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OFFICIAL REPORT  
(HANSARD)

**Thursday, June 12, 2008**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, June 12, 2008

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

Prayers.

### SENATORS' STATEMENTS

#### MS. ANN DUFOUR

##### TRIBUTES ON RETIREMENT AS DIRECTOR OF HUMAN RESOURCES DIRECTORATE

**Hon. Terry Stratton:** Honourable senators, please join me in congratulating Ms. Ann Dufour on her upcoming retirement. Ann will be leaving her position as Director of Human Resources in July. Her impressive career in the public service spans over three and a half decades, the last five years of which have been as a key contributor to the Senate.

Through leadership, vision and commitment, she has facilitated the modernization of the HR management framework. Some of her most noteworthy accomplishments include the classification conversion project that resulted in the single classification standard for the administration; the modernization of the Senate Administration Human Resources policies and practices; her active participation in the development and implementation of the *Administration's Statement of Values and Ethics* and accompanying *Implementation Guide*; successful negotiations of collective agreements with three different bargaining agents; the establishment of the Advisory Committee on Diversity and Accessibility; and leading the human resources shops on the Hill to motivate the Public Service Commission to increase employment opportunities for our employees in the federal public service. The introduction of section 35.3 of the Public Service Employment Act allows parliamentary personnel to participate in any advertised appointment process open to employees in the public service.

[Translation]

On behalf of the members of the Standing Committee on Internal Economy, Budgets and Administration, I would like to acknowledge the excellent advice and support Ann has given us over the years. Her contribution to our work has been indispensable.

[English]

Honourable senators, please join me in extending a warm and heartfelt thank you to a distinguished member of our executive staff. Her devotion and outstanding service will be remembered for years to come.

On behalf of honourable senators, I wish her and her husband, Paul, a well-deserved retirement.

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

**Hon. Joan Cook:** Honourable senators, I would also like to express my sincere gratitude to the Director of Human Resources, Ann Dufour, for her many years of loyal service.

Under the leadership of the Clerk of Senate and Clerk of the Parliaments, Mr. Paul Bélisle, Ann thrived in her role by successfully leading a number of significant initiatives. Her immeasurable contributions will continue to help the Senate in meeting future human resources challenges. Thanks to her vision, we are prepared to deal with changing demographics and the increasing competition to recruit and retain the best and the brightest.

Needless to say, Ms. Dufour's retirement will leave a gap in this fine institution and finding a replacement will not be an easy feat.

Ann Dufour has earned our highest esteem and she will be deeply missed. On behalf of all honourable senators, I would like to wish her a happy and fulfilling retirement. It is my hope that the recognition she is receiving today will always remind her of our appreciation for her commitment and devotion. Thank you, Ann.

[Translation]

#### MS. LOUISE ARBOUR, C.C.

##### TRIBUTE

**Hon. Marcel Prud'homme:** Honourable senators, if not very often, then certainly too often, Canada forgets to honour what my noble father called the "great servants of our country." I would like to join in the accolades to pay tribute to a great servant of this country.

Today, I have chosen to speak about someone I would have liked to have honoured on a more solemn day. Louise Arbour was born in Montreal on February 10. That date is very important to me, because it is also the date I was elected for the first time.

[English]

Ms. Arbour worked as a law clerk to Justice Louis-Philippe Pigeon of the Supreme Court of Canada. She was called to the bars of Quebec and Ontario, and was made a Companion to the Order of Canada in 2007 for her contribution to the Canadian justice system and for her dedication to the advancement of human rights throughout the world.

• (1340)

Allow me to quote the kind words of UN Secretary-General Ban Ki-moon upon her resignation as the UN High Commissioner for Human Rights:

It is with great regret that I learned of the decision of Louise Arbour not to seek a second term as United Nations High Commissioner for Human Rights. She has fulfilled her four-year mandate with immense dedication and I have been most impressed by her extraordinary courage, energy and

integrity in speaking out forcefully on human rights, which is among the United Nations' most important mandates. She has taken on the challenge of this difficult assignment in precisely the way that I would have expected. She has never hesitated to incur the criticism of states or other entities by highlighting the victims of abuses and inadequacies of legal systems everywhere. She has consistently represented the highest ideals of the United Nations, and the many tributes being paid to her today around the world are richly deserved.

Her legacy will be one of a strengthened and more wide-ranging United Nations human rights system, a stronger focus on justice and accountability, reformed protection mechanisms and a more balanced approach to the full range of civil, political, economic, social and cultural rights.

On behalf of the United Nations, and personally too, I thank her for her outstanding service and wish all the best in her future endeavours.

[*Translation*]

In conclusion, for the greater good of humanity, and definitely of Canada, I assure you that we have not heard the last of our extraordinary countrywoman.

[*English*]

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

#### APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

**Hon. Charlie Watt:** Your Honour, first, I would like to express myself for a few moments in Inuktitut.

[*Editor's Note: Senator Watt spoke in Inuktitut.*]

Honourable senators, yesterday, all parties unanimously apologized for the legacy of the residential school system. For that, honourable senators, I thank you. I thank senators and members of all political stripes from the bottom of my heart.

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

**Senator Watt:** As you know, this initiative was a means to assimilate the first inhabitants and to rob them of their Aboriginal identity by destroying their culture, language and heritage, and robbing their resources and their land.

In concrete terms, we do not know what this apology will mean in the future. This apology could be the beginning of a positive new relationship between Canada and the first inhabitants of this great nation, providing that our representatives in Parliament are willing to respect the rule of law.

Honourable senators, I see this apology as a second step arising from the negotiations on the 1982 amendment to the Constitution of Canada, in which I participated. This amendment added section 35, recognizing and protecting existing Aboriginal and treaty rights.

• (1345)

If Canada truly wants a new nation-to-nation relationship with the first inhabitants, then Canada should sign the United Nations Declaration on the Rights of Indigenous Peoples. Canada should restore existing Aboriginal rights in the true meaning of the Constitution of Canada — and, again, respect the rule of law. Canada should seriously address difficult problems regarding the quality of drinking water, housing, education and the health of Aboriginal communities, to name a few.

Honourable senators, we need to be mindful and recognize that the apology is for events which occurred in the past. The threat of assimilation still exists. In fact, a current policy of the government is to negotiate treaties using a “non-assertion clause” that is designed to force the surrender of existing Aboriginal rights, which we all have witnessed from time to time. Such a clause is equivalent to the previous attempts of assimilation and must be changed if we are to move ahead.

There is still more to do to recognize, respect and promote Aboriginal rights as outlined in the Constitution of Canada.

[*Editor's Note: Senator Watt spoke in Inuktitut.*]

[*Translation*]

#### QUEBEC BLACK MEDICAL ASSOCIATION

##### AWARDING OF GRANTS GALA

**Hon. Lucie Pépin:** Honourable senators, on May 15, I had the privilege to attend the gala of the Quebec Black Medical Association, at which grants were awarded.

I would like to extend my sincere congratulations to this association, which helps young Black students at the college and university level pursue graduate studies or carry out research.

[*English*]

The driving force behind this initiative is the dynamic Dr. Elrie Tucker, the first Black faculty member of McGill University's medical school. His objective was to ensure that other Black students would not face the same difficulties he had.

Since it was established in 1991, this association has supported hundreds of young members of Quebec's Black community. Many of them now work in the field of medicine, contributing to the strength of our health care system.

This is an opportunity to congratulate Dr. Tucker, who is still the president of the association, his team and the many businesses that provide financial support. In the sciences, having talent and drive are not enough; there must also be support. We are very grateful to these people and businesses for giving these promising young people the opportunity to make the most of their potential.

[*Translation*]

I was delighted to attend this year's gala, during which 25 future physicians and researchers received scholarships. The recipients are Akua Awuku Adinkrah, Anna Maria Blanchard, Chidinma

Ngadi, Felicia Olton, Lydia Vezina, Maryse Dodard, Rahel Bahru, Safiya Simon, Tessera Eyerusalem, Alicia Wright, Angela Ahenkorah, Claire Stewart, Khaalid Hicks, Mallory Chavannes, Mytsumi Louis-Fortier, Ramona Richards, Sonja Damika Lue, Amanda Grant, Barakat Momoh, Fatihat Momoh, Kouyabe Ignegongba, Marcel Edwards, Peter Quashie, Rosalita Jean Pierre and Sophia Robinson.

These young people are our future and our future leaders. They are the ambassadors of Canada's Black community. Their perseverance and determination to succeed are the best response to any form of discrimination.

Honourable senators, please join me in congratulating these young people and wishing them every success as they pursue their dreams.

[English]

#### APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

**Hon. Lillian Eva Dyck:** Honourable senators, I wish to echo my esteemed colleague, Senator Watt, in thanking all honourable senators for the support that they have given me in the Senate, for their kindness and for their support of all the work that went toward the historic apology yesterday.

Yesterday was a monumental day. I believe that the apology by the Prime Minister was heartfelt and sincere, as were the apologies from the leaders of all the parties. It was a very moving event.

I wish to accept the apology of the Prime Minister on behalf of my mother, who was a residential school survivor — she is no longer alive — and of her siblings. All of her family were subjected to the residential school experience. It is an experience which they never shared with us because I think they did not wish to make us feel bad, or because the experiences were so terrible that they were not able to speak about them. Nonetheless, I think we are moving forward in Canadian history.

• (1350)

I accept the apologies and I fully expect that all Canadians — Aboriginal and non-Aboriginal — accept the view that this is merely the first step, and that the words will translate into action such as outlined by my esteemed colleague, Senator Watt. One of those actions would be the signing of the United Nations Declaration on the Rights of Indigenous Peoples.

Within the Senate chamber itself, we have had Bill C-292 on the Order Paper since May 6. It is a private member's bill, put forward by former Prime Minister Paul Martin. It may not have weight behind it as a private member's bill, but third reading is here. I would love to vote "yes" to that bill; I urge all senators to pass it. Whether it leads to something concrete or not, it provides an opportunity. I fully expect that we will deal with it at some point in the future. That is my expectation as I rise here in the chamber.

[ Senator Pépin ]

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of a group of students from École Pointe-des-Chênes in Sainte-Anne, Manitoba. Accompanying the students are their teachers, Jocelyne Huppé and Raymond Touraine. They are guests of the Honourable Senator Chapat.

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

[English]

#### ROUTINE PROCEEDINGS

##### STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

##### INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

**Hon. Joyce Fairbairn:** Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Agriculture and Forestry entitled "*Growing*" *Costs for Canadian Farmers*.

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

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

[Translation]

#### JUDGES ACT

##### BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, June 12, 2008

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

##### THIRTEENTH REPORT

Your committee, to which was referred Bill C-31, An Act to amend the Judges Act, has, in obedience to the order of reference of Wednesday, May 14, 2008, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER  
*Chair*

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

[*Translation*]

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

[*English*]

### CRIMINAL CODE

#### BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, June 12, 2008

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

#### FOURTEENTH REPORT

Your committee, to which was referred Bill S-209, An Act to amend the Criminal Code, has, in obedience to the order of reference of Thursday, March 13, 2008, examined the said Bill and now reports the same with the following amendment:

*Clause 1, page 1:* Replace line 5 with the following:

**“pealed and replaced by the following:**

**43.** (1) Every schoolteacher, parent or person standing in the place of a parent is justified in using reasonable force other than corporal punishment toward a child who is under their care if the force is used only for the purpose of

(a) preventing or minimizing harm to the child or another person;

(b) preventing the child from engaging or continuing to engage in conduct that is of a criminal nature; or

(c) preventing the child from engaging or continuing to engage in excessively offensive or disruptive behaviour.

(2) In subsection (1), “reasonable force” means an application of force that is transitory and minimal in the circumstances.”.

Respectfully submitted,

JOAN FRASER  
*Chair*

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

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

### BUDGET IMPLEMENTATION ACT, 2008

#### REPORT OF COMMITTEE

**Hon. Joseph A. Day**, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 12, 2008

The Standing Senate Committee on National Finance has the honour to present its

#### SEVENTEENTH REPORT

Your Committee, to which was referred Bill C-50, An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget, has, in obedience to the Order of Reference of Tuesday, June 10, 2008, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations relating to the Bill.

Respectfully submitted,

JOSEPH A. DAY  
*Chair*

#### OBSERVATIONS TO THE SEVENTEENTH REPORT OF THE STANDING SENATE COMMITTEE ON NATIONAL FINANCE (BILL C-50)

#### Non-budget items in budget bills

The majority of the Committee strongly objects to the practice of including legislative measures that have no direct relationship to budgetary matters in budget implementation bills. This practice has the effect of discouraging serious parliamentary scrutiny, and creates a situation in which parliamentarians are loath to conduct a proper examination of non budgetary measures for fear of delaying budgetary items that are more pressing. In the present bill, the government has included a large number of amendments to Acts of Parliament that are not related to fiscal management or economic policy. In particular, the majority of the Committee notes that major amendments to the Immigration and Refugee Protection Act properly belong in a stand-alone bill, which should also address the backlog of applications that is now approaching 1 million.

#### Scholarships

The majority of the Committee shares the concern expressed by some witnesses that only the financial assistance function of the sunseting Millennium Scholarship Foundation was addressed by the measures announced in the budget. The government should take steps to ensure merit scholarship and the important research supported by the Millennium Scholarship Foundation will not be lost, but education will be continued either by a government department or by some other means.

### EI Fund

The majority of the Committee agrees with several witnesses, including the Canadian Institute of Actuaries, who expressed concern that the \$2 billion Employment Insurance EI fund reserve is woefully inadequate. A larger reserve in the range of \$12 billion to \$15 billion is needed, both to permit the Financing Board to avoid dramatic fluctuations in premium rates, and to ensure that the fund will be adequate to cover a sharp rise in benefit payments during any future economic downturn.

### Immigration

The majority of the Committee agrees with the many witnesses who regard the proposed changes to the Immigration and Refugee Protection Act as an unnecessary and excessive expansion of the discretion of the Minister of Citizenship and Immigration with regards to applications filed after February 27, 2008. The broad discretion provided for in the bill would authorize the Minister to engage in discriminatory and abusive selection practices. The majority of the Committee disagrees with the government's view that it needs authority to issue "instructions" under the Act without notice and without consultation, subject only to the requirement to publish instructions after the fact. Moreover, the excessive discretion provided by the bill could actually backfire if prospective immigrants fail to apply because they expect to be treated unfairly. Some witnesses noted that the Minister already has the authority to achieve the government's stated objectives, and that the legislative changes either implement a policy objective that the government has not revealed, or else they are redundant. Finally, the majority of the Committee is concerned that the Minister's power to prioritize certain applications could be exercised to the detriment of non-economic categories, such as family class immigrants and applications made on humanitarian and compassionate grounds.

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

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

• (1355)

### STUDY ON OFFICIAL LANGUAGES ACT

#### REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the fifth report of the Standing Senate Committee on Official Languages entitled *Bilingual Staff at Air Canada: Embracing the Challenge and Moving Forward*.

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

[ Senator Day ]

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

#### REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the sixth report of the Standing Senate Committee on Official Languages, entitled *Progress Report: Study on the Implementation of Part VII of the Official Languages Act*.

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

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

### THE SENATE

#### APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS—MOTION TO PERMIT ELECTRONIC AND PHOTOGRAPHIC COVERAGE DURING COMMITTEE OF THE WHOLE PROCEEDINGS ADOPTED

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

That, when the Senate resolves itself into a Committee of the Whole this afternoon, pursuant to the order adopted yesterday, to hear from First Nations witnesses respecting the statement of apology to former students of Indian Residential Schools, it also hear from Patrick Brazeau, National Chief of the Congress of Aboriginal Peoples, in addition to the witnesses approved yesterday;

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole scheduled for today, with the least possible disruption of the proceedings; and that photographers be authorized in the Senate Chamber to photograph the witnesses, with the least possible disruption of the proceedings; and

That the Committee of the Whole report to the Senate no later than 5:00 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

• (1400)

### BUSINESS OF THE SENATE

#### NATIONAL SECURITY AND DEFENCE AND HUMAN RIGHTS COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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



That the Standing Senate Committee on National Security and Defence and the Standing Senate Committee on Human Rights be authorized to meet on Monday, June 16, 2008, even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

[English]

**Hon. Terry Stratton:** Honourable senators, if I may, briefly.

**The Hon. the Speaker:** Is the honourable senator rising on the motion?

**Senator Stratton:** Yes.

**The Hon. the Speaker:** We are in debate on the motion.

**Senator Stratton:** Honourable senators, my understanding is that the Standing Senate Committee on National Security and Defence normally finishes their meetings at seven o'clock in the evening, and that the Standing Senate Committee on Human Rights finishes their meetings at eight o'clock in the evening. I would ask the two committees to respect those rules.

