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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 30, 2007

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

Prayers.

PAGES EXCHANGE PROGRAM WITH LEGISLATIVE ASSEMBLY OF ALBERTA

The Hon. the Speaker: Honourable senators, just before I call for Senators' Statements, I would like to introduce two visiting, very special pages, who are on exchange from the Legislative Assembly of Alberta.

On my left is Robyn Peters, who was born and raised in Edmonton, Alberta, where she has received a French immersion education since kindergarten. She is currently finishing Grade 11 with future hopes of attending law school. Robyn became a page for the Legislative Assembly of Alberta in July 2005 and has since grown to appreciate politics and the Canadian democratic system. She is honoured to be able to participate in this visit to the Senate of Canada.

On my right, Jennifer Huygen is Head Page for the Legislative Assembly of Alberta, where she has served as a page for four years, two of them as Head Page. This fall, she will begin her second year of study towards a degree in political science at the University of Alberta, where she also volunteers as a news writer for the student newspaper, *The Gateway*. Jennifer is a recipient of the Governor General's Academic Medal and a Canadian Millennium Scholarship. She is honoured to participate in this visit to the Senate of Canada.

On behalf of all honourable senators, we welcome our visiting pages from the Legislative Assembly of Alberta to the Senate of Canada.

• (1335)

SENATORS' STATEMENTS

FLIGHT LIEUTENANT CHRIS HASLER

CONGRATULATIONS ON RECEIVING DISTINGUISHED FLYING CROSS

Hon. Michael A. Meighen: Honourable senators, last week Flight Lieutenant Chris Hasler, a Canadian serving in the Royal Air Force, was recognized for his heroic acts of bravery while serving in Afghanistan.

Flight Lieutenant Hasler was born in Jasper, Alberta and raised in Halifax, Nova Scotia. He studied at Mount Allison University in New Brunswick before applying to the Royal Air Force as a Commonwealth citizen where he has served since 2000.

Until last week, the Distinguished Flying Cross, which is awarded for "an act or acts of valour, courage or devotion to duty performed whilst flying in active operations against the enemy," had not been awarded to a Canadian since the Korean War. Flight Lieutenant Hasler made Canada proud when he received his Distinguished Flying Cross for his part in two extraordinary missions in Helmond province in July last year.

One of the missions for which Flight Lieutenant Hasler was honoured involved flying a Chinook helicopter into the middle of a Taliban firefight in order to rescue wounded soldiers. This risky manoeuvre required him to squeeze the large aircraft between multiple buildings. In Hasler's own words:

It was a site that was surrounded by buildings on all three sides and we had to land with one of the front blades overlapping one of these one-storey buildings, on our back wheels with our front wheels in the air so we wouldn't hit it.

One can only imagine the amount of skill required to manoeuvre an enormous Chinook helicopter in such a delicate manner.

The other mission occurred about one week later and involved a night insertion into a dried-up riverbed. Flight Lieutenant Hasler again performed exceptionally as his helicopter came under heavy fire from nine or ten enemy positions as he delivered troop reinforcements and supplies. According to Hasler, as he watched in his night vision goggles, everything from small arms to rocket-propelled grenades to heavy machine gun fire whizzed by his aircraft from all directions.

As a result of Flight Lieutenant Hasler's outstanding courage during both of these extraordinary missions, he was deservedly awarded the Distinguished Flying Cross.

[Translation]

Honourable senators, these were amazing acts of bravery and all Canadians are very proud of him. The presence of Canadians in Afghanistan makes a big difference, and the actions of Flight Lieutenant Hasler are an inspiration to members of the Canadian Armed Forces deployed in peacekeeping and peacemaking missions around the world.

[English]

LABOUR

CONTRACT NEGOTIATIONS BETWEEN PUBLIC SERVICE ALLIANCE OF CANADA AND HOUSE OF COMMONS

Hon. Jim Munson: Honourable senators, I rise today to speak in support of individuals that we on Parliament Hill see and interact with every day. I talk about the people who cook and serve our meals; people who provide transportation; the people who clean and maintain all the facilities; the people who record and maintain transcripts of proceedings; people who provide services not only to us, but also to members of the other place and by extension all Canadians.

Normally we do not discuss internal labour relations in this chamber, but what has come to light over the course of labour negotiations currently taking place between the Public Service Alliance of Canada and the House of Commons administration is that many of the people we interact with everyday on the Hill are denied the fundamental rights afforded working Canadians across the country.

At present, many employees working in the Parliamentary restaurant, printing services and reporting and text processing services have virtually no job security to speak of. They are sent home to collect Employment Insurance, often for months on end, with no warning. Their working hours are regularly cut with no warning. In fact, many have no work schedules whatsoever and are informed the day before, or in some cases the day of, whether or not they will be working.

What is worse, there are no objective, transparent processes with respect to how hours of work are allocated. There is, at present, no clear mechanism via which these employees might gain access to full-time jobs and, as a result, there are employees in some cases with over 10 years of service on Parliament Hill who have never been offered the opportunity to become full-time employees.

• (1340)

These conditions are unfair and entirely unbecoming of institutions such as the House of Commons and the Senate. In fact, the conditions I have described are, quite frankly, unconscionable. Employees of the Parliament of Canada deserve better.

Employees and their union have been asking the administration of the House of Commons for a clear, transparent process of recognized years of service with respect to how working hours are allocated; for the House to extend the employment security commitment it has already made to some of its employees to all of its employees; for the House to make every reasonable effort to ensure that there is no work to do on the Hill before employees are sent home each summer to collect EI; and for employees to be given reasonable notice as to when they will be working.

What these employees are asking for is standard in the private sector, standard in the public sector and, in many cases, standard on Parliament Hill. I believe that these employees, friends and colleagues — people we see every day — and their families deserve some predictability and stability in their working lives and that their years of service to us should be recognized.

The House of Commons Board of Internal Economy is meeting early next week prior to further negotiations. I urge honourable senators to join me in calling on the House of Commons Board of Internal Economy to ensure that employees be provided working conditions that, at the very least, meet the standards of workers in both the private and public sectors and that fair and objective standards that recognize years of service be applied to all employees.

It is all too easy to take the people around us, who help us and provide us with important services, for granted. This we must not do. I hope honourable senators join me in my concern that these colleagues be treated fairly.

[Senator Munson]

THE HONOURABLE R. ROY MCMURTRY

TRIBUTE ON RETIREMENT AS CHIEF JUSTICE OF ONTARIO

Hon. Norman K. Atkins: Honourable senators, I rise today to pay tribute to one of Canada's outstanding individuals, the Honourable R. Roy McMurtry, who is retiring today as Chief Justice of Ontario.

