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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, May 29, 2007

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

[English]

Prayers.

THE LATE CORPORAL MATTHEW MCCULLY THE LATE CAPTAIN SHAWN MCCAUGHEY

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would like to ask senators to rise to observe a minute of silence in memory of Corporal Matthew McCully, whose tragic death occurred recently while serving his country in Afghanistan.

[Translation]

And in memory of Captain Shawn McCaughey, a member of the Snowbirds Air Demonstration Team.

Honourable senators then stood in silent tribute.

She acknowledged the painful moments in New Brunswick's past, which she credited for the strength and resilience of our population today. As well, she immersed herself in the fisheries industry and took serious notice of its current difficulties.

[Translation]

During the two days she spent in my region, the Acadian peninsula, Michaëlle Jean acknowledged and praised the resourcefulness and community-mindedness of New Brunswick's francophones, and she took the pulse of our Francophonie, which she found to be alive and well!

She also spent time with our young people, praising their conscientiousness, and she launched a new online forum to enable them, and francophones across Canada, to establish and take advantage of contacts with each other.

[English]

In closing, honourable senators, our Governor General has acknowledged and expressed her support for the laudable goal of provincial self-sufficiency being pursued by our premier, the Honourable Shawn Graham.

[Translation]

I would like to echo Michaëlle Jean's observation that my home province is a place where people "work so productively together" and that it is "a model of cooperation" for all of Canada.

I hope that this will be the first of many visits because our Governor General is a first-class ambassador to the people, because the crabbers on our peninsula still owe her a deep-sea fishing trip that was cancelled because of the weather, and especially because our province has so much to gain from her visits.

[English]

NAIROBI DECLARATION ON WOMEN'S AND GIRLS' RIGHT TO A REMEDY AND REPARATION

Hon. Nancy Ruth: Honourable senators, I rise today to talk about the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation.

I call to our attention that women survivors, activists and jurists from around the world met in Nairobi, Kenya, a couple of months ago. They formed the Coalition on Women's Rights in Conflict Situations. It is coordinated by the Women's Rights Programme at Rights & Democracy, based here in Montreal.

• (1405)

SENATORS' STATEMENTS

GOVERNOR GENERAL

OFFICIAL VISIT TO NEW BRUNSWICK

Hon. Rose-Marie Losier-Cool: Honourable senators, allow me to express the pride and gratitude of the people of New Brunswick following an official five-day visit by the Right Honourable Michaëlle Jean, our Governor General.

In Gagetown, Fredericton, Bathurst, Caraquet and Shippagan, Michaëlle Jean charmed, moved and impressed every person she shook hands with, spoke to or kissed on the cheek, from our premier, Shawn Graham, to Grade 6 student Claudia Noël and from our Lieutenant-Governor, Herménégilde Chiasson, to fisherman Mathieu Guignard.

[English]

Throughout her first official visit to New Brunswick, our Governor General once again demonstrated her empathy for the Canadian Armed Forces, of which she is Commander-in-Chief. Governor General Jean also advocated the advantages of speaking more than one language and she acknowledged the contribution of immigrants to Canadian society.

[Translation]

She showed her appreciation for arts and culture and reminded us of how important they are to our province. She also reiterated her strong opposition to all forms of violence against women and family violence in general.

Women and girls have been targeted and violated in times of war and genocide from time immemorial. Since the 1990s, gender-related acts have been recognized as crimes against humanity, war crimes and forms of torture.

For the first time ever, though, both the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were mandated to investigate and prosecute these gender-related crimes.

In Nairobi, the coalition addressed the important matter of reparation for women and girl survivors of gender-based violence in conflict situations. The international and regional standards and processes in place, such as the March 2006 resolution of the UN General Assembly on reparation, have so far failed to deliver justice to them. Why? Because to restore the victims to their original situation before the violation simply restores women and girls to the discrimination, inequality and vulnerability they faced before the conflict. The second issue is if they have any access to the reparation system at all, because these systems are usually centralized.

• (1410)

The Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation was adopted at the March 2007 meeting. It declares that reparations for women and girls must be based on their truth-telling about what happened to them. The reparations process must be driven by women and girls based on their own assessment of their needs. It should allow them the time they need to reflect and make decisions before they come forward to speak about their experience. It must not be limited solely to the payment of compensation. Reparation must empower women and girls in post-conflict societies, not ignore or recreate their fundamental inequality.

Canada should be a leader in animating the Nairobi Declaration at home and abroad. For example, applying the spirit of the declaration to the work of the Truth and Reconciliation Commission for the residential schools would make it a more genuine healing opportunity for Aboriginal women.

I urge the Government of Canada to advocate that the International Criminal Court adopt the Nairobi Declaration in respect of the Trust Fund for Victims. I have endorsed the Nairobi Declaration and I urge every senator to endorse it. I urge the Senate to endorse the Nairobi Declaration.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

EVENTS AT MEETING TO REVIEW BILL C-288

Hon. Tommy Banks: Honourable senators, I want to take a brief moment to correct an omission that I made during the debate last week on Senator Tkachuk's question of privilege. It was suggested that the clerk of the committee involved in the meeting in question failed to act properly. I want to assure all honourable senators that the clerk of the committee did exactly what she was supposed to do and discussed the matter with me before the committee meeting was called to order. She discharged her duties, as she always does, quite properly and thoroughly.

THE HONOURABLE DONALD H. OLIVER, Q.C.

CONGRATULATIONS ON RECEIVING DOCTOR OF CIVIL LAWS DEGREE

Hon. David Tkachuk: Honourable senators, on May 14, 2007, Honourable Senator Donald H. Oliver, Q.C., was presented with his third honorary degree resulting from his exceptional career of achievements: a Doctor of Civil Laws Degree from his alma mater, Acadia University. Senator Oliver's commitment to the community is evidenced through his service as chairman, president or board member of more than 21 charitable organizations with his most remarkable achievement being his substantial contribution to the promotion of equity and fairness for minorities. Senator Oliver continues to foster the advancement of visible minorities in public service and private business by bringing to the forefront the barriers that they face and by relentlessly arguing for the importance of hiring visible minorities into Canada's workforce.

It is with a profound sense of pride that I congratulate Senator Oliver, a redoubtable campaigner for civil rights as well as for the Conservative Party of Canada, on the honorary degree that has been awarded to him. I ask that honourable senators join with me in congratulating Senator Oliver on receiving this honour for his significant career accomplishments and his continuing dedication to serving the community.

Hon. Senators: Hear, hear.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDENT SUMMER JOBS PROGRAM— EFFECT ON MANITOBAN FRANCOPHONES

Hon. Maria Chaput: Honourable senators, I want to say a few words about the situation in French Manitoba concerning the summer job program for students formerly known as the Summer Career Placements Program.

Last March, the government decided to scrap the Summer Career Placements Program only to bring it back and rename it Canada Summer Jobs. The new eligibility criteria have excluded not-for-profit organizations and local agencies that have always benefited from this funding. In French Manitoba, out of 26 applications, only one was approved.

The following are some examples of the negative economic impacts these rejections are having on rural areas and small communities in Manitoba. The municipality of Montcalm will not have students to manage the summer tourism service for the region. The St. Joseph museum will not be able to open its doors this summer; last year it welcomed more than 2,500 visitors.

• (1415)

By hiring summer students, Tourisme Riel used to be able to offer tours of the St. Norbert provincial heritage park, but now not one single tour will be offered in St. Norbert or St. Boniface.

Without any coordinators, the Saint-Pierre-Jolys tourist bureau will not open its doors this summer. The Saint-Pierre-Jolys museum will not provide tours to visitors either.

In Somerset, tours of the Gabrielle-Roy museum and the summer day camp for children have both been cancelled. In St. Claude, the historical society will not be able to welcome tourists at the Dairy Museum of Manitoba. Without students, tours of the museum in St. Georges will not take place.

All these not-for-profit agencies were counting on support from a federal subsidy to pay the summer wages of a student. This is the only way they can provide services to the local clientele and tourists during the summer. The activities budget for these small communities is always very tight. To them, cutting a subsidy means stopping the summer program for tourists travelling west who decide to stay two or three days in Manitoba. I wonder whether the Conservative government is aware of the harm it is causing to our regional economy with these rejections.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw to your attention the presence in the gallery of Dr. Pura Concepción Avilés Cruz and Dr. Danay Saavedra Hernández, both of whom are members of the Cuban Parliament. They are accompanied by His Excellency, Ernesto Antonio Senti Darias, and la senora. Welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour of tabling, in both official languages, the report of the Information Commissioner for the year ending March 31, 2007, pursuant to section 38 of the Access to Information Act.

SENATE REFORM

DOCUMENT TABLED

Hon. Daniel Hays: Honourable senators, pursuant to rule 28(4), and with leave of the Senate, I would like to table a document entitled *Renewing the Senate of Canada: A Two-Phase Proposal*, dated May 25, 2007.

[Senator Chaput]

[English]

INDUSTRY

USER FEE PROPOSAL FOR SPECTRUM LICENCE FEE— REFERRED TO TRANSPORT AND COMMUNICATIONS COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table the Department of Industry user fees proposal for spectrum licence fee for broadband public safety communications and bands 4940 to 4990 megahertz.

After consultation with the Deputy Leader of the Opposition, the Standing Senate Committee on Transport and Communications was chosen to study this document.

CANADA SECURITIES BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-226, to regulate securities and to provide for a single securities commission for Canada.

Bill read first time.

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

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

• (1420)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—FIRST READING

Hon. Yoine Goldstein presented Bill S-227, to amend the Bankruptcy and Insolvency Act (student loans).

Bill read first time.

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

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

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE— NOTICE OF MOTION REQUESTING GOVERNMENT RESPONSE

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

That the eighth report of the Standing Senate Committee on Official Languages, entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*, tabled in the Senate on Thursday, May 17, 2007, be adopted; and

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the President of Treasury Board, the Ministers of Official Languages and of Industry being identified as ministers responsible for responding to the report.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

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

That notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Official Languages, which was authorized to study and report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act, be empowered to extend the date of presenting its final report from June 30, 2007 to June 30, 2008.

[English]

THE SENATE

NOTICE OF MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES IN SENATE

Hon. Wilfred P. Moore: Honourable senators, pursuant to rule 57(1)(b), I give notice, that two days hence, I will move:

That an humble Address be presented to Her Excellency the Governor General praying that she will fill the vacancies in the Senate by summons to fit and qualified persons.

QUESTION PERIOD

LEGAL AND CONSTITUTIONAL AFFAIRS

MANUAL ON HOW TO CHAIR COMMITTEES

Hon. James S. Cowan: Honourable senators, my question is for my friend, the newly minted doctor, Senator Oliver, as chair of the Standing Senate Committee on Legal and Constitutional Affairs.

Is the honourable senator able to advise this house whether he has received a copy of the 200-page manual that was distributed to his fellow committee chairs in the House of Commons?

Hon. Donald H. Oliver: Honourable senators, I wish to thank the honourable senator for that question. The answer is no, I have not.

• (1425)

Senator Cowan: Not yet; perhaps it is in the mail.

Would Senator Oliver care to give honourable senators his views as to whether he thinks it is appropriate for the powers that be in the Conservative Party to hijack and control the work of committees in this chamber?

Senator Oliver: I have not read the document and I do not know whether the document refers to the hijacking of the work of committees; however, as the honourable senator knows, it is not something that has taken place in the Standing Senate Committee on Legal and Constitutional Affairs.

OFFICE OF INFORMATION COMMISSIONER

FIRING OF DEPUTY COMMISSIONER

Hon. Lorna Milne: Honourable senators, two weeks ago, the day before the break, in a display of utter cowardice, this government removed Mr. Alan Leadbeater from his position as Deputy Information Commissioner of Canada. Security personnel escorted Mr. Leadbeater out of the office building where he worked. This continues the trend of the current government of firing people first and answering questions later.

Mr. Leadbeater served Canada with distinction for over 20 years in the Office of the Information Commissioner of Canada and the Office of the Privacy Commissioner of Canada. The crime of this civil servant was that he did his job too well.

With that in mind, can the Leader of the Government in the Senate tell honourable senators whether Mr. Leadbeater was dismissed for serving Canadians too well or for not serving this government and its Prime Minister well enough? Was it something that Mr. Leadbeater said? Was his dismissal based in any way on his open and truthful testimony before the Standing Senate Committee on Legal and Constitutional Affairs?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Deputy Commissioner of Information is an officer of Parliament and operates at arm's length from the government, which always has been the case. The government is not involved in any way in the staffing of the Office of the Information Commissioner of Canada.

OFFICERS OF PARLIAMENT

DISMISSAL POLICY

Hon. Lorna Milne: Honourable senators, I am quite curious about this government's use of public humiliation as a tool to intimidate public servants who are critical of the current government, regardless of their position or their previous record of service.

Between the firing of Mr. Leadbeater and the previous dismissal of the Commissioner of the Environment and Sustainable Development, Joanne Gélinas, this government has

thrown away over 27 years of public service experience. This government has done so without providing justification for its actions. What will happen when this government loses patience with the commentary of the current Auditor General?

Can the Leader of the Government in the Senate tell honourable senators if the firing of Mr. Leadbeater is part of this government's ongoing mission to turn all of Canada's officers of Parliament from watchdogs into lapdogs, or is this government prepared to allow Canadians to continue to get the high level of service that they have received from these people over the years?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): My answer to the honourable senator's first question stands. These are officers of Parliament and we do not interfere in their status within their offices.

I am curious about Senator Milne's comments about Ms. Gélinas. Certainly, no one on this side had any difficulty with the words of Ms. Gélinas as she was highly critical of the previous government and their handling of the environment file. Her departure from the Office of the Auditor General had absolutely nothing to do with that criticism. As I said, we did not question her public musings about the ineptitude of the previous government on the environment.

Sheila Fraser is the Auditor General and an officer of Parliament. She is completely responsible for her own staff. What transpired between Ms. Fraser and Ms. Gélinas is a matter for Ms. Gélinas and the Auditor General; it has absolutely nothing to do with the government.