**Hon. Tommy Banks:** Honourable senators, the information that Senator Stratton has given, that the Standing Senate Committee on National Security and Defence ordinarily or normally finishes its meetings at seven o'clock, is not correct. That committee normally does not finish its meetings at seven and I do not ever remember a meeting that finished at seven o'clock.

However, Senator Tkachuk, who is the deputy chair of the committee, and I — because I was planning to propose a motion to the same effect — had, prior to today's session, agreed that on this occasion the committee would end its meeting at seven o'clock on Monday, June 16. In that respect and in that context I agree with what the honourable senator has just said.

**Senator Stratton:** Honourable senators, I do not care to be argumentative; that is not the issue here. The issue is that there are defined times for committees to meet and I believe that what we should do is respect those times because there is a tendency for some committees to go beyond their schedule. As honourable senators know, we on this side have a problem with numbers.

**Some Hon. Senators:** Shame!

**Senator Cowan:** That is your problem, not ours!

**Some Hon. Senators:** Shame!

**Senator Cowan:** Speak to the man down the hall!

**Senator Segal:** Is there no sympathy over there?

**Senator Stratton:** Have you finished, children? I wish to finish my spiel.

My point is that I would ask honourable senators to accept that, given the numbers that we have, we do our business in the best way that we can. I know senators will respect that and I thank them.

• (1405)

**Senator Banks:** Honourable senators, the fact is that no Senate committee meetings normally begin after 7 p.m. on Monday nights. The practice of that committee, since it was first formed — and I can say this with authority because I am one of the original members of it — is that it continues to work until its work is done, and that is what the committee will do.

However, pursuant to the agreement that Senator Tkachuk and I arrived at before the sitting today, and for the specific reasons to which we agreed, that committee will adjourn at seven o'clock on Monday, June 16.

**Hon. David Tkachuk:** That is the practice, honourable senators, when both sides agree.

People have to organize their lives, which is why we have schedules and why committee leadership meets with the two whips and organizes the time of the committee. However, as deputy chair of this committee, I can state that there is never consultation by the chair as to when the meeting will end or on what the agenda will be.

Therefore, we are not able to organize our time. When 7 p.m. has arrived, I have often given an extension to 8 p.m. I have reminded the chairman that there is a set time for us to adjourn, but he pays no attention and keeps right on going. We are not able to plan to attend another meeting at 8 p.m. or 8:30 p.m., or to conduct personal business at any particular time.

It is normal for committees to adjourn at a particular time. Senator Banks and I had no problem solving this problem and coming up with a specific time.

I appreciate that, Senator Banks.

**Hon. Grant Mitchell:** Honourable senators, I cannot sit here and listen to that. The honourable senator is saying he needs to have a definitive time, even though no meeting we have ever had has adjourned at 7 p.m., so it is pretty definitive that we will not stop at 7 p.m. He has the definitive time of 4 p.m. for commencing but, even knowing that, almost without fail he cannot organize his time to be there then because some other duty is required of him by his party. Therefore, I do not buy the argument that he needs a specific time for adjournment in order to organize his schedule.

To take Senator Stratton's argument to its logical conclusion, as the Prime Minister continues to fail to appoint Conservatives to this house, we could get to a point where the Conservatives would have almost no one to appear before committees and we could have no committee meetings whatsoever. Rather than arguing with us to change the sitting time of our committee, the honourable senator should be arguing with his Prime Minister to fulfil his obligation under the Constitution to appoint Conservative and Liberal senators as he should.

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

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

**Hon. Senators:** Question!

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

**Some Hon. Senators:** Agreed.

**Senator Corbin:** On division.

Motion agreed to, on division.

### EMPLOYMENT INSURANCE ACT

#### BILL TO AMEND—FIRST READING

**Hon. Sharon Carstairs** presented Bill S-239, An Act to amend the Employment Insurance Act (foreign postings).

Bill read first time.

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

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

• (1410)

### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

#### BILL TO AMEND—FIRST READING

**Hon. Tommy Banks** presented Bill S-240, An Act to amend the Canadian Environmental Protection Act, 1999.

Bill read first time.

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

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

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

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

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit from August 10 to August 14, 2008, inclusive, in St. John's, Newfoundland and Halifax, Nova Scotia, for the purposes of its study on cities, even though the Senate may then be adjourned for a period exceeding one week.

## QUESTION PERIOD

### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

#### MANITOBA— GEORGE M. GUIMOND PERSONAL CARE CENTRE—STATUS OF UPGRADES

**Hon. Sharon Carstairs:** Honourable senators, my question is to the Leader of the Government in the Senate.

Last week, as part of our travels with the Special Senate Committee on Aging, we visited two personal care homes in Manitoba within a 24-hour period. At Foyer Youville, we saw a beautiful facility that allows for the clear transition between independent living, assisted living — which is presently in construction — and long-term care where patients' multiple needs are met in a variety of living situations with state-of-the-art security arrangements for those with severe dementia.

The next morning, we visited the George M. Guimond Personal Care Centre at Sagkeeng First Nation. The contrast in physical plant was dramatic. One was light; the other, dark. One was beautifully appointed; the other had poor furnishings in need of repair. One was accredited; the other was not. Let me assure the minister that the quality of care for the patients in both places was first-class.

The George M. Guimond Personal Care Centre has had plans for upgrading since 2003, and yet no word has been received from the Government of Canada as to when these upgrades will take place. Many of these clients are survivors of Indian residential schools.

Yesterday was the day of a heart-felt public apology, but now action is required.

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

**Senator Carstairs:** Will the Leader of the Government in the Senate and Secretary of State responsible for Seniors take a leadership role and work to ensure that the George M. Guimond Personal Care Centre receives the upgrades it desperately needs?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I am following closely the work of the Special Senate Committee on Aging. There is no doubt that there are many facilities such as the honourable senator describes. I have been through many of those facilities myself. There is also no doubt that there is a great discrepancy, not with the level of services offered but in the conditions in which people live.

• (1415)

With regard to the facility that the honourable senator mentioned, she noted that they submitted an application in the year 2003. I will inquire for the honourable senator as to the status of that application. As the honourable senator stated, yesterday was indeed an historic day, and I think most of the work that all of us do in righting many wrongs was made much easier — not easy, but much easier. There is still much work to do. Yesterday provided a new opportunity for hope and optimism as we deal through the ministers with Aboriginal leadership and provincial governments to address many of these urgent needs.

ABORIGINAL PERSONAL CARE FACILITIES—  
PAY LEVELS OF STAFF

**Hon. Sharon Carstairs:** Honourable senators, in our travels across the country we also learned that staffing shortages were everywhere: not enough nurses, not enough licensed practical nurses, not enough aid workers. Every province in the country suffers from this shortage.

Can the minister explain how First Nations will be able to maintain staff when the budgets they are given to pay their staff are significantly lower than those in neighbouring communities? For example, in Sagkeeng, nurses earn \$5,000 less than in the hospital down the road.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** The honourable senator has raised a serious issue. Staffing shortages are acute. There is no discrimination on jurisdictions. Staffing shortages are everywhere.

With respect to specific Aboriginal nursing assistants and salaries, as the honourable senator knows, the operation of other facilities in the provinces are run and administered by the provinces, unlike Aboriginal facilities. Obviously, much money is transferred to the provinces for facilities like hospitals. That question is a good and valid one, and I will take the question as notice.

ABORIGINAL DENTAL CARE BENEFITS

**Hon. Sharon Carstairs:** Can the minister explain why the Government of Canada, despite the fact that this non-insured service is available to Aboriginal people, will pay only 85 per cent and not 100 per cent of the dental fee? The result is the following: Dentists will not take some of these patients. Why would dentists use their time to obtain 85 per cent of their fee when they could use their time to obtain 100 per cent?

Why are there no abilities to pre-approve dental work? If an Aboriginal patient needs a root canal, the dentist says, "You must travel back to your community and return here some weeks later because I do not have pre-approval to do that service." I can obtain that pre-approval on the dentist's computer here in my dentist office in Ottawa. Why can that pre-approval not be done for Aboriginal patients?

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

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** These points are all good and valid, honourable senators.

There is much work to be done. The government and the Minister of the Department of Indian Affairs and Northern Development are working hard with Aboriginal leaders to address some of these issues.

One important message from yesterday's historic ceremony was that there are many problems, but we can address them as we move into the future. There is a problem with respect to accessibility. We must deal with the future and the problem with respect to accessibility to dentists. There is confusion with regard to availability in Aboriginal communities. These questions

are not easy to resolve and we are very concerned about them. We are working very hard with the Aboriginal leadership. I think we have made great strides.

• (1420)

We have had two ministers of Indian Affairs and Northern Development who, I might add, received accolades from Chief Fontaine and the Aboriginal leadership. They are working in the best interests of the Aboriginal community, as is the government and the Prime Minister. We will continue in the future to build on this new spirit of hope and optimism that was so clear yesterday and we will continue to work together to try to resolve these problems. Without throwing around incriminating remarks or blaming people, let us try to solve the problems and give our Aboriginal citizens and, in particular, our Aboriginal senior citizens the care that they deserve.

FISHERIES AND OCEANS

TRANSFER OF TURBOT QUOTAS

**Hon. Willie Adams:** Honourable senators, my question is for the Leader of the Government in the Senate. It has nothing to do with the events yesterday; it concerns the fishery in Nunavut.

The Standing Senate Committee on Fisheries and Oceans has just returned from our travels in Nunavut last week, where we heard concerns regarding fishing in that territory. At the beginning of the Land Claims Agreement, Nunavut had only a 27 per cent quota for their turbot fishing in 0A and 0B areas. This year, however, DFO is transferring 1,900 tonnes of turbot to non-Inuit in southern Canada.

Fisheries organizations and the Nunavut government have been writing to the minister regarding their concerns about the 1,900-tonne quota. I have received correspondence from the Government of Nunavut and from fisheries organizations. We have not received any correspondence from the Minister of Fisheries.

I understand that the minister sometimes has no control over private quotas. We have heard much about that in the last few years. The Minister of Fisheries has decided that the turbot quota of 1,900 tonnes should be transferred from the Nunavut fishery.

In the last few years, there has been a study of the 0A and 0B area in Nunavut. We have heard from witnesses. Inuit want to fish like the people in the South do. We would like to have more quotas in the community and we hope the 1,900 tonnes of turbot quota can be transferred to the Nunavut fisheries in the near future.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for his question. I was aware that the honourable senator's committee was in the North. I was not aware, however, that 1,900 tonnes of turbot have been transferred to a southern interest, as was stated.

I will certainly make inquiries of the Minister of Fisheries and Oceans.

• (1425)

As you know, the government is making great strides with our northern citizens. The Minister of Indian Affairs and Northern Development has been working directly with officials of the various governments in the North.

With regard to the specific question, I am surprised to hear the honourable senator's comment because I believe there is recent proof of success in the Inuit fishery.

I appreciate the honourable senator bringing this to my attention. After Question Period, I will make contact with the Minister of Fisheries and Oceans and ask for an explanation.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### SMALL CRAFT HARBOURS

**Hon. Bill Rompkey:** Honourable senators, my question is for the Leader of the Government in the Senate, and it is on the same topic.

While in the Arctic last week, we discovered that there were very few small-craft harbours. Those of us who have fishing communities in our regions were struck by the absence of such harbours. The government has announced a harbour for Pangnirtung, and a harbour will be good for that community, which is doing good work in the fisheries. However, there are seven or eight other harbours that have absolutely no facilities at all; no breakwaters or wharves. These harbours have fishermen with beat-up boats and, therefore, they do not have the opportunity to prosecute the fishery as they wish.

In view of the fact that there is not adequate funding available from the small-craft harbours budget at the present time, could the minister propose to her colleague a special program for Nunavut that would bring its harbours up to the standard of communities in the South?

Would the minister support a special program for that area?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for the question. I know there is more government focus on the North and a desire to strengthen the fishery, open up the North and have all of our Aboriginal communities and the people who live in the North participate fully in our economy and in the Canadian family.

The Minister of Indian Affairs and Northern Development has been in discussions with people in Nunavut. I do not know, however, whether they have gotten down to the details of wharves; perhaps they have. I cannot make a commitment without knowing what the Minister of Indian Affairs and Northern Development has already done. We are making some progress, but I do know that there is a great deal to be done in the North. I would be happy to pass along the honourable senator's suggestion.

**Senator Rompkey:** I appreciate the positive response of the minister, but I want to underline for her that, in her discussions with the Minister of Indian Affairs and Northern Development,

it might be worthwhile to focus on that particular issue of the fisheries. The Inuit are a marine people. They have lived on the sea all their lives. That is their culture. Therefore, focusing on harbours is important.

In addition, we must remember that our first line in claiming sovereignty in the North is the people who live there. If the Inuit, who have been there for thousands of years, are not able to carry on their lives as they would wish, it weakens Canada's case for sovereignty in the North.

One of the things we heard last week was that they are proud Canadians. They want to live their lives in the future to the best of their abilities, but they need the wherewithal and the infrastructure to do so.

**Senator LeBreton:** I would be happy to pass that on. Yesterday in the ceremony, it was clear how valuable these citizens are for the country. The honourable senator is quite right that in establishing our sovereignty, the first line of defence is the people who live there. All the points the honourable senator makes are good and valid, and I will be happy to express those concerns and suggestions to the Minister of Indian Affairs and Northern Development.

• (1430)

## PRIME MINISTER

### APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS—COMMENTS BY MEMBER FOR NEPEAN-CARLETON

**Hon. Terry M. Mercer:** Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, we saw history take place in the Parliament of Canada. To quote the Prime Minister:

... the government of Canada now recognizes that it was wrong to forcibly remove children from their homes ... to separate children from rich and vibrant cultures and traditions, ... and we apologize for having done this.

I joined the Prime Minister in that apology, and I know that all my colleagues did as well. We have heard from Senator Watt and Senator Dyck today about this matter.

Then, yesterday, of all days, honourable senators, the Conservative Member of Parliament for Nepean-Carleton, Pierre Poilievre, was on CFRA Radio here in Ottawa, just hours before the apology, just hours before the station came to its senses and apologized to the Aboriginal people in this country.

I will quote what he said, honourable senators. I was outraged, saddened and shocked when I listened to it several times. I quote the Member of Parliament for Nepean-Carleton:

That gets to the heart of the problem on these reserves, there's too much power concentrated in the hands of the leadership and it makes you wonder where all of this money is going.

[ Senator LeBreton ]

Again, this is Mr. Poilievre saying this, not me:

We spend \$10 billion . . . in annual spending this year alone . . . now, that is an exceptional amount of money, and that is on top of all the resource revenue that goes to reserves that sit on petroleum products or sit on uranium mines or other things where companies have to pay them royalties. . . .

I am still quoting, honourable senators:

. . . that's on top of all the money that they earn on their own reserves. That is an incredible amount of money.

Still quoting now, honourable senators:

Now along with this apology comes another \$4 billion . . .

You should have heard his tone. I cannot mimic the tone:

Now along with this apology comes another \$4 billion in compensation for those who partook in the residential schools over those years.

I will stop for a moment. They “partook” in it, as if they had a choice. Imagine the gall of that young man.

I am still quoting now, honourable senators:

Now, you know, some of us are starting to ask, “Are we really getting value for all of this money, and is more money really going to solve the problem?”

Again, this is Mr. Poilievre's view:

My view is that we need to engender the values of hard work and independence and self-reliance. That's the solution in the long run — more money will not solve it.

Honourable senators, I am ashamed of Mr. Poilievre's attitude. I want to know from the Leader of the Government in the Senate: Is this the real opinion of the Conservative government? Was it really, “I am sorry, but we do not mean it”? Is this really the opinion of the Government of Canada?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I think it was clearly evident yesterday to all of us, and to all the people who were in the House of Commons, who watched the proceedings on television, who listened to the words of the Prime Minister, who listened to the words of our Aboriginal leaders, that this day was historic, and one which we will deal with again in this chamber in Committee of the Whole when the Aboriginal leaders come before us. I look forward to welcoming them.

The Member of Parliament for Nepean-Carleton apologized today in the House of Commons for the statements he made. He said his remarks were hurtful, on a day when people were

celebrating, and he apologized. As a member of his constituency, I well think he should have apologized. I am pleased to say that he has apologized, and so he should have.

• (1435)

**Senator Mercer:** I want to remind the Leader of the Government in the Senate — and I appreciate the fact that she is a constituent of Mr. Poilievre and has said what she said — Mr. Poilievre is also a parliamentary secretary. He is a member of the Conservative caucus.

Will the Leader of the Government in the Senate please, at her earliest opportunity, go to her office, call the Prime Minister and ask him to remove this man from the government caucus? He has sullied the events of yesterday. He has embarrassed not only the Conservative Party, not only the House of Commons, but the entire Parliament of Canada and, quite frankly, he has embarrassed Canadians. He should be ashamed of himself. The Prime Minister should remove him from his position as parliamentary secretary, and he should remove him from the Conservative caucus.