Roy was an excellent athlete and while at the University of Toronto he captained the Varsity Blues football team. He graduated in 1958 from Osgoode Hall Law School and became a young criminal lawyer. While he was at university, he was involved as a teacher-labourer for Frontier College, one of Canada's pioneering institutions in adult education, and he continues to be associated with the college.

Roy McMurtry was elected to the Ontario Legislature in 1975 and was immediately appointed Attorney General in the cabinet of Premier William G. Davis, a post he held until 1985. As well, he was appointed Solicitor General in 1978, a portfolio he held until 1982. During his tenure as Attorney General, he was responsible for introducing and passing more than 50 provincial statutes and for the creation of a bilingual judicial system. In 1982, as a member of then Premier Davis' cabinet, he worked with then Minister of Justice, Jean Chrétien; and Roy Romanow, then Attorney General of Saskatchewan. He was intimately involved in the negotiations for the patriation of our Constitution with an entrenched Charter of Rights. He remained in the legislature until 1985, when he was appointed High Commissioner to the United Kingdom by the Right Honourable Brian Mulroney.

On Roy McMurtry's return to Canada in 1988, he resumed the practice of law and was appointed Associate Chief Justice of Ontario, Trial Division, in 1991. He was subsequently promoted to Chief Justice of the Ontario Court of Justice in 1994. In 1996, he was appointed Chief Justice of Ontario by the Right Honourable Jean Chrétien. It is quite remarkable the extent to which he was revered in that role.

Chief Justice McMurtry also served as the Chairman and Chief Executive Officer of the Canadian Football League from 1988 to 1991. He has had an incredible influence not only within the legal community, but also by taking on many challenges and working tirelessly for those who are disadvantaged. He has been involved in quite a number of projects, including Big Brothers, rehabilitation projects for former penitentiary inmates, adult education, senior citizens' housing and multicultural initiatives.

• (1345)

Roy McMurtry was founder and President of the Osgoode Society, established in 1979 for the writing of Canadian legal history. He is the creator and Chair of the Ontario Justice Education Network, which is involved in a number of initiatives related to educating high school students and teachers about the law.

The Chief Justice is also the Chair of the Advisory Committee of Pro Bono Law Ontario, which has initiated programs related to providing pro bono legal services.

It is safe to say that Roy McMurtry will be remembered in history as one of the most outstanding jurists for the province, and he will be truly missed.

• (1350)

[Translation]

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to call your attention to the presence in our gallery of the former Senator Jim Tunney and his wife. Welcome back to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2006-07 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Office of the Privacy Commissioner of Canada for the period from January 1 to December 31, 2006, in accordance with the Personal Information Protection and Electronic Documents Act.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-10, to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Bill read first time.

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

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

[English]

NON-SMOKERS' HEALTH ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-228, to amend the Non-smokers' Health Act.

Bill read first time.

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

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

CANADA-CHINA LEGISLATIVE ASSOCIATION

ANNUAL VISIT OF CO-CHAIRS, MARCH 12 TO 16, 2007—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association regarding its visit to Shanghai, Qingdao and Beijing, China, from March 12 to 16, 2007.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO MANDATE

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on April 26, 2006, the date for the presentation of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources to examine and report on emerging issues related to its mandate be extended from September 1, 2007, to September 1, 2008.

NATIONAL SECURITY AND DEFENCE

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

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to meet on Monday, June 11, 2007, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Colin Kenny: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to meet on Monday, June 18, 2007, even though the Senate may then be adjourned for a period exceeding one week.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON MATTERS RELATING TO AFRICA DURING PREVIOUS PARLIAMENTS TO STUDY ON BILL C-293

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Foreign Affairs and International Trade for the special study on Africa, during the First Session of the Thirty-ninth Parliament and the First Session of the Thirty-eighth Parliament, be referred to the Committee for its study on Bill C-293, An Act respecting the provision of development assistance abroad (*Development Assistance Accountability Act*).

QUESTION PERIOD

INTERNATIONAL TRADE

FOREIGN CORPORATE TAKEOVERS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The Conservative government seems to be encouraging the acquisition of large Canadian companies by foreign interests, and stubbornly ignoring the alarm bells being sounded by leaders of the business community.

[English]

Gordon Nixon, CEO of the Royal Bank of Canada, said that we have seen not only the disappearance of major Canadian household names, but also the loss of Canadian presence in industries where we have long had traditional strengths.

Dominic D'Alessandro, CEO of Manulife Financial, said that people have a child-like belief in the market. They think that the market is efficient; it is not.

• (1355)

[Translation]

He added:

Now big, well-established Canadian companies are being taken over by foreign interests. I sometimes worry that we may all wake up one day and find that as a nation, we have lost control of our affairs.

Yesterday, Laurent Beaudoin, the President and CEO of Bombardier, said:

If, in the end, the government has to intervene, it must do so. We cannot continue to leave things as they are now, without somewhat protecting Canadian interests.

[English]

Furthermore, Anne Golden, President and Chief Executive Officer of the Conference Board of Canada, said that "the government might consider modifying the Canada Investment Act to require that foreign governments and firms controlled by foreign governments would be more carefully scrutinized if they invest in Canada." This is not about erecting a protectionist firewall around our country. No one wants that. However, the government has a role to play. Yet, this government seems to think its only role is to get out of the way and do nothing.

[Translation]

Is the Leader of the Government aware that thousands of good jobs are being lost to new head offices? We are losing graduates in the fields of law, accounting, engineering, IT, finance and many others!

[English]

When will this government step up to its job and protect the jobs of our skilful workforce?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors): Honourable senators, this is an issue that has been in the media lately. Indeed, the Leader of the Opposition quotes individuals who are raising red flags when one of those individuals, if memory serves correctly, was recently at the head of a very successful takeover of a company in the United States.

Honourable senators, we live in a global economy. We cannot live in a country surrounded by a snow fence. As indicated in the budget, the government will be soon launching a panel to review Canada's competition policies. In the meantime, the existing laws and policies remain in place. The government recognizes that our marketplace policies must be worldclass to encourage firms to invest in the people and capital vital to our dynamic Canadian economy, but I wish to point out that StatsCan reported on May 9 that Canadian direct investment abroad increased 13.8 per cent in 2006 over 2005, a gain of about \$63 billion, for a total of \$523 billion. As well, analysis by KPMG issued on May 10 has shown that there have been more Canadian acquisitions of foreign companies than foreign acquisitions of Canadian firms in each of the past two years.