[Translation]

CONSERVATIVE PARTY OF CANADA

ADVERTISING CAMPAIGN REGARDING LEADER OF OPPOSITION

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, rumour has it that the Conservative Party is about to launch a series of negative advertisements and personal attacks against the leader of the Liberal Party. One must wonder whether these personal attacks are meant to be a red herring, to distract Canadians from the government's intentions regarding the withdrawal of troops from Afghanistan and regarding climate change, which will be discussed at the upcoming G8 meeting.

Can the Leader of the Government in the Senate tell us how much these advertisements cost and what they are supposed to accomplish? Furthermore, what will her government do to prevent foreign firms from grabbing the assets of Canada's dynamic businesses?

• (1430)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The information to which she refers is not rumour; it is absolutely true. The Conservative Party of Canada launched

one television and two radio advertisements this morning drawing attention to the fact that Bill S-4, with regard to Senate term limits, has been in this place for a full year now. The advertisements also compare the long delay on this bill to the leadership of the Honourable Stéphane Dion. The advertisements are paid for by the Conservative Party. I would be very happy to provide a copy to the honourable senator.

With regard to the question of foreign ownership, the fact is that Minister Flaherty announced the creation of a panel in the budget. However, if the honourable senator were to look at the facts, there are just as many Canadian companies, if not more, participating in buying offshore. I was delighted to see so many newspapers this morning, both editorialists and columnists, calling this latest scheme of Mr. Dion's what it is.

[Translation]

Senator Hervieux-Payette: Honourable senators, we are all here to do our job in this venerable institution, the Senate of Canada. Our colleagues have been working in committee for months. They are examining the matter. They have heard from renowned experts. Our party was not at all, and still is not, against changes that must be made to the Senate. So, can the Leader of the Government in the Senate tell us why the Leader of the Opposition is being discriminated against and why this institution is being attacked, when we are all here to work positively in cooperation for the future of Canadians?

[English]

Senator LeBreton: The honourable senator referred to "working positively in cooperation"; she could have fooled me. The fact is that Mr. Dion said in February that he supported the Senate tenure bill; this is June and we are still waiting.

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. W. David Angus: My question is for the Honourable Leader of the Government in the Senate in regard to the problems and costs associated with the Liberal Kyoto plan.

On July 1, Canada Day, 2006, Stéphane Dion conceded that a future Liberal government would be unable to meet its Kyoto commitment of reducing greenhouse gas emissions below 1990 levels. He stated:

In 2008, I will be part of Kyoto, but I will say to the world, I do not think I will make it.

That was in the *National Post*, July 1, 2006.

Scott Brison, the current Liberal member from Kings—Hants, is on the record to the effect:

The job losses from Kyoto ratification will affect all regions of Canada.

What about John Godfrey, MP from Don Valley West, who conceded last June that the Liberal Kyoto plan was flawed?

[Senator Milne]

There is also the unflappable Garth Turner. He referred to Canada's Kyoto targets as:

We are so far behind now that catch-up is impossible, without shutting the country down.

Michael Ignatieff, member for Etobicoke—Lakeshore, once stated:

I think our party has got into a mess on the environment. As a practical matter of politics, nobody knows what (Kyoto) is or what it commits us to.

In view of such criticism of the Liberals by their own leaders with respect to their work on Kyoto, is the honourable senator confident that Canada's new government is on board to correct the problems and failures of the past Liberal government with respect to the environment?

• (1435)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): That, for a change, was a good question, and I thank the honourable senator for it.

There is no question that, for the first time, the government has a plan, has put it out for everyone to understand, has brought in regulations for all industries and will deal with the effects of pollution. A UN report was released earlier this week in which Yvo de Boer was complimentary of the government and Minister Baird for the position put forward.

I point out to this place that Minister Baird appeared before a Senate committee and outlined some of the real costs of Kyoto. I think those costs are noteworthy to put on the record again. The figures are from a study that was completed for the previous government, but it never saw the light of day.

To go over a few points in that study, it showed that Canada's GDP would decline by over 4.2 per cent. This decline would represent a deep recession, comparable to the recession Canadians faced in 1981-82, also when the National Energy Program was brought in.

The report also showed that 275,000 Canadians would lose their jobs by 2009, disposable income would fall by \$4,000 per family of four and after 2010, the cost of electricity would jump by 50 per cent.

The other side becomes upset when I bring these facts forward. These facts were brought forward by their government. If this problem was easy to solve, they would have done something about it. It is not easy. We have put forward a plan, which I am sure the members opposite are not pleased with. The fact is, the Canadian public is responding positively to the plan put forward by the government.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STUDENT SUMMER JOBS PROGRAM

Hon. Marilyn Trenholme Counsell: I have another good question, and it is for the Honourable Leader of the Government in the Senate. I hope I receive a straight answer. The subject is Canada Summer Jobs 2007.

Honourable senators, my question has two parts, and I would appreciate a factual answer to both parts. The first part: What was the original budget for Canada Summer Jobs 2007? In dollars, what was the difference compared to 2006 when it was known as the Summer Career Placement Program?

The second part: Has money now been added finally to treat non-profit groups with some small measure of respect: respect for children, disabled citizens, libraries, children's summer camps and the list goes on? If dollars have been added in the last several weeks, how many dollars?

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

With respect to the Canada Summer Jobs program, the exact same amount of money was dedicated to not-for-profit organizations this year as last: \$77.3 million.

As the government geared this program more towards students working in not-for-profit organizations rather than for the Wal-Marts of the world, this is the first year the new approval process has taken place. Obviously, there were worthy groups who did not receive funding from the program. As honourable senators know, Minister Solberg has asked the responsible department to review the issue, and they are now processing the second wave of funding.

• (1440)

In answer to the honourable senator's specific question, the exact same amount of money, \$77.3 million, which was dedicated last year to not-for-profit organizations, is the amount that was dedicated this year.

Senator Trenholme Counsell: There is a significant amount of confusion about this issue. The honourable leader did not answer the first part of the question. On February 7, 2007, in the Standing Senate Committee on Social Affairs, Science and Technology, when we had hearings on literacy, Mr. Treusch, Assistant Deputy Minister of Strategic Policy and Planning, Human Resources and Social Development Canada, said that their department had been subject to a cut of \$107.5 million, of which \$17.7 million went to literacy, leaving \$89.8 million over two years. He said there was a figure of \$89.8 million left in the cuts, and the largest proportion of those cuts was being directed to the student summer jobs program.

I did not receive a specific answer to this question, but I think it is worthy that we know, perhaps as a delayed answer, how much actually was cut. I have pages and pages here where the Honourable Mr. Solberg has said the same amount was going to the non-profit groups. We should find out how many jobs out of the total went last year to Wal-Mart. I suspect it is a very small percentage, and yet the leader's government continues to say that we will not pay for students to pour coffee and whatever they do at Wal-Mart. That represents such a small part and is totally unfair to the students who work on behalf of children and the disabled, in libraries, playgrounds, summer camps and the rest.

Perhaps the Leader of the Government in the Senate will answer my original question. What was the original budget this year and what was the actual cut for the student summer jobs program? The assistant deputy minister said the largest cut in the HRDC budget would go to student summer programs.

Senator LeBreton: Honourable senators, this program was designed at a time when there was high student unemployment. Obviously, in many parts of the country, that is not now the case. The decision of the government was to direct the program to students who work in the not-for-profit sector and not to subsidize businesses which would probably hire the students in any event.

With regard to the honourable senator's specific question, which was further to testimony that was heard before the Standing Senate Committee on Social Affairs, Science and Technology, I will be happy to take that question as notice.

FOREIGN AFFAIRS

ZIMBABWE—BREAKING DIPLOMATIC RELATIONS

Hon. Hugh Segal: Honourable senators, my question to the Leader of the Government in the Senate relates again to the issue of Zimbabwe. She has been most gracious in accepting questions reflecting the unanimous motion of this place to withdraw from diplomatic relations with the Mugabe administration.

Today, the chief representative in Canada of the MDC, which is the main opposition party in Zimbabwe, has written to request that severance take place as quickly as possible. He wrote that the MDC offices had been raided by ZANU-PF police, who had taken their computers and logistics for the coming election preparation. They were being asked to go for talks with a government that does not honour freedom of speech or even respect their being a legal opposition political party. Their party members are picked at random, put in jail and brutalized, without access to justice. Ordinary people are harassed every day, in addition to being denied basic necessities of life, like work, food and bank loans to those who are commercially involved.

All this is being done to crush the MDC as led by the opposition leader, President Morgan Tsvangirai, and he calls again for the earliest possible withdrawal of our diplomatic relations.

Could I ask the minister, in her inquiries, to take into consideration this new communication from the opposition party in Zimbabwe?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Further to the motion passed in the Senate on May 8, I raised this matter with Minister MacKay.

• (1445)

As Honourable Senator Segal knows, Minister MacKay, on behalf of the government, condemned the Zimbabwe government's brutal crackdown on protesters on March 11, which led to two deaths and many injured, and called for the

immediate release of the protesters. Minister MacKay has also met with the leader of the opposition from Zimbabwe. Canada made statements at the United Nations Human Rights Council calling on Zimbabwe to respect human rights and the rule of law.

In Minister MacKay's view, breaking diplomatic relations with Zimbabwe at this time would not be an effective way to advance Canadian objectives. Our withdrawal would prevent us from maintaining support for the civil society of Zimbabwe, which needs it more now than ever, and from providing consular services to Canadians who are presently living in Zimbabwe.

It would also deprive us of invaluable information on the latest developments, which is essential to the department and to the government in developing policy and influencing events in the future.

Having said that, Senator Segal, in view of the comments of the Leader of the Opposition that you raise today, I will be happy to convey them to the minister, as I have done in the past.

[Translation]

HERITAGE

FUNDING OF SUMMER FESTIVALS

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. In its March 19 budget, the government announced investments of \$60 million over two years for summer festivals. Unfortunately, we have learned that these funds will not be available until the fall.

Does the Minister of Canadian Heritage realize that summer festivals are actually held during the summer, between June and August, and that a number of festivals will not take place if these funds are not made available?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. As he knows, the minister is looking at the funding for these festivals. A lot of controversy surrounded them in the past. We want to make absolutely sure that the people that will be applying are properly treated and given an opportunity to submit their application. We want to make sure that funding is distributed properly and is respectful of the Canadian taxpayer.

I am well aware of the timing here, but this file has been a very difficult one. It has caused difficulty in the past, and I suggest to the honourable senator that the minister is acting carefully and prudently to avoid any misuse of taxpayers' dollars.

[Translation]

Senator Lapointe: Honourable senators, in addition to being a violin virtuoso, a remarkable tap dancer and a talented skater, the honourable senator has an excellent way with words. I congratulate her on her talent.

The Minister of Canadian Heritage has had more than two months since the latest budget to get her so-called new program off the ground. In the opinion of the Leader of the

Government in the Senate, is the delay in setting the new funding criteria due to the fact that this government does not really consider culture, the arts and even our festivals as a priority?

[English]

Senator LeBreton: Honourable senators, we have done many things, as I have recited in this place before, in support of the Canada Council, culture and arts all across the country. We have been applauded by many organizations for the work we have done. I think everyone in this place knows what a difficult file it is, and I think the government recognizes the importance of these funds to Canadians in all communities in the country, large and small, no matter where they may be. I think all of us want this process to be conducted properly, in the right way, before money is expended that is not in the best interests of the organizations applying or the Canadian taxpayer.

• (1450)

[Translation]

Senator Lapointe: The Minister of Canadian Heritage recently claimed on a television program — in response to something I had said on the same program — that she had learned French and was continuing her training, while not speaking a word of French during the program. She did say she had seen the movie *C.R.A.Z.Y.* in French five times. It took her quite a while to catch what was going on.

Were the new programs drafted in French? If so, then I can understand why the minister has been so slow off the mark.

[English]

Senator LeBreton: That is more of a comment than a question, but I will pass on the honourable senator's comments to the minister.

Senator Lapointe: That is a question.

Senator LeBreton: Is the honourable senator asking me if I am crazy?

I will have to read what the minister said before I am able to let him know whether I agree or disagree.

CONSERVATIVE PARTY OF CANADA

ADVERTISING CAMPAIGN REGARDING LEADER OF OPPOSITION

Hon. Anne C. Cools: A few minutes ago, I understood the Leader of the Government in the Senate to say that the government had made Bill S-4 the subject of an advertisement campaign; am I correct?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): No, the honourable senator is incorrect.

Senator Cools: Very well. My questions flow from what I thought I heard the honourable say, so perhaps she could clarify what she did say.

Senator LeBreton: It is hard to clarify something that clearly the honourable senator misheard or misunderstood.

In response to Senator Hervieux-Payette, who said there were rumours that there were advertisements being run about Bill S-4 and the Leader of the Liberal Party, I confirmed that yes, in fact, there are such advertisements. The advertisements, paid for and produced by the Conservative Party of Canada, were launched this morning at Conservative Party headquarters.

Senator Cools: Then I did understand Senator LeBreton correctly. She just said again that she was able to confirm that the party is running advertisements about Bill S-4. Very well, fine.

I wonder if the Leader of the Government might clarify a couple of things for me. What is the goal that the party seeks to achieve? To what viewing audience are these ads directed?

Senator LeBreton: Honourable senators, we seek to educate the public on the democratic reform proposals that were part of our platform and that we have put forward into legislation. We were elected on a platform and through these advertisements we simply want to point out that this issue is an important part of that platform. Of course, we all know the other platform issues.

We want to reach the Canadian public, and the Canadian public does not necessarily watch the proceedings of this place every single day.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Hubley on February 20, 2007, with respect to National Defence, the manufacture and use of cluster munitions, as well as a delayed answer to the oral question raised by Senator Grafstein on March 22, 2007, with respect to Budget 2007, gas consumption incentives.

NATIONAL DEFENCE

MANUFACTURE AND USE OF CLUSTER MUNITIONS

(Response to question raised by Hon. Elizabeth Hubley on February 20, 2007)

The Canadian Forces have never used cluster munitions in Afghanistan. In fact, the Canadian Forces have never used cluster munitions, either on operations or on exercise. The government cannot comment on the munitions used by other NATO nations.

