real representative assembly. It is something that has been tried elsewhere, albeit with limited powers, for example, in the Sami Parliament of Norway and the Sami Parliament of Finland.

Some might find the approach I am suggesting somewhat risky. Others might even see it as a dangerous novelty. Yet there is nothing new about the idea per se; it is a very old idea that has been considered many times, in various forms, and it would be unfair not to highlight those here.

In its final report dated November 21, 1993, the Royal Commission on Aboriginal Peoples recommended the passage of an Aboriginal Parliament Act to establish a representative body of Aboriginal peoples that would evolve into a House of First Peoples and become part of Parliament.

[*English*]

The idea of a third chamber was put forward during the round of constitutional negotiations that terminated in the Charlottetown Accord.

[*Translation*]

As early as 1918, some of our great leaders came up with the idea of an Aboriginal government in Canada and one who comes to mind was the Iroquois leader Frederick Ogilvie Loft. Honourable senators, he was a remarkable man. He was not a radical without any personal resources. He held a university

degree. He served in the army during the war and could have easily been prime minister of Canada, for he had the political skills.

He definitely wanted to break the vicious circle of dependence and guardianship. Because of his actions, people tried to discourage him. Political meetings were banned on reserves and the Indian Act was amended in order to make it illegal for Aboriginals to raise any funds to finance the First Nations' cause.

The government of the day went even further in its battle against the affirmation of Aboriginal rights. It prohibited Aboriginals from having recourse to lawyers or pursuing any legal action against the Indian agencies' abuses of power. Loft persevered, in spite of everything. He objected to the Oliver Act, which authorized the sale of Indian lands to give non-Indian veterans a place to settle. With the help of others, Loft managed to establish the League of Indians of Ontario, as well as similar leagues in Manitoba, Saskatchewan and Alberta.

Following the lead of the Iroquois, Deskaheh, also known as Levi General, Loft went to Geneva in 1921 to ask the League of Nations to recognize the sovereignty of the Six Nations Confederacy. Loft was talking about sovereign nations. He spoke to kings. He was part of the tradition of the great Amerindian leaders of the past.

Despite the government of the time, with its deaf ears and its unfair and humiliating strategies, the movement continued on from 1930 until 1980. Modern-day Canadians know nothing of this important struggle. It may be difficult to say and hear all these things, but they must be told because history is lacking in details about these events.

In 1943, Andrew Paull, from the Squamish Nation in British Columbia, and a number of leaders, including Huron Gilles Sioui and Algonquin Willie Commanda, organized a national conference that led to the creation of the National Indian Brotherhood. This brotherhood grew as other leaders joined in the 1960s and was followed by the creation of various provincial First Nations associations. This brotherhood became the Assembly of First Nations.

[English]

Aboriginal peoples are hardly newcomers to politics. Our nation was sovereign. Some of our political leaders of yesterday were legendary. They had difficult decisions to make. They had to deal directly with the Crown of France and the Crown of England.

[Translation]

At major turning points in history, some of them rose to take a stand and left their legacies. The mighty Chief Pontiac of the Ottawa nation, faced with the turmoil of the wars between France and England for possession of America, called for the First Nations to unite. That was in 1760. Tecumseh, of the Shawnee nation, did the same in a compelling speech in 1812. In the new world, he said, Indians must unite and speak with one voice in order to find a place on the political map between the Americans and the Canadians. Naturally, no one listened to them.

[ Senator Gill ]

Honourable senators, I do not wish to retell the whole story for you; I simply want it to be clearer and I want us to remember that these efforts are the continuation of past efforts. All these remarkable individuals since Loft have continually called for responsibility and political authority for Aboriginal peoples.

We have been calling for a better world and proving that we are going nowhere for quite some time. The political conscience of Aboriginal leaders is not newly found; it has always existed, but their voices were smothered and were not heard.