**Senator LeBreton:** Honourable senators, we live in a democracy. People make mistakes. Mr. Poilievre has apologized. There are many examples of inappropriate statements. These statements were inappropriate; I was personally furious when I heard them. There are many examples of such situations. I have been around here long enough to be able to rhyme off other instances without any difficulty. However, when people stand up and apologize for their actions in a free and democratic society we should be big enough to accept those apologies.

## THE ENVIRONMENT

### APPROACH TO CLIMATE CHANGE—CARBON TAX

**Hon. Grant Mitchell:** Honourable senators, the Conservatives argue with great self-righteousness against a carbon tax. All the while, they happily collect the 10-cents-per-litre gasoline tax, which works out to be a tax on carbon of approximately \$43 a tonne.

I would ask the Leader of the Government in the Senate: Does all this angst about a carbon tax mean that the government will therefore cancel this particular carbon tax, or will they continue with it and continue with this enormous hypocrisy between what they say and what they do?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Would the Honourable Senator Mitchell suggest we go back and rename all the taxes on all the various products we sell? How ludicrous.

Honourable senators, the fact is that the proposal that we understand the Liberal leader is about to announce is a new, additional tax. In this country, we do not need more taxes that will directly hit the consumer. We have a plan where we are targeting the major emitters and, as a government, we actually took measures to give consumers a break by reducing the GST from 7 per cent to 6 per cent to 5 per cent and, of course, that applied to gasoline as well.

**Senator Mitchell:** I am sure that the honourable leader did not think too much about the fact that the GST, which she supported Mr. Mulroney on, placed a great deal of burden on many Canadians, seniors and the poor, and they did not have the benefit of revenue from another source to offset that with a tax reduction or with some sort of government support program to pay, for example, for their heating oil.

The leader's answer to my question really is that the government will not do away with that carbon tax on gasoline. Could she at least maintain some form of consistency in what she is saying and recommend to the Prime Minister that if they will not actually cut that carbon tax, they could offset the carbon tax by a commensurate reduction in income or corporate tax of an equal amount?

**Senator LeBreton:** First, Senator Mitchell is the one who should get his facts straight. When the GST was implemented, over great protest in this very chamber, it was to replace a crippling manufacturers' sales tax that was causing a loss of jobs.

I realized at the time the GST was implemented that it was a very difficult tax. We went through that discussion in this chamber. I was not in the chamber at the time, but we had people in this chamber trying to prevent the implementation of the GST, only to have them claim credit for its implementation when they formed government. Also, they ran on an election promise that they would axe the tax — something they did not do either.

• (1440)

As I said to Senator Mitchell yesterday, if he wants to get into a debate with me on the GST and the various positions of the Liberal Party, I will take him on any time.

## HUMAN RESOURCES AND SOCIAL DEVELOPMENT

### CANADA MORTGAGE AND HOUSING CORPORATION—ADEQUACY OF PROGRAMS

**Hon. Catherine S. Callbeck:** Honourable senators, my question is directed to the Leader of the Government in the Senate. Housing is a major issue in this country, especially for low-income Canadians. The Canada Mortgage and Housing Corporation has programs for basic and essential repairs, but they are not adequate.

In my province of Prince Edward Island, the Homeowner Residential Rehabilitation Assistance Program — RRAP, as it is commonly referred to — has a seven-year waiting list. The Emergency Home Repair Program has a waiting list of two years. Imagine having a malfunctioning furnace in the winter or having a dangerously outdated electrical system and waiting two years for emergency repairs.

Why is this government not doing more to help low-income Canadians with home repairs?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I assume the honourable senator is referring to the program we have under Canada Mortgage and Housing to assist seniors — or is she referring to programs for low-income Canadians in general? I will take that question as notice.

I could not help but think, when Senator Callbeck spoke about having a furnace in need of repair, how seniors would feel when they see a huge tax added to their oil bills.

**Senator Callbeck:** These two programs are separate from seniors' programs.

I have another question on the subject of housing. This government took office in February 2006. The first time the minister responsible for housing met with the provincial and territorial ministers to discuss critical housing issues was in April of 2008. That is more than two years after the government took office. The programs to which I just referred, and on which the Leader of the Government has undertaken to get information for me — RRAP and the Emergency Home Repair Program — expire on March 31, 2009. Yet Minister Solberg has indicated that he will not meet with his provincial and territorial counterparts until August; five months after the programs expire.

Will the leader find out why this government will not have a federal-provincial-territorial meeting on the critical issue of housing before these programs expire?

**Senator LeBreton:** Honourable senators, I will take that answer as notice. Normally, when Senator Callbeck asks me such questions, I can read about them in the Charlottetown *Guardian* before I take the opportunity to answer them.

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Carstairs on June 11, 2008, concerning Public Works and Government Services—Resignation of Senior Political Adviser Bernard Côté.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### RESIGNATION OF SENIOR POLITICAL ADVISER BERNARD CÔTÉ

(Response to question raised by Hon. Sharon Carstairs on June 11, 2008)

Mr. Bernard Côté was hired according to the rules governing the employment of exempt staff in the Minister's Office.

These rules include Treasury Board's Policies and Guidelines for Minister's Offices. These rules specify that "all individuals who work in or for the office of any minister, including exempt staff, require a level 2 (Secret) security clearance prior to appointment."

We cannot provide further details due to the requirements of the *Privacy Act*.

[English]

## THE SENATE

### TRIBUTE TO DEPARTING PAGES

**The Hon. the Speaker:** Honourable senators, I would like for us to say farewell to our two remaining pages who are departing.

[Translation]

It is with great emotion that I announce that our first page, Élise Desmarais, is leaving us to pursue other interests. She is finishing her honours degree in international studies and modern languages this summer and plans to take a year off before starting her master's program.

[English]

It has been a great honour for Élise to have had the opportunity to serve this institution over the past two years. The Senate has made a great contribution to her personal and professional development, and she wishes to sincerely thank all honourable senators and Senate staff for having made her experience here unforgettable and very entertaining.

• (1445)

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

**The Hon. the Speaker:** Honourable senators, our Chief Page, David Taylor, will be leaving the Senate with many fond memories after three years of service to our Chamber. David is the first Albertan to serve as Chief Page in the Senate and it has been a particular honour for him to lead such a wonderful team of colleagues in the page program.

He also wishes to express his deep gratitude to all honourable senators and all members of the Senate staff for having made such a great contribution to his continuing education.

Next year, David will complete his studies towards an Honours Bachelor of Arts Degree in Ethics and Society at the University of Ottawa, after which he plans to attend law school at Dalhousie or McGill and, as such, he is preparing to write his LSAT on Monday. We wish him well.

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

## INCOME TAX 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-207, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

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]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: third reading of Bill C-30 and, with leave, third reading of Bill C-292, followed by second reading of Bill C-21, second reading of Bill C-33 and second reading of Bill S-4, followed by other items in the order in which they stand on the *Order Paper* and *Notice Paper*.

[English]

### SPECIFIC CLAIMS TRIBUNAL BILL

#### THIRD READING

**Hon. Gerry St. Germain** moved third reading of Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts.

He said: Honourable senators, I rise today to voice my support for Bill C-30, the Specific Claims Tribunal Act. Bill C-30 is the centrepiece of the government's action plan to address the complex issues related to unresolved specific claims. This plan, which the Government of Canada has begun to implement in collaboration with the Assembly of First Nations, builds on our Senate committee's report published some 18 months ago.

Honourable senators will join me in acknowledging the hard work of my colleagues on the Standing Senate Committee on Aboriginal Peoples for their concerted efforts and pointed analysis.

• (1450)

The report entitled *Negotiation or Confrontation, It's Canada's Choice* provides many insights into the challenges presented by the specific claims resolution process. The practical value of the report was obvious to both the Assembly of First Nations and this government because the action plan on specific claims effectively implements the four main recommendations outlined in the report.

Bill C-30 proposes to establish an independent body to adjudicate specific claims, one of the key recommendations in the report. The creation of this specific claims tribunal will serve the interests of the First Nations and all Canadians. My support for the legislation now before us stems from two factors. First, Bill C-30, the larger action plan on specific claims, still fully applies lessons learned from previous studies and legislative initiatives. Second, Parliament has played an appropriately prominent role in both the legislation and the strategy.

In my remarks today, I will expand on each of these factors beginning with the application of lessons learned. During the past 60 years, many attempts to reform the specific claims process have been launched with the best of intentions only to fall short of success. Although these attempts have varied widely in substance, by and large they all strove for the same goal: to enable the resolution of legitimate claims in a fair and timely manner.

The inadequacies of the current process have been documented in a long list of studies and reports. In light of research conducted during the 1980s and 1990s, the government of the day advanced the legislative solution known as Specific Claims Resolution Act, Bill C-6.

Parliament endorsed the legislation five years ago, but Bill C-6 did not earn the support of key groups, including the Assembly of First Nations, and was never proclaimed. One of the problems stemmed from the fact that while First Nation groups participated in the studies that informed Bill C-6, they were not engaged in the effort to draft the legislation.

Among the several flaws in the legislation, Bill C-6 failed to impose meaningful timelines to settle claims and the proposed tribunal could order compensation for only \$10 million or less per claim.

In fact, honourable senators, it was this chamber that voiced its concerns and increased the compensation ceiling from \$5 million to \$10 million. Unfortunately, that amount was too restrictive.

Perhaps the most succinct description of why Bill C-6 failed was heard during one of the hearings of the Standing Senate Committee on Aboriginal Peoples on specific claims. On November 1, 2006, the former Minister of Indian and Northern Affairs testified:

... this is the inherent problem with Bill C-6: If there is not buy-in from First Nations communities as to the integrity of the process, it will not work. The specific claims process is an alternative to litigation. If it is lopsided or one-sided in its construction, First Nations will not have confidence in it and they will not use it. The alternative will be litigation and unhappiness.

Honourable senators, the Senate committee's report of 18 months ago echoed this view. In fact, one of the recommendations called for a reform effort based on fairness, inclusion and dialogue. I am pleased to note that the government has followed precisely this approach. Last June, the Prime Minister of Canada stood alongside the National Chief of the Assembly of First Nations to announce a comprehensive action plan on specific claims. The action plan addresses the shortcomings identified in previous studies and reports. The plan calls for the government to overhaul existing claims resolution processes, for example, and to set aside \$250 million annually to settle outstanding claims. Under the plan, federal legislation will establish an independent body empowered to adjudicate claims. This, of course, is Bill C-30, the legislation that has already been endorsed by the Assembly of First Nations and by all political parties in the other place. Under Bill C-30, the specific claims tribunal will be able to order cash settlements of up to \$150 million per claim, an amount 15 times greater than proposed in the previous legislation.

The tribunal cannot award land. However, First Nations are free to use settlement monies to purchase land from willing sellers. Honourable senators, I believe it is important to point out that it is land and resources that run with it and that First Nation people really seek to reacquire.

It is my sincere hope that the political agreement between the federal Crown and the First Nations leadership will continue with these two parties working together, along with the provinces where appropriate, to achieve this long-sought-for result. Everything that can be done must be done to restore their land base.

It must be noted, honourable senators, that the higher limit on settlement amounts responds directly to appeals made to the Senate committee during its hearings into specific claims. The submission of the Assembly of First Nations to the committee, for instance, asked that the limit be:

... high enough to at least ensure that the preponderance of claims have access and that claims above any initial cap have meaningful access to the commission.

Honourable senators, more than 90 per cent of all claims involve amounts of less than \$150 million, so the tribunal will be able to settle the vast majority of claims. The government and the Assembly of First Nations has committed to continue discussions on the treatment of the very large claims that exceed the tribunal's jurisdiction, namely those above \$150 million.

The second factor that influences my support for the legislation now before us is that in my view Bill C-30 is a triumph of the parliamentary process, and that means all of us. The legislation has its roots in the Senate committee's report, and the committee recently concluded its study of the legislation. Honourable senators, I have nothing but respect for all members of that committee and all people who participated in that process.

Dozens of witnesses appeared before committee in the other place and testified to the efficacy of Bill C-30 and to the enduring impact of the ongoing collaborative effort that produced it, and there was support expressed from all political parties for the legislation.

I would also highlight another positive development. After many years of steady growth, the backlog of unresolved claims has begun to shrink somewhat. At the start of the current fiscal year there were approximately 25 fewer claims awaiting assessment than 12 months earlier. There is every reason to believe that Bill C-30 would extend this trend and accelerate the settlement of outstanding specific claims. Under Bill C-30, specific claims would be subject to firm timelines for assessment and negotiations.

For example, should negotiations fail to produce a settlement agreement after three years, the First Nation can refer the claim to the tribunal, and while decisions of the tribunal will be subject to judicial review, the decisions will be binding on all parties. To ensure that the tribunal operates effectively, it must report on its activities by tabling annual reports in Parliament that fully disclose all pertinent financial details.



Furthermore, the Minister of Indian Affairs and Northern Development must conduct a public review of the legislation within five years. This review will no doubt focus on several concerns identified during parliamentary hearing, such as the criteria used to select tribunal judges.

Honourable senators, I consider Bill C-30 to be a shining example of the beneficial role that Parliament can play in Canada's democracy. The Senate committee's report figures largely, not only in the legislation now before us but also in this government's strategy on specific claims. Bill C-30 is the product of a healthy, ongoing partnership. Bill C-30 responds to the spirit of the committee's recommendations, and the proposed legislation enjoys widespread support among parliamentarians and key stakeholders. It promises to rectify long-standing injustices.

Honourable senators will appreciate the historic aspects of dealing with Bill C-30. In just one year, an important piece of legislation stands ready to address many of the problems and concerns that have been spoken of in the many studies and reviews undertaken since 1947.

I urge all honourable senators to endorse this bill. I thank all senators who participated in this process by parking their partisanship at the door and looking at the bigger picture, the picture of doing something positive for Aboriginal peoples.

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

**Hon. Joseph A. Day:** I wonder if the honourable senator would help me with one question. It may be one question.

• (1500)

I am trying to understand the relationship, if any, between Bill C-30 and Bill C-31. When Bill C-31 was introduced in this chamber a while back, we were told that the 20 new judges proposed to be created were important because of this new tribunal in Bill C-30. Can the honourable senator help me with that? Is the fact that there are 20 new judges in Bill C-31 tied into Bill C-30 that has just been spoken on?

**Senator St. Germain:** I will attempt to answer the honourable senator's question. I believe 18 judges are being assigned this responsibility.

**Senator Joyal:** Six.

**Senator St. Germain:** Six, at any given point in time. Having said that, I believe that there is not a sufficient number of justices at this time to serve the requirements that Bill C-30 will put on the judicial system in Canada.

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

Motion agreed to and bill read third time and passed.

## KELOWNA ACCORD IMPLEMENTATION BILL

### THIRD READING

Leave having been given to proceed to Other Business, Commons Public Bills, Item No. 2:

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.)

**Some Hon. Senators:** Question!

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

**Some Hon. Senators:** Agreed.

**Senator Comeau:** On division.

Motion agreed to and bill read third time and passed, on division.

## APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

### REPRESENTATIVES OF ABORIGINAL COMMUNITY RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to hear from Phil Fontaine, National Chief, Assembly of First Nations; Mary Simon, President of the Inuit Tapiriit Kanatami; Clem Chartier, President of the Metis National Council; and Patrick Brazeau, National Chief of the Congress of Aboriginal Peoples, respecting the government's statement of apology to former students of Indian Residential Schools.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Senator Losier-Cool in the Chair.

**The Chair:** Honourable senators, rule 83 of the *Rules of the Senate of Canada* states:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed that rule 83 be waived?

**Hon. Senators:** Agreed.

**The Chair:** I would now ask the witnesses to enter.

Pursuant to Order of the Senate, Mr. Phil Fontaine, Ms. Mary Simon, Mr. Clem Chartier and Mr. Patrick Brazeau were escorted to seats in the Senate chamber.

• (1510)

**The Chair:** Honourable senators, the Senate is resolved into a Committee of the Whole to hear from First Nations witnesses respecting the statement of apology to former students of Indian residential schools.

We welcome today Phil Fontaine, National Chief, Assembly of First Nations; Patrick Brazeau, National Chief, Congress of Aboriginal Peoples; Mary Simon, President of the Inuit Tapiriit Kanatami; and Clem Chartier, President of the Metis National Council.

Thank you for being with us today on this solemn and historic occasion.

Unless you have a preference as to your speaking order, I invite you to speak in the order in which I introduced you. I will now ask National Chief Fontaine to begin.

**Senator LeBreton:** Excuse me, chair. I believe that both myself, as the Leader of the Government in the Senate, and Senator Tardif, Deputy Leader of the Opposition, were to make a statement in advance.