The Canadian Forces recently destroyed their entire stockpile of MK20 "Rockeye" air-delivered cluster munitions. They currently hold 155-millimetre Dual Purpose Improved Conventional Munitions, which are artillery delivered cluster munitions. These munitions are in the process of being destroyed.

The use of any weapon by the Canadian Forces, including cluster munitions, would be subject to prior reviews to ensure full respect of international humanitarian law.

• (1455)

[English]

BUDGET 2007

GAS CONSUMPTION INCENTIVES

(Response to question raised by Hon. Jeremiah S. Grafstein on March 22, 2007)

As part of the Government's plan to protect the environment, Budget 2007 introduces a new Vehicle Efficiency Incentive (VEI) structure that will cover the full range of passenger vehicles. It includes a performance-based rebate program offering up to \$2,000 for the purchase of a new fuel-efficient vehicle, neutral treatment of a broad range of vehicles with average fuel efficiency that are widely purchased by Canadians, and a new Green Levy of up to \$4,000 on fuel-inefficient vehicles.

This initiative is part of a comprehensive, results-oriented emission reduction plan to clean our air, help address climate change and create a healthier environment. It aims at encouraging the purchase of more fuel-efficient vehicles and support consumers in making environmentally responsible choices before the new fuel-efficiency standards take effect for the 2011 model year.

The ecoAUTO Rebate Program encourages Canadians to buy fuel-efficient vehicles by offering rebates from \$1,000 to \$2,000 towards the purchase of new fuel-efficient vehicles that meet the required criteria. Initially, new automobiles with a combined fuel consumption rating of 6.5 L/100 km or less and minivans, sport utility vehicles (SUVs) and other light trucks with fuel consumption of 8.3 L/100 km or less will be eligible for a rebate. The basic rebate amount will be \$1,000, and an additional \$500 will be added for each half litre per 100 km improvement in the combined fuel-efficiency rating of the vehicle below these thresholds. Current models qualifying for the rebate include hybrid electric vehicles, conventional fuel-efficient vehicles and the most efficient of the E85 flex fuel vehicles (vehicles equipped by manufacturers to operate on gasoline or a blend of 85 per cent ethanol/15 per cent gasoline). New flex fuel vehicles with a combined fuel consumption E85 rating of 13.0 L/100km or less will be eligible for a rebate. These vehicles will be eligible for a \$1,000 rebate. For model year 2007, there are 16 models eligible for the rebate. Three of these models are produced in Canada. The attached table illustrates which vehicles are eligible for the rebate and the level of the rebate.

(For table, see Appendix, p. 2450.)

Budget 2007 indicated that the eligibility thresholds will be reviewed periodically.

Eligible 2007 model vehicles sold or leased (long term lease of twelve months or more) as of March 20, 2007 will qualify for the rebate. 2006 model year vehicles meeting the program criteria are also eligible.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on Wednesday, May 16, 2007, the Honourable Senator Tkachuk, acting pursuant to rule 43 of the *Rules of the Senate of Canada*, provided written and oral notice of his intention to raise a question of privilege relating to a meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources to conduct clause-by-clause study of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol, held the evening before. Since the Senate adjourned at 4 p.m., pursuant to order, the matter was taken up the following day, Thursday, May 17. I wish to thank all senators who contributed to the discussion, which helped to clarify the full range of issues involved.

It would be helpful to explain how the process for dealing with questions of privilege works. At this stage, the Speaker's role is solely to determine whether a prima facie case of privilege has been made out. If there is found to be a prima facie case of privilege, the senator raising the matter has the opportunity to move a motion that is then debated by senators. The decision as to whether anything should be done is ultimately the Senate's.

[Translation]

As explained in Maingot, the second edition, at page 221:

A prima facie case of privilege in the parliamentary sense is one where the evidence on its face as outlined by the Member is sufficiently strong for the House to be asked to debate the matter. . .

In effect, this is a means to allow the Speaker to weed out cases that are not questions of privilege. If the Speaker rules that a reasonable person could conclude that there may have been a violation of privilege, the Senator who raised the matter is given the opportunity to propose some type of remedy by immediately moving a motion either to refer the matter to the Rules Committee or to call upon the Senate to take some action. In the end, the matter remains in the hands of the Senate, with the Speaker only providing an initial review.

[English]

Certain facts of the situation prompting Senator Tkachuk's question of privilege do not seem to be in dispute. The Senate adjourned at 7:20 p.m. on Tuesday, May 15. The committee, sitting in room 257 of the East Block, began its meeting to conduct clause-by-clause consideration of Bill C-288 at 7:23 p.m. and the committee completed this process and adjourned at 7:26 p.m. The committee met in public on an order of reference with quorum, after necessary notice, with interpretation available, and did not meet while the Senate was sitting. In terms of the *Rules of the Senate of Canada*, the meeting was in order. This point was emphasized by a number of senators on May 17.

A question of privilege is, however, different from a point of order. The privileges of this chamber exist because they are necessary to fulfil our obligations as parliamentarians. A question of privilege is therefore a serious matter. Rule 43(1) of the *Rules of the Senate* notes:

A violation of the privileges of any one senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*.

[Translation]

Four basic conditions must be met for a putative question of privilege to be accorded priority over other matters before the Senate. It is the Speaker's role to evaluate these criteria.

First, rule 43(1)(a) requires that the matter be raised at the earliest opportunity. This is clearly the case here.

[English]

Second, rule 43(1)(b) requires that the matter directly concern the privileges of the Senate, a committee or a senator. This case involves a complex interaction between the rights and duties of committee members, the rights of the Senate to the presence of its members and the freedom usually accorded to committees to conduct their business. This second criteria is also met.

• (1500)

Third, rule 43(1)(c) requires that the question "be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available." The Speaker's role is limited to evaluating whether there is some option that could fulfil this condition. Senator Tkachuk can move a variety of motions meeting this condition. He has indicated that he is prepared to do so. Thus, the third criterion can reasonably be met.

[Translation]

Fourth, rule 43(1)(d) requires that the question be raised to correct a grave and serious breach. Fundamentally, Senator Tkachuk has suggested that he was obstructed from his ability to discharge his duties in committee. This is a grave and serious matter.

The putative question of privilege under consideration meets the conditions to be accorded priority under the special processes for a prima facie question of privilege. Senator Tkachuk has outlined how he felt that he was impaired in fulfilling his parliamentary role, given the limited time available to go from the Senate chamber to the committee room. Senators will now have the opportunity to debate whether this matter should be pursued further.

[English]

Again, let me reiterate that this decision on the prima facie aspect of the question of privilege is not a definitive resolution of the issue. This ruling does not establish that Senator Tkachuk's privileges were breached, nor does it conclude that any action must be taken on the matter. That is a decision for the Senate. Senator Tkachuk now has an opportunity, under rule 44(1), to move a motion either calling on the Senate to take some action or referring the matter to the Rules Committee. The motion must be moved at this time, although it will only be taken into

consideration at the end of Orders of the Day or at 8 p.m., whichever comes first. Debate on the motion can last no more than three hours, with each senator limited to speaking once and for no more than 15 minutes. Debate can be adjourned and, when concluded, the Senate will decide on Senator Tkachuk's motion. The final decision is with the Senate.

Therefore, the ruling in this matter is that a prima facie case of privilege has been established and the conditions of rule 43 have been met.

Hon. David Tkachuk: Honourable senators, as His Honour has found that a prima facie case of a violation of my privilege has been established, I move, pursuant to rule 44(1):

That all matters relating to this question of privilege, including the issues raised by the timing and process of the May 15, 2007 meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources and their effect on the rights and privileges of senators, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report; and

That the committee consider both the written and oral record of the proceedings.

The Hon. the Speaker: Honourable senators, pursuant to rule 44(3), debate on the motion shall commence when the Senate has completed consideration of the Orders of the Day or no later than 8 p.m. today, whichever comes first.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. A. Raynell Andreychuk moved third reading of Bill C-48, to amend the Criminal Code in order to implement the United Nations Convention against Corruption.

She said: Honourable senators, I wish to thank the members of the Standing Senate Committee on Foreign Affairs and International Trade for their work on Bill C-48. Not only did they look at the clauses of Bill C-48, but they also went further and looked into the whole issue of corruption, including how it affects Canada's relations and how corruption in developing countries is affecting the natural good governance and growth of those countries.

Bill C-48 is a step in the right direction to bring uniform definitions and procedures with respect to a universal United Nations attempt to fight corruption.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I rise to encourage my colleagues on both sides of the chamber to support this bill because, as the witnesses who appeared before the committee said, it is a step in the right direction.

I would also like to thank the members of the committee who recommended witnesses, welcomed them and delved into their knowledge of international corruption. The witnesses were asked whether the bill should move forward without amendment, and they strongly recommended that it should. That is why I support this bill as it is written.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill C-22, to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

She said: Honourable senators, I am pleased to rise today to begin second reading debate of Bill C-22. The protection of Canada's children is an issue near and dear to all of us. This issue has often come before us and, as in the past, I hope that it will once again unite us in condemning adult sexual predators who prey on vulnerable youth, for this is what lies at the core of Bill C-22.

The bill it is about better protecting 14- and 15-year-olds against adults who seek to sexually exploit them. Bill C-22 accomplishes this by proposing to amend the Criminal Code to raise the age of consent.

Over the years, there has been much public discussion about age of consent. However, it is not always clear from the discussion that there is an accurate understanding of age of consent. Indeed, some, including teenagers, may not even know that there is such a thing as an age of consent.

The age of consent or "age of protection", as Bill C-22 now proposes, refers to the age below which the criminal law does not recognize the legal capacity of a young person to consent to sexual activity. Below this age of consent, all sexual activity, whether it is a sexual touching such as kissing or sexual intercourse, is prohibited.

• (1510)

Currently, the Criminal Code sets the age of consent to sexual activity at 18 years where it involves prostitution, pornography or where there is a relationship of trust, authority or dependency, or the relationship is otherwise exploitive of the 14- to 18-year-olds. I am pleased to see that Bill C-22 will maintain 18 as the age of protection for these forms of sexual activity.

However, for other forms of sexual activity, the Criminal Code currently sets the age of protection at 14 years, with one exception. Under this exception, a young person who is 12 or 13 years old, can consent to engage in sexual activity with another person who is less than two years older, but under 16 years of age, provided that the relationship does not involve trust, authority or dependency and is not otherwise exploitive of the 12- to 13-year-olds. This is often described as the two-year close-in-age exception. Bill C-22 proposes to maintain this two-year close-in-age exception for 12- and 13-year-olds.

In addition to raising the age of protection from 14 to 16 years, Bill C-22 builds upon the existing framework and provides a new close-in-age exception for the 14- to 15-year-olds who would now be under the age of protection. Similar to the existing two-year close-in-age exception for 12- and 13-year-olds, Bill C-22's new exception would allow 14- and 15-year-olds to consent to engage in sexual activity with another person, provided that the other person is less than five years older and the relationship does not involve authority, trust, dependency and is not otherwise exploitive of the young person.

A five-year close-in-age exception makes sense and is needed for a number of reasons. First, it recognizes the reality, whether or not we like it, that youth are, in fact, sexually active and that the majority of youth who are sexually active have partners who are within that age range. For example, a June 2006 research brief for the U.S. Department of Health and Human Services that was based on data from the 2002 National Survey of Family Growth reported that for 87 per cent of girls and 96 per cent of boys aged 15 to 19 years, the age of their partner at first sexual intercourse was either younger or within three or four years older. For 3 per cent of boys and 13 per cent of girls, the age of their partner was five years older or more.

A five-year close-in-age exemption also reflects the fact that across Canada there is a wide differential in treatment of age and grades in our schools such that it is not possible to identify a single consistent school-aged cohort for all Canadian teenagers. High schools most often include four to five grades and can start at grade 7 or 8 and end at grade 12. The age of most students in grade 7 is 12 years; of grade 9 students, 14 years; and, of grade 11 students, 16 years. A five-year close-in-age exception is a reasonable accommodation of these differences.

Bill C-22 also proposes another type of exception, again a reflection of another fact, namely, that when the new age of protection of 16 years comes into force, there may be some 14- and 15-year-olds who are already married to or in an established common-law relationship with a partner who is more than five years older.

As introduced by the government, Bill C-22 proposes a time-limited exception for existing marriages and existing common-law relationships that met the bill's definition; that is, where the couple was living in a conjugal relationship for a period of at least one year, or for a shorter period of time if that relationship had produced a child, or one was expected, and only if the relationship was not one of authority, trust, dependency or was not otherwise exploitive of the young person.

The effect of this proposed approach was to prevent criminalizing those defined relationships that already existed when the new age of protection came into effect, but it would have prohibited the establishment of such new relationships after Bill C-22 came into force.

Bill C-22 was, however, amended by the Standing Committee on Justice and Human Rights to make the transitional marriage exception permanent. The effect of this amendment is to allow 14- and 15-year-olds to marry a partner who is five years older or more after Bill C-22 comes into force where provincial or territorial solemnization of marriage laws permit marriages of such young persons.

My understanding is that there are few marriages involving 15-year-olds. Indeed, most youth this age do not have marriage on their minds. Moreover, the solemnization of marriage laws in three jurisdictions — Quebec, my own province of Newfoundland and Labrador, and the Yukon Territory — do not allow persons under the age of 16 years to marry. In the remaining provinces and territories that do, there is a general requirement for prior judicial or ministerial approval.

In considering whether approving such a marriage would be in the best interests of the young person, presumably such a court or minister would take into account Bill C-22's criminal law reforms that make any sexual activity between a 14- and 15-year-old and another person who is five years older or more a sexual assault.

I applaud both the objective and the approach of Bill C-22 to better protect 14- and 15-year-olds against adult sexual predators while not criminalizing sexual activity between consenting teens.

Honourable senators, others applaud Bill C-22 as well. For example, in August 2006, the Ontario College of Teachers, the licensing and regulatory body for the 200,000 teachers in Ontario, reported on the results of a representative sample survey of 1,000 teachers. About 84 per cent of teachers polled supported raising the age of protection from 14 to 16 years. As a former teacher and principal, I can tell honourable senators that this means much more than just many teachers support Bill C-22. What it tells us, as Canada's lawmakers, is that this added protection is both welcome and needed.