Senator Hervieux-Payette: Honourable senators, obviously we do not read the same reports. Actually, there is a three-to-one acquisition in favour of foreign ownership.

I wish to remind the honourable senator that in December 1989, the Pennsylvania Senate voted 45-4 in favour of one of the strongest anti-takeover statutes in the nation. The statute would allow directors to put the interests of other groups like employees, customers and suppliers, above those of shareholders. It would also allow the state to expropriate any

trading profits of shareholders who try to control more than 20 per cent of the votes of a Pennsylvania company through the stock purchase or a proxy contest for two years after the event. The law has put in place a number of obstacles, including making it easier for a target company to use a poison pill defence, which typically involves increasing the number of outstanding shares and to make a buyout more expensive for any would-be acquirer. The law also limits a shareholder's ability to call a special meeting, a tactic used when a company is running a proxy battle to gain control of the board. They also set minimum severance payments and protect labour contracts. Pennsylvania is just one of several states that turned to tougher takeover laws after a wave of hostilities in the 1980s.

I describe Pennsylvania laws today to the minister and the government because a U.S. aluminum company called Alcoa is incorporated in Pennsylvania. If a Canadian aluminum company called Alcan, currently the target of a hostile takeover bid from Alcoa, tried to defend itself by turning the tables with an offer for Alcoa, they would be confronted by tough Pennsylvania anti-takeover laws.

• (1400)

If this government will not listen to the opposition, will they listen to the private sector and develop a strategy to deal with the much-too-frequent disappearance of Canadian companies and act now?

Senator LeBreton: Honourable senators, the Alcan/Alcoa issue has moved on to another level. I read, as a matter of fact, a columnist writing in regard to the Pennsylvania situation.

Honourable senators, with the issue of companies moving around the world, whether it is Canadian companies expressing an interest in taking over foreign companies or vice versa, the government will always act and follow a regimen in the interest of all Canadians.

Several commentators in the economic arena have indicated that the proposals set forward by the Leader of the Opposition in the other place have not been met with a great deal of enthusiasm in the financial world — far from it. There are many examples of Canadian companies that have moved around the world with great success, and they are wonderful success stories. It would be foolish for any country to put walls around itself in a global economy. I believe Canadian companies and Canadians who are either investing abroad or who are the subject of some interest from abroad are very capable of representing themselves. The government will not cause a situation in which Canadians would be harmed in any way.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— SAFETY OF IMPORTS

Hon. Lorna Milne: Honourable senators, yesterday the Honourable Ralph Ferguson, former Minister of Agriculture of Canada, was in the gallery. Since his retirement, he has not been idle. His most recent publication is *The Health of Our Nation Depends on Safe, Wholesome Canadian-Produced Food*. The subtitle is, "Are imported foods safe?" It is a request for an investigation by the Auditor General of Canada.

My question is to the Leader of the Government in the Senate. There is reason for increasing concern about the safety of food being imported into Canada. Recent warnings issued by the Canadian Food Inspection Agency address Dickinson's brand honey coming in from the U.S., which actually comes from China, and is contaminated by chloramphenicol. Cantaloupes from Mexico are infected by salmonella. One can buy nice, white mushrooms from the grocery store that come from China where they are treated with formaldehyde.

Is the government conducting rigorous tests at the border to ensure that food being imported into Canada is banned if it contains chemicals not allowed in food produced in Canada, such as rbST?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): So much for the mushroom and cantaloupe police.

Honourable senators, this is a serious question. I am not privy to the report that the former Minister of Agriculture has written. Canadians have been concerned for some time about pesticides and other chemicals used to preserve food or to remove insects and other pests from our food.

• (1405)

Suffice to say, honourable senators, that the Canadian Food Inspection Agency, the Department of Agriculture and the Ministry of Health are always concerned about issues such as this. I can assure all honourable senators and Senator Milne that the government will continue, as it has in the past, a very judicious review of all of our policies to ensure that food entering Canada is safe for people to consume.

Senator Milne: The truth of the matter is that the Canadian Food Inspection Agency is severely under-manned and under-funded. Will the government implement the recommendations of its own food inspection agency for truth in advertising? For example, the labels "Made in Canada" or "Product of Canada" do not necessarily mean that the item was actually made in Canada or produced in Canada. Food imported in bulk can be repackaged in Canada and then labeled as a product of Canada. These are warnings issued by the Canadian Food Inspection Agency, and I am very concerned about this. Will the government implement these recommendations from its own agency? I would be delighted to have the permission of this chamber to table this report in the Senate.

Some Hon. Senators: Agreed.

Senator LeBreton: Honourable senators, there is no doubt that the government is concerned about issues of food safety and, as a matter of fact, any product entering Canada. The first and foremost concern of the government is the health and safety of Canadians.

I happen to be one of those shoppers who reads labels carefully to see where the food is from. A place in Ottawa called Continental Mushrooms actually grows their own mushrooms, so I know where they come from.

As a matter of fact, in Manotick, Suntech Greenhouses Ltd., grows tomatoes, so I always know the tomatoes are from just up the road. It is a serious issue and I am very concerned about this subject. There are many serious food-borne illnesses from which

Canadians suffer. I will take the specifics of the honourable senator's question as notice and ask for a detailed answer from officials on the implementation of the policies.

Senator Milne: With the permission of the Senate, may I table this document?

Senator LeBreton: Yes.

Some Hon. Senators: Agreed.

Hon. Hugh Segal: Honourable senators, would the Leader of the Government in the Senate, in making those inquiries, also inquire as to whether the Department of Agriculture might consider providing funding for the promotion of local food consumption from local areas produced by local farmers working with our Federation of Agriculture, who are organized right across the country on a county basis, so that Canadians can be aware of where the food is coming from? It may cost a few pennies more, but they have the option of supporting local food producers in our country in our retail stores on an ongoing basis.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, I could not agree more. Most of us who are aware of what we are purchasing manage to educate ourselves. Unfortunately, many people do not have that opportunity. I would be very happy to get an answer from the Department of Agriculture as to whether, in fact, they have a specific program for locally produced or Canadian produced produce.

• (1410)

[Translation]

NATIONAL DEFENCE

FUNERAL EXPENSES FOR FALLEN SOLDIERS

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. A very difficult press conference took place this morning here on the Hill. The family of a Canadian soldier who made the ultimate sacrifice for his country raised the issue of the government covering funeral expenses to pay a final tribute to their son.