**The Chair:** Yes, I am sorry. Please proceed.

**Senator LeBreton:** Honourable senators, today we welcome some very important visitors to our chamber — some very important Canadians. They are here to help us close a sad chapter in our nation's history, and to move on to the future with hope and optimism. They honour us with their presence.

Yesterday, the Prime Minister, on behalf of all Canadians, offered a full and historic formal apology to former students of the Indian residential schools and sought the forgiveness for the students' suffering and for the damage done to Aboriginal culture, heritage and language.

As a member of the government, I am proud of the hard work and the efforts of two of my colleagues: the former Minister of Indian Affairs and Northern Development, Jim Prentice, and the present Minister of Indian Affairs and Northern Development, Chuck Strahl. Also, I give a special word of thanks to Senator St. Germain, our colleague in this place, who has sought for many years to bring us together, and succeeded, culminating in that special ceremony following the official apology yesterday in the House of Commons.

We are here to pay our greatest respect to all the nearly 80,000 former living students, their families and their communities.

However, as a woman, a wife and a mother, I wish to draw attention to the suffering of female victims of these schools. The Indian residential schools system was a tragic happening for all, but especially for Aboriginal women as it victimized them twice: once as children and then again as mothers. Children were

taken far away from their families and communities and forced to deny their language and culture. Often, these children were inadequately fed, clothed and housed, and sometimes they were physically or even sexually abused. All suffered from isolation; some never came home.

That was wrong and we individually and collectively are deeply sorry. The consequences of the Indian residential schools policy were, and are, profoundly negative and have caused lasting damage to Aboriginal culture, heritage and language. The Government of Canada failed in its duty to protect and support its native people, and for this failure, we join the Prime Minister in asking for forgiveness.

While we rightly remember and honour the victims of Indian residential schools, I am incredibly encouraged by the words of Chief Phil Fontaine who spoke yesterday of a new dawn in the relationship between First Nations and the rest of Canada.

• (1520)

I hope this day can lead to healing and reconciliation and that we can use this opportunity to educate all Canadians on this sad part of Canada's history; namely, the Indian residential school system.

I hope this day can lead to a respectful and liberating relationship between First Nations and the rest of Canada that Chief Fontaine spoke so eloquently to.

I hope this day allows us to forge a partnership, a better working relationship, to help improve the lives of Aboriginal Canadians across our great country.

I hope this day reminds us all of our common humanity and that there is far more that unites us as Canadians than divides us.

Chief Fontaine, Chief Brazeau, Ms. Simon and Mr. Chartier, thank you again for honouring us with your presence.

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

**Senator Tardif:** Honourable senators, leaders of our First Nations, on behalf of the Liberal opposition in the Senate of Canada, it is with great pride and solemnity that I welcome leaders of our First Nations here in the upper chamber.

I know I speak for all my colleagues when I say how deeply honoured we are that you have agreed to be here to formally reply to the statement of apology the Prime Minister made in the other place yesterday.

[*Translation*]

By its very design, vocation and history, the Senate of Canada has always been the chamber of Parliament that gives a voice to minorities. Today, your presence before our Committee of the Whole is an historic event and clearly in keeping with the mission of this upper chamber.

Furthermore, we have the privilege of accepting, hearing and recording for posterity your response to the apology presented yesterday by the Prime Minister and the leaders of the other parties.

We know that the road you have travelled to reach this historic moment has been long, fraught with difficulties and punctuated by delays, obstacles and reversals.

By attempting to crush the pride of the First Nations and eradicate their Aboriginal identity, the Indian residential schools policy destroyed your social fabric and family traditions and tarnished the memory of our collective history.

For you, it is a deep and painful wound that is slow to heal. For us, it is the shame of having wrongfully thrust you into the destructive shadows cast by this episode. We admire your courage in the face of the unjust, disgraceful and deplorable treatment you received. Together with our colleagues in the other chamber, we extend our most sincere apologies.

[*English*]

Children were separated from their families for long periods of time, punished for speaking their native language and stripped of their traditions. Subjected to mental, physical and sexual abuse at the hands of those claiming to civilize them, many died from disease and neglect, while others survived in lives of despair.

Yesterday the government, on behalf of all of us, provided a long awaited and needed apology. We all hope that concrete actions will now follow to prove our sincerity and good faith by helping to heal the wounds.

May your words help pave the way towards atonement, healing and reconciliation, and let the words from a Greek tragedy remind us that wisdom can be learned from this tragedy and that a new chapter in the story of our partnership is indeed possible:

In our sleep, pain which cannot forget  
Falls drop by drop upon the heart, until  
In our own despair, and against our will  
Comes wisdom . . .

Honoured guests, we respectfully seek your guidance on how we can all move forward and strengthen our partnership for the benefit of all of us and for our future generations.

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

**The Chair:** I will now ask Chief Fontaine, National Chief, Assembly of First Nations, to speak.

**Phil Fontaine, National Chief, Assembly of First Nations:** Thank you, members of the Senate.

I stand here before you this afternoon with deep honour and pride. I was here on Tuesday to observe the proceedings, to listen to your deliberations, and also wondering if you would respond favourably to our request to be here, to be heard, to speak in our own right about a matter that we considered of extreme importance — not just to the survivors of the Indian residential schools experience but, indeed, to all Canadians.

You responded favourably. There is no doubt about your desire to be fair. The invitation was extended with honour, and we

received it and accepted the invitation with great gratitude. I thank all of you, members of the Senate, for inviting us here this afternoon.

What happened yesterday in the House of Commons, the historic, eloquent and sincere apology of the Prime Minister, joined by leaders of the opposition parties, marked one of the most important events in our history. We accepted the apology with gratitude. However, what is remarkable is that it ever came about in the first place.

As I said yesterday in my remarks to the House of Commons, June 11, 2008, was testimony to the achievement of the impossible. The outstanding reality behind the apology is the extent and complexity of the resistance of our people to the assimilation project that was the purpose of the Indian residential schools experience.

Our ancestors, in their wisdom, recognized the injustice of the system which attempted to control them and to transform them into something that we could never be. In innumerable ways they fought for some control, for decent daily lives without cold and hunger, and for surviving the oppression around them while maintaining a sense of pride and dignity.

The struggle that we have been engaged in to bring resolution to the Indian residential schools problem is and has been a struggle for fair and just compensation, commemoration, healing and a truth commission, and, most importantly, what we heard yesterday: an apology.

• (1530)

All those things have been achieved now and the settlement will be implemented over the next five years. However, the most important part of our struggle is not only about the settlement agreement and the apology. It is one piece — an important piece, but only one piece — of a much larger struggle. The most important part of the struggle is about power and control over our lives and destinies.

European teachers, priests, nuns and brothers, strong in their own beliefs and the superiority of their cultures, attempted to destroy our cultures and to absorb our children into their power structure. The message given to us as students growing up in the schools was clearly that we were inferior because of who we were, because of our race, our culture and our language. We were taught that we were not suitable to be Canadian citizens unless we changed who we were. As that was impossible to do, we came to hate ourselves and believe that we could never measure up to the rest of the country.

Canada has been in a time warp. The teachings we received put us in a time warp as well. The apology was an expression of change. It signalled that Canada is breaking out of a time warp in its view of our people.

We, too, are breaking out of our own time warp. We no longer believe we are inadequate, inferior, lesser human beings, not worthy of what Canada had to offer its citizens. This time warp is something we have been fighting successfully for many decades. Our people now have dignity. Our dignity and pride as a people has been restored. We are proud to be who we are.

Not only has our dignity been restored, this pride is also a result of the changes in our communities and our governments. We have fought the denial of our existence, and our people today are working hard to take the future into our own hands. This change has been possible because of the work that we have done over years to rid ourselves of what we were taught in residential school.

Canada, in large measure, is still living in a time warp with regard to First Nations. Now, as a result of the apology, Canada has an opportunity to catch up. The incredible changes that we witnessed in our communities are not truly reflected in the way the country looks at our people. Canada, as a nation, must understand that they are now dealing with a people who have emerged from the tough lessons that we were taught.

The reason our people, our communities and our governments have come further than Canada out of the time warp is because we have managed to rid ourselves of the stereotypes that have impeded us as a nation. We know what we want. We have expressed this clearly over and over again.

We want to rid ourselves of the terrible conditions that impede too many of our communities. We want to eradicate First Nations' poverty. We want to become real contributors to Canada's prosperity. We want our children to go to school in an environment that is conducive to learning. We want our communities to have safe drinking water. We want to be able to address the severe housing crisis that too many of our communities face.

We want our children, the approximately 27,000 First Nation children who are in state care, to be returned to their families and their communities. We want the many young men and women who are incarcerated to be set free. We want to be able to provide our young men and women with the hope that their lives will be better, that they will be respected and that there will be opportunities for them to create for themselves a lives worthy of living, so that we do not experience some of the highest suicide rates in the world. We do not want to see our children end up in gangs.

We want what the rest of the country has. We want what every Canadian expects from their governments, and that expectation is to be treated fairly and justly.

We want what Canadians expect in their own lives. We do not want any more than other Canadians have. We are certainly not interested in depriving anyone, but we expect to be treated fairly and justly.

We want to be able to work with you, each of you, to give shape to Canada, or to reshape Canada into a place where every single citizen can expect to be treated fairly and justly, where they will have fair access to the incredible opportunities that this country has to offer to its citizens.

I say that, knowing there is much work to do. There are huge challenges before us. But given what we witnessed, all of us, yesterday, it was an absolutely incredible moment in our history — this moment that we thought would never come, that we could never imagine — where we said we achieved the impossible.

[ Chief Fontaine ]

What that tells us now is that anything is possible. But it will only be so if we all commit to working together to create the kind of country that all of us, every person, including the first peoples, can be proud of. That is our dream and hope. *Meegwetch.*

**The Chair:** Thank you, Mr. Fontaine. I will now ask Patrick Brazeau to speak.

• (1540)

[*Translation*]

**Patrick Brazeau, National Chief, Congress of Aboriginal Peoples:** Honourable senators, it is a pleasure and an honour for me to be here on behalf of the Congress of Aboriginal Peoples, and, for the second time in as many days, to be able to address the House of Commons, and now the Senate.

[*English*]

Yesterday's announcement by the Prime Minister was indeed an historical one. Far too often, we use that term, "historical," loosely. However, being on the floor of the House of Commons, yesterday was truly a historical day. It was a proud moment specifically for the residential school survivors who were in attendance and for those watching all over the country.

For the most part, a strong majority of Aboriginal Canadians welcomed the apology because they saw it was a sincere apology. The Prime Minister should be commended on his leadership for having made yesterday a reality, because none of his predecessors took the bold step to do so.

As a young Aboriginal Canadian, I was proud of what happened yesterday because, for the most part, the events were conducted in a non-partisan fashion. It was not about political parties, it was about doing the right thing, the humane thing and the moral thing. For that, we also thank honourable senators.

[*Translation*]

The issue of residential schools is also a matter of human rights. Earlier, it was asked what could be done to strengthen the partnership between the Government of Canada and Aboriginal peoples.

[*English*]

Bill C-21 is before the Senate and deals with human rights. For 30 years, First Nations citizens have been denied access to the Canadian Human Rights Commission if they felt they were discriminated against by the Department of Indian Affairs or the federal government and band councils across Canada. That is a personal issue for me, because my three children are what the federal government calls "status Indians." They do not have full access to the Canadian Human Rights Commission if they feel they have been discriminated against. I do not have access, as a citizen, but my nieces and nephews, whom the federal government considers non-status Indians, have full access to the Canadian Human Rights Commission if they feel they have been discriminated against. There has been ample consultation on this issue over 30 years, and it is time to move on and to end the violations of our human rights.

I ask honourable senators, without further ado, to please, for the sake of my children and the hundreds of thousands of Aboriginal kids across Canada, let us make and pass this bill. *Meegwetch.*

**The Chair:** We will now hear from Ms. Mary Simon, President of the Inuit Tapiriit Kanatami.

**Mary Simon, President, Inuit Tapiriit Kanatami:** Senator LeBreton, senators, ladies and gentlemen, Senator Watt and Senator Adams, yesterday's event will go down in history. The Inuit of Canada, whose families, communities and culture was shattered by the residential school system, received this apology with great relief. Today is not a time for looking back. As I said yesterday in the House of Commons, a new day has dawned. Today, we should work together and look forward.

I woke up this morning with a new sense of optimism, even though I did not sleep that well. My thoughts were of old battles, some won and some lost. Your colleague, Senator Watt, and I were old warriors together. Some 35 years ago, we fought Goliath and achieved the historic James Bay and Northern Quebec Agreement. For many years, we Inuit have watched Senator Adams speak in this chamber on our behalf. Thank you, Charlie; and thank you, Willie.

*[Editor's Note: Ms. Simon spoke in Inuktitut]*

I also want to thank honourable senators for including Inuktitut as an official language in the fall as a pilot project. I think that is wonderful.

As young Inuit, we were full of anger sometimes, but we also had a vision infused by our people of who they had been and what they could be again. Here we are today, certainly older, and hopefully wiser. I know that changes take place, and require energy and patience. Heaven knows we have been patient.

I am here to tell you that it is our time. The magnitude of yesterday's historic apology and request for forgiveness will be measured in the future actions of government. Much of our past relationship with government has been diminished by unfulfilled promises. Our Inuit in positions of authority and influence now have the responsibility to build on this offer of a new relationship. Government now has the responsibility to dedicate energy and creativity in framing this new relationship with us based on respect for who we are, our traditions, history, language and culture. We must be in the room working together with government to build this new relationship.

Gone are the days when policy or legislative initiatives were invoked for us. The Prime Minister, on behalf of Canada and Canadians, also asked us for forgiveness. As individuals, we will make our own choice in that regard. As leader of the organization representing the Inuit of Canada, I believe that real and lasting forgiveness must be earned. It will be forthcoming only when it is clear that government is willing to act.

Yesterday, the Prime Minister said:

The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a Government, and as a country.

Restoring dignity, self-worth, confidence and hope for the future will be no easy task, and we know that. It will be more

difficult for those Inuit, for example, in Nunatsiavut who suffered the same indignities as other victims of that cruel system and yet are excluded from the settlement agreement, and unjustly so. I asked the Prime Minister yesterday to reconsider this decision and allow these Inuit victims to embrace this apology fully. Support their healing as well. I call upon senators and the spirit of human justice that reigns in this chamber to prevail.

• (1550)

Let my people, wherever they are located in Canada, who have been excluded from the settlement agreement for reasons that have nothing to do with human justice, into the healing process. Let them into the settlement agreement.

The Truth and Reconciliation Commission will be an important process for supporting the restoration of our dignity and self-worth, but the process does not end there. Canada must commit to the development and support of policies and long-term programs that are needed to restore our families and rebuild our sense of community and our place in Canada. In the case of Inuit, we are well positioned to do just that. All our Inuit regions have achieved comprehensive modern-day land claims agreements. These agreements are constitutionally protected treaties between the Inuit and the Government of Canada, and have formed the basis of a foundation relationship with the Government of Canada.

We also live in a region of Canada that is at the centre of many of Canada's immediate and looming challenges: climate change, hydrocarbon development and sovereignty, to name the most evident. Meeting and addressing these challenges will take commitment and human and financial resources. It will require that we all take responsibility to contribute what we can, individually and collectively. We need robust and sustainable Northern communities. We need a healthy, confident and educated Inuit population. We need to reinvigorate our language and traditions. Let us now move forward together.

I repeat what I said yesterday: I stand ready to work honestly and energetically with government. I will watch the actions of government closely. Today and tomorrow, let us together, as First Peoples of this great country, arm in arm with the legislators of Canada, rejoice. Rest during this weekend. Be assured that the work starts next week, but we can say that work will begin together in collaboration and in the spirit of forging a future for all of us together.

*[Translation]*

**The Chair:** We will now hear from Clem Chartier, President of the Metis National Council. Mr. Chartier, you have the floor.

*[English]*

**Clem Chartier, President, Metis National Council:** I wish to thank the Senate for inviting me here today as part of Canada's noble attempt to begin reconciliation with the Metis nation.

Yesterday, in the House of Commons, I had the honour of responding to the Prime Minister's apology to survivors of the Indian residential schools system, and to all Aboriginal victims of Canada's past assimilationist policies.

I was truly moved by the courage and conviction of the Prime Minister as he confronted a painful and sorrowful part of Canadian history.

I was also truly moved by the genuine sincerity and goodwill permeating the House, and the heartfelt words of my fellow Aboriginal leaders as they committed to working with Canada toward reconciliation.

At the same time, as a Metis and as a Metis leader, the leader of the Metis nation, I was compelled to express my conflicted feeling, my feelings that were clashing. I was compelled to express this conflicted feeling to the Prime Minister and to the country.