Who better to confirm this than the one group of persons that spends more time with our youth than anyone else, save for other youth, than the one group to whom we, as a society, as parents and as grandparents, entrust our children to teach, nurture and watch over? To my mind, this is a resounding acknowledgement that we are on the right path to better protecting our youth against adult sexual predators with Bill C-22.

• (1520)

Police have also strongly supported Bill C-22 and have been long-time advocates of raising the age of protection. Their daily reality is reflected, for example, in Statistics Canada's 2005 *Juristat on Children and Youth as Victims of Violent Crime* that reported that sexual assaults are crimes that are committed primarily against children and youth. In 2003, children and youth were the victims in 61 per cent of sexual assaults reported to police.

Police experience has also indicated that teens, including 14- and 15-year-olds, are particularly vulnerable to a new form of sexual predation that has emerged from the Internet, namely Internet luring. Adult sexual predators have adapted well to today's new technologies. They know how to use them to find new victims, near and far, to befriend and then sexually exploit them. Honourable senators, 14- and 15-year-olds, especially girls this age, are vulnerable to such predatory behaviour.

These predators often enter into youth chat rooms and pretend to be a child's peer to gain their trust and confidence. They then nurture this trust, sometimes over extended periods of time, and then begin to lay the foundation for an in-person meeting to have sex with that young person. I am sure you have all heard of these experiences.

Even though our Criminal Code has prohibited Internet luring since 2002, the practical reality is that this protection only helps those under the current age of consent of 14 years. Police, therefore, support Bill C-22 because it will provide them with another and more effective tool to protect those who are most at risk — 14- and 15-year-olds — from being sexually exploited through Internet luring.

I am aware that some have criticized Bill C-22, saying that the Criminal Code already adequately protects 14- and 15-year-olds. They point to Criminal Code amendments enacted in 2005 that direct courts to infer that a sexual relationship with a young person between 14 and 18 years is exploitative of the young person by considering the nature and circumstances of the relationship, including the age of the young person, any difference in age between the young person and the other, the evolution of the relationship and the degree of control or influence by the person over the young person.

Police and teachers have told us that Bill C-22 is needed because these and other existing Criminal Code protections are not enough. I agree. There is no certainty with this 2005 amendment. It might or it might not protect a young person between 14 and 18 years of age, and it might protect some youth in certain situations but not others in the same situations.

In contrast, Bill C-22 provides certainty and protects all 14- and 15-year-olds. Under Bill C-22, there is no guesswork involved. If you are five years or more older than a 14- or 15-year-old, you are prohibited from engaging in any sexual activity with that young person. Under Bill C-22, it is never, for example, a question of whether a 14- or 15-year-old consented to sexual activity with a 50-year-old: it is a sexual activity.

You are amazed, Senator Murray?

Senator Segal: Nova Scotians are not used to this kind of frankness.

Senator Cochrane: Bill C-22 also brings Canada's age-of-consent laws into conformity with that of other like-minded countries. For example, the age of consent in other Commonwealth countries that share the same common-law origins as Canada is 16 years in England, New Zealand and Australia at the federal level, and 16 or 17 years at the state level. In the United States, the age of consent is 16 years under federal law, and ranges from 16 to 18 years at the state level.

In conclusion, I think it is fair to say, as I did at the outset, that the protection of children and youth against sexual exploitation is an objective and, indeed, a priority that we all share. This is also the objective of Bill C-22. I hope that all honourable senators will join me in supporting this bill and providing youth with the additional protection against adult sexual predators that they need and deserve.

On motion of Senator Tardif, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-222, 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.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I am pleased to respond to the Honourable Senator Phalen's proposed bill to amend the Immigration and Refugee Protection Act and to enact certain other measures to provide assistance and protection to victims of trafficking.

Honourable senators, let me say from the outset that I appreciate the honourable senator's speech when he introduced this bill wherein he highlighted the terrible conditions faced by victims of human trafficking. Indeed, human trafficking in 2007 is shocking, pervasive, international and the most degrading act against human dignity.

Slavery is flourishing in old forms and in new ways. Its ties are often linked to organized crime, international trafficking, failed states, struggling states and corrupt officers and officials everywhere.

I will not elaborate on the issue itself in detail, as Senator Phalen has done so, but I remind honourable senators of the speeches given when Bill C-49, as it was then called, was in this chamber in the fall of 2005. I also commend for reading a book by Victor Malarek entitled *The Natashas* if one wants to learn about the agony and infamy of human trafficking.

I am sure that everyone in this chamber shares the concern expressed for these victims and is eager to find ways to help alleviate their situation. This is, I believe, the justification for bringing this bill forward, but I have concerns about the application of certain provisions. The bill arises out of the best of intentions but contains several provisions that I am afraid will make things harder, not easier, for victims of human trafficking.

First, I wish to discuss the current policies and actions of the government on this issue. I particularly note that previous governments took actions also, particularly Bill C-49, which I referred to, which led to changes to the Criminal Code.

The current government recognizes the seriousness of this issue, and that is why real action is being taken and there is a commitment to looking at ways to afford even greater protection and support to victims of human trafficking. Before I discuss the measures that Canada already has in place within existing immigration legislation to protect victims of human trafficking, I want to point out one of the challenges in dealing with this issue.

It has been stated in this chamber that there are between 800 and 16,000 victims of human trafficking in Canada. In fact, like so many criminal enterprises, trafficking in persons resists scrutiny. It is extremely difficult to pinpoint the actual number of victims in this country.

For example, when officials at Canada's ports of entry encounter individuals they suspect are victims of human trafficking, they often find it difficult to distinguish them from a routine instance of irregular migration because the victim may not be aware that he or she is being trafficked or is acting through fear or intimidation.

• (1530)

In most cases they are acting on the instructions of their traffickers. Therefore, many will try to pass through ports of entry by misrepresenting themselves as genuine temporary residents.

Trafficking in persons can take a variety of forms, such as forced labour and sexual exploitation, and can also vary from place to place. Generally, there is little consistency amongst reporting agencies as to what is and is not labelled trafficking in persons.

Many trafficking victims are irregular migrants who come from countries where law enforcement has a long history of systemic corruption or human rights violations, and therefore victims are often reluctant or are threatened not to report their victimization or cooperate with police investigations.

Trafficking victims can be sold and resold many times to generate new profits. In other words, a single person can be trafficked more than once from one country to another or within a single country.

As honourable senators understand the difference between trafficking in persons such as for the purpose of sexual exploitation and smuggling migrants, we begin to see how difficult it is to measure the precise number of victims of human trafficking. In any event, forced labour into prostitution or sweatshop labour to service a debt that never ends is not what Canada should ignore.

Honourable senators, I emphasize that Canada's criminal laws provide considerable protection to address the various manifestations of human trafficking. This includes targeted criminal offences that specifically prohibit the trafficking of persons and receiving of financial benefit from this terrible crime.

Taken together, our criminal laws strongly denounce human trafficking and demonstrate Canada's ongoing commitment to ensuring that the perpetrators of such crimes are brought to justice.

While the Government of Canada has taken a strong stance on prosecution, we recognize that victims of trafficking may not be ready to get involved in legal action against their traffickers as we know that leads to double victimization. This was one of my concerns when the earlier Criminal Code bill came before us. Those who traffic victims have a real “hold” on their victims. Threats and intimidation against them or their families back home is real. This leads to one of my concerns with this bill, and the approach that it lays out when compared to the government’s current approach.

The proposal to require a victim to testify against their trafficker in order to obtain a long-term residence permit in Canada is coercive and unhelpful. It goes against the Government of Canada’s fundamental position that victims are victims, not criminals.

The Government of Canada has been lauded internationally for its decision to make cooperating in the prosecution of one’s traffickers a voluntary choice, not a condition of protection. I take this opportunity to outline in more detail for honourable senators the government’s recent efforts to combat trafficking in persons and its contributions to prevent trafficking, to protect victims and to prosecute offenders.

I will begin with some background on Citizenship and Immigration Canada’s work to address trafficking in persons over the past decade. I will outline more specifically the guidelines that address some of the unique needs of victims of trafficking that were announced by the Minister of Citizenship and Immigration last spring.

From 1999 through 2001, Citizenship and Immigration Canada housed the Secretariat for the Protocols on Human Smuggling and Trafficking and developed Canada’s position on the draft United Nations Protocol on Trafficking in Persons, especially women and children.

The Convention on Transnational Organized Crime and the Trafficking Protocol, which Canada ratified in 2002, provide the most widely accepted international framework for addressing trafficking in persons. The Immigration and Refugee Protection Act, which came into effect in 2002, contains Canada’s first trafficking-specific offence and marked significant changes to reflect Canada’s support of the convention and the protocol.

From the beginning, the issue of trafficking in persons has been addressed collaboratively by federal government departments and agencies. In fact, Citizenship and Immigration Canada continues to work with the Department of Foreign Affairs and International Trade, Department of Justice Canada, the RCMP, and Canada Border Services Agency through an interdepartmental working group to strengthen Canada’s response to human trafficking. Certainly, more can be done in coordination and support services.

Citizenship and Immigration Canada has participated in or led initiatives to prevent these crimes from occurring, to protect victims and to prosecute perpetrators. One objective of the government has been to find ways to assist victims of trafficking to ensure that individuals receive appropriate consideration for immigration status.

In May 2006, the Minister of Citizenship and Immigration released a new public policy, issued ministerial instructions and published guidelines for immigration officers that addressed the unique need for immigration status for victims of trafficking. Under the guidelines, trafficking victims are eligible to receive a temporary residence permit that allows them to stay in Canada for up to 120 days and, when warranted, for a longer period of time. The current bill would limit the validity of the short-term permit to 120 days. This restricts an officer’s ability to issue a permit for a longer period of time.

These new measures were designed to help victims escape the influence of their traffickers and to begin recovery from their ordeal. In a practical sense, these measures exempt victims from the processing fee for these temporary residence permits and give access to the Interim Federal Health Program to ensure victims of trafficking receive the medical attention they need.

In response to the government’s action with respect to the new guidelines on human trafficking, I am pleased to note that the Canadian Council of Refugees was very supportive. Elizabeth McWeeny, President of the Canadian Council for Refugees stated:

These measures mean that the government will begin to treat trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Like many other organizations, the CCR has been calling for this policy change for several years — we are very pleased that Minister Solberg has responded to this call

In the existing Immigration and Refugee Protection Act, there have always been options available to victims of trafficking who would want to remain in Canada permanently. Refugee claims in Canada, applications for humanitarian and compassionate consideration and pre-removal risk assessments can lead to permanent residence, depending on the circumstances. Temporary residence permit holders can also apply for permanent residence in Canada.

The temporary residence permit and these new guidelines strengthen Canada’s ability to address the issue of status and provide immediate protection. They also provide a first line of medical assistance under an expanded Interim Federal Health Program, including both medical treatment and trauma counselling if the victim requires it.

Temporary residence permits allow victims of trafficking a period of reflection so that they can make informed choices on their next course of action. These permits allow them to stay in Canada while they recover from physical or mental abuse, and allow them to consider their options further for returning home or allow time to decide only if they wish to assist in the investigation of the trafficker or in criminal proceedings against the trafficker.

• (1540)

I would like to emphasize again for honourable senators that in Canada victims of trafficking are not required to testify against their traffickers in order to gain immigration status.

In summary, my primary concern with this proposed legislation is that while its intent is laudable, its provisions are actually more restrictive than the government's current policy, and will remove some of the privileges that victims of trafficking currently utilize.

Therefore, as I indicated, I appreciate Senator Phalen's concern, and perhaps the committee could look at this issue again. At this point, while the principle of the bill is laudable, the provisions may, in fact, be more restrictive than the cumulative effect of all the laws and practices that have been put in place in the last decade. Therefore, the bill deserves scrutiny before full support.

On motion of Senator Comeau, for Senator Di Nino, debate adjourned.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Comeau*)

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

An Hon. Senator: Question!

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

Hon. Serge Joyal: Honourable senators, I have not consulted with the Deputy Leader of the Opposition. I apologize to Senator Comeau.

Traditionally those bills have been referred to the Standing Senate Committee on Legal and Constitutional Affairs. Having been a member of that committee for many years, I recall we have dealt with such proposals.

Therefore, I move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

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

[*Translation*]

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill 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.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, considering the importance of this bill and the potential implications for Canadian society and all the provinces involved, we need more time to gather more information concerning this bill. For this reason, I move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

[*English*]

DIVORCE ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin, for the third reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Cools*)

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

An Hon. Senator: Question!

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

Motion agreed to and bill read third time and passed.

KYOTO PROTOCOL IMPLEMENTATION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Grant Mitchell moved third reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(*Honourable Senator Banks*)

He said: Honourable senators, it is with a great deal of pleasure that I rise to speak to third reading on Bill C-288. I say "pleasure" for a number of reasons. This has been a difficult process, although perhaps a process that reflects the great resilience of democracy and democratic debate. It has been difficult to get the

bill this far. At the same time, it is what I believe to be an historic bill that addresses the issue of our generation, the issue of the 21st century.

I begin by praising the work of the committee. I say that with great sincerity, and address all sides of the committee. I believe that the committee dealt with the critical issues addressed under Bill C-288. Essentially, those issues include whether or not this proposed legislation will harm the economy, as well as what will be the trade-off between investing in the pursuit of Kyoto objectives and what may happen, good or bad, to the economy.

We have had significant debate on the issues. We were fortunate that, although there is so much information, we did not have to spend months and months reviewing it, but instead the selection of witnesses reflected very well both sides of that heartland issue — economy versus the environment. It is also important to note that the committee addressed another significant issue and that is question of tradable permits and how those markets might be structured.

It was after those particular hearings that I had the profound sense that we had dealt in depth and in detail with the very significant, core issues that Bill C-288 addresses. What was also interesting is that the Conservative side made no effort to call anyone who questioned the science. I assume that is no longer an issue in their caucus or in their thinking, and that they would not be saying that committee hearings were not adequate because that particular issue had not been addressed. In fact, they did not call any witnesses.