I am certain that senators on both sides of the chamber would like this painful issue for families to be resolved through relevant changes to current policies.

Can the leader assure us that such changes will be made?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As the honourable senator may recall, I am aware of the family in question. I know the mother, Laurie Dinning, quite well. She is involved in the organization Mothers Against Drunk Driving. It is a terrible tragedy that she and her family suffered last year when they lost their son, Matthew.

[Senator LeBreton]

The government supports, of course, all of our military and we are deeply saddened by the loss of any Canadian Forces member. We are committed to ensuring that the families that have lost loved ones do not suffer undue financial burden.

Since coming to office, we have directed that all reasonable funeral expenses be covered for fallen soldiers. In addition, we are now revamping the Treasury Board guidelines regarding funeral and burial benefits for Canadian Forces members put in place in 1999. We were dealing with existing rules and regulations, and those guidelines that were in place obviously do not provide the funds necessary for these funeral costs.

This morning, before the Dinning family appeared, I understand that both the Chief of the Defence Staff and the Minister of Defence held a press conference, saying they would be meeting the reasonable financial costs of funerals for all fallen soldiers.

THE ENVIRONMENT

HIGH GASOLINE PRICES— MEASURES TO REDUCE FUEL CONSUMPTION

Hon. Ethel Cochrane: Honourable senators, my question is also for the Leader of the Government in the Senate. Last week, the government leader reminded us that under the Liberal environment plan, gas prices would jump by 60 per cent.

Senator Fortier: How can we go on vacation?

Senator Cochrane: I noticed on Monday in the other place that a Liberal member had asked for an emergency debate on gas prices. People in my province today are fuming about gas prices. Today, people in St. John's, Newfoundland, are paying more than \$1.22 per litre.

It is interesting, however, that the Liberals are suddenly concerned about gas prices, given that on August 24, 2005, the *Calgary Herald* reported that:

On Tuesday in Regina, Environment Minister Stéphane Dion said high gas prices are actually good for Canada in the medium and long term.

Senator Fortier: He did not say that.

Senator Cochrane: Yes, the *National Post*, on September 1, 2006, a year later, reported:

Mr. Ignatieff is calling for a form of carbon tax that could push up the price of gasoline.

Senator Fortier: I do not believe that. It is not possible.

Senator Cochrane: Could the Leader of the Government in the Senate tell us what steps the government has taken to help Canadians reduce their fuel consumption, which helps not only the environment, but consumer pocketbooks as well? What effect will the Liberal plan likely have on energy prices?

• (1415)

Senator Fortier: That is a great question.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her thoughtful question. I alluded to this subject yesterday in answer to another question in this place, but the honourable senator is correct that an analysis of the Liberal plan, now in the form of Bill C-288, the Kyoto bill, shows that gas prices would rise 60 per cent above today's prices. That would mean the price of gas would be \$2 a litre. As Senator Cochrane pointed out, that is something that Stéphane Dion at one point reportedly supported. The Kyoto plan would have an impact on other energy prices as well. The price of electricity would rise by 50 per cent and the cost of natural gas would more than double.

The honourable senator's specific question was with respect to what the government is planning to do on the issue of reducing fuel consumption. In response to the honourable senator, we have increased support for public transit, which helps Canadians save on fuel costs; we are investing in a \$2 billion renewable fuel strategy; we are providing the provinces and territories with \$1.5 billion in a clean air trust; and, in the budget, we announced the ecoAUTO Program, which helps Canadians purchase fuel-efficient cars with rebates of up to \$2,000 per vehicle. Our government also helped consumers by reducing the GST from 7 to 6 per cent. Of course, the honourable senator would have noticed the other day that the Honourable John McCallum was saying that if the Liberals were ever to come back into office, they would raise the GST again. These are the same Liberals who in 1993 were going to abolish the GST.

I did notice the contradiction, when the gas prices went up, of everyone screaming about the cost of fuel yet, in the same breath, saying, "Do something about the environment." It is a situation of "but I am not the one that wants to do it," which only proves that Canadians want things done on the environment, they want fuel consumption issues dealt with, but they do not want a resolution to be at the cost of the economy of the country and their jobs.

[Translation]

Hon. Jean Lapointe: Honourable senators, my question is for the Leader of the Government in the Senate. It is a follow-up to Senator Angus' intervention yesterday on the subject of the environment.

Can the minister tell us if it is morally better to lose jobs, lose money or lose our grandchildren?

[English]

Senator LeBreton: I thank the honourable senator for the question. Of course, we would not abandon our grandchildren.

Senator Tkachuk: You even have some.

Senator LeBreton: I have some, yes. This government, unlike any previous government, has put together a plan that is fair and balanced, that takes into consideration the necessity to reduce greenhouse gas emissions, that deals with the serious issue of air pollution and that will establish regulations for all industries

across the board. No one is left out. At the same time, the government is doing this in such a way as to not put the country in a severe economic condition whereby, if we were to do that, our grandchildren would suffer if parents and grandparents had no ability to earn an income to provide for their health and education.

• (1420)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

STUDY TO ACCOMMODATE ANCESTRAL LANGUAGES

Hon. Charlie Watt: Honourable senators, I have a question for the Chairman of the Standing Committee on Rules, Procedures and the Rights of Parliament, Senator Keon. This question is in relation to the request made approximately one year ago about providing interpretation services in the chamber and in committee.

I believe my colleague here the dean of the Senate; he is the longest serving senator in this chamber. He deserves to receive an answer, and the matter should not be prolonged any further.

Many days, weeks and months have passed; it has gone beyond one year. I do believe a couple of weeks ago, there was an intention of the committee to travel to Yellowknife. We indicated that was not the place to go, that it would be a waste of money to go to Yellowknife; there is nothing to learn there.

I would also like to say, honourable senators, that we in the Iqaluit area are partially effective because Inuktitut is the first spoken language in the legislative assembly. There you can learn something. The request by Senator Corbin is a practical request, as it does not implicate other languages and require that they be served in the same way. The motion is constructed on an as-needed basis.

Most of you in this chamber have experienced how we conduct ourselves in the chamber and in committee. I heard a young lady on the radio last week talking about Senator Adams. She said that he made many points in the Standing Senate Committee on Fisheries and Oceans. The woman asked if Senator Adams is understood by his colleagues and by the people of Canada.

Knowing this, rather than spending money that will be wasted, can Senator Keon tell me when the committee will come forward with recommendations on this matter, which should be taken care of immediately?

I would also like to say to the Leader of the Opposition that if she would like to intervene in this matter, she is welcome to do so.