Thousands of Metis attended Indian residential schools, enduring forced separation from family, attacks on their culture and, in many instances, physical and sexual abuse. Those Metis survivors who attended residential schools recognized by the Indian Residential School Settlement Agreement are eligible for compensation for physical and sexual abuse, and of course the common-experience payment. However, the vast majority of Metis survivors attended church-run, government-sanctioned boarding schools not — and I repeat — not included in the settlement agreement, and are receiving no compensation.

I am one of those survivors, having attended the Metis residential school in Ile-a-la-Crosse, Saskatchewan. Several other survivors accompanied me yesterday to the House of Commons, and I believe they shared my mixed feelings.

Honourable senators, also excluded from the residential school agreement are thousands more Metis people who attended day schools run by religious orders. The same assimilationist practices and abuses prevalent in the Indian residential schools were institutionalized in the day schools. These many thousands share our legacy of pain and, I say, need to share a legacy of justice. “Day schools,” you ask, “why?” It is because of the abandonment of the Metis people and the Metis nation by the federal government over 100 years ago.

The exclusion of the vast majority of Metis survivors from the residential school agreement is part of a general pattern of exclusion starting with the refusal of the federal government to accept constitutional responsibility to deal with the Metis nation under section 91.24 of the Constitution Act, 1867, which brought this country together and names Indians and the lands reserved for the Indians. As you know, it is under that authority that the government passed the Indian Act.

As a consequence of this stance, Metis war veterans were denied benefits after making great sacrifices in defence of our country. To this day, Metis are denied the educational and health care assistance provided to other Aboriginal peoples by the federal government, and we are pleased for that assistance for other Aboriginal peoples. We take nothing away from that.

We have also been excluded from the Specific and Indian Claims Commission processes available to other Aboriginal peoples. Our only recourse is to pursue this matter through the courts. The meagre litigation fund that we had for about eight years was discontinued last year, so we do not even have that.

[ Mr. Chartier ]

The loss of Metis lands throughout Western Canada resulted in large part from a fraudulent scrip scheme. Regrettably, as I stand here today, I am reminded of a bill initiated in this very chamber that amended the Criminal Code to impose a time limitation of three years on the prosecution of scrip offences, nullifying charges against a millionaire speculator who had been charged in 1921 with obtaining Metis scrip through fraud.

• (1600)

I should also remind honourable senators that our limited resources to pursue this have been cut off and, in large measure, are not available to us. Nevertheless, based on my discussions with the Prime Minister, I believe yesterday marked an important first step in Canada’s reconciliation with the Metis nation.

My address on the floor of the House of Commons was symbolic of this new beginning. The patriarch of our Metis nation, Louis Riel, was elected three times to the House of Commons but, with a price on his head, was unable to take his proper seat.

The federal interlocutor for the Metis, the Honourable Chuck Strahl, as I said yesterday and still believe today, is a sincere man who has expressed his determination to work with me in dealing with the long-outstanding grievances of Metis residential school survivors and war veterans. He has also expressed his determination to work with me and the Metis nation leadership in finding solutions to the challenges of today and tomorrow.

The Metis National Council looks forward to building on this foundation to ensure that the citizens of the Metis nation can finally find our distinct place in the Canadian family.

As I said yesterday, the Metis Nation of Western Canada wants in. The Métis National Council hopes that the Senate of Canada and its Standing Senate Committee on Aboriginal Peoples will continue its important and much appreciated work in the pursuit of issues of concern to the Metis nation. Let this historic occasion mark the beginning of that important work.

Let me extend my heartfelt best wishes to all those receiving the apology yesterday; to the leadership of the First Nations and Inuit peoples, who worked so hard to make it happen; and to the Prime Minister and Minister Strahl for their sincerity and courage in taking the first steps toward reconciliation with the Metis nation. Let the world see that Canadians are not afraid to shine a bright light on a dark and often forgotten history. Together, guided by the torch of truth and justice, we will build strong nations and a united Canada.

I could not sleep at all last night. I really could not. To me, today is the first step toward the reconciliation that was spoken about yesterday. To be perfectly honest — you will say, “It’s hard; he is a politician” — yesterday was the hardest day of my life. It took every ounce of strength in my body to get through that day. When Phil said, “We have to speak tomorrow in the Senate,” I thought, “Oh, no,” but I thought, “You ran for leadership; you are there; you will be there.” I am here, and I say that it took every ounce of strength in my body yesterday to get through it, and this is the first day, so I can start addressing these issues; yesterday was a great day. Today is a day to get down to work.

As I said in my written text, the majority of my people are not included in this process. We simply want, for now, to get to where National Chief Fontaine said his people got to yesterday. Our history and the issues that we face in our communities are not that well-known. Canada, through the scrip system that they thought would break the backbone of our nation and send us, I guess, into the bush forever, never to be seen again, did not succeed in that. They did not succeed in the assimilation policy. We are still a strong people, and we are getting stronger all the time. We will continue fighting for our rights.

At some point, Canada will have to take responsibility, in the same way that parents who abandon their children must do. Just because they did not give those children child support for a number of years does not mean they are not responsible. At the end of the day, the responsibility is still there. It is not that we are children and not that we rely and say that Canada owes us all this, but the federal Government of Canada is the government that is there for all people, for all Aboriginal Peoples, not only for some Aboriginal Peoples. We want to quit saying that the Metis nation — the Metis people — are the exceptional people because that is all we hear.

I believe we just passed a new bill to speed up the Indian claims commission regarding the specific claims. That is good. We support that fully. It applies to Aboriginal Peoples — except for the Metis. We have compensation for Aboriginal veterans — except for the Metis. We have an Indian residential schools settlement agreement. Again, we do not begrudge that; we are happy for the people it covers. It is there — except for the Metis. I could go on and on with “except for the Metis.” We want to stop being the “except-able” people; we want to be the “accepted” people. We want to get there soon because our people are suffering.

One does not hear many statistics about the suicides in our community or the stories coming out of residential schools for the Metis, but many people could come here and tell their stories. We suffered — I suffered — physical and sexual abuse. We suffered horrendous conditions in those schools. We suffered psychological trauma in those schools. We suffered separation from family. We suffered from dysfunction. People like me can pass through life as if everything is normal. Peel away the surface, though, and you will see some very damaged people.

We listen and say that there are problems against women. There are people like me who can say, “Yes, there are.” My mother was a product of the Indian residential schools. She was Metis but went to an Indian residential school for a while. She had serious problems; we had a broken home. My mother was one of those victims. She was brutally raped and beaten to death. The people who did that got away with it. There are hundreds like me in our communities, but we do not get these stories out. I think sometimes we must get these stories out.

• (1610)

Again, we are very pleased with the leadership of Chief Fontaine over the past number of years in bringing this to the forefront to fight this great fight. The Metis nation stands beside our other Aboriginal nations and peoples and is pleased when they make progress.

We are there to support that progress that is made, but we need our justice as well. I hope that the Prime Minister and Minister Strahl and all senators can help us get that justice.

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

**The Chair:** Thank you.

Distinguished guests, some senators have expressed the desire to ask a few questions. Feel free to say yes or no, but would you accept questions from senators?

**Chief Fontaine:** Yes.

**Chief Brazeau:** Yes.

**The Chair:** Senators, I remind you that you can each ask questions and each senator has 10 minutes to do so. If you wish to ask a question, please identify yourself.

**Senator St. Germain:** Thank you, chair.

This is a historic, solemn moment in the lives of all Canadians.

Honourable senators, the professional, eloquent deliveries that we just heard indicate how important this segment of our society is to the Canadian mosaic. They are the First Nations and they were here long before contact for thousands of years. For 10,000 years they protected the environment, and in 400 years havoc has taken place with our environment.

I feel greatly honoured to be able to ask a question, and I thank them for coming here today to share with us more of what we should learn so we can respond much more positively.

I would like to make an observation. After the horrific treatment that was administered in residential schools, I was overwhelmed by the graciousness of the people who were affected and how they accepted the apology. I think we should pay a huge tribute to them, the victims, for their graciousness.

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

**Senator St. Germain:** I, too, stand here thanking the government, the Prime Minister and all parliamentarians. I do not think anyone should be left out of the equation. They all contributed greatly to what took place yesterday.

Yesterday was a great day for all Canadians; a great day for our First Nations, Aboriginal, Metis and Inuit peoples, but we must now move forward. I stand here and I am honoured that this place has asked me to chair the Standing Senate Committee on Aboriginal Peoples.

You, Mr. Chartier, just made reference to Bill C-30, which is the specific claims bill. It just passed seconds before you entered these doors. I want to make special mention of the great work that was done by National Chief Fontaine, in collaboration with the government, in bringing forward this piece of legislation. I know it does not address everything, but these are baby steps, as every giant journey begins with a single step.

I think we can build on these first steps. We can build on them for the Metis, the Inuit, for the off-reserve First Nations people. I think we cannot eliminate anyone, but the government is

attempting to prioritize and take those small steps instead of taking an approach that is so broad it is unable to focus. This ability to focus is what really will produce the results that Aboriginal Peoples in Canada know and deserve.

Chief Brazeau spoke about Bill C-21, the human rights bill. I can assure you that I — and I hope all our colleagues here as well — will work with you and with the Aboriginal community in making certain that this becomes a reality.

I am trying to gain knowledge so that we can commence our work. Some say we should have started today; I think we have. You have come to the right place to start work because, in spite of what is said about the Senate, there is good work done here by all these senators.

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

**Senator St. Germain:** On which side that happens does not matter; it is just good work that is done here.

My question relates to the Department of Indian Affairs and Northern Development. For 14 years, pretty well, I have sat on the committee. What has evolved in our discussions is that money itself is not the answer. Systems must be changed. I stand to be corrected, but I believe it was the department that was responsible for the residential schools.

There are systemic problems within that department. There are good people who have the best of intentions, at the political level and at the bureaucratic level, but it is not working.

Do you feel that the department should have an evaluation to find out why it is not adequately serving the constituency it was built to serve? The department does some good work, but in education it would take 28 years if we did the right thing for our First Nations children to catch up to the rest of society.

I ask you — and this is something we have contemplated and discussed with regard to a future study, by way of a future recommendation to the other place. Could you comment on that, whoever wishes to do so?

Chief Fontaine, I think you are impacted the most by this, as well as Ms. Simon. I will accept a response from everyone. Possibly, by re-evaluating the whole thing, we can re-evaluate the needs for the off-reserve, on-reserve Metis and Inuit.

**The Chair:** Who wishes to respond?

**Chief Fontaine:** Do you wish me to stand while I respond?

**The Chair:** As you wish.

**Senator Di Nino:** Whatever you wish to do.

**The Chair:** It is your choice.

**Chief Fontaine:** Thank you very much for the opportunity, Senator St. Germain, and members of the Senate.

• (1620)

You have raised a very interesting proposition. I do not take it as a question, Senator St. Germain. Before I respond to your proposal, however, let me express my thanks and appreciation to the Senate for the very good work you do. Honourable senators did outstanding work in setting the stage for Bill C-30, for example. If it were not for the report from the Senate, I do not believe we would have been able to advance Bill C-30 as quickly as we have. The Assembly of First Nations was a very strong supporter and advocate for this very important legislation.

Senator St. Germain is absolutely right; the legislation is not perfect, but it is very good. Once it receives Royal Assent and comes into force, we will be able to do some very important work on behalf of First Nations and the country.

As far as the proposal, our position, which has been consistent, is, first, that the Department of Indian Affairs can make the evaluation, and the conclusions that this evaluation reaches will be no different than all the concerns, complaints and criticisms that have been levelled by our people over the last number of years, and those are many. We know that the Department of Indian Affairs has, in large measure, not been able to deliver programs and services that are fair to us.

There is a bigger problem, in my view. We would never oppose the dismantling of Indian Affairs. I believe that should be the ultimate result of any effort to evaluate and assess the Department of Indian Affairs, provided, of course, that there is a clear and strong commitment that Canada will recognize our right to self-rule to the fullest extent possible and will be prepared to restore those jurisdictions that rightfully belong to the first peoples, the First Nations.

We would accept an undertaking to assess the Department of Indian Affairs, provided, of course, that would be done with a view to dismantling the Department of Indian Affairs with the attendant commitment for the recognition, restoration and implementation of our jurisdictions.

In addition, our overarching challenge is what to do with the Indian Act. I am certain that every senator here would agree with our perspective on this matter: that the Indian Act is archaic and racist and should be repealed. In its place, enabling legislation should be brought forward that is based on the recognition, restoration and implementation of our jurisdictions.

In the absence of that, any work honourable senators do to assess the Department of Indian Affairs will bring forward the same outcomes, because the Indian Act will still be in place, and we will still be struggling with full recognition of section 35 rights, and that is a huge challenge.

Finally, on Bill C-21, I wish to remind the Senate that the Assembly of First Nations and the chiefs of Canada have never been opposed to the repeal of section 67. We have never opposed Bill C-21. Any suggestions to that effect that people have made — and there have been many — are completely wrong. We have made it very clear that we want to be given the same consideration, for example, that all other jurisdictions received when the Charter was brought into force. All those jurisdictions — every province, every territory — was given three years to prepare themselves for the full effect of the Charter. We were initially offered six months. That is simply not enough time. We wanted an interpretive clause and a non-derogation

[ Senator St. Germain ]



clause, and we wanted to ensure that our First Nation governments were ready and able to meet the increased demands that will be placed on them to respond to complaints that will arise. One ought to keep in mind that the target of most of these complaints under section 67 is the Government of Canada, not First Nations governments, and this responsibility and burden will be transferred to First Nation governments.

We are absolutely ready to take this on, but ensure that we have the tools and the means to respond fairly to all of our people, even those who Chief Brazeau says he represents. Those who live in an urban community do not have access to section 67. The complaints we are talking about involve people who are normally resident in First Nation communities on reserves.

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

**The Chair:** Ms. Simon, do you wish to respond to Senator St. Germain?

**Ms. Simon:** Thank you very much, Senator St. Germain. I want to express my appreciation as well for the support you have shown for our work.

In response to the question, this process is not a simple one, and it would depend on who the evaluators were, whether there was an external evaluation, and whether we would be involved in the evaluation.

A number of factors must be considered with regard to the Arctic. Everyone says that Canada spends far too much money on Aboriginal Peoples and achieves minimal results. There is a reason for that in the Arctic. Our costs in the Arctic are probably five times greater per capita than they are in Southern Canada, so we need five times as much to provide services as would normally be spent down here. The concept of "per capita" does not really work in the North. Otherwise, with the minimal services that we do have, we lack the resources to bring the minimal services that we have up to standard.

I also want to thank honourable senators for the work you are doing. I am involved with Senator Kirby on the mental health commission. I know the commission did a significant amount of work to get the report done so that the government could respond to it.

In the North, mental health is the greatest health issue that we are currently facing. We need support. It is not just about money; it is about many other things. In the North we do not have counselling services, mental health workers or a place for people to get help. These things are very important to us.

Returning to the question, the objective is to diminish the role of the Department of Indian and Northern Affairs. However, we do not want that to decrease the responsibility of the federal government for our people.

• (1630)

In this day and age, there is a consciousness about how money is spent, so there is a tendency to try to decrease the amount that we spend. However, because our services are so lacking in the North, even today, once you start to consolidate and reduce the costs of providing the services, we will start to suffer even more.

If that responsibility is transferred to our own institutions, such as our self-government in Nunavik, we have to make sure that the status quo is maintained. It cannot be reduced in any way by consolidating those services.

I think these are complex issues that would have to be considered in an evaluation process. Thank you very much.

**Chief Brazeau:** I am not asked this question often, so I will take full advantage of responding to it.

There are serious issues in terms of the organizations and the peoples we represent. Let me go back to my law school days. Section 35 of the Constitution states that the Aboriginal peoples of Canada includes the Indian, Inuit and Metis. I will come back to that.

The Department of Indian Affairs, the federal government, claims and states that it has jurisdiction for Indians living on reserve and for Inuit peoples across Canada. It claims that status Indians who live off-reserve, and Metis peoples, fall under provincial jurisdiction. Honourable senators, I have not met a provincial premier who has accepted that yet.

The off-reserve status population and Metis population are falling between the cracks. This is our issue, so we are always behind the eight ball, so to speak, in our struggle with levels of government. I am a strong proponent of greater accountability, and not just greater accountability on different levels of government, but also accountability with Aboriginal peoples themselves.

To answer your question, yes, there should be a review of the Indian and Northern Affairs Canada. Yes, there should be the creation of the department of Aboriginal affairs, as was recommended in the Royal Commission on Aboriginal Peoples. That commission, which was the most extensive consultation that was ever held, ended some time ago. If we do create a department of Aboriginal affairs, there will be a one-stop shop for all of us and all our peoples to go to, instead of fighting amongst each other.