Honourable senators know just as well as I do how the Americans dealt with Indians between 1830 and 1890 — with brutality, meanness and without respect. Canada was definitely less brutal, but were the results any different? Indian lands disappeared, natural resources were put under government trusteeship, reserves were established, treaties were not respected, the administration was unfair and fraudulent, powers were abused and our most fundamental rights were violated.

The 20th century will remain a dismal period in the history of the rights of Aboriginal peoples in Canada. What happened to the First Nations? They were broken, they became bands isolated from one another, administrative units in trusteeship, subjects dependent upon the federal government. We should consider the dead end we are in as a true tragedy because it has created an unacceptable social situation in terms of health, education and the economy, as demonstrated by year after year of family and community crises.

Those of us who have been deprived of our rights as citizens and persons, who have been legally marginalized in Canada, have a lot of ground to make up. We only obtained the right to vote in 1960, four years after I graduated from university. During those four years I paid taxes and held a job as a teacher and school principal.

Despite all these inconsistencies, we are still here. Even more incredible is the fact that we have played an active role in history, for the benefit of Canada. Our people went to war in 1914 and 1939, and a number of them gave their lives. Some were military heroes.

• (1500)

I am thinking of major figures such as Francis Pegamagabow, an Ojibwa who was awarded several medals during the First World War. I am also thinking of Joe Kurtness, my next-door neighbour in my community of Mashteuiatsh. Were these people recognized? No. They were humiliated when they came back and they were forgotten. Most of them were excluded from veterans' assistance programs.

It is now 2008 and the situation persists. Every now and then, Canadians become aware of tragedies that are reported on the national news in the context of horror stories such as the suicide rate in isolated communities, Third World conditions prevailing in Canada, public health issues, and so on. There is never anything positive. It is always about unpleasant situations and bad surprises.



[English]

We will never get beyond this situation until we have full control over our own affairs. We have the political know-how to govern ourselves.

[Translation]

The main purpose of the legislation that I am submitting for your attention today is to establish an assembly for Aboriginal peoples, which would be located in Ottawa.

The assembly, which will bring together the representatives of the Aboriginal peoples of Canada, will have three separate chambers for the First Nations, Inuit and Metis members. French and English will be among the official languages of the assembly.

The number of members is to be determined by the assembly. However, that number shall not exceed the maximum number of members of the Senate. The assembly will have the power to determine the method of selection of its members and their terms of office.

The privileges and immunities of the assembly's members will be similar to those enjoyed by the members of the Senate of Canada. The remuneration of the members will not exceed the amounts paid to senators.

The general mandate of the assembly is primarily to deliberate on the affairs of Aboriginal peoples. The assembly may, among other things, investigate matters, deliberate and adopt resolutions concerning constitutional issues relating to Aboriginal peoples and persons in Canada.

The bill provides that the assembly may consider, concurrently with the Senate and the House of Commons, any motion or bill to amend the Constitution of Canada.

The Senate or House of Commons may transmit such a motion or bill to the assembly for its consideration.

Clearly, nothing in this bill undermines the authority of the Queen, Parliament or the Government of Canada or the legislative assembly or government of a province or territory.

The assembly's authority extends to government spending as it relates to Aboriginal peoples; Aboriginal rights, treaty rights and land issues in Canada; the law governing Aboriginal peoples and Aboriginal persons in Canada; and Aboriginal identity, education, language, tradition, culture and social life. The assembly will also be able to consider matters that it accepts to have referred to it by Aboriginal organizations.

The assembly will redraw the geopolitical map of the First Nations. It will have to set regulations for membership and address the Metis issue and Inuit reunification. It will have to deal with lands, resources, wealth creation, the tax base, relations with the government, health, education and culture.

[English]

The wording of the bill included more details in this regard about the future responsibility of the Assembly of First Nations of Canada.

[Translation]

The assembly will establish a committee to help it manage its internal governance and it will also establish a secretariat, including a clerk of the assembly, a law clerk and a parliamentary adviser. The mandate of the Auditor General of Canada will also extend to the assembly.