I respect greatly the efforts and intensity with which the Conservative senators have addressed this issue and the intensity and manner in which they handled themselves in committee. It was clear that no matter what perspective a given witness represented, that witness was questioned rigorously by both sides of the issue, as reflected by members of the Liberal caucus, by independent members and by members of the Conservative caucus on the other side. It is fair to say that every senator brought a great deal of understanding and commitment to this issue. There is no question but that the issues and questions that have arisen around Bill C-288 were rigorously pursued in the committee process and were well represented on many sides by the witnesses who were called.

I thank the chair, Senator Tommy Banks, for his work with the committee. It is not an easy process when a bill of this nature appears. This is a contentious bill and addressed people at a deep value level. Therefore, the decorum of the process should be applauded, and I thank Senator Banks for the work he did for the committee.

• (1550)

In the end, the committee did a comprehensive job, the issues were reviewed properly and more than adequately, the debate proceeded well, and here we are with a chance to further that debate still.

I would like to address a series of issues. Senator Murray raised the first issue. As I have said before, I have great respect for Senator Murray's view of these things. I think it was very useful for the committee to have addressed the question of whether or

not it is proper within the parliamentary structure and process for opposition MPs to hold the government to do something that it may choose not to do or simply does not want to do.

In essence, Senator Murray's concern is that an opposition coalition could render a government unable to use its prerogative without the opposition having to be held accountable for whatever it is that it is making the government do.

It was interesting to note that the two witnesses who were called were both eminently qualified; Linda Collins, a professor of law at the University of Ottawa and Professor Hurley, a professor of political science who is now retired. Professor Hurley has consulted to governments of both stripes. Both professors, well respected in the community, argued that Bill C-288 supported as it is by a majority of the House of Commons underlines the supremacy of Parliament and is perfectly within order. Professor Hurley went on to say that it is unprecedented that a government should be put in this particular position. Of course, it is unprecedented because it is only recently that the members of Parliament have had the power to vote in this way on issues of real substance. That is a fundamental change and there is a history surrounding that change. In fact, one could argue — as I did in committee — that the change probably emanated from the work and concern of the Western-based Reform Party. The Reform Party pointed out that MPs need to be heard and have more power. Lo and behold, MPs have more power and they should be listened to, although this government has gone to some extent to try to prohibit that function. The fact of the matter is that this is now in place. Members of Parliament have this power. If the circumstances arise again as they did this time, they can get together in a majority and hold a minority government to do something that it may choose not to do.

First, you cannot go back on that and, second, it is not as though the government did not have further prerogative to inhibit or prevent this problem. The government could have called a question of confidence on that bill.

You cannot on the one hand argue that the government lost its prerogative because members of Parliament in opposition voted to force it to do something overwhelmingly significant and then diminish the fact that it had prerogative to prohibit this problem simply by calling a confidence vote on this particular issue. Therefore, it is one of the remarkable features of this parliamentary process that often compensates for these different initiatives in the process of evolution and that, in fact, there was the power of this government, had it not wanted power more than it did not want to achieve Kyoto objectives, to have prohibited and prevented this from ever occurring. Had they called a question of confidence, it might be that it would have resolved itself differently. However, they did not do that, but they did have the prerogative to fight this pressure that came from members of Parliament who were exercising a perfectly legitimate power accorded to them somewhat recently.

Regarding substantive issues with respect to the bill itself, clearly, the heartland issue in this bill — and it is very clear as it continually arises in debate — is the question of economy versus environmental investment. Can you have both? Can you walk and chew gum at the same time?

The one clear and overriding position that the government seemed to want to take, if disappointing, was the day that Minister Baird appeared and made it clear that they wanted to link the pursuit of the Kyoto objective to some kind of economic destruction.

Minister Baird presented a study — I use that word lightly — to somehow defend that there would be economic ruin descended upon Canada should Kyoto be achieved to the end of 2012, the first phase.

Mr. Baird should actually be quite ashamed of himself for having presented this report. The report itself diminishes, pretty much precludes, any credibility it might have had on the question. The report states that the analysis cannot, for example, credibly incorporate such long-term transformational technology such as carbon storage, it cannot include the emissions impacts of long-term energy infrastructure projects such as new plant hydroelectric generation capacity in Northern Quebec and it cannot accommodate business capital turnover cycles. While the two previous items are specified as being long-term technologies, they certainly have not considered the short-term impacts, and the business cycle could be much shorter in many industrial or business-specific cycles.

They cannot allow for an evolution in consumer awareness and behaviour. They did not allow for that. Consumers can change quite quickly. In fact, political analysts have changed. Yes, we will talk about Buzz Hargrove.

The government could not wait for the development of the implementation of solid international certification procedures with respect to green AA use, which could transform this process. This study is not worth the paper it was printed on. It was too bad Minister Baird had expended the energy to produce the paper to print this thing because it is absolutely without credibility. Interestingly enough, it is the only study they have ever produced to show that there might be some economic damage.

It is interesting to note that the Chemical Producers' Association appeared in the committee and reported that their industry is 56 per cent below their 1990 levels of CO₂ emissions.

Even the minister argued, as the association had argued for a long time, that this would hurt the economy. When pressed, I asked on what information he based his argument and he responded that the government had the study. I asked him what he had been using prior to the study. I pointed out that the government had been using the studies of the Chemical Producers' Association for years and that no other studies existed on which to base a firm conclusion. That brings me to my point.

Why is it that somehow we accept this myth that pursuing Kyoto must hurt the economy? There is not a breath of suggestion that when we invest in guns, tanks, helicopters and a war halfway around the world that somehow that damages the economy. There is not a breath of suggestion that it damages the economy because, of course, it does not. Unfortunately, for the wrong reasons, it stimulates the economy, as most investment does.

Why would we conclude that investing to achieve Kyoto targets would inherently and definitively hurt the economy? Why would we come to that conclusion when evidence tells us that when businesses or countries work together on a major environmental initiative, it is absolutely to the contrary? When entities collaborate, the cost is less than is initially prescribed; it often takes far less time; it often ends up, if not always, in making businesses more competitive and efficient; and, in fact, there is ample evidence to show how it simply stimulates economies and improves businesses.

I will paraphrase a quote by Lee Iacocca when he was head of Ford Motor Company in 1973: If we are forced to put in catalytic converters, Ford will go down, 800,000 jobs will be lost and small towns will go under because they will lose a tax base. That never happened.

With respect to CFCs, DuPont said there would be a \$135 billion cost to fix the CFC issue and that whole industries would fold. That never happened. It was believed that acid rain would somehow create a recession. In fact, it never happened. Companies like Inco fight these initiatives. They go through a cycle. First, they say there is not a problem; then they admit the problem, but it is not their fault; then they continue to admit there is a problem, but it is too costly to fix it. Then, when they are forced to fix the problem, they fix it and extol their environmental virtues. That is exactly what companies like Inco did after they fixed the sulphur problem.

• (1600)

There are many examples. Chemical producers fall 56 per cent below the Kyoto objective. That is nine times their Kyoto requirement level, 56 per cent below 1990 levels. The forestry association falls 44 per cent below 1990 levels of carbon production. That is seven times their objective. In answer to that, the small "o" opposition will say, "Yes, but they had 17 or 20 years to achieve this result." They achieved the result seven or nine times more than they had to, so they were doing 3 or 4 per cent a year. They have five and a half years to get to 6 per cent below target. They have lots of time if they just apply themselves. That is very serious.

Countries have done this. The manufacturers association pointed out that their membership is 7.4 per cent below 1990 levels of greenhouse gas production and that their efficiency has increased by 48 per cent.

Let us look at examples, if they exist, of where greenhouse gas emissions reduction damages economies, because it does not damage economies. When business leaders, political leaders and individuals have vision, it is remarkable what they can do. I look at this Conservative government and ask: Why is it that you cannot grab the vision, see the potential and see what is facing you directly, namely, the possibilities for this country and for our role in the world?

The other issue is cost. The government says there will be a huge cost, which is a refinement of the "it will wreck the economy" argument. Let us think about the cost. Currently, a tradable credit in Europe — and these are real credits, which I will address later — is trading for about \$12.60. We have to reduce our greenhouse gas emissions by 260 megatons from business-as-usual 2010 levels. If nothing is done between now and then, we have to reduce emissions by 260 megatons.

If one takes \$12.60 by 260 megatons one is talking far less than \$4 billion a year. It will take less than \$20 billion a year over the next five years for us to meet our Kyoto obligations if we did not do a single thing to reduce emissions, if we simply bought credits so emissions could be reduced somewhere else in the world. Twenty billion dollars is less than the government has forfeited by reducing the GST by 1 per cent. It is less than one half and probably less than one third of 1 per cent of our GDP.

Emissions reduction will not have the kind of economic impact that the government and the Bairds of the world are assuming, without any basis whatsoever, that it will have. The reverse is true. The reverse is that this is the next industrial revolution, that we actually have an opportunity to do something significant to build the next economy, an economy of the future for this country that will be competitive and keep us ahead economically, as we have been to this point.

I think of BIOCAP. One of the committee witnesses had a company which is a member of BIOCAP, which is a network of researchers across the country, highly credible and backed by companies like TransAlta, Lafarge and Shell, who are looking for ways to produce tradable credits through biomass and agriculture and forestry. The potential there is great.

This government recently cut its \$2.5 million annual funding to BIOCAP. Why can they not see the opportunity where we can actually create another stream, maybe a truly economically driven stream of revenue for the agricultural and forestry communities? Not only can they not see that, but they have also absolutely thwarted the great work of BIOCAP by cancelling their funding.

In regard to transformative technologies, why can this government not see the potential for surveying the technological possibilities for reducing greenhouse gas, picking several possibilities and then backing them through our universities, our industry and our own government initiatives in a collaborative effort, a venture that could see us build breakthrough technologies? Some technologies are close to breakthroughs in terms of cleaner burning of coal and producing more concentrated streams of CO₂, for example, that can then be captured.

Imagine if we could think of the technology that would allow that to occur for coal-fired electrical plants. In the not-too-distant future, China will be producing as many as three coal-fired electrical plants a week for who knows how long. Would it not be remarkable if it was Canadian technology that could be sold and Canadian industry that could be building those facilities?

When we have a government that cancels every single program in place out of hand and sends the clear message that it does not believe in Kyoto, then we have a government that does not have the understanding, vision and creativity to build an economy of the future. It is terribly frustrating and disappointing.

The second important issue that arose was in regard to tradable credits. We have heard the standard opposition and criticism: We will not allow Canadian companies to buy hot air. No Canadian company has bought hot air, in Russia or anywhere else. There are structured international organizations that ensure, under Kyoto parameters, that credits that are traded on legitimate markets are in fact legitimate. It is interesting that our stock and

real estate markets operate very much on the assessments and expertise of auditors and accountants, and we accept those reports and analyses. Clearly, we will be in a position to accept the reports and analyses of these organizations when they say this is a legitimate, valuable and valid tradable permit.

For the government to continue to say that we cannot do that, honourable senators, is to find excuses that make no sense. The fact of the matter is that tradable permits are a way to transition from where we are to where we have ultimately reduced our emissions completely. Right now, there are fundamentally significant market mechanisms that work.

One of the witnesses who appeared before us is a representative of a company called Natsource, which represents 26 huge international corporations that are in jurisdictions that require them to find legitimate tradable permits. They have a \$670 million market right now that they have developed and are using to develop tradable permits. This is a real company working for major corporations, and it has to deliver real tradable credits or it will be fired or it could be sued; it would have all of those remedies to face. To say that somehow these markets are not or could not be real is absolutely wrong. They are real and they can be real. Again, because the government denies this, we will miss the opportunity to build those markets in Canada.

I might put in a plug now that the market for Canada in tradable greenhouse gas permits should be in Calgary, where there is already tremendous infrastructure. There is tremendous intellectual capital there, an understanding of markets, and direct interest in finding proper tradable permits because its head offices in Calgary certainly have to confront the question, and they are confronting the question of greenhouse gas emissions. Again, we simply see a government that cannot, for whatever reason, grab the real possibilities, and marketing for tradable credits is one of those real possibilities.

I wish to mention another issue in passing. Clearly, this government has staked a huge amount of its political credibility, such as it is, on international security. That is why it is supportive, one would think, of what the Americans do and why our troops are in Afghanistan. There is ample evidence that climate change will create tremendous international insecurity if it continues to evolve in the way that it does. No amount of military action that we could even begin to afford probably could offset that. If we want to be preventive in the area of international security this, again, is an area that we have to address and address quickly and effectively.

• (1610)

When I assessed the witnesses and the debate, as I have heard and understand it, I was struck by this strange contradiction. There are all kinds of elements to pursuing Kyoto on climate change policy that should appeal immensely to a Conservative frame of mind. There is a huge economic opportunity if we could only have the vision to develop the infrastructure, the research and development, and the marketing that is required to do that.

The other side of the argument is that if we do not take action, there may be a huge economic downside. The newly elected President of France recently said that he will be imposing highly punitive import duties on the products of countries that do not respect Kyoto. There is a downside to this approach. I would

argue that if we want to hurt the economy of this country, we must continue to do what we are doing. If we want to build an economy for the 21st century, then we must pursue Kyoto.

One would think that a Conservative frame of mind that is so business driven would see that and want to grab it. The Conservatives that I know are very concerned about agriculture. BIOCAP is a classic case of the potential for developing agricultural products that will hold more greenhouse gas that could be sold as tradable credits by farmers to industry that need tradable credits. There is a stream of cash flow, a potential revenue source and they cannot even find \$2.5 million to put into BIOCAP to make it possible for them to pursue the research they have been doing up to this year when their funding was cut off.

We have economic potential. One would think that would be a Conservative initiative. We have agricultural economic potential. One would think that would be of interest to Conservatives. We have helped to provide security around the world. Security seems to be something that is of interest to Conservatives. We have a place in the world, and leadership. One would think that that would be of interest even to Conservatives.