Last, I do not like to correct people, but let us talk a little bit about Bill C-21. I almost said Bill C-31, but that bill was passed some time ago.

Last fall, the Congress of Aboriginal Peoples launched its campaign to repeal section 67. Since last fall, we held information sessions and tried to educate the Canadian public, both Aboriginal and non-Aboriginal, with respect to the exemption that section 67 has on decisions that are made by band councils and decisions made by the Indian Affairs and Northern Development Canada and the federal government. That is what we are talking about. We are talking about decisions made by INAC and band councils throughout Canada.

If the decision being made uses the Indian Act, then First Nations citizens, whether they live on or off reserve, and status Indians do not have access to the Canadian Human Rights Commission to file a complaint. There is no recourse. That is what we are talking about; decisions by the federal government via INAC and band councils.

We have heard the horror stories across Canada from grassroots First Nations citizens about how they cannot access housing, how they cannot go back to their communities and how they cannot access post-secondary education funding that is available. These are prominent issues all across Canada, and I have heard from the people directly.

The mandate I was given was to push for the repeal of section 67 because I am entitled, as you are, to have access to the Canadian Human Rights Commission and so, like I said earlier, should my children.

**Mr. Chartier:** Thank you, Senator St. Germain, for your question. I will start off first by saying the Metis are excluded from the Indian Act for historical purposes. It was very clear almost immediately that it stated those people who received land under the Manitoba Act were excluded. Later it was amended to say those who received half-breed scrip under the Dominion Lands Act were not entitled to be registered. That is fine because we are the Metis people, the Metis nation.

I want to say that I cannot address the issue that you pose. I must say, though, that I do have an interest. My children and grandchildren are members of the Dene nation. In fact, my son is a band council member at his home reserve. Last night, my 6-year-old grandchild was watching television with my son and she said, "Dad, is grandpa mad?" I think she meant angry, not crazy, but at least she was watching. I do have an interest.

I did not know Mr. Brazeau was a lawyer. When you have two lawyers, you get three opinions. I happen to be a little bit of a lawyer as well.

I address this in your committee that the approach is to build on section 35, to borrow from failures or successes of the past. The Meech Lake Accord, to me, was a success. Unfortunately, the majority of Canadians did not support it. It dealt with moving forward. It dealt with the inherent right of self-government. My belief is that as we move forward, tinkering with the Indian Act, if I can use that term, is not the solution. National Chief Fontaine has addressed that, so I will not go further.

We need to build upon the inherent right to self-government. Indian governments within Indian territories must be self-governing and must have the resources available to enable them to carry out that government, the same as the Metis nation. We must build on the inherent right of self-government, and it is with peoples and nations that we can achieve that. That is who the government must enter into a relationship with, a nation-to-nation relationship. As we move forward, we need to take stock of that.

Mr. Brazeau does a great job of advocacy. I believe the Native Women's Association of Canada and the Congress of Aboriginal Peoples should and must advocate in order to ensure that the people left out within the respective governments and nations are dealt with; that is very important.

I believe firmly that we need to build on this government-to-government relationship, we need to build on section 35 and we should borrow some of the aspects of the past that would have led towards that success. I will leave it at that.

[ Chief Brazeau ]

**Senator Adams:** I would like to ask a couple of questions. I know we have accepted the government apology. I have been in the Senate for 31 years, and I have heard a lot of things about Indians. Up to 70 per cent of Indians have been jailed, according to statistics. There is a 30 per cent White population in Canadian jails and a 70 per cent Aboriginal population. Aboriginal people are in there mostly because of family problems, such as violence and alcohol abuse. Do you think those people will be able to go home because of the apology?

My second question is with respect to women who marry White people and lose their status. What would resolve this problem?

• (1640)

Third, I understand Indian people need a membership card from the Department of Indian and Northern Affairs to vote in a federal election if they live on a reserve.

Those are three of my questions. I do not know if those concerns still exist. Those things should be in the apology from the government. There should be changes to the Indian Act. I do not know whether it still exists or not, but if you have only 10 per cent Indian heritage, do you get full or part compensation and benefits from Indian Affairs? Do we need a change of policy at the Department of Indian and Northern Affairs? We need some kind of answer. Maybe the changes could be in a new human rights bill, Bill C-21.

**Chief Fontaine:** Thank you, Senator Adams. You asked three questions. I will answer the second question. I have a status card. This I receive from the Department of Indian and Northern Affairs. I have my number, which is the second number in my life. My first number was 940; now it is 1,430. In the Department of Indian and Northern Affairs, the Indian registrar issues these cards. We are the only people that have such membership. These cards are called status cards. In some places they are called band membership cards. This issue is essentially about citizenship. Just like all governments have the right to determine or define who their citizens are or will be, we should have that right.

We should receive this kind of identification card from Aboriginal governments. This issue is a major one. If, in fact, we have section 35 rights, if we have self-determination, we should be able to define, or give definition to, this issue of citizenship. We urge the Senate to consider this matter carefully and seriously, and to consider it in terms of First Nation governments and their right to deal with citizenship.

You asked the question about women. We are talking about Bill C-31, 1985. When it was brought forward, it was designed to right a wrong; but in the process we have created a bigger problem because it is essentially a termination bill. We need to remedy this problem. It is a serious problem. I am sure people have talked to you about this, senator. We have urged the government over time to re-examine this issue of Bill C-31 so that we can fix it, otherwise we will eventually disappear as status Indians.

Your other question had to do with people in penitentiaries. You are absolutely right about the 70 per cent. In some provincial jails, for example, the incarcerated population is 100 per cent Aboriginal. In the federal institutions, the number varies from institution to institution, but whatever the percentage is, it is far too high. The problem is serious.

I must admit, I do not remember the exact title of this fellow we met with. I do not know if he is the ombudsman. Anyway, in case I am wrong about that, I will ask someone else to answer that last part of the question, other than to say I agree with you; it is a huge problem.

**Ms. Simon:** I will answer the last question mainly because the other questions were directed more towards the national chief.

In terms of the number of Aboriginal people who are in penitentiaries, I think it is unacceptable, but it relates to a much larger issue. Why are our people in jail? I think part of that answer is related to yesterday and to why the Government of Canada apologized: Our people have become dysfunctional over generations because of what happened to them. The abuses that they experienced through the residential school system, through the assimilationist policies of the government; the whole idea of taking our culture and our language out of us to make us something else, destroyed our dignity and self-respect. When we do not have dignity and self-respect, we turn to things that have a negative effect on our lives. We become abusive; we become addicted to alcohol and drugs.

We see what happened over the generations. We need to start working with the government on how we can start to increase the healthy population so that the social and health issues we face start to go down in number and we start to produce better-educated youth. That will start to turn the situation around, but it will take some time.

The other thing I want to say is that I think for us not to feel so overwhelmed by what we need to do as people living in Canada to rectify the past, we have to remember that it is not all bad. Good things have happened as well between Aboriginal peoples and Canadians.

For instance, in our region we have an education system that is starting to produce educators who speak our language and teach our language in the schools. It is not enough, but we should build on that, not start from scratch saying, "How will we create another process that will change everything?" To me, the answer is to look at what we have been doing, identify the things that have worked and build on them. That way, it is not as overwhelming as it sounds.

We recently had a National Inuit Education Summit in Inuvik, and that was the approach we took at the education summit. For the first time, the educators who came from Nunavik felt that they were finally recognized for the work they were doing behind the scenes. They were trying to make this education system work, but nobody ever acknowledged their work before.

Including them and building on what they do is really important, and it does not need to be only with education. We need a significant amount of support in terms of training. Mental health is a big issue in the North, or maybe all across Canada, according to former Senator Michael Kirby. It is a crisis in Southern Canada. It is three times the crisis in Northern Canada because we do not have the services.

Fixing the problem by sending counsellors up North will not work in the long term. We must train and educate our counsellors. We need mental health counsellors, not only social workers, because there is a big difference between the two. These problems are real-life situations that we can sit down and talk about and see where we can make the difference.

• (1650)

**The Chair:** We have 10 minutes left, and I still have two other senators on my list to ask questions. I am sorry, Mr. Chartier, did you want to respond to Senator Adams?

**Mr. Chartier:** I will respond quickly, although I could take up the whole ten minutes. I want to thank Ms. Simon for this intervention. The survivor I brought with me from northern Saskatchewan is asking why no one is talking about all the people who have been incarcerated because of this abuse. I am glad that this question was raised and that answer was given.

In terms of the Indian Act and Indian status or registry, I was happy about three years ago when Mr. Fontaine and the assembly started addressing this issue because many people believe that if someone is of mixed ancestry, they are automatically a Metis, and that is not true. Citizens of the Metis nation are a distinct people who emerged as a distinct people with a language, a history, a culture and a specific geographic territory that we say is our homeland, covering the three Prairie provinces and extending into Ontario, British Columbia, Northwest Territories and part of the northern United States. At the end of the day, we hope that between the First Nations leadership and the Metis nation leadership we can have registries that accommodate everyone. There should be no such label as "non-status Indian" for any individual. What does that label say? People should find their rightful place within their respective nations, and we have to continue working to achieve that.

**Chief Brazeau:** This item is near and dear to my heart. I will not pull it out of my pocket, but I have the same status card as Mr. Fontaine. However, we are treated differently because of the fact that he represents people on reserve and I represent people off reserve.

With respect to citizenship, even though we disagree on many issues, we agree on this one. We should be the ones deciding who forms part of our citizenry. To that end, a court case out of B.C. called the *McIvor* case is already trying to rectify the discrimination that is being perpetuated because of Bill C-31, and we are intervenors in that case. Again, I come back to Bill C-21. I firmly believe that if Bill C-21 passes, eventually the first sections of the Indian Act to be targeted will be the registration provisions, and that can only be a good thing. Let the process unravel and unfold.

With respect to the overrepresentation of Aboriginal peoples in institutions, the majority of them are under the age of 25. We need to target Aboriginal youth. I see Aboriginal youth joining gangs because they feel a sense of belonging and want to belong to something. There are too many negative issues plaguing our peoples. We need to focus on supporting them and finding programs to lead them away from drugs, as well as after-school programs to make sure they do not join those gangs.

**Senator Jaffer:** Thank you for coming here today and addressing us. I am truly humbled by your words.

You said we were looking forward. In looking forward, I want to bring another issue before you. I am a more recent Canadian. When we come to a new country, we adapt to the culture of the new country. Yesterday was an important day. It was a day of reconciliation for all Canadians. I believe that new Canadians will now have the opportunity to share a rich culture that we have not been part of. I am an Ismaili Muslim, and my religious leader, the Aga Khan, has studied healing circles carefully. He has advised us that after divorces, we should learn from the Aboriginal people about what healing circles are. As a small community, we need to heal. Today, I want to say that you also have work to do in our great, country. You must share your great-rich culture with all Canadians.

**The Chair:** If no one wishes to respond, Senator Joyal can proceed with his question.

**Senator Joyal:** Honourable chiefs and chair, the Senate is the House of Parliament that gives a special voice to minorities, and I should say, outstandingly, to Aboriginal issues, because we benefit from the presence within these walls of seven Aboriginal senators on both sides of this chamber. They bring to our debates a reflection or dimension that is unique and not seen in any other legislative assembly in Canada. Seeing you on the floor this afternoon, I wondered if it should be a tradition that each year, you come to us here on this floor and report to us on the progress that has been made following the commitment so enthusiastically endorsed by parliamentarians on both sides of this building. It falls upon each of our shoulders to ensure that the commitment made yesterday and today is honoured continuously and in a timely manner, so that we can look back at our history and say that we have honoured the commitment undertaken. That is my first point.

My second point is in relation to an issue about which, as a French Canadian, I feel strongly, and that is the language issue. You will remember that the Royal Commission on Aboriginal People states clearly in one sentence of its 1996 report:

[*Translation*]

As the primary vehicle for the transmission of culture, language revival was key to the Commission's vision of restored First Nation, Inuit and Metis nationhood and cultural renewal.

[*English*]

Last July, Chief Fontaine issued a document entitled *National First Nation Language Strategy*. That document was tabled at the First Nations annual general assembly in Halifax. In the related information attached to that document, there was a proposed bill entitled "First Nation Languages and Foundation Act." The bill, in fact, was a draft bill that was tabled in 2000.

It seems to me if we are to make some progress, we need a clear understanding of the commitments that we, in this chamber, should make to help reintroduce pride in the Aboriginal languages of Canada. Chief Fontaine knows as well as I do that there are 11 Aboriginal family languages in Canada. According to some studies, three of them might have a chance to survive, but

most of them have a chance to be lost. That would be a tragedy, not only for Aboriginal people but for those of us also who speak other languages and who come from different cultural backgrounds. Canada will be strong as its own minorities thrive.

In your opinion, what emphasis should we put on the issue of Aboriginal languages in the commitment we undertake to re-establish dignity and pride in the Aboriginal identity?

**Chief Fontaine:** Thank you, Senator Joyal. You have raised an important issue.

• (1700)

Before I respond directly to the question, senator, the idea that you spoke about — the first point — is a good one and I support it wholeheartedly. I would be honoured to come here at least once a year to speak to issues that are of great importance, not only to First Nations but to all Canadians. I think that is an exceptional idea.

I want to quickly speak to Senator Adams. I misunderstood your question, senator. I make a commitment that I will respond in writing about the over-representation of Aboriginal people in the penal system, problems with the parole system, the problems that Aboriginal inmates experience in federal institutions, the problem with fair access to legal counsel, the problems that are caused by poverty and the point that was raised by Ms. Simon; namely, the legacy of the residential school experience. I will endeavour to respond in writing.

In terms of languages, Senator Joyal, we have pressed this case for years because First Nations languages are in crisis. There are 55 indigenous languages spoken in Canada. The only three that remain strong today are the Inuit language, Cree, and the language I speak, Ojibway.

[*Editor's Note: Chief Fontaine spoke in his native language.*]

The 52 other languages are in a precarious state.

Under the auspices of the previous government, we undertook a major study to carefully examine this issue. We jointly established a task force that was mandated to consider this question. The task force came back with its report and laid out a plan on how to deal with this major crisis. Through this process, we were able to secure a commitment of \$172 million, over 10 years, to enhance, preserve and revitalize indigenous languages.

Unfortunately, we were informed by the current government that this commitment was, by the stroke of a pen, to be deleted from the fiscal framework. Today, we are in an even more serious crisis than we were last year and the year before when we were able to convince the government that something needed to be done on an urgent basis.

The honourable senator is absolutely right that Canada will be less than it is today if a single language disappears. There are 52 languages that are in a precarious state. The indigenous languages are in a crisis. We need help to preserve, protect and enhance these languages.

**Ms. Simon:** Our language, culture and traditions are the foundation of who we are. It is extremely important, not only to maintain them and to protect them, but also to have them evolve with our society.

Languages are alive; they change through the development of new technology. Modernization changes the way we look at things. We have been making many efforts to modernize our language. Although it is one of the strongest languages, the Inuit language is also becoming weaker because the younger generation is not using it in the same way we do.

Thankfully, Inuit have decided that one of the ways in which we can save our language is to use it. We use it all the time. The people of my generation especially use it. We use it as much as we can and we have made decisions to use the language in all our meetings. We have simultaneous interpreters.

The Government of Nunavut has passed legislation to make Inuktitut the official language of Nunavut, which is extremely important. They are now reviewing the Nunavut Education Act, which will allow the Nunavut territory to start teaching more Inuktitut by using the Inuktitut language as the language of instruction. Our hope is that, once we have our own governing institutions, for example, in Nunavik, we will also be able to pass legislation to protect our language and culture. However, we would also like to see this done at the national level. Without that protection, a language is not safe. We have two official languages in Canada and I think that we, as a country, do a great deal to ensure that they remain strong. We have governments that stand behind those languages. For instance, in Quebec, there are laws to protect the French language.

We need laws to protect our language because, although it is not the official language of Canada, it is our official language. The Inuit language is the official language of the Inuit people. We cannot save language on our own because of what we have been talking about over the last day and a half — the assimilation and the residential schools. We were not allowed to speak our own language. All of those things have brought us to this point today. Part of the recovery from this dark period must include language, culture and tradition.

[*Translation*]

**Chief Brazeau:** That is a very good question. As a Quebecer, I speak French and English, but I do not speak my native language, which is Algonquin. I am learning it. We must also talk about the responsibility of parents and individuals who know the language. It is important to teach and learn the language.

As a parent, my wife ensures that our children will speak Algonquin. Each individual has a responsibility to teach the language, as with any nationality.

It is important to say that, as Aboriginal leaders, it is also our responsibility to educate our population about the importance of protecting and maintaining our languages. It is true that this is always easier with some help from government, but it is very clear that money will not conserve our languages for all time; it is also our responsibility.