Hon. Hugh Segal: How long do we have to be here before these people call Senator LeBreton the Leader of the Government?

Hon. Wilbert J. Keon: I thank Senator Watt for his question. The committee planned to make a visit to Yellowknife because the Cree people wanted the consideration of having their language translated in the chamber and in committee also. Of course, there

was a desire to see how the system functions in Iqaluit, and the committee is confident that translation services can be made available in Inuktitut with the help of the experts in Iqaluit.

• (1425)

The clerk of the committee, when trying to make arrangements for the visit to Iqaluit and perhaps to Yellowknife, encountered some difficulties with timing. I understand the legislature in Iqaluit will function in June for about one week only and this side in the Senate has a problem with the number of people available to travel during that time.

Committee members would like to see what can be learned by such a visit, but if in the wisdom of people advising us it is determined that it would be better to just get on with the job, I am sure the committee would be open to such advice. I can assure Senator Watt and Senator Adams that the committee is taking the matter seriously and is dealing with it in a positive way to provide appropriate translation services in Inuktitut.

ORDERS OF THE DAY

SALES TAX AMENDMENTS BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. Michael A. Meighen moved second reading of Bill C-40, to amend the Excise Tax Act, the Excise Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other Acts.

He said: Honourable senators, I am pleased to rise today to speak to Bill C-40, to amend the Excise Tax Act, the Excise Tax Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other acts. This bill contains a number of administrative amendments designed to streamline the operation of our sales tax system. I should note at outset that many of the measures in this bill, which, for the most part, are technical in nature, were announced over the past few years. Indeed, many of them had their genesis in the previous government — the old government — but, unfortunately, were never given legislative approval.

Bill C-40 was supported in the other place by the Liberals and the Bloc and was not opposed vigorously by the NDP. Canada's new government is introducing these amendments now to ensure the fairness, efficiency, ease of compliance and administration of the sales tax system. This is essentially a housekeeping bill. These measures will benefit both individual Canadians and Canadian businesses. It is also important to emphasize that these amendments came about as the result of extensive consultations with interested Canadians. This is an excellent example of cooperation between government and the tax and business communities leading to meaningful legislation.

Indeed, we encourage this dialogue. Before last year's budget, honourable senators will recall that we launched an online consultation process on Finance Canada's website to give

Canadians an opportunity to provide their views to the government during the pre-budget consultation period. Nearly 6,000 Canadians participated in the online consultation process, providing a wide range of responses touching on everything from tax reductions to infrastructure investments.

Again this year, the government looked for ideas and insights from Canadians as it prepared for Budget 2007.

[Translation]

This approach allows all citizens to participate in pre-budget consultations. Thus, taxpayers from all regions of the country can express their opinions. After all, listening is the first step in effective planning. One of our government's objectives is to listen to what Canadians have to say.

Before getting to the heart of the matter, I would like to say a few words about the commitment made by the new government to bringing more fairness to the tax system for all Canadians.

• (1430)

You will see how Bill C-40 contributes to achieving this objective.

Our government is convinced that a fair tax system is required in order to support job creation and to stimulate the economy, and in turn to increase the incentives to work, save and invest.

[English]

A fair tax system begins with tax relief. That is why, in the inaugural budget, our government took decisive action to reduce taxes. We reduced the GST by one percentage point and we will reduce it by a further percentage point.

We cut taxes for families, individuals and businesses, but we did not stop there. Families and businesses still pay too much tax. In Budget 2007, the government continues to reduce the tax burden on Canadians, and we are not about to rest on our laurels. The world is not standing still, honourable senators, and neither are we.

To build toward the future, Canada needs political determination based on the principle of fairness. Fairness is at the heart of this bill before us today.

Honourable senators, Bill C-40 is divided into three parts: Part I implements measures relating to the Goods and Services Tax and Harmonized Sales Tax; Part II contains measures relating to the taxation of wines, spirits and tobacco products; and Part III, the air travellers security charge.

Starting with amendments to the GST/HST legislation, these measures fall into a number of general categories — for example, health care. I mention this first because health care is of great importance to all Canadians. Canada's new government is committed to providing support to provinces and territories to help ensure that all Canadians have access to timely quality health care. Bill C-40 complements the investments the government has made in helping to ensure that Canadians receive the health services they need.

[Senator Keon]

One such measure in this bill is a proposal to continue indefinitely the current GST/HST exemption for speech language pathology services. The bill also exempts from sales tax any health-related services provided by professional social workers.

These amendments are consistent with the government's policy criteria for inclusion of a particular health care service on the list of those that are GST/HST exempt. That is to say, if a service is covered by the health care plan of two or more provinces, it will be exempt from GST/HST in all provinces. In addition, if a profession is regulated as a health profession by at least five provinces, the services of that profession will be exempt from the GST/HST in all provinces.

Bill C-40 ensures consistency in the GST/HST legislation by providing tax-free status to the sales and importations of a blood substitute known as plasma expander. I am sure Senator Keon can enlighten us on that in due course, because I certainly cannot. This measure will afford this product the same GST/HST treatment as that of other blood derivatives.

Again with consistency in our tax system in mind, Bill C-40 ensures the government's policy criteria that no sales tax applies to federally regulated drugs that can only be sold to consumers under a prescription. This bill restores the tax-free status in a technical sense to a group of drugs that are commonly used to treat a variety of conditions such as seizure control, anxiety and alcohol withdrawal. Honourable senators, consistency is the name of the game in this bill.

[Translation]

Given the importance of the agricultural sector to our economy, the bill also contains provisions to ensure the uniform application of the sales tax to various products.

As you may know, farmers do not pay GST or HST on a broad range of goods and services that only they use, such as pesticides, feed, bulk fertilizer and certain types of agricultural machinery and equipment.

This list of goods and services has been established in order to help farmers avoid possible cash flow problems that might arise if they had to pay the sales tax at the time of purchase and be reimbursed through input tax credits.

On large purchases, the amount of tax can be very high.

Bill C-40 will ensure the consistent application of GST/HST to various agricultural products that can be purchased, imported and sold by farmers on a tax-free basis.

Honourable senators, Canada's new government also recognizes the important role played by small businesses in our economy.

In *Advantage Canada*, the government indicated that it was intending to reduce regulatory requirements and red tape to help businesses become more competitive.

Budget 2007 makes good on this commitment by proposing to cut the federal paper burden on small businesses by 20 per cent by November 2008.

In addition, this year's budget alleviates the tax compliance burden on small businesses by reducing the frequency of their tax filings and remittances.