All of these observations argue for embracing Kyoto, not fighting it, but embracing it and none of it happens. How could that possibly be? What is it that underlines that contradiction? For the life of me, I cannot see it. I do not know whether the Prime Minister simply cannot judge or understand. He has the potential to be a great prime minister because he is confronted by a great issue. It could be said that Churchill was not great until the Second World War because he confronted a great issue. Our Prime Minister could address this issue. What does he do? He reduces us down to the minimal. He does not even bring that agenda to the House.

Senator Oliver: That is not right.

Senator Mitchell: That is why he can barely keep the place going. He does not understand the possibilities of what he could do to build this country. There is one explanation: No sense of vision; no sense of what is possible; no sense of greatness. He is blessed in a way that was not the case in the late 1990s and early 2000s by a population whose attitude about this has changed. About 60 per cent of Canadians in the polls are indicating they want something done about Kyoto and 60 per cent have said that they do not like what this government has done and they do not like their plan.

The Prime Minister has the economic potential and a population that is ready like never before to accept the need to pursue Kyoto. He has the possibility to provide leadership so that collective action can be taken by individuals across this country to achieve something great. He simply cannot do it.

Another explanation that I have come across — and I am somewhat sympathetic, but it is not enough — is that Conservatives do not like government to tell them what to do. Most of us do not like government to tell us what it do. I think that may be what sticks in their craw because environmental regulation will bring with it possibly some form of government.

Senator Oliver: Dictatorship!

[Senator Mitchell]

Senator Mitchell: Dictating to them what they have to do.

Sometimes there is something bigger than our own specific concerns in that regard. What is bigger is the future of this country, the future of this planet, our families, our grandchildren. I look at a Conservative government that talks a great deal about family values. If they do not consider the next generation and the generation after that and what climate change may do to them, what credibility do they have when they talk about family values?

I will leave it at that and say that I feel a tremendous sense of frustration in the arguments that I hear from government, the fight that they fight for what seems to be reasons that would contradict even their basic fundamental understanding of what government could do and their objectives in society.

I feel that the potential is great for us to do something significant as a country and it is absolutely affordable. The evidence is that it is not detrimental to economic development, but that it would be stimulative of economic development. Simply because this government has not been able to seize the moment and the opportunity to provide and clarify the vision and provide the leadership, Bill C-288 is essential and I am grateful to the members of the House of Commons who supported it and I look forward to honourable senators supporting it as well.

On motion of Senator Tkachuk, debate adjourned.

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

SECOND READING

On the Order:

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

Hon. Hugh Segal: Honourable senators, I rise today to speak to Bill C-293, the proposed Official Development Assistance Accountability Bill.

Before I begin my remarks, I would like to address Senator Dallaire's concerns when he suggested in this chamber that the adjournment of this debate was somehow a stalling tactic on my part, or on our part, on this side. The honourable senator is well aware of my interest in this bill and knows of my reservations and my reasons for them, as we have corresponded together constructively on these issues. While the bill may not be lengthy, I felt it deserved as much study as time would allow and the adjournment afforded time for further study.

Since the adjournment, I have had occasion to speak with the member who authored the bill in the other place, Mr. MacKay; Ms. McDonough, the NDP Foreign Affairs critic; and the Honourable Senator Dallaire; as well as Mr. Menzies, the government spokesperson in the other place on the legislation. I have also received earnest and genuine correspondence from interested Canadians, which I have studied and reflected upon. I have spoken as well with the head of the

Canadian Council for International Cooperation, with whom I had also met while the bill was still being debated in the House.

I certainly hope Senator Dallaire is not questioning my motivation. I did not want to speak to this bill unprepared. He has every right to question my judgment, my experience or the substance of my argument; that is what debate is about. However he and I may disagree, his motivation and good faith have never been questioned by me.

On the same matter, I would like to thank Senator Cools for her intervention on the point of order and point of clarification. As she so ably pointed out, the time frame allowed to us to do our homework and present cogent, well-thought-out arguments for or against the issues with which we are being charged as is part of the procedure of this place. The rules of this chamber allow for 15 days on adjournments and also allow for all senators to speak to matters they deem important. I deem this matter very important in large part because of the great privilege I had participating on the Standing Senate Committee on Foreign Affairs and International Trade, especially benefiting from colleagues such as Senators Stollery, Corbin, Andreychuk, Di Nino and Dawson, who are far better schooled and experienced on matters relating to Africa in particular and foreign aid policy in general than am I.

Canada's Development Assistance Program, now the second largest discretionary grants and contributions program in the government, is indeed in need of enhanced governance and guidance. I agree that Canada must enhance the focus, efficiency and accountability of its international efforts.

• (1620)

May I begin with this quote from the famous Africa report:

Given the failure of the Canadian International Development Agency (CIDA) in Africa over the past 38 years to make an effective foreign aid difference, the Government of Canada should conduct an immediate review of whether or not this organization should continue to exist in its present non-statutory form. If it is to be abolished, necessary Canadian development staff and decision-making authority should be transferred to Department of Foreign Affairs and International Trade. If it is to be retained, CIDA should be given a statutory mandate incorporating clear objectives against which the performance of the agency can be monitored by the Parliament of Canada.

This is recommendation 2, from the report entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa* — a report that was more than two years in the making, and which began long before my arrival in this place.

My name is on the cover page of this report and I think it is obvious that I agree with it. We need to investigate seriously how our foreign aid is managed, distributed and accounted for when we charitably allot taxpayers' dollars to those we deem to be in need.

To be fair, this conclusion was broadly, if not universally, shared across the majority and minority members of the Standing Senate Committee on Foreign Affairs and International Trade of

this place. As was pointed out in the Africa report, the generosity of Canadians is not making a significant difference in sub-Saharan Africa. For this reason, I was interested in Bill C-293 and its attempt to define and regulate the distribution of Canada's development assistance dollars.

There is nothing wrong with the broad purpose of the legislation — to provide a legal mandate for Canadian development assistance, to focus Canadian development assistance on poverty reduction and to strengthen the accountability regime of Canada's assistance programs. The purpose is easy to endorse. However, the bill itself and its provisions tend to undermine the very objective that it tries to establish.

To use but one example, in section 2 of the bill, where it refers to poverty assistance, I would go further, consistent with the Senate committee report, and suggest that we also add "economic self-sufficiency." Canada's development assistance dollars should have a more far-reaching purpose. Providing aid to those in poverty is essential, but providing aid and trade so that those in poverty can attain self-sufficiency is more likely to produce success.

The goal of this bill should not be to perpetuate aid, which is what it will do; it should make aid redundant over time because the targets of our aid have attained the self-sufficiency to move on without it over time. That should be our goal. That is what this bill does not advance.

This would be consistent also with the recommendations in the Africa report, which called on Canadian aid to focus on aid that promotes jobs and self-sufficiency rather than aid without future prospects. I cannot agree with the notion that our foreign aid dollars do nothing to assist with the working future of the recipients. This poverty reduction goal is too narrow, and would make the legislation guilty of the serious abdication implied in limited expectations. It is beneath the standards of Canadians to embark on this diminished path.

Clarity should always be the essence of legislation. If our assistance is to be effective, our objectives should be simple and clearly defined. I suggest that this bill is too complex and contains too many mixed messages to bring precision to Canada's development assistance.

We need clear and precise objectives for Canada's assistance program. In addition, we must provide clear direction for all government departments and agencies involved in disbursing Canadian development dollars, and ensure coherence across government so that we speak with one voice and deliver one coordinated development assistance program.

Bill C-293 states, for example, that the minister shall consult with international organizations, governments and civil society prior to making any decision on the provision of official development assistance. This requirement would render any minister utterly at the mercy of the judgment of a select group of individuals. In the extreme, it could also lead to unproductive legal challenges from groups that, rightly or wrongly, felt they should have been consulted.

Colleagues, there are 40,000 non-governmental organizations in Africa who might feel they should be part of the consultation. I have suggested to my colleague, the good general, by replacing

one simple word in section 2 of the bill — replace “shall” with “may” — we could prevent any religious right wing, left wing or self-interested NGO from challenging a minister’s authority to move ahead with aid projects.

As we all know, it is impossible to make everyone happy all the time. I do not understand why this one small change cannot be taken under advisement by our majority friends opposite.

While consultations with recipient governments may be the ideal, creating an obligation to consult recipient governments in all cases may prove problematic. Not all recipient governments welcome the presence and activities of publicly funded Canadian civil society organizations or the relationships that they build with their partners. In some parts of the developing world, international and local NGOs are perceived as threats that undermine government authority. The requirement of Bill C-293 for Canada to seek the views of government prior to the delivery of official development assistance could put its NGO partners and their programs at risk of local government interference, discrimination, patronage, pork-barrelling or worse.

Many of the most vulnerable live under repressive governments that not only discriminate against them, but fail to provide even basic services to the poor. In such situations, often the only way to reach the poor is via NGOs. Requiring Canada to consult such repressive governments could put not only the organizations at risk, but also individuals who work for or benefit from their activity.

I do not believe this consequence was the intent of the drafters of Bill C-293, but it could easily be an unfortunate and undesirable one. Imagine, if you will, that we had to consult with the Mugabe administration in Zimbabwe before flowing cash to humanitarian NGOs seeking to respond to the famine and hunger produced by the oppressive and fascist initiatives of that regime — a regime from which, I point out respectfully to colleagues, this chamber voted unanimously a few days ago to withdraw our diplomatic representation and recognition.

One of the startling conclusions of the Africa report was that Canada, to date, has spent more than \$12 billion on bilateral assistance to sub-Saharan Africa with little in the way of demonstrable results. The report cites a costly and overly bureaucratic system where 80 per cent of our foreign aid staff is not abroad but actually across the river in Gatineau. I quote from the executive summary of the report, which states:

This top-heavy system has perpetuated a situation where our development assistance is slow, inflexible, and unresponsive to conditions on the ground in recipient countries.

I believe that development assistance should reach the people for whom it is intended, rather than being tied up in lengthy procedures in Ottawa. I agreed with this conclusion in the Africa report, and yet I see no remedy whatever for it in Bill C-293.

On the contrary, the bill’s consultation requirements would undoubtedly add layers of bureaucracy into an already well-developed, deep, manifestly bureaucratic system. Moreover, a minister who may well consult — as any minister should — with

NGOs from time to time, if forced by statute to do so, would be paralyzed potentially by those competing for federal or CIDA funding until such time as they were happy with the minister’s plans.

Regardless of whether that minister is a Liberal, New Democrat or Conservative, that minister’s duty is to Parliament, to the public interest broadly defined and, above all, to the people of Canada, and not only to the NGOs seeking funds for their own important and worthwhile activities.

Make no mistake, I welcome, on behalf of my colleagues on this side, the spirit and intent of Bill C-293, but as it stands currently it does not deliver what is required: a clear, focused mandate for Canada’s development assistance program; well-defined accountabilities for those charged with delivering that mandate; and the ability of Canada to work directly with our developing country partners to set an agenda that meets their needs and respects the wishes, desires and trust of the Canadian people.

There is no disagreement on the fundamental principles underlying the proposed legislation. We all agree that poverty reduction should be a driving value, and that poverty reduction entails a commitment to better health and education, the protection and promotion of human rights, environmental sustainability and equality between men and women. However, the aim of poverty reduction, without the ultimate goal of self-sufficiency, is simply more of the same.

I suggested some amendments to the honourable sponsor of the bill. My suggestions were modest. The intent, however, was to bring about a broader consensus, make the bill more manageable and, in my opinion, more likely to become law more quickly. Some of its provisions are actually counterproductive and unhelpful to the issue at hand. It contains mixed messages and does not bring precision or coordination to Canada’s effective distribution of development assistance. Should the bill in its present form become law, it will hamstring the government — any government of any stripe — and actually hamper the distribution of much needed aid to our disadvantaged brothers and sisters by enshrining misplaced obligations into law. I was and still am open to amendments that would do nothing more than improve a bill drafted with the best of intentions and passed in the other place. I ask honourable senators opposite to review this bill with an open mind and give sincere consideration to amending some of its more constraining provisions.

• (1630)

I had sought some commitment from the sponsor of the bill relative to his side’s support for the modest amendments I had suggested. For reasons that I respect he, in his wisdom, indicated that he could not accept any amendments — not some, not few but any amendments. Clearly, despite our desire to be supportive and constructive, the majority appears to have decided to use its numbers to try to ram the bill through in its present substantially flawed form. If it is the prevailing view of the majority, there is not much we can do about it. However, I hope that as a matter of conviction and strategy, we can all work in this place and in committee to improve the bill to make it strong so that it might be quickly sent back to the other place and passed into law as an instrument that will really serve the foreign aid interests of this country, the recipients and the genuine commitment of Canadians

to make a compelling contribution for a world less divided by poverty, less divided by unfairness, and more reflective of the principles and biases that we share as a great country.

Hon. Roméo Antonius Dallaire: Honourable senators, I thank Senator Segal for adding the presentation and the summary of activities that took place behind the scenes to the debate on Bill C-293. Following discussions, it was indicated that the presentation of amendments at committee would be favourable, so I look optimistically to its referral to committee for further study. Perhaps a limit could be placed on the number of amendments. The honourable senator offered two pages of amendments, not just two or three amendments. One can understand that because each of us holds his or her own position.

We want to move the bill rapidly so it can come back a better bill and be agreed to. We have spent a fair amount of time pondering the bill's referral to committee. Is the honourable senator trying to achieve greater clarification of the definition of "reduction of poverty" than is essential?

Reducing poverty means more than simply giving cash to someone in need; it means that you are reducing poverty in the sense of eradicating it, and the only way to eradicate poverty is to build something behind it. Certainly, the context of poverty reduction, as the Millennium Project at the UN indicated, is to build capacity and not simply throw money at the problem. Would the honourable senator agree?

Senator Segal: Honourable senators, parenthetically it is my understanding that the leadership of our side and the leadership on the other side have agreed that the matter would proceed to committee. I am supportive of that agreement and hope that great work can be done in a constructive spirit in committee when that transpires.

Perhaps I was naive in suggesting that if I were to put forward a series of minor amendments, in my view, I might expect from the other side a response declaring the amendments acceptable or not acceptable. That would begin a process for joint sponsorship. For reasons that the honourable senator understands and that I respect, his answer was that none of the suggested amendments were acceptable at the time in that context. That is why the bill, in its current circumstance, is ready to be referred to committee.