[*English*]

**Mr. Chartier:** The language of the Metis nation, Michif, is one that is being rapidly lost and, yes, we want to work to preserve it.

In response to Senator Joyal, the Métis National Council would be pleased to have a dialogue with the Senate on a yearly basis.

**The Chair:** Honourable senators, I know that you will join me in most sincerely thanking the witnesses for being with us today.

To our distinguished guests, we thank you. We thank you for your time and we thank you for the wisdom that you have decided to share with us the last couple of hours.

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

• (1710)

**The Chair:** Honourable senators, is it agreed that the committee rise and that I report to the Senate that the witnesses have been heard?

**Hon. Senators:** Agreed.

[*Translation*]

**The Hon. the Speaker:** Honourable senators, the sitting is resumed.

#### REPORT OF THE COMMITTEE OF THE WHOLE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, the Committee of the Whole, authorized by the Senate to hear First Nations witnesses respecting the statement of apology to former students of Indian Residential Schools, reports that it has heard from said witnesses.

[*English*]

### CANADIAN HUMAN RIGHTS ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stratton, for the second reading of Bill C-21, An Act to amend the Canadian Human Rights Act.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak as critic to address Bill C-21, an Act to amend the Canadian Human Rights Act. This legislation will repeal section 67 of the Canadian Human Rights Act. Section 67 of this act states:

Nothing in this Act affects any provision of the Indian Act or any provision made under or pursuant to that Act.

In essence, the section 61 exemption prevents complaints of discrimination if the alleged discrimination involved matters covered by the Indian Act or was done under authority pursuant to the Indian Act.

This law disproportionately impacts Aboriginal people, especially those living or working on a reserve. They cannot, under the law, file complaints with the Canadian Human Rights Commission against band councils and the federal government.

Aboriginal people have less recourse to our country's human rights protection than all other Canadians. Over the last 31 years, there have been repeated calls for the repeal of this section of the Canadian Human Rights Act — to name a few, there was the United Nations Human Rights Committee, the Canadian Human Rights Commission and Canada's national Aboriginal organizations.

These calls for action are well documented. In October 2005, the Canadian Human Rights Chief Commissioner Mary Gusella stated:

First Nations people living on-reserve are the only group of people in Canada who are legislatively excluded from filing human rights complaints in some circumstances. This situation is an embarrassment to Canada. How can Canada, in good conscience, promote respect for human rights both at home and abroad while excluding First Nations people from full human rights protection?

The exclusion of Aboriginal communities from filing human rights complaints when it comes to Canada's First Nations people is not acceptable. I know you and I would be hard-pressed to find anyone who is not horrified by the fact that we are rectifying this situation after 31 years.

Honourable senators, we should ask ourselves: Why does a progressive country like ours — Canada — exclude Aboriginal people from the Canadian Human Rights Act? I will try and explain this.

In 1977, when Canada enacted the Canadian Human Rights Act the section 67 exemption was put in place as a temporary measure. Note that it was supposed to be a temporary measure. The government of the day believed that this exemption was necessary because it was in negotiations with the Aboriginal people over the changes in the Indian Act. Once these amendments were made, the Indian Act exemption was to be removed. Sadly, this has not occurred.

Canada's present Indian Act was originally passed in 1951, with amendments occurring with Bill C-31 in 1985. This act restored Indian status to those who had lost it by virtue of marrying a non-Aboriginal. This only happened when our colleague, Senator Lovelace Nicholas, and others took this matter of inequality to the United Nations.

The outcomes of Bill C-31 raise new questions about rights, as other provisions continue discrimination against Aboriginal people. It is my understanding that after 1985, the government's focus was on repealing section 67 of the Canadian Human Rights Act. Plans to have consultations with the Aboriginal community were made.

• (1720)

In this regard, Canada has had successive pieces of legislation beginning in 1992 with Bill C-108 to repeal section 67. Another attempt came in 2002 with the introduction of Bill C-7, the First

Nations Governance Act. This died on the Order Paper in 2003. The third attempt came through a private member's bill introduced by our Honourable Speaker, Senator Kinsella, in October 2005, which also died on the Order Paper when Parliament was dissolved later that year.

The issue of how to deal adequately with Aboriginal human rights has been a rather complex issue that has been studied quite extensively. It is complicated by how to adequately balance individual rights with collective rights in Aboriginal communities. I know that honourable senators will agree with me that the time is now to ensure that this legislation is passed.

Over the 31 years that we waited to pass legislation to repeal section 67, Aboriginal people have faced uphill battles to fight for their rights in a system that was unfairly stacked against them. In this regard, I wish to honour our colleague Senator Lovelace Nicholas today. She is a human rights activist with first-hand knowledge of the rights violations that have occurred because of the section 67 exemption clause. In 1977, she petitioned the United Nations over the treatment by the Canadian government of Aboriginal women and children in Canada. Her story is like that of many First Nations women; she lost her Indian status upon her marriage to a non-Indian person. In 1977, this meant she lost all the rights and benefits that adhere to Indian status in Canada, including the right to live on reserve lands. Where could she go to complain about her rights violations?

The Human Rights Commission was not able to hear her because these issues were addressed under the Indian Act and, therefore, excluded from the Canadian Human Rights Act. Senator Lovelace Nicholas was forced to take her case to the United Nations Human Rights Commission in order to be heard. The UN Human Rights Commission recognized that Canada was discriminating against First Nations women as a result of the marriage provisions under the Indian Act. This was the driving force behind changes to the Indian Act in 1985, which I mentioned earlier.

When Senator Lovelace Nicholas took her case to the UN, there were many other cases in the Canadian legal system that had not been ruled similarly, as was the case with Mary Two-Axe Early and Jeanette Corbiere Lavell. We must ask ourselves how their lives would be different today if they had had access to the Canadian Human Rights Act, as many other women should have had access to the Canadian Human Rights Act.

Senator Lovelace Nicholas is a celebrated champion of human rights. In 1990, Canada recognized her strength and achievement by naming her to the Order of Canada. We are fortunate to have her with us in the Senate.

Senator, we salute your work on this issue.

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

**Senator Jaffer:** Honourable senators, I wish to raise some issues in regard to Bill C-21. Clause 1.1 of the bill has a non-derogation clause that states:

1.1 For greater certainty, the repeal of section 67 of the *Canadian Human Rights Act* shall not be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights . . .

[ Senator Jaffer ]

After participating in the Senate study on non-derogation clauses, I feel compelled to point out that this is not necessary because all laws in Canada, including the Canadian Human Rights Act, are subject to section 35 of the Constitution. This will not change with the repeal of section 67 of the CHRA; it can only be changed by amending the Constitution.

These clauses are not without controversy as there is a question about their consistency and implications. The Standing Senate Committee on Legal and Constitutional Affairs has recommended that all non-derogation clauses included in federal legislation since 1982 be repealed and replaced with a single non-derogation clause in the Interpretation Act. I state this for the record because the Senate has done excellent work in this area that has been ignored in Bill C-21.

The legislation before honourable senators is the result of compromise in the other place. Amendments have been made with respect to First Nations' legal traditions and customary laws. Clause 1.2 of the bill recognizes the balance between individual and collective rights and interests, while keeping in mind the principle of gender equality.

Honourable senators, I have grave concerns about introducing equality elements like gender equality in legislation. Section 15 of the Charter of Rights and Freedoms sets out the following:

**15.** (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

I respectfully state that every law in Canada must be Charter compliant. Gender equality is covered under section 15 of the Charter and so it is not necessary to include it in Bill C-21. It is my opinion that we should avoid specifically highlighting one equality issue over another in legislation. Doing so could be interpreted as saying that because Parliament only recognized gender, then other forms of discrimination would not be addressed. If we are to give people rights, let us give them everything that is available under the Charter of Rights and Freedoms and the Canadian Human Rights Act.

Bill C-21 also introduces transitional provisions. Clause 3 tells us that the bill would apply immediately to the federal government but not to First Nations and Aboriginal communities. In that instance, a grace period of three years would apply. This three-year grace period is very important. When the Charter of Rights and Freedoms was introduced, a three-year transition period was provided for the handling of all issues raised in the Charter. It is only fair that Aboriginal communities be allowed a three-year transition period.

Most importantly, clause 4 of Bill C-21 provides a method of assistance to First Nations during this grace period. During the three years, the federal government would undertake a study with appropriate First Nations organizations to identify the preparation, capacity and fiscal resources that would be required so that First Nations communities and organizations

would be able to comply with the Canadian Human Rights Act. The bill also provides for a report to both Houses of Parliament on this study prior to the completion of the grace period.

Honourable senators, filing a complaint is free of charge and complainants do not need a lawyer to file a complaint with the Human Rights Commission. However, complainants and respondents can choose to be represented by a lawyer at any time during the complaint process. If the parties involved in a complaint choose to hire a lawyer, the costs would not be covered by the commission because it does not provide funding for private legal representation.

Providing access to legal representation will be necessary for some First Nations people to have their cases adequately addressed by the Human Rights Commission. This is something to contemplate and look at during and after the grace period.

Honourable senators, the time to act is now — this very moment. This has been a momentous week in the history of our country. At long last, we have apologized for the treatment of Aboriginal people at Indian Residential Schools. The time is now to repeal section 67 of the Canadian Human Rights Act. Let us right our wrong and include the rights of all Aboriginal people in the Canadian Human Rights Act.

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

**Some Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Di Nino, bill referred to the Standing Senate Committee on Human Rights.

## CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Nancy Ruth, for the second reading of Bill C-33, An Act to amend the Canadian Environmental Protection Act, 1999.

**Hon. Grant Mitchell:** Honourable senators, it is with great pleasure as well as some trepidation that I rise to speak to Bill C-33. The pleasure comes from a number of considerations which I will note in a few moments. The trepidation comes from the fact that I find myself having to support this bill. The last time I did that, which may be the only time I have actually supported a government bill this aggressively and with some enthusiasm in this chamber, it turned out I had made a terrible mistake.

• (1730)

Therefore, I have been questioning, as I note some of my honourable colleagues do, my own judgment in these matters, particularly when Senator Murray came to me after that horrible event. He said he was thinking of pointing that out to the members of the Senate. However, he has shown mercy on me.

I do this humbly and with great trepidation, but I do feel that this bill and what its implications are for both economic policy and environmental policy is what a future-looking environmental policy should embrace. It is very interesting that I still feel there is a strong residual, if not explicit, belief amongst members of the government that somehow being aggressive about climate change policy, even pursuing Kyoto in an aggressive way, is inherently a cost on the economy. It will inherently drain the economy, reduce economic activity, damage jobs and hurt the quality of life of Canadians.

This bill and the issue it addresses is absolute fundamental proof that this is not the case. It is very interesting to me how the government's view of these things seems to be a "disconnect." On the one hand, members of the other side will argue over and over again for spending billions of dollars on military aircraft, on helicopters, et cetera. Yet they never argue that will damage an economy.

At the same time, when it comes to being aggressive about providing moral suasion for or encouraging and stimulating a futuristic environmental policy to provide leadership on climate change in the world, they say implicitly that that will hurt an economy.

It is important to note that we fundamentally restructured our economy between 1939 and 1945 to win that unfortunate war — as all wars are — and it did not hurt our economy. In fact, for the wrong reasons, it created a modern industrialized economy that has sustained this country as one of the prominent western industrialized nations in the world, and it did not damage our economy in any way, shape or form.

I argue vehemently that if we demonstrate leadership and do what must be done to address climate change, first, it would cost much less than people imagine. Second, it would stimulate and, in fact, create the next economic revolution that the world will face — and should be able to enjoy — that is, a green revolution. It would be a clean economic revolution unlike any we have seen before. Third, it would create jobs and a better quality of life.

The irony is that the government is not grabbing this ethanol 5 initiative — one would hope they would grab the ethanol 10 or ethanol 15 initiative — and use that as a prominent policy to demonstrate the kind of leadership they actually could provide. The government should be taking some credit for this, except that I would argue they are not actually going far enough.

At the same time that members of the other side neglect to grab this initiative as an example of what is possible in an enlightened, futuristic environmental policy, they never show us any examples of how good environmental policy has ever hurt an economy or how a good environmental initiative has ever hurt any kind of business. We can see all kinds of examples where exactly the opposite is true. Bad environmental policy and disregard for

the environment by businesses will absolutely hurt economies and hurt business and businesses.

This bill addresses the issue of bio-fuel mixed fuels. I know that Senator Spivak and others will likely disagree, but I believe there is a great deal of evidence that the ethanol mixed fuel initiative is environmentally sound and economically productive. I would argue that the downsides attributed to the initiative are not as significant as suggested. With time and progress, the evidence will become better on both economic and environmental fronts.

I wish the government would grab this initiative and use it as a show-case policy. It is an example of how much more they could do and, relatively, how easily it could be done.

This bill would give the federal government the power to regulate mixed fuels, ethanol, biodiesel and, perhaps, other bio-fuels. The problem now is that we have three provinces — Manitoba, Saskatchewan and Ontario — with certain standards and British Columbia is about to implement standards. However, that means that we will have a patchwork of mixed fuel standards across the country.

That creates huge problems for business, individuals and regulators to adjust. This bill gives a well-intentioned government the powers it needs to deal with this important issue properly.

There are various criticisms generally levelled against this initiative, the first of which is that it is, perhaps, immoral and unethical to burn food. The implication is that by producing ethanol from corn, which is a food product, we push up food prices in the world. I argue that we should be very careful not to jump immediately to the conclusion that ethanol is the reason that food prices have increased. A much more powerful argument can be made that food prices have gone up because fuel prices have gone up. There is ample study demonstrating that food prices track almost exactly the trajectory of fuel prices. Therefore, it is not immediately obvious that ethanol is the culprit.

More to the point, I argue that climate change is the basis of a great deal of the pressure on food prices. Clearly, crops are failing around the world either because of drought or massive flooding. Even where crops such as rice and soybeans are growing, we are frequently finding that the yields are down. That creates great pressure on food prices.

What is interesting to me is that at a time when farmers get a chance to be paid a true market value for the work they have done on behalf of Canadians and the people of the world, people turn and say it is the farmers' fault that food prices are rising and farmers should be responsible for reducing food prices.

However, no one says that maybe oil companies should be reducing their prices because fuel prices are pushing up food prices. No one says the multinational fertilizer producers, who increase their prices as commodity prices go up, should restructure their markets so that food prices would be reduced. No one is saying to the auto industry that it should stop making SUVs because that would reduce the demand for oil and gas and then food prices would drop as a result. No, people turn immediately to farmers and say it is their fault. As a Western Canadian, I am very happy that Canadian farmers are finally getting paid for their product.

[ Senator Mitchell ]



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

**Senator Mitchell:** If we want to deal with food prices, let us deal with food prices. However, let us deal with it as a society and as a world community. Let us not simply pick on farmers to say they are the ones who have to do it.

I argue against the case that it is somehow farmers who are pushing up prices. There is a great deal of evidence that ethanol and bio-fuels are not pushing up food prices.

One corollary to that argument is that somehow ethanol has eaten into the supply of what would normally have been corn for food. That reduces the supply of corn for food, thereby increasing its demand and relative price. There is a great deal of evidence that the amount of corn actually being applied to ethanol production has been equal to the increased production of corn. It may be that there is actually no net reduction in corn for food. Certainly there are studies that support that.

• (1740)

The second argument is — and this is a serious argument — that somehow ethanol production is not good for the economy. Not many people argue that it actually has net greater carbon emissions than conventional gasoline would have, but people do argue that, at best, it is about equal, and then they layer on the problem of food prices and say, ergo, “Why do it?”

I would say, everything else being equal, if it just does what gasoline does, at least it is helping farm and rural communities; it is sustaining and diversifying those economies and those regions, and that in itself would be justification.

However, there are a couple of things to keep in mind. I would like to step back and say that some of this criticism of ethanol comes down to this idea, and is used by people who want to discourage really aggressive environmental activity. They use the same mode of argument when they talk about carbon credits in Europe and they say it was a disaster; they sold it way too cheap. You know what? They did originally set that program up with carbon credits too inexpensive. However, these are complicated matters which had never before been confronted.

We have to start somewhere with climate change and allow human creativity, the human condition, and the drive of markets and goodwill to find a better way to do things. Until you take that first step on something as big and as complex as it is to deal with climate change, you cannot perhaps get to the point where it can be done perfectly or far better.

I want to address that point and say there is a great deal of evidence that perhaps only marginally or incrementally — I think it is more significant — corn-based ethanol reduces the carbon footprint BTU for BTU by about 13 per cent. There are studies that indicate that cellulose-derived ethanol is far more environmentally sound and reduces CO<sub>2</sub> far more. There are estimates that it might actually reduce it 85 per cent over conventional oil and gasoline.