In order to establish this permanent assembly, the bill provides for the creation of a provisional assembly for a term of two years or less consisting of Aboriginal peoples summoned by the Governor General by instrument under the Great Seal of Canada.

Prior to persons being recommended for summoning to the provisional assembly, the Governor-in-Council, in consultation with the First Nations, Inuit and Metis, shall summon between seven and fifteen persons to sit on the committee responsible for establishing the provisional assembly.

The committee will be under the direction of the Speaker of the House of Commons, the Speaker of the Senate, and a member of the Indigenous Bar Association in Canada, who will be in charge of selecting Aboriginal peoples based on certain demographic and geographic criteria, in consultation with the associations of the First Nations, the Inuit and the Metis.

The provisional assembly will facilitate the creation and meeting of the assembly of Aboriginal peoples.

The bill provides for the establishment of an executive council within the permanent assembly, whose mandate will be to exercise the executive functions assigned to it by the assembly. There will be seven members, including one chair and three members elected by the assembly. The other members will be designated by each of the chambers of the assembly.

It seems imperative to me that the federal government machinery now dedicated to Aboriginal affairs and the government's budgetary resources in the other departments come under the control of a duly created Aboriginal political body.

To that end, I propose in the bill that one year after this assembly of Aboriginal peoples is set up, the government, together with the assembly, introduce legislation to wind up the activities of the Department of Indian Affairs.

[English]

Dear colleagues, this is the essence of the bill that I am submitting for your approval.

[Translation]

This representative assembly is the first step, and without it, nothing will ever happen. Aboriginals must take their place in Canada's political landscape. The 1982 Constitution recognizes us as peoples. It recognizes that we have rights. Therefore, it is high time to take action and achieve the goals necessary to enable the Aboriginal peoples to take charge of their futures.

It should be noted that this Assembly of the Aboriginal Peoples of Canada is not meant to replace the self-government measures taken by various nations. It is simply an institution to complement all the measures taken a few years ago in our communities to achieve self-government.

I am very humbly following in the footsteps of our great historical leaders. I want to see a responsible Aboriginal government in Canada. That is my fondest wish. I urge all of our leaders to work towards this.

I want to help eliminate the current conditions. There are over 600 isolated and vulnerable band councils, Aboriginal groups that have no economic, legal or political power; and there is a lack of commitment from the federal and provincial governments to change or improve the situation.

Honourable senators, I would ask you to take a close look at the bill I have presented. See what a great step forward it would be. Consider the positive long-term effects. This bill would give Canada something it should have had years ago, a place dedicated to managing Aboriginal affairs.

Aboriginal peoples will have a lot of work to do. We will have to unite and learn to work together. We will have to rediscover ourselves. We will have to make a real effort. But who would oppose that?

How can we be anything less than passionate about this, when the future of our many children, their education, their health, their environment, their pride, their culture and their identity are at stake?

Honourable senators, Canada is an incomplete country, a house with some important pieces of its foundation missing.

One of the missing pieces is the assembly I have proposed.

This country will never be complete as long as Aboriginal peoples do not have a place in its political architecture. Simply acknowledging that Aboriginal peoples have played a major role in founding this country would go a long way toward resolving numerous disputes. If we correct this mistake, we will be able to pursue our development on the basis of historical truth.

• (1510)

This new house must be created, and it must be given the time and means necessary to establish itself.

This implementation will take place in stages and many problems will be worked out as they come up. I have confidence in our leaders. As everyone knows, there are a number of complex problems. It will take decades to solve them and it will not be an easy path. It will be fraught with obstacles, but at least it will be a path, and above all, it will be our path.

[English]

**The Hon. the Speaker *pro tempore*:** Do you have a question, Senator Mercer?

**Hon. Terry M. Mercer:** I congratulate the honourable senator on introducing this bill, and I understand the passion that is behind this; I appreciate it. I have a couple of questions in order

[ Senator Gill ]

to help me understand how this will help with other things. My history is one of trying to encourage greater participation by everyone in the democratic process and getting more and more people involved. I will ask the two questions at the same time so as not to take up as much time.