The Standing Senate Committee on Foreign Affairs and International Trade spent a great deal of time on the issue as it relates to simple poverty reduction versus self-sufficiency, job creation and putting the tools on the table for economic improvement. In that respect, I recall the views of the former Deputy Chair Senator Di Nino, that we had an obligation to our African brothers and sisters to be clear about job creation. On more than one occasion, witnesses said to the committee that they do not want aid but they want trade. They want the chance to expand their economic well-being to generate their own economic well-being.

The problem with poverty reduction is that it gets tied up with relief and short-term measures, not with structured, job creation and capacity investment over time. When such a term is found in proposed legislation, then the drafting of the regulations and specifications on what it actually means is left, essentially, to the bureaucrats. It is my view that this place, in committee and in

the chamber, should define poverty reduction. My bet is that the definition would not be much different from the definition from the House. However, unless it is dealt with, this place will be handing the pen to the same bureaucrats whose effectiveness, not their good faith and hard work, we have already questioned in terms of the existing progress.

Hon. Consiglio Di Nino: Honourable senators, I would like to ask a question if the honourable senator would accept one.

Senator Segal: Yes, by all means.

Senator Di Nino: I thank Senator Segal for referring to my role in the report entitled, *Overcoming 40 Years of Failure: A New Roadmap for Sub-Saharan Africa*. Members of the committee gave much thought to the title of that report and those who have had an opportunity to look at the report will notice that we often use terms such as "aid creates dependency" and "aid enslaves."

I am concerned with that general philosophy, which can be found in Bill C-293, which is the bill is nothing more than a continuation of 40 years of failure whereby some U.S. \$700 billion has been spent in contributions and aid to Africa. Many Africans believe that the contributions are nothing more than a continuation of the colonization process that took place over so many decades.

With my limited exposure and knowledge of the bill, am I correct in assuming that this bill is truly nothing more than a continuation of four decades of failures?

Senator Segal: I thank the honourable senator for the question. I would say that to be fair to our colleagues in the other place that is not their intent. I believe their intent was to construct a framework of accountability for CIDA that would allow NGOs, parliamentarians and others to engage more fully, annually and directly with CIDA's level of success and failure. Not every program launched by CIDA can be a success because they are taking risks in support of appropriate goals, we hope. The purpose of Bill C-293 as conceived in the other place is to increase the accountability and the engagement so that one can intervene to recommend substantial change where failure is apparent, consistent and ongoing.

The way in which the bill was drafted does not achieve that. I would hope that should the Senate in its wisdom refer the bill to the Standing Senate Committee on Foreign Affairs and International Trade that under the honourable senator's distinguished leadership, both sides can work to improve the bill.

• (1640)

Hon. A. Raynell Andreychuk: As Senator Segal knows, the report of the Standing Senate Committee on Foreign Affairs and International Trade was not unanimous; some of us dissented. He has suggested that some of the findings in that committee report lead naturally into this bill.

Would it not be correct to say that the Standing Senate Committee on Foreign Affairs and International Trade did not announce that it was doing an evaluation of CIDA, did not systematically look at the workings of CIDA, but rather studied various aspects of Africa but not particularly the positives and negatives of CIDA's operation?

Senator Segal: Honourable senators, in referring to the committee report I did say that while there was consensus on the core findings, it was not unanimous. I said that in order to show respect for Senator Andreychuk's concerns and those of Senator De Bané's, which have been expressed before and I expect will be addressed in this place when the report is considered at the appropriate time.

Having looked at Africa specifically, having visited Africa on several occasions and having met with 400 witnesses in 80 different locations, the broad conclusion of the committee, although not unanimous, was that CIDA per se was not effective in its work and was not achieving its goals. We concluded that foreign aid from other places was also not being effective, but we focused primarily on CIDA. Our recommendation, while paying great respect to the hard-working people at CIDA and their great work, was that there is a need to look at the structure of the organization to determine whether it is effective. We concluded that if we determined that it was not, it should be replaced by an Africa office that would have aid, trade and security all in one place. If the conclusion of the committee was that CIDA could be the best instrument, we determined that there should be a new governance process for it.

I would argue that neither of those concerns is in any way addressed directly in this bill. In fact, to the extent that the existing structure is kept in place and added to by further bureaucracy, Bill C-293 would actually, I suggest with respect, make the situation worse.

Senator Andreychuk: Would it not, therefore, be the appropriate time for the Standing Senate Committee on Foreign Affairs and International Trade, which has done already some work on Africa — although CIDA by no means works only in Africa — to evaluate CIDA, to determine whether this bill is workable, whether it supports democratic action by parliamentary scrutiny and whether it contains the right checks on accountability? Would this not be a good opportunity to study CIDA more thoroughly and systematically in reference to this framework legislation?

Senator Segal: Honourable senators, as the junior member of that committee, I would be delighted if that was part of the discussion, but that is for the committee to decide. I would certainly not object to having Bill C-293 dealt with in the context of that broader study, which would be very much in the interests of foreign aid and Canada.

Hon. Pierre De Bané: Honourable senators, I thank Senator Segal for having said that not all members of the Standing Senate Committee on Foreign Affairs and International Trade agreed with the report that was formulated under his chairmanship.

Senator Segal alluded to the fact that Canada spent \$12 billion in Africa. Senator Di Nino alluded to the fact that the international community has invested over \$700 billion in Africa. The Senate of Canada issued a report saying that the whole world, all the donor countries, have failed in Africa. They have succeeded elsewhere — in Asia, in Latin America, in Eastern Europe — but have failed in Africa, and we, 12 senators of the Senate of Canada, demonstrate how to do things. I respectfully beg to differ with such an opinion.

I have been a member of that committee and know what has been going on. Senator Segal reminded us that, irrespective of the amount of money put into Zimbabwe, with a thug like Mugabe there is no way to succeed. If some countries in Africa, such as Botswana, Uganda, Ghana, Mozambique and Mauritius are extraordinarily successful, it is because they have decided it is time to put their houses in order and not to say what the donor countries want to hear and then do exactly the opposite.

There has been extensive writing on the topic of why foreign aid has not been working in Africa. Please do not blame Canada for 40 years of failure. It is not only Canada, but also the whole world has worked there and has failed totally.

I cannot be part of such a pretentious stance to say that we will show you the road map to success on this.

Senator Segal: Honourable senators, I detect a question in that and I will do my best to respond.

[Translation]

Honourable senators, with all due respect, I will answer directly. I do not dispute those who consider the report on Africa to be bold. It has been said that, in the history of the world, being bold is a good thing. The fact that some countries succeed and others do not, the issues of lack of corruption and democratic progress that underlies the conditions of certain success, are things that were raised in our committee when we were looking at the Africa issue, but we have not addressed them at all. I respectfully point to the bill before us this afternoon. That is the problem. I hope that in committee we will have the opportunity to improve it so that the honourable senator's comments are taken into account after second reading of this bill.

Hon. Eymard G. Corbin: I want to commend Senator Segal for his remarks. I subscribe to a number of the criticisms and comments he made. I will not be making a speech of my own. However, I would like to ask him whether the government he supports is in the process of conducting a review — not just an administrative one — of CIDA, and whether it is looking into how CIDA could be modernized in order to respond to the real challenges of sub-Saharan Africa, as he said so well in his speech. If the government is currently conducting this review, when could we expect to receive a bill on the matter?

• (1650)

Senator Segal: Honourable senators, I would thank Senator Corbin for his direct and precise question. I do not have the right to offer an opinion on behalf of the government except to say that I would be most supportive of what Senator Corbin is proposing. I would be delighted to collaborate on an in-depth review of this proposal by a committee.

[English]

Unfortunately, I do not have the right to offer an opinion on behalf of the government except to say that I would support the proposition advanced by Senator Corbin, should the committee in its wisdom make that proposal for the consideration of the government.

Senator Tardif: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

On motion of Senator Dallaire, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Foreign Affairs and International Trade (budget—study on such issues that may arise from time to time relating to foreign relations generally), presented in the Senate on May 17, 2007.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino moved the adoption of the report.

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

Motion agreed to and report adopted.

[*Translation*]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Official Languages entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*, tabled in the Senate on May 17, 2007.—(*Honourable Senator Chaput*)

Hon. Maria Chaput moved the adoption of the report.

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

Motion agreed to and report adopted.

[*English*]

ELECTED SENATE

PROPOSED MODEL—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hays, calling the attention of the Senate to the issue of developing a model for a modern elected Senate, a matter raised in the First Report of the Special Senate Committee on Senate Reform.—(*Honourable Senator Fraser*)

Hon. Joan Fraser: Honourable senators, this item is at day 13 and it is standing in my name. As many honourable senators probably know, Senator Hays this morning presented to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament an extraordinarily thoughtful and detailed paper on Senate reform. I knew this presentation was coming and delayed speaking until he presented it to the Rules Committee, which he did ably this morning. Before I speak to this motion, I need a bit of time to digest the many points he made. I wish to speak to it, but while I am collecting my thoughts properly I would like to move the adjournment for the balance of my time.

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

On motion of Senator Fraser, debate adjourned.

QUESTION OF PRIVILEGE

MOTION TO REFER TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE CONTINUED

The Honourable Senator Tkachuk moved, seconded by the Honourable Senator Angus:

That all matters relating to this question of privilege, including the issues raised by the timing and process of the May 15, 2007 meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources and their effect on the rights and privileges of Senators, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report; and

That the Committee consider both the written and oral record of the proceedings.

Hon. David Tkachuk moved the motion standing in his name.

He said: The Speaker has ruled that there is a *prima facie* question of privilege and the events are not in dispute. The effect was that my colleagues and I were deprived of the right to participate in a discussion, to propose amendments and to vote. There is no doubt that it was done intentionally. It was my opinion that this intent makes that violation that much worse.

If honourable senators were to consider the situation of a group of people hired to impede senators physically from going to a committee or to the chamber to be present for a vote, there would be no question in anyone's mind that a breach of privilege had occurred.

The effect of what happened at the Standing Senate Committee on Energy, the Environment and Natural Resources is exactly the same. No physical coercion was involved, but privilege was breached in the same way. I was prevented from voting, and it was done intentionally.

Honourable senators, to go back to the debates we had on this matter on May 17, Senator Banks admits to that. He claims — I paraphrase him but I believe I am accurate — that because we used the procedural rule to delay the meeting from taking place at the prescribed time, he had a right to do what he did, namely, to call that meeting because we had used what he called a clever ploy to delay the meeting from taking place.

• (1700)

Senator Banks confused what we were doing as a minority, which was using the rules to perhaps delay the process. No one was taking away any right or privilege of a senator. We are often inconvenienced in this place. All we were doing was perhaps causing members to be slightly inconvenienced because the majority the previous week had demanded and used their majority to force the clause-by-clause consideration of the bill for that evening at 5:30.

What the chair did, in turn, was take away the rights that I talked about in the previous debate when I brought this matter forward. He took away my right to be at that meeting. My name is not on the record there, and neither is that of any Conservative senator. We were not allowed to vote. We were not able to move amendments.

Senator Banks, later in his discussion, admitted to the fact that he deliberately did this as sort of a tit-for-tat. “You inconvenienced me, so I will take away your votes because I am the majority and bigger than you are.” He then went on to say that, as he took away my rights and privileges that, perhaps, we almost deserved it.

Actually, he could have called that meeting for nine o’clock, if we had carried the bells that long. We thought of it a little late and were not able to get quorum. We were embarrassed by it, but that is all. We would have had that meeting. When that happened, we would have all gone to the meeting, whether it was at nine, ten or eleven o’clock. At any time that meeting could have taken place, and we all would have been there. We all had the right to attend and make amendments and move motions.

The honourable senator goes on to say that we have the right to do that here, at third reading. Of course we do, and we had the right to do it in committee. We had the right to do it in committee as well.

Senator Banks did not protect my rights, which as chair was his duty and his responsibility. He acted to take away my rights. He acted deliberately to take away my rights and then admitted to that in the debate.

I would hope that the committee to which we are referring this matter will give this matter the serious consideration that it deserves. Should it be the decision of the chamber today to adopt the motion proposed, the committee will have an opportunity to review everything that occurred. At the end of the day, I would

hope that the committee would offer something more than pious words and that it will find a way to provide real redress for the wrong that has occurred.

My view is that the proper resolution of this issue is simple: The meeting of the committee ought to be declared null and void. The report should be deemed not to have been made. The Standing Senate Committee on Energy, the Environment and Natural Resources should be required to do what it was charged to do, which is to examine the bill.

For those honourable senators who were not able to attend the meetings of the committee, I should note that some of the witnesses who had agreed to come back to the committee and provide additional materials and proposals to improve the bill did so. The chair circulated these documents but did not have the courtesy to thank these witnesses for their efforts during the course of the two-minute meeting. This is a standard of treatment that we should find unacceptable.

Although I doubt that the committee can do better than the suggestion that I make, namely declaring the proceedings null and void and therefore providing real redress and allowing us to participate in the committee and to vote and restoring our rights and my rights, I think the minimum that should be done by this chamber is to pass this motion to allow the Rules Committee to examine everything pertaining to this situation and report back to this chamber expeditiously.

Hon. Joan Fraser: Honourable senators, this is a most unusual case. Senator Tkachuk’s very interesting remarks have only made it more unusual.

His Honour’s ruling, as I read it, confirms that the meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources that is the subject under discussion was in order. He then goes on, however, to discuss matters of privilege, in spite of having found that the meeting was in order. It seems to me that a fair and accurate resumé of his argument would be, “I will not rule on this. The Senate will decide.” He says at the end, “The matter remains in the hands of the Senate. Senators will now have the opportunity to debate whether this matter should be pursued further. This ruling does not establish that Senator Tkachuk’s privileges were breached, nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.”

I am rising to argue that the decision of the Senate, in fact, should be to reject or defeat Senator Tkachuk’s motion.