A more competitive business climate will help our businesses prosper on international markets.

Bill C-40 will help reach this goal, because it contains various provisions that streamline or clarify the application of the GST/HST for Canadian businesses.

Bill C-40 also contains miscellaneous housekeeping changes to sales tax legislation that update provisions, correct ambiguities or ensure consistency.

One of these provisions pertains to the rules for applying the harmonized sales tax.

Bill C-40 modifies the new housing rebate for the provincial portion of the HST in Nova Scotia. As announced by the Government of Nova Scotia, this rebate will be targeted to first-time homebuyers and capped at \$1,500.

In short, the provisions of the bill will improve how our sales tax system works.

[English]

Part II of this bill contains measures relating to the taxation of wines, spirits and tobacco products. As honourable senators may recall, a comprehensive review of the federal framework for the taxation of alcohol and tobacco products resulted in new excise legislation in 2001. Not only did this new framework modernize the legislative provisions governing the taxation of spirits, wine and tobacco products, but it also provided administration and enforcement, updated to reflect current industry practices.

There are a host of technical measures being implemented in this particular part of the bill. I have chosen one example from each of the three categories — spirits, wines and tobacco products — to illustrate the intent of Bill C-40.

First, with respect to spirits, the bill amends the framework to allow private laboratories, provincial liquor boards and vintners to possess a still or similar equipment without a licence, and to produce spirits for testing purposes only. Normally, one would need a licence to operate such a still.

For wine, under an administrative practice of the former excise framework, wine licensees could provide samples without the payment of duty if the samples were distributed free of charge to individuals for consumption on those premises. I am sure many senators have attended wine tastings, and this is exactly what this provision is designed to cover.

The excise legislation concerning tobacco — which is, of course, of no interest to people in this chamber since no one consumes the dreadful product — is also being amended. One such amendment will implement a minor change to bring the legislation into compliance with specifications of the Framework Convention on

Tobacco Control — an international treaty most of us may not be aware of on tobacco control, sponsored by the World Health Organization, but an important treaty nonetheless.

[Translation]

Part 3 of the bill contains provisions relating to the air travellers security charge. It makes various technical amendments that come mainly as a result of the consultation process with interested parties.

• (1440)

One of these amendments specifies that the charge is not payable for air travel that is donated by an air carrier at no cost to a registered charity.

Of course, the charity must in turn donate the air travel to an individual, in pursuit of its charitable purpose.

This measure will be especially useful to charities like the Children's Wish Foundation, which is dedicated to providing memorable trips for physically, mentally or socially challenged children.

[English]

In closing, honourable senators, the measures contained in Bill C-40 for the most part will merely refine, streamline and clarify the application of our sales tax and our excise tax system. Indeed, many of the clarifications merely put into legislative form what has been the practice.

On the surface, this may not be the most exciting legislation to debate, honourable senators, but it does represent a key component of the government's commitment to ensuring that our tax system is efficient and fair. An efficient and fair tax system will help create a real Canadian tax advantage, setting the stage for economic growth, opportunity and choices for all Canadians.

I encourage all honourable senators to support this bill so that these technical, nonetheless important, measures may be implemented without delay.

On motion of Senator Tardif, debate adjourned.

[Translation]

CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Transport and Communications (Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, with amendments and observations), presented in the Senate on May 17, 2007.

Hon. Lise Bacon moved the adoption of the report.

[Senator Meighen]

She said: Honourable senators, after five sessions of consideration of Bill C-11 and the appearance of many stakeholders, the committee has adopted two amendments.

The first amendment affects clause 27 of the bill dealing with provisions on airfare advertising in the media. When the government first drafted clause 27, it gave the Canadian Transportation Agency the responsibility of making regulations on advertising airfares in the media on the recommendation of the Minister of Transport when he deemed it necessary. The regulations could apply to all media, including the Internet, advertising airline services originating in or destined to Canada.

The purpose of this provision was to ensure transparency in the airfare advertised to the consumer.

The House of Commons Standing Committee on Transport, Infrastructure and Communities amended this provision in order for the Agency to have the authority to make airfare advertising regulations without recommendation from the minister.

[English]

When the Standing Senate Committee on Transport and Communications studied the amended bill, it heard from Canada's two largest international air carriers. They expressed their considerable and joint concern that the provision as amended by the House committee would have potentially severe consequences on both airlines' ability to compete for business, both domestically and internationally.

For this reason, this committee added clause 64 to the bill, allowing the Governor-in-Council to postpone the date that the provisions respecting airfare advertising regulations come into force. This way, the airlines and the government will have the necessary time to ascertain how to avoid any unintended consequences these provisions may have on the airlines' competitiveness.

[Translation]

The second amendment to Bill C-11 is related to noise and vibration caused by railway companies when constructing or operating railways.

During the first reading of Bill C-11 in the House of Commons, a standard applicable to railway companies was added in clause 29: they must make as little noise as possible when the Canadian Transportation Agency is called to investigate a noise complaint.

Bill C-11 gives this new power to the agency. When investigating a complaint, the agency must consider the company's obligations to shippers, its operational requirements and the area where the construction or operation takes place.

The House of Commons Standing Committee on Transport, Infrastructure and Communities amended clause 29 to state that railway companies must cause "as little noise and vibration as possible" when constructing or operating a railway. During complaints investigations, the agency must take into account the company's obligations, its operational requirements and the potential impact on persons residing in properties adjacent to the railway.

[English]

When the Standing Senate Committee on Transport and Communications studied the amended bill, it heard from representatives of Canada's freight railway industry. The witnesses explained that the new standard, for which there is no jurisprudence, could have severe economic consequences for the railways and, in turn, rail shippers and even rail passengers, as there is uncertainty as to how the Canadian Transportation Agency and the courts would interpret it. In addition, the railways noted the obligation that the new standard placed on them exceeded the obligation imposed on the neighbours of the operations.

The committee heard how the railways have moved yards and operations away from residential areas across the country to industrially zoned areas, only to have their new operations surrounded by residential units some years later. Therefore, the committee saw fit to amend the provision by restoring the concept of reasonableness, one to which the agency and the courts are accustomed, and by removing the reference to residential neighbours.

Hon. Hugh Segal: Honourable senators, I wanted to rise in support of the motion for adoption advanced by the chairman of the committee.

On our behalf, may I first express our great appreciation for the leadership and the superb management of the committee that the chair, Senator Bacon, showed throughout the very technical and demanding discussions. It was, for a new senator, a remarkable experience to be in the presence of a pro whose depth of experience and reach facilitated a non-partisan and constructive discussion from all sides.