Will we continue to enjoy First Nations people as candidates for the House of Commons? Will First Nations people continue to accept offers of appointments to the Senate of Canada? I hope the answer to both of those questions is yes because all First Nations members of Parliament that I know have made tremendous contributions no matter which party they may be a member.

Does the honourable senator think this will help to increase greater participation of First Nations people in the general elections for Parliament? It has been a long-standing problem in the Aboriginal community to attract people. I do not know how we as a country cannot remind ourselves constantly of the bad treatment we have given to the Aboriginal people of this country when, as Senator Gill stated, he did not receive the right to vote until 1960. Prior to that, we were quite happy to have our Aboriginal friends join the army, navy and air force and fight and die for our country, but we were not willing to give them the right to vote. Shame on us.

It seems that we need to do everything in our power to encourage people to participate in the political process. I hope that this legislation will assist in this regard because we have continued to put up barriers for the Aboriginal community to their full participation in the democratic process.

**Senator Gill:** I will try to answer the honourable senator's second question. I explained in a previous speech my interpretation as to why people do not participate very much in politics and elections. People feel as though they are not a part of the country. If we have an institution that shows that First Nations people are part of the country, I think participation will increase.

Would the honourable senator repeat his first question?

**Senator Mercer:** Will we still see a number of First Nations people running for seats in the House of Commons, and will they continue to accept calls to the Senate?

**Senator Gill:** I do not think this measure will prevent that. There will be one country and it will be open for anyone to be a candidate in any party. By the way, I want this project to be bipartisan, if possible.

In the House of Commons, government, parties and the Senate, everything is open. However, we want to have institutions in which First Nations are able to take control and manage and not be managed by someone else. Can honourable senators imagine if a group of Americans decided to manage Canadian affairs? We need to be responsible for our own mistakes and successes; we need to be responsible for everything.

**Hon. Tommy Banks:** May I ask a question?

**Senator Gill:** Yes.

**Senator Banks:** All honourable senators are grateful for the work that Senator Gill has done on this bill. To gain an understanding of the architecture to which he referred, I have a simple, short question and a hard question. First, in what physical place would the assembly sit? Second, speaking of the architecture and of Aboriginals managing their own affairs, what would be the relationship between the First Nations as they now exist on the one hand and this assembly on the other? Would there be an authority in this assembly that would be able to determine on behalf of First Nations certain things that are referred to in this bill?

**Senator Gill:** I suggest that the assembly would be in Ottawa because this is where national subjects are decided. I do not know what will happen. I am proposing a kind of set-up that will allow for discussion among the First Nations and Canadians about what kind of future there should be to have a better relationship between non-native and native. I speak of this kind of assembly now and that is why I propose a permanent assembly. However, before that, we should have a provisional assembly, to be able to discuss with the people concerned and to have the best set-up we can.

Of course there will be a physical installation somewhere. I could see a good building on the island. I am proposing something that was supposed to be in place from the beginning. It is not there yet. I am not proposing something with a veto; I am not proposing something that will be able to discuss issues for five minutes or three days a year. I am proposing something with approximately the same time as other chambers to discuss First Nations matters. These issues are very complex, as everyone says. We do not take time for that. I know Canadians have many priorities, so we must take time. Of course we need physical installations; we need all these things, but do not forget, there is a \$10-billion budget in Indian Affairs, and I am not counting what is being spent in other departments. We can do a lot with this money. I am sure it is possible to do better.

[Translation]

**Hon. Pierre Claude Nolin:** Senator Gill, without asking you to repeat your speech, I would like to know what the connection is between your assembly and the executive council. After quickly reading the bill, I have the impression that the executive council is a creation of the assembly.

But if such an assembly is created, other structures that exist in Canada will inevitably be eliminated to prevent duplication.

• (1520)

I am thinking of the organizations representing Canada's various Aboriginal communities, whether First Nations, Metis or Inuit. Can you list some off the top of your head? That is what I would like to have a clearer view of.