I think I understand why Senator Tkachuk is making this motion — indeed, why he raised the initial question of privilege. However, as some of us argued at the time, what was really at issue there, if one comes right down to it, was not a true breach of privilege because the meeting was in order. The holding of the meeting was in order. This was a complaint and, in many ways, an understandable complaint. I observed in the initial debate on this matter that our rules do not say that committee meetings may not be held until a certain period of time elapses after the Senate rises, and I would pick up on Senator Carstairs’ notion that perhaps our rules should say that. I think it would be very useful for the Rules Committee to examine that particular proposition.

In this case, Senator Tkachuk is actually proposing — his motion does not say so, but he has just explained to us that this is what he wants — for the Rules Committee to overturn a decision of the Energy Committee that was in order. The meeting was in order.

This strikes me as a peculiar and very dangerous way to proceed. Committees are masters of their own destiny. We do not have in this place a habit of instructing or even allowing one committee to overturn the work of another committee when that work has been done in accordance with the *Rules of the Senate*. The work of the Standing Senate Committee on Energy, the Environment and Natural Resources was done in accordance with the *Rules of the Senate*. It is inconceivable to me that we should then think it appropriate for a second committee to say, retroactively, “We do not care if it was within the rules. We will overturn that work anyway.” That is a recipe for mass paralysis. It is a precedent that would come back to haunt us in ways that we cannot even begin to imagine.

Senator Mahovlich: Chaos.

Senator Fraser: It is simply, in my view, honourable senators, an extremely dangerous and unacceptable proposition.

Therefore, I find myself constrained to argue that the Speaker has asked this Senate chamber to consider whether, in fact, we think there was an actual breach of privilege, and I do not believe that there was. There may have been a lack of courtesy, and we may be in an appropriate position to address ways to avoid such lack of courtesy on both sides in the future, but I do not believe that privileges have been breached and I certainly do not believe that it would be appropriate to ask the Rules Committee, of which I am a member, to do what Senator Tkachuk wants it to do. I urge honourable senators to reject this motion.

• (1710)

Hon. W. David Angus: Honourable senators, I rise to speak in support of the Honourable Senator Tkachuk’s motion. Senator Fraser referred to this motion, if I heard her correctly, as a most unusual case. I think it might be more appropriate to say that it is a most troubling and regrettable case, and I deplore the whole circumstance.

I, too, as I said in my senator’s statement, which was the subject of one of His Honour’s ruling, considered my rights as a senator to have been violated, and indicated that I would participate along with my other colleague, Senator Cochrane, in the redress that was being sought by way of Senator Tkachuk’s question of privilege.

As I understand it, His Honour has already ruled on the issue of whether there was a question of privilege. He has ruled today, eloquently, that there is a *prima facie* case for the question of privilege that Senator Tkachuk made and that the four conditions have been all well and truly met. With all due respect to my good colleague from Montreal, the honourable senator was arguing points that should have been argued at the time the question of privilege was debated.

In any event, I am here to speak to this motion because I feel that my rights as a senator were violated. Now that His Honour has agreed, we should have some form of remedy. I feel my rights

were violated because I had gone to room 257 in the East Block at 5:30, which was when we were summoned for the meeting of the committee for 5:30 or at such time as the Senate would no longer be sitting. I joined colleagues at the table where dinner was served and I was as surprised as everyone else when the bells started to ring.

I came to the chamber and the rest is history. I also was amongst those who were running back to the committee room when the time came, only to be met with light-hearted derision, if I can put it that way, by senators opposite, who said the meeting was over and asked where we were going now to celebrate.

I did not have an opportunity, nor did Senator Tkachuk or Senator Cochrane, to be at the meeting that was dealing with the bill, to vote at the meeting, to propose amendments at the meeting and, most important, to participate in a debate on the substance of the bill, which we had studied over a period of time in pursuance of our duty to review this legislation.

As I said in my senator’s statement, many of us had worked over that previous weekend. We hoped to be able to convince the chair that we should continue with other witnesses.

Hon. Anne C. Cools: On a point of order, Your Honour, the issue before us is a motion, not the subject matter of the bill that was before the committee at the time. I think that we should stay on the question which is before us, which is Senator Tkachuk’s motion. The honourable senator is speaking on the substance of Bill C-288.

Senator Angus: I am not speaking on the substance of the bill. I will do that if we are given another opportunity.

May I proceed?

The Hon. the Speaker: Yes.

Senator Angus: Thank you.

Honourable senators, we were ready with these amendments. In terms of our rights being violated, we had done all that work. We were ready in good faith to proceed, but we were unable to do so. I submit, honourable senators, that this issue is so troubling because it goes beyond the individual denial on the principles of natural justice and our rights as individual senators. I believe what happened constitutes an abuse of the process of the Senate itself.

What took place — and it is all now a matter of record — was speedy and stealthy, and it denied the opportunity for senators to carry out their duty: their role of conducting a full review of sober second thought of this legislation. We had not finished our job and I think we should finish our job.

I read the transcript of arguments that were made the week before the break. I was not in the chamber. I do not want to nitpick as to whether I agree with everything that some senators, including Senator Banks, said but I deplore it, and I needed to go on the record. My policy adviser called me in Montreal terribly distraught when she heard her name being bandied about in the Senate when there was a reading into the record of various exchanges between the clerk of the committee in question and

various assistants. I do not think that is necessary in this place and I consider that as well to be an abuse of the process and all part of this mess.

I am prepared, honourable senators, if you all agree, that we should put matters back. We should go back to square one. Senator Tkachuk has asked for a remedy. We should short-circuit the committee that Senator Fraser says does not want to deal with this matter and, as a Committee of the Whole, we should deal with this matter. We should say, "Let us undo this travesty of events and let bygones be bygones." Let us start talking again, Senator Banks, and let us return this issue back to where we were at 5:30 on Tuesday, May, whatever it was — May 22. That would be my suggestion. Then we can carry on and have a fair and just discussion on what was stated.

Today, Senator Mitchell was able to give his view of what happened, although I am not sure that he fully told the story. However, we need to debate it in the committee as is customary and then follow the normal procedures and come back with a report in which everyone has participated.

Honourable senators, that is all I have to say on this matter. That would be a practical, fair and just conclusion to a sad story, and we can all continue with life in a good mood and in a good spirit, which I hope we all prefer to do.

The Hon. the Speaker: I see two honourable senators standing. We should follow the tradition of going back and forth, so Senator Tardif.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, given that the Speaker of the Senate has stated in his ruling:

This ruling does not establish that Senator Tkachuk's privileges were breached. Nor does it conclude that any action must be taken on the matter. That is a decision for the Senate.

That having been said, I would like to reflect on this, therefore I move the adjournment of the debate.

Hon. Hugh Segal: Honourable senators, I have a point of order.

The Hon. the Speaker: We had an indication from Senator Cools that she will move the adjournment of the debate and, pursuant to our practice, the Honourable Senator Cools and other honourable senators want to speak now so she yielded as it were. Senator Segal has the floor.

Senator Cools: There is a motion before us. I acceded.

Senator Tardif: I put a motion, honourable senators.

Senator Stratton: No, no, there was a previous one by Senator Cools.

Senator Cools: I made a motion, too, but it was ignored. That is not unusual. However, should I push it, then?

The Hon. the Speaker: Honourable senators, order.

Senator Tardif: In that case, I reserve the balance of my time.

• (1720)

The Hon. the Speaker: Honourable senators, when an honourable senator indicates that he or she wishes to move the adjournment of the debate and they see that another honourable senator wishes to speak on that matter, our practice has been that — and I do not like to use the term — the senator who has indicated that they will take the adjournment of the debate yields so that the other senator can speak.

Therefore, I thought we were at the position where Senator Cools had indicated that she would take the adjournment of the debate. Others rose and she indicated that others wished to speak. My obligation, it seems to me, when it comes to a motion to adjourn the debate, —

Senator Cools: I move the adjournment of the debate.

Senator Oliver: What about Senator Segal who wants to speak?

Senator Corbin: How many more speakers do we have?

Senator Cools: Put the motion.

Senator Stratton: There are two other people that want to speak.

The Hon. the Speaker: I have explained what the practice has been. It seems to me what I am hearing is that if a motion to adjourn is being insisted upon, I have no alternative but to do that.

My only question now is this: Do I recognize Senator Tardif, who indicated she wanted to move the adjournment of the debate or do I recognize Senator Cools, who said, notwithstanding the practice, that she wished to move the adjournment of the debate, or does it matter?

The Deputy Leader of the Opposition is recognized for purposes of the adjournment motion.

Senator Tardif: I propose the adjournment of the debate.

The Hon. the Speaker: Senator Tardif has moved that further debate on this item be continued to the next sitting of the Senate.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion please signify by saying yea?

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed signify by saying nay.

Some Hon. Senators: Nay.

Some Hon. Senators: On division.

Senator Cools: No, His Honour has not pronounced.

The Hon. the Speaker: In my opinion the nays have it.

Some Hon. Senators: Shame!

The Hon. the Speaker: I will try it one more time, honourable senators, for greater clarity.

All those in favour of the motion to adjourn the debate moved by Senator Tardif, seconded by Senator Cowan that further debate in this item, Senator Tkachuk's motion, be continued at the next sitting of the Senate.

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

Some Hon. Senators: No.

Some Hon. Senators: Yea.

The Hon. the Speaker: Shall the motion carry on division?

Senator Cools: No.

Some Hon. Senators: Yes.

On motion of Senator Tardif, debate adjourned, on division.

The Senate adjourned until Wednesday, May 30, at 1:30 p.m.

Appendix

Eligible Vehicles for the Vehicle Efficiency Incentive

MANUFACTURER	MODEL	ENGINE SIZE (L)	NUMBER OF CYLINDERS	TRANSMISSION	COMBINED FUEL CONSUMPTION (L/100 Km)	REBATE AMOUNT
2007 Model Year						
TOYOTA	PRIUS	1.5	4	Continuously Variable Transmission	4.1	\$2,000
HONDA	CIVIC HYBRID	1.3	4	Continuously Variable Transmission	4.5	\$2,000
TOYOTA	CAMRY HYBRID	2.4	4	Continuously Variable Transmission	5.7	\$1,500
NISSAN	ALTIMA HYBRID	2.5	4	Continuously Variable Transmission	5.8	\$1,500
TOYOTA	COROLLA	1.8	4	5-Speed Manual	6.3	\$1,000
TOYOTA	YARIS (HATCHBACK/SEDAN)	1.5	4	5-Speed Manual	6.3	\$1,000
TOYOTA	YARIS (HATCHBACK/SEDAN)	1.5	4	4-Speed Automatic	6.4	\$1,000
MINI	COOPER	1.6	4	6-Speed Manual	6.5	\$1,000
FORD	ESCAPE HEV	2.3	4	Continuously Variable Transmission	6.6	\$2,000
FORD	ESCAPE HEV 4x4	2.3	4	Continuously Variable Transmission	7.4	\$1,500
SATURN	VUE HYBRID	2.4	4	4-Speed Automatic	7.9	\$1,000
LEXUS	RX 400H 4x4	3.3	6	Continuously Variable Transmission	7.9	\$1,000
TOYOTA	HIGHLANDER HYBRID 4x4	3.3	6	Continuously Variable Transmission	7.9	\$1,000
JEEP	COMPASS	2.4	4	5-Speed Manual	8.2	\$1,000
JEEP	PATRIOT	2.4	4	5-Speed Manual	8.2	\$1,000
JEEP	COMPASS	2.0	4	Continuously Variable Transmission	8.3	\$1,000
JEEP	PATRIOT	2.0	4	Continuously Variable Transmission	8.3	\$1,000
GENERAL MOTORS	CHEVROLET IMPALA FFV	3.5	6	4-Speed Automatic	12.3 (E85)	\$1,000
GENERAL MOTORS	CHEVROLET MONTE CARLO FFV	3.5	6	4-Speed Automatic	12.3 (E85)	\$1,000
DAIMLER/CHRYSLER	SEBRING FFV	2.7	6	4-Speed Automatic	13 (E85)	\$1,000
DAIMLER/CHRYSLER	SEBRING FFV	2.7	6	4-Speed Automatic with Manual Mode	13 (E85)	\$1,000
2006 Model Year						
TOYOTA	PRIUS	1.5	4	Continuously Variable Transmission	4.1	\$2,000
MERCEDES-BENZ	SMART FORTWO CDI COUPE (DIESEL)	0.8	3	6-Speed Manual	4.2	\$2,000
MERCEDES-BENZ	SMART FORTWO CDI CABRIOLET (DIESEL)	0.8	3	6-Speed Manual	4.2	\$2,000
HONDA	CIVIC HYBRID	1.3	4	Continuously Variable Transmission	4.5	\$2,000
VOLKSWAGEN	GOLF TDI (DIESEL)	1.9	4	5-Speed Manual	5.5	\$2,000
VOLKSWAGEN	NEW BEETLE TDI (DIESEL)	1.9	4	5-Speed Manual	5.5	\$2,000
VOLKSWAGEN	JETTA TDI (DIESEL)	1.9	4	5-Speed Manual	5.9	\$1,500
VOLKSWAGEN	JETTA WAGON TDI (DIESEL)	1.9	4	5-Speed Manual	5.9	\$1,500
VOLKSWAGEN	JETTA TDI (DIESEL)	1.9	4	6-Speed Automatic with Manual Option	6.0	\$1,500
VOLKSWAGEN	NEW BEETLE TDI (DIESEL)	1.9	4	6-Speed Automatic with Manual Option	6.0	\$1,500
LEXUS	RX 400H 4x4	3.3	6	Continuously Variable Transmission	7.8	\$1,500
TOYOTA	HIGHLANDER HYBRID 4x4	3.3	6	Continuously Variable Transmission	7.8	\$1,500
TOYOTA	YARIS	1.5	4	5-Speed Manual	6.3	\$1,000
TOYOTA	YARIS	1.5	4	4-Speed Automatic	6.5	\$1,000
TOYOTA	COROLLA	1.8	4	5-Speed Manual	6.3	\$1,000
VOLKSWAGEN	GOLF TDI (DIESEL)	1.9	4	5-Speed Automatic with Manual Option	6.4	\$1,000
VOLKSWAGEN	JETTA WAGON TDI (DIESEL)	1.9	4	5-Speed Automatic with Manual Option	6.4	\$1,000

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