Bill C-11, which is now before us, is making substantial changes to the Transportation Act, as the committee report clearly indicates. The committee heard from witnesses representing a dozen different organizations and other stakeholders. The clear message from witnesses was that after seven years of consultation and debate, the time has really come to pass this bill amending the Canada Transportation Act.

Bill C-11 will provide many benefits to Canadians, and senators on the committee acknowledge the importance of approving the bill in a reasonably quick period of time so that Canadians can enjoy the benefits of the changes. These benefits include the adding of environmental sustainability and security as principals to the statement on national transportation policy, giving the Canadian Transportation Agency the formal authority to mediate and arbitrate disputes including those between shippers and railways; extending the provisions on airline mergers and acquisitions to other federally regulated transportation entities; and providing the authority for the agency to make regulations on airfare advertising.

I want to emphasize that there have been extensive consultations, both in the other place and here, on the matters addressed in Bill C-11. Many stakeholders not only support the bill, but are also anxious that it be passed. The committee approved amendments that affected two provisions, as our committee chair so ably indicated.

• (1450)

As a new senator from the class of 2005, I want to share with honourable senators the learning experience that I had on this committee. As some may know, the committee made amendments to the bill as it came out of the House of Commons, which had been amended from the original government version by, I think, Mr. McGuinty, with respect to one or two important matters. The bill arrived in the Senate for that discussion and was sent to our committee. The government members were prepared to support the bill with the Liberal amendments in an act of non-partisan cooperative enterprise. We were then faced with the good faith and constructive amendments made by Liberal members of the committee to return the bill to the form it had been in when the government first presented it to the House of Commons committee before it was amended by Liberal members of that place. We found ourselves on this side defending the version as amended by the Liberals, and then we found ourselves coming to the defence of the version as returned to the original state by the Liberals. Today we stand here, once again in a spirit of non-partisan cooperation, supporting amendments by our Liberal friends that countervail the amendments made in the other place.

I point out with great respect that Senator Munson and Senator Dawson, who played such a constructive role, have undertaken that when this chamber, in due consideration, ships this bill, should it decide to do so, back to the other place, they will consult broadly with their colleagues in that other place so that the bill comes back quickly. They have further undertaken on the record that should the other place dither and not approve it, they will move quickly to act with this engaged, non-partisan administration to pass the bill quickly through this chamber. We are grateful on this side for that level of engagement.

In all seriousness, this is important legislation. The fact is that the two sides can work together, without regard to partisan distinction, even though we have all had the experience of bumping into ourselves coming around the corner on this particular piece of legislation.

I believe that we can make progress for Canada, for the transportation sector, for rail passengers, for freight, for the entire spectrum, and I commend honourable senators to move quickly on the outstanding motion made by the chairman of the committee for the adoption of this report.

Hon. Rod A. A. Zimmer: Honourable senators, I, too, rise in support of this bill. In light of the first amendment to Bill C-11 outlined in the tenth report of the Standing Senate Committee on Transport and Communications which amended lines 2 and 3 and lines 7 to 11 of clause 29, I rise today to move a consequential amendment. This consequential amendment was recommended by Transport Canada officials during the clause-by-clause review on May 16, 2007, to ensure that the wording of section 95.3(1) is consistent with the amended wording of the rest of the section 95.

MOTION IN AMENDMENT

Hon. Rod A. A. Zimmer: Therefore, I move:

That the Tenth Report of the Standing Senate Committee on Transport and Communications be not now adopted but that it be amended, at amendment No. 1 (b) by adding after "or operation takes place." the following:

“; and

(c) Replace lines 32 to 34 with the following:

“that the Agency considers reasonable to ensure compliance with that section.”.”.

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

Hon. Senators: Agreed.

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

Hon. Senators: Question!

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

Motion agreed to and report, as amended, adopted.

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

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

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this report be adopted.

The Hon. the Speaker: It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, that the report be adopted.

Hon. Pierrette Ringuette: Honourable senators, I did not understand that we were at this item on the Orders of the Day. I would like to speak on this bill. I move the adjournment.

Senator Oliver: There is a motion.

The Hon. the Speaker: Honourable senators, the table called Item No. 2, resuming debate on the consideration of the first report of the Special Senate Committee, and that was read. The Honourable Senator Comeau rose and put a motion, which I then put to the house. I think we will have to deal with the motion.

Hon. Anne C. Cools: Honourable senators, my understanding, and we went through this a few days ago, is that prior to Senator Comeau closing the debate, His Honour must first ask all senators if there is anyone who wishes to speak. He is closing the debate.

Senator Tkachuk: Debate after moving the motion?

Senator Cools: Prior to putting the question, Your Honour, you have to ask — he can do anything he wants — your duty is to inquire if any senators want to speak in the debate.

The Hon. the Speaker: The chair always appreciates assistance as to what the chair ought to do. The table called for resuming debate, I heard it, so we are resuming debate.

Senator Comeau: I will resume debate. Honourable senators, today is a very historic day: May 30, 2007, the one-year anniversary of the introduction of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

• (1500)

This bill is getting so old that it is now eating pabulum, and in fact, we can see some mould growing. The bill continues to be debated at the Standing Senate Committee on Legal and Constitutional Affairs. I have been told they are running out of witnesses. They have had to ask the provinces three times to appear before the committee. The provinces appeared before the committee that dealt with the source report, and the Standing Senate Committee on Legal and Constitutional Affairs has twice asked the premiers to appear. The premiers are tired of receiving letters requesting their appearance. Every time we get a new premier, another list of letters goes out to all the existing premiers.

The subject matter was entirely and previously debated by a special committee made up of senators from all parties, as well as non-aligned senators. The committee was chaired by our colleague, the Honourable Senator Hays. On October 26, 2006, the committee tabled its report. The committee concluded that the bill was constitutional and that the term limits for senators would be an improvement to the Senate as it now exists.

In light of the impending retirement of Senator Hays, who has emerged as a champion of reform, and in light of the public's desire to see reform brought to this chamber and to Parliament in general, I feel the time is right for the Senate to adopt this report.

We have been dealing with this bill now for one year. I cannot understand why the other side continues to delay this matter. It would be a nice parting gift to one of their colleagues.

Senator Oliver: Happy birthday.

Senator Comeau: Happy birthday. The baby can now walk. Let us at least adopt this first report and give our retiring colleague, Senator Hays, a nice parting gift and say: Senator Hays, you did a good job; we approve of what you did and we therefore accept your report.