**Senator Gill:** Honourable senators, I think the assembly is an additional institution unlike any that already exists. It is not intended to replace the Assembly of First Nations or the Inuit. My objective is to establish a legally recognized institution that would run things instead of the Department of Indian Affairs. That is what I want to achieve. At present, there are Aboriginal nations moving toward self-government. We would not interfere with that process; it would carry on.

What I am trying to describe and wish to see come about is a national institution in which all Aboriginal nations are represented: Inuit, Metis and the various Indian nations. That is my goal. You are right; the executive council is a creature of the provisional assembly, established by that body. It is necessary to ensure continuity over time.

The assembly will not be able to sit all the time. It cannot always be here. The executive council will be there to make decisions and act on certain items of business, and ensure continuity. The assembly will not sit all the time. It will have a schedule like any other assembly or the Houses of this Parliament. At certain times it will not be in session. Continuity is needed where buildings and assembly business are concerned. That is what the executive council is there for.

**Senator Nolin:** I would have another question to ask about funding. You are certainly not operating under the assumption that all this will be done for free; there will be costs associated with these activities. We cannot escape considering the Senate's ability to propose spending of that magnitude. Do we have the ability to do so? If so, I would like to understand the reasoning behind that conclusion.

**Senator Gill:** I realize that we do not have the authority to introduce bills proposing big spending. My answer is that is not what I am seeking right now.

This bill is in line with the government's community decentralization and self-government policy; it is a public policy. There are budgets attached to public policies, budgets coming from Indian Affairs or elsewhere. There is no doubt that it will take money to set up a provisional assembly and committees.

If we succeed in our goal, the budgets currently used will be used by official governmental organizations that are going to be established. As I stated earlier, we are talking about \$10.5 billion. I have seen this coming for a long time — if it does not happen now, it will happen eventually. Indians, Metis and Inuit will govern their own affairs. They will have their own equalization formula. Things cannot stay the way they are now, not with the youth. Resources come from isolated areas. The wealth will have to be shared. We cannot always have enormous gaps between different groups of Canadian citizens. We cannot continue on in this way. There will be equalization formulas and resource sharing. I have confidence that this assembly can do it.

On motion of Senator Comeau, debate adjourned.

[English]

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker *pro tempore*:** Honourable senators, I would like to introduce a page who is with us from the House of Commons. Paul Anderson is pursuing his studies in Humanities at the Faculty of Social Sciences at Carleton University. Paul is from Ottawa, Ontario.

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

[Translation]

### KELOWNA ACCORD IMPLEMENTATION BILL

#### THIRD READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Cowan, for the third reading of Bill C-292, An Act to implement the Kelowna Accord.—(*Honourable Senator St. Germain, P.C.*)

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, pursuant to section 37(1) of the *Rules of the Senate*, I seek leave to simply clarify what was reported in the *Debates of the Senate*.

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

**Some Hon. Senators:** Agreed.

**Senator Tardif:** Honourable senators, yesterday, when I spoke at third reading stage of Bill C-292, I quoted Senator St. Germain. I noticed that part of the quote was not reported properly in the *Debates of the Senate* and I wish to inform all honourable senators that this has been corrected.

Order stands.

[English]

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### FIFTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Di Nino, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (use of Aboriginal languages in the Senate Chamber), presented in the Senate on April 9, 2008.—(*Honourable Senator Stratton*)

**Hon. Willie Adams:** Honourable senators, I do not wish to speak to this motion until I hear what Senator Stratton has to say first. Will the honourable senator speak to the report this week or next week?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I will inquire of Senator Stratton as to his intentions on speaking to this item. There is nothing stopping the Honourable Senator Adams from speaking to the motion if he wishes to do so, but I will get back to him on what Senator Stratton plans in this regard.

Order stands.