My point is that I do not know how we get from corn-based to cellulose-based unless we take the first step, unless we start to work at it. Maybe it is an interesting comparison with the oil sands. When they started the oil sands, those were hugely

uneconomic and non-commercial; the costs were so high. However, due to the diligence of Albertans, business people and engineers and the like in Alberta — even without these astronomical prices — it has become economic. I argue we should apply that same kind of creativity, drive and entrepreneurship to developing the ethanol fuels in that way until we know that it is not marginal but there is a huge advantage.

Senator Nolin makes a very good point. There is the self-correcting factor: As food prices rise, there will be a great deal of pressure on ethanol producers to find other sources. There are huge investments, money being put into other forms right now. Iogen is noted for looking at agricultural waste products. There is another firm, GreenField Ethanol, which is looking at a process using municipal waste. It is a good Quebec firm. Is there a bad Quebec firm? I do not think so.

I want to say it is a myth to be critical, on these bases, of ethanol. I think this allows enlightened activity and initiative on the part of government, if only we could get a government that would feel it wants enthusiastically to embrace enlightened initiatives.

Here is the “but.” The problem is this approach avoidance. About the time that ethanol looks like it will work, the government takes the excise tax exemption off ethanol. Is it not interesting that the oil sands have had tremendous tax advantages, tremendous tax holidays that have fuelled — if I can use that term — their development. However, ethanol — again an advantage to farmers, not to oil companies — seems not to get the same kind of sustained tax advantage. I think that is not a coincidence. I think that is a question of who is more powerful to this government in this political system.

The second thing is that the government is really locked on ethanol 5, which is 5 per cent, and has not embraced the idea of ethanol 10 or even ethanol 85. One hundred per cent of cars on Canada’s roads today can use ethanol 10 without any modification. There are a good deal of cars that can use ethanol 85, which is the inverse of ethanol 15. The CO<sub>2</sub> reductions actually increase geometrically from 5 per cent to 15 per cent. It is important that government embrace this and drive it even more aggressively.

It is of concern to me that somehow at some level the government does not really want to embrace this, despite the fact that it is almost, in my mind, a perfect example of the possibilities of doing great environmental policy that can literally contribute to saving the world, and economic policy that can literally contribute to driving the next successful industrial revolution.

I have racked my brains over and over again to try and determine why it is that this government — which prides itself in being conservative, business oriented, economically oriented — somehow cannot see that strong environmental policy is strong economic development policy. Correct me if I am wrong, but I think it is an ideological issue. I do not mean that in a negative way, although there could be that implication. It is an ideological issue.

The fact is that this Conservative government does not really see much of a role for government in society, period, except perhaps for building militaries and putting people in jail. This

government does not see that it could be the catalyst, provide the leadership to lead Canada and the world in this important area.

The implications of that ideology and that perspective are like saying, "If individuals want to fix climate change, individuals will fix climate change." That is very much like saying, "If individuals want to win the Second World War, individuals can go out and win the Second World War." It does not work that way.

There is a role for government sometimes to be a catalyst and to be a leader. If ever there was a need for it, there is a need for it now.

Honourable senators, I ask that the government not only act positively with this bill and do what can be done under this bill, but go beyond that and understand that it is on the verge of finally — in my estimation — actually, maybe, possibly, closely, perhaps, doing something right on the environment. What a day it is!

**Hon. Mira Spivak:** Honourable senators, this is called damning with faint praise, but I have to disagree with almost everything that Senator Mitchell has said. I am surprised.

We are seldom presented with a bill whose premise is so in doubt as this bill appears to be, because new economic realities, new scientific information and new global opinion all fly in the face of the biofuels policy that this bill would implement.

We are not talking about cellulose or waste oils from restaurant kitchens. That is not what is at stake here. We are talking about food.

Experts suggest very marginal environmental benefits to be gained from converting croplands to fuel farms. The benefits of these fuels are to producers, and in the form of subsidies which are, in effect, cost to taxpayers.

We now have a hunger crisis in many parts of the developing world, and it is a moral crisis for us.

• (1750)

As one British journalist put it: "We drive, they starve." Or as the distinguished director of the Center for International Food and Agricultural Policy at the University of Minnesota put it: "Filling the 25-gallon tank of an SUV with pure ethanol requires over 450 pounds of corn, which contain enough calories to feed one person a year." Even if all the corn in the United States, every field, were all put into fuel, it would be 3 per cent of the fuel that the United States needs.

A year ago, the prediction from the International Food Policy Research Institute in Washington was that the rapid increase in global biofuel production would push global corn prices up by 20 per cent by 2010, and 41 per cent by 2020. Wheat prices would rise by 11 per cent and 30 per cent respectively. This prediction has been surpassed by reality.

In February, at \$798 a tonne, wheat was more than three times its average price. That same month, stockpiles hit a 60-year low

in the United States. The price of almost all other food commodities — corn, rice, soybean and sugar — has increased by at least 100 per cent in the past year or so.

The president of the World Bank, Robert Zoellick, has warned that the food price crisis imperils 100 million people. The managing director of the International Monetary Fund, Dominique Strauss-Kahn, has raised the spectre of wars caused by lack of food. Germany's development minister, long before the Rome Summit, called for greater regulation of biofuels to prevent food prices from rising even more.

Of course, as Senator Mitchell pointed out, biofuel production is not the only cause of rising food prices. Drought in Australia, the growing middle class in Asia and its increasing demand for meat, and speculation by hedge funds, not to mention the oil companies — with which I am in total agreement with you; let us cut the subsidies and have them lower their prices — have all contributed to the problem. Estimates range wildly on the portion of increased costs attributable to biofuels. The U.S. says it is only 2 or 3 per cent. The International Food Policy Research Institute puts the figure at 30 per cent. The International Monetary Fund, IMF, says the encouragement of biofuel production by such rich countries as Canada, the U.S. and the countries of Europe is responsible for almost half the increase in the demand for food crops. These organizations are not fly-by-night.

We are only at the start of this made-in-U.S. agriculture and energy policy. If we pass this bill and the federal government fulfils its promise to regulate a 5-per-cent ethanol content in gas by 2010, the impact on food crops and food prices will be anything but negligible.

Agriculture Canada tells us that to meet the goal would require 48 per cent to 52 per cent of our current corn acreage, which is not a lot in Canada; 12 per cent of our current wheat acreage; and 8 per cent of our current acreage in canola. In some U.S. states, as much as 35 per cent of the corn crop is already diverted to biofuels.

Budget 2007 proposed a plan to pay out \$1.5 billion in biofuel subsidies over seven years, subsidies with a cut-off point that arrives when companies realize rates of return in excess of 20 per cent. We are not talking only about the farmers here. The farmers will make a lot of money if their crops are used for food, because there is a food shortage. In the U.S., direct corn subsidies neared \$9 billion in 2005 and, beyond that, the federal government gave ethanol blenders a tax allowance of 51 cents a gallon.

Some have suggested that most government support of the industry has little to do with their professed claims of going green or gaining energy independence, but I do not want to go into that subject.

One of the strongest arguments in the other place for now proceeding with this bill is the "negative message" its delay or defeat would send to investors in biofuels plants. These investors are the same ones who will continue to receive government subsidies until their rate of return exceeds 20 per cent. Somewhat risk-averse, you might call them.

[ Senator Mitchell ]

Biofuels policies everywhere are a means of filling the coffers of large ethanol producers — notably, Archer Daniels Midland in the United States. In Canada, that includes the Hong Kong billionaire Li Ka-shing, who has a controlling interest in Husky Oil and its ethanol plants in Lloydminster, Saskatchewan, and Minnedosa, Manitoba, where wheat is the feedstock for ethanol. Why, we might ask, are we subsidizing the enterprise of a man that Forbes ranked ninth among the world's wealthiest billionaires? He received \$6 billion for building the plant, he will continue to receive the subsidies, and he is importing 75 per cent from the United States to make the ethanol.

Meanwhile, the higher oil prices rise, the more these producers can afford higher commodity prices that convert croplands to fuel farms. The Rome Summit, however, made reference to the “challenges and opportunities” of biofuels.

However, there is political fallout in developing nations. It has been swift to occur in Haiti and Egypt. Food riots erupted last year in Mexico, Namibia, Zimbabwe, Morocco, Yemen, Mauritania, Senegal and Uzbekistan. Russia and Pakistan have introduced food rationing for the first time in decades. India banned the export of rice. The World Bank estimates that 33 countries face potential social unrest because of the “acute hike in food and energy prices.”

In Burma, the aid agencies such as the Thailand Burma Border Consortium, which feeds 140,000 refugees in camps along the Thai border, say they will not be able to obtain sufficient supplies to feed these people. The Irrawaddy Delta was destroyed. It was the major rice-producing area in Burma. The dictator has mandated biofuels everywhere. This mandate includes forced labour, land compensation and forced displacement — refugees who are leaving Burma because the government is forcing them into this plan to make biofuels. The major conversion there of massive amounts of agriculture land into biofuel crops will lead to a major food crisis.

The European leaders have voiced serious second thoughts about biofuels. British Prime Minister Gordon Brown called on G8 countries, “urgently to examine the impact on food prices of different kinds and production methods of biofuels and to ensure their use is responsible and sustainable.” France’s agricultural minister promised to unveil proposals that would ensure absolute priority is given to agricultural production for food. Germany’s Environment Minister mused about canceling that country’s laws requiring minimum levels of biodiesel in transportation fuels by next year. If we pass this bill, we move in the opposite direction.

If we pass this bill without an up-to-date, thorough understanding of the costs of this biofuels policy, we turn a deaf ear to the pleas of the UN Secretary-General, the Egyptian president and the Pope.

• (1800)

Our government is praised for its increased contribution to the United Nations World Food Program, and an increase of \$100 million is laudable. This is not fake praise; this is real praise. However, if we pass this bill, this amount is small compared to the billions that the government will spend on biofuels and on a biofuels policy that is wrongly thought to be an action on climate change.

**The Hon. the Speaker:** Honourable senators, it being 6 p.m., what is the wish of the house?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, my understanding is that if we agree not to see the clock, this will be the last item on the agenda.

**The Hon. the Speaker:** Is it agreed that we not see the clock?

**Hon. Senators:** Agreed.

**Senator Spivak:** This time last year I spoke of the many experts who calculated that any gain on the climate change front was minimal at best. In February, a new analysis was published in the prestigious journal *Science*. That analysis found that corn-based ethanol, instead of producing a 20 per cent savings in greenhouse gases, nearly doubles those emissions over 30 years. The reason is that farmers worldwide respond to higher commodity prices and convert forests and grasslands to new cropland to replace the grain diverted to biofuels. The increase in greenhouse gases in this support of biofuels will continue for years.

*New York Times* columnist Paul Krugman, who is a professor of economics and international affairs at Princeton University, wrote recently of the food crisis and called for, “a pushback against biofuels, which turn out to have been a terrible mistake.” I could not agree more except, of course, this does not apply to cellulose ethanol or ethanol from restaurant oil, and so on. The cellulose ethanol in large scale commercial development is years away.

Honourable senators, we would be very remiss if we approved Bill C-33 without taking whatever time is needed to examine thoroughly the new scientific evidence, the new economic analysis and the new views of world leaders about the premise of this bill.

The Senate prides itself on being a place where committees do a thorough job of studying issues and of examining legislation, where expedience is not of the essence and where legislation receives the much-needed benefit of sober second thought. It is a reputation that I sincerely hope we live up to as we deal with this bill.

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

**Some Hon. Senators:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Brown, seconded by the Honourable Senator Ruth, that this bill be read a second time.

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

**Senator Carstairs:** On division.

**Some Hon. Senators:** Agreed.

Motion agreed to and bill read second time, on division.

## REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[*Translation*]

## ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Monday, June 16, 2008, at 6:00 p.m., and that the application of rule 13(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Monday, June 16, 2008, at 6 p.m.

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**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

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

**(2nd Session, 39th Parliament)**

**Thursday, June 12, 2008**

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

**GOVERNMENT BILLS  
(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21	07/12/14	32/07
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism	08/03/04	2	08/03/06		
S-4	An Act to amend the Energy Efficiency Act	08/06/03							

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29	07/12/12	Legal and Constitutional Affairs	08/02/27	0 observations	08/02/27	08/02/28	6/08
C-3	An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act	08/02/06	08/02/07	Special Committee on Anti-terrorism	08/02/12	0 observations	08/02/12	*08/02/14	3/08
C-8	An Act to amend the Canada Transportation Act (railway transportation)	08/01/29	08/02/12	Transport and Communications	08/02/14	0	08/02/14	08/02/28	5/08
C-9	An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)	08/01/31	08/02/12	Foreign Affairs and International Trade	08/02/28	0	08/03/04	*08/03/13	8/08
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs	08/01/31	1 observations	08/02/07 Message from Commons-agree with Senate amendment 08/02/12	*08/02/14	2/08
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce	07/12/13	0 observations	07/12/13	07/12/14	36/07
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs	07/12/11	6 observations	08/01/29 Message from Commons-agree with 4 amendments and disagree with 2 08/04/17  Senate did not insist on its 2 amendments 08/05/13	*08/05/29	18/08
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-21	An Act to amend the Canadian Human Rights Act	08/05/29	08/06/12	Human Rights					
C-23	An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence	08/05/07	08/05/15	Transport and Communications	08/06/04	0	08/06/11		
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
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No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-31	An Act to amend the Judges Act	08/04/15	08/05/14	Legal and Constitutional Affairs	08/06/12	0			
C-33	An Act to amend the Canadian Environmental Protection Act, 1999	08/05/28	08/06/12	Energy, the Environment and Natural Resources					
C-35	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No. 3, 2007-2008</i> )	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-37	An Act to amend the Citizenship Act	08/02/26	08/03/04	Social Affairs, Science and Technology	08/04/16	0 observations	08/04/16	*08/04/17	14/08
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C-40	An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act	08/02/14	08/03/04	National Security and Defence	08/04/16	0 observations	08/04/16	*08/04/17	15/08
C-41	An Act respecting payments to a trust established to provide provinces and territories with funding for community development	08/02/05	08/02/05	National Finance	08/02/07	0	08/02/07	*08/02/07	1/08
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C-48	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No. 4, 2007-2008</i> )	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	10/08
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C-58	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 2, 2008-2009</i> )	08/06/10	08/06/10	—	—	—			

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-59	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 3, 2008-2009</i> )	08/06/10	08/06/10	—	—	—			

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-207	An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions)	08/06/12							
C-253	An Act to amend the Income Tax Act (deductibility of RESP contributions)	08/03/06							
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17	08/03/04	Human Rights	08/06/10	1			
C-287	An Act respecting a National Peacekeepers' Day	07/11/22	08/02/26	National Security and Defence	08/06/10	0 observations			
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples	08/04/29	0	08/06/12		
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade	08/04/03	0 observations + 4 at 3rd	08/04/16 Message from Commons-agree with Senate amendments 08/05/13	*08/05/29	17/08
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04	08/03/11	Energy, the Environment and Natural Resources	08/04/10	0	08/04/15	*08/04/17	13/08
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17	08/05/27	Legal and Constitutional Affairs					
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29	08/05/13	Energy, the Environment and Natural Resources					
C-343	An Act to amend the Criminal Code (motor vehicle theft)	08/02/28	08/04/10	Legal and Constitutional Affairs					
C-377	An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change	08/06/10							
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12	08/05/27	Legal and Constitutional Affairs					
C-459	An Act to establish a Ukrainian Famine and Genocide ("Holodomor") Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide	08/05/28	08/05/28	—	—	—	08/05/28	*08/05/29	19/08



## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance	08/02/27	4	08/03/06		
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	Dropped from Order Paper pursuant to Rule 27(3) 08/04/01						
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27	*08/04/17	12/08
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17	08/02/13	Social Affairs, Science and Technology	08/04/17	0	08/04/29		
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17	08/03/05	Banking, Trade and Commerce					
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17	08/04/03	Energy, the Environment and Natural Resources					
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0	07/12/11		
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources	Report on subject-matter 08/02/28				
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17	08/03/13	Legal and Constitutional Affairs	08/06/12	1			
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17	08/02/28	Legal and Constitutional Affairs	08/04/17	0			
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18	08/04/17	Rules, Procedures and the Rights of Parliament					
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs	08/01/31	0	08/02/05		
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24	08/04/01	National Finance					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13 Report amended 07/12/13	19	07/12/13 Message from Commons- 7 amendments 08/05/06  Senate agree with Commons amendment 08/05/07	*08/05/29	16/08
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30	Dropped from Order Paper pursuant to Rule 27(3) 08/03/13						
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31	08/03/05	Human Rights					
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance	08/04/03	1	08/05/01		
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No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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S-235	An Act concerning unsolicited commercial electronic messages (Sen. Goldstein)	08/05/07							
S-236	An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)	08/05/08							
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**PRIVATE BILLS**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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