### THE SENATE

#### MOTION TO URGE GOVERNMENT TO RECOGNIZE SERVICE OF BOMBER COMMAND IN LIBERATION OF EUROPE DURING WORLD WAR II—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Johnson:

That the Senate urge the Government of Canada to take appropriate steps to end the long and unjust delay in recognition of Bomber Command service and sacrifice by Canadians in the liberation of Europe during the Second World War.—(*Honourable Senator Day*)

**Hon. Hugh Segal:** Honourable senators, yesterday when I spoke to this matter, Senator Banks asked a question with respect to the status of Canadian flyers who might have flown with the Royal Air Force and not with the Royal Canadian Air Force. The question and my response were well-intentioned, but I believe that we were both factually incorrect. I have been informed that many squadrons of the Royal Canadian Air Force flew under our flag with Bomber Command. The proposition in my text yesterday stands in respect of Canadian honours and a Canadian medal for our flyers.

I apologize for any confusion I might have caused in response to the Honourable Senator Banks.

**Hon. Tommy Banks:** I apologize as well because it was I who began the confusion.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, was leave granted for this point of clarification?

**The Hon. the Speaker:** The item was called and the honourable senator rose to correct the record.

Order stands.

• (1530)

### BUSINESS OF THE SENATE

**Hon. Roméo Antonius Dallaire:** Honourable senators, I wonder whether some honourable senators are overwhelming themselves with work. Senator Di Nino seems to be taking on a significant amount of work with many of these motions and inquiries and so on.

**Hon. David Tkachuk:** That is out of order. Order!

**Senator Dallaire:** Is that the normal practice? I have not found in my *Rules of the Senate of Canada* any limits as to what an individual senator can take on as they adjourn this and that, and the calendar flows with all this work. Am I seeking something that does not exist, or should it exist?

**The Hon. the Speaker:** The honourable senator raises a good point. The rules were changed some time ago to provide for an item being on the Order Paper for 15 days, and then it would be dropped if no action was taken on the item. I take it the

honourable senator is referring to Item No. 78. The rules are clear, and the motion in Item No. 78 is at day six and stands in the name of the Honourable Senator Di Nino.

### VOTING AGE

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Di Nino, calling the attention of the Senate to the voting age in Canada for federal elections and referendums.  
—(*Honourable Senator Cowan*)

**Hon. James S. Cowan:** Honourable senators, this matter is now at day seven. I intend to speak on the matter, but I would like to simply adjourn the debate for the balance of my time.

On motion of Senator Cowan, debate adjourned.

### THE SENATE

#### MOTION TO TELEVISION PROCEEDINGS— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

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

That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians;

And, on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Segal, that the motion be amended by deleting all words after the first “That” and replacing them by the following:

“the Senate approve in principle the installation of equipment necessary to the broadcast-quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by Committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration (“the Committee”);

That selected and edited proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programmes, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of the Committee, make the determination of the programme content of the selected, edited and categorized proceedings of the Senate and of its Committees;

That equipment and personnel necessary for the expert selection, editing, preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion.”.  
—(*Honourable Senator Andreychuk*)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, Honourable Senator Andreychuk is not in the chamber at this time. I know that she continues to be interested in this matter, but I also realize there are some senators who would like to see this item come forward. We are now at day 13. We do not want to see this item fall off the Order Paper by accident. For the time being, I would like to continue the adjournment of this debate for the balance of my time in my name.

On motion of Senator Comeau, debate adjourned.

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

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. James S. Cowan:** Honourable senators, I want to speak on this issue as well. I should like to adjourn the debate for the balance of my time.

On motion of Senator Cowan, debate adjourned.

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

COMMITTEE AUTHORIZED TO MEET DURING  
ADJOURNMENT OF THE SENATE

**Hon. Wilbert J. Keon,** pursuant to notice of May 6, 2008, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit on Tuesday, May 20, 2008 and Wednesday, May 21, 2008 in St. John's, Newfoundland, for the purposes of its study of population health, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

The Senate adjourned until Thursday, May 8, 2008, at 1:30 p.m.

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