Senator Cools: I have a point of order. Honourable senators, I have indicated before that I was interested in speaking to this debate. A few moments ago, before Senator Comeau began to speak, another senator rose and indicated her interest in speaking to the debate. Before the senator who moved the motion to put the report before us for debate spoke, I said that it was up to the Speaker to inquire whether or not other senators wanted to speak.

I just went to the table and inquired as to who moved Item No. 2 at the bottom of page 3, for consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, an Act to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate October 26, 2006.

The table informs me that the mover and seconder of that motion were, respectively, Senator Comeau and Senator Di Nino. What is happening here, honourable senators, is that Senator Comeau is essentially speaking to be able to close the debate. I understand that His Honour recognized him in resuming debate.

Senator Comeau is not resuming debate; he is terminating debate. He is closing debate. It is not helpful that words like “resuming debate” should be confused with “closing debate.” The point I was trying to make is that before any mover of a motion closes the debate, His Honour has a duty to inquire as to whether or not other senators wish to speak.

I feel that I am quite correct on the substance of the issue. There is no doubt that Senator Comeau is not resuming debate; he is attempting to terminate and close the debate.

I would like to appeal to His Honour for a ruling, if necessary, because I would like to speak in this debate, and I indicated that some days ago. I understand that there are other senators who wish to speak and I understand that perhaps today is an anniversary, but Senator Comeau should understand that one year is a youthful time, a tender age, and should not cause much fretting from senators who, after all, have to be older to be able to be here.

Honourable senators, I would like to appeal to the Senate and to the Speaker. I want to speak in this debate, but I am not ready to speak today. The house is not ready for Senator Comeau to close the debate. If members of the house had realized that Senator Comeau had moved the motion and was, in fact, closing the debate, they would not have agreed.

The Hon. the Speaker: I agree.

Honourable senators, resuming debate.

Senator Ringuette: I move to adjourn the debate.

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

Some Hon. Senators: No.

The Hon. the Speaker: Those honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The whips have agreed on a 30-minute bell. The vote will therefore take place at 3:37 p.m.

• (1540)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Atkins	Hubley
Bacon	Joyal
Banks	Kenny
Biron	Lapointe
Bryden	Lavigne
Callbeck	Losier-Cool
Campbell	Lovelace Nicholas
Carstairs	Mahovich
Chaput	Merchant
Cook	Milne
Cools	Mitchell
Corbin	Moore
Cordy	Munson
Cowan	Murray
Dallaire	Pépin
Dawson	Peterson
Day	Poulin
De Bané	Prud'homme
Downe	Ringuette
Eggleton	Rivest
Fairbairn	Robichaud
Fitzpatrick	Rompkey
Fox	Smith
Fraser	Stollery
Furey	Tardif
Goldstein	Watt
Grafstein	Zimmer—56

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Meighen
Cochrane	Nancy Ruth
Comeau	Nolin
Di Nino	Oliver
Eyton	Segal
Gustafson	St. Germain
Johnson	Stratton
Keon	Tkachuk—18

ABSTENTIONS THE HONOURABLE SENATORS

Nil

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a point of order. The vote we just went through arose from a motion that I had moved that we adopt Item No. 2 of Reports of Committees. As I was listening to Senator Cools explain why I did not have the right to move such a motion, I was thinking about whether I had, in fact, spoken on this motion before because it had not come to my mind that I had. In deference to the fact that Senator Cools had said that she received her information from the table that I was, in fact, the mover of the adoption of Item No. 2 of Reports of Committees and that Senator Di Nino had been the seconder, I went back to my office and had my assistants bring out the information relating to this report. I would like to read into the record the following from the Debates of the Senate of October 26, 2006, under Routine Proceedings, page 961:

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE
ON SUBJECT MATTER TABLED

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have the honour to table the first report of the Special Senate Committee on Senate Reform, which deals with the subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

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

On motion of Senator Hays, report placed on the Orders of the Day for consideration two days hence.

I also have the Debates of the Senate of October 30, 2006, and I will read from page 1020:

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators . . .

Honourable senators, what bothers me is that Senator Cools was informed that I had moved this report for consideration and that it had been seconded by Senator Di Nino. The Speaker concurred, obviously, with the information that was provided by Senator Cools, who received it from the table. Therefore, my motion to have this bill dealt with today was denied, and I took the position that I had better be absolutely sure. I am not certain whether others took as much interest in what I was doing, so it is a lesson to all of us that we should be more careful about how we deal with these issues.

My point of order, therefore, is that I had not spoken on this report. I must admit, I did speak to the subject of the bill. In fact, I introduced the bill, but this is a committee report, which Senator

Hays tabled for consideration. All I wanted to do today was move a motion — and I was denied by the ruling provided by the table. Senator Cools said that the table had provided this information, and therefore, my motion was not even considered because of what is, in my view, false information. That information should have been more thoroughly checked, and, Your Honour, I feel aggrieved that what should have been a perfectly normal motion was denied.

The Hon. the Speaker: Honourable senators, I do not need to hear any more.

The matter before us was consideration of the report. The chair recognized Senator Comeau. Senator Comeau rose to speak on consideration of the report and he moved a motion which was seconded. We are considering a report and a motion asking that that report be adopted. We went over a couple of potholes along the way, but the question that was clearly before the Senate, when Senator Ringuette got up to speak, was the question to adopt the report.

• (1550)

I apologize for any confusion. I think it was all done in good faith. We are considering the report; there is now a motion before us. We have at least one question at the end of the debate: Shall it be adopted or not? When we see the Orders of the Day for tomorrow it will reflect the motion to adopt.

If that is clear for all honourable senators, we will call the next item.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-280, to amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).

Bill read first time.

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

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

PARLIAMENTARY EMPLOYMENT
AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to Bill S-219 introduced by Senator Joyal to amend the Parliamentary Employment and Staff Relations Act.

Before dealing with Bill S-219, I want to speak to the issue of human rights in general. In this chamber we often pay tribute to the Charter of Rights and Freedoms, universal human rights and specific human rights legislation developed over the years in Canada. However, honourable senators have not systematically looked at the application of these rights.

Parliamentarians are rather unique. While human rights legislation applies to the precinct of Parliament, nonetheless due to parliamentary privilege, the method by which Parliament complies with human rights legislation has been within the discretion of the parliamentary legislators, legislatures, House of Commons or Senate of Canada.

In our particular case, within the Senate, we have employees who are caught within the definition of parliamentary privilege, those who are not within the definition of parliamentary privilege and others who work for individual senators in varying capacities. It is time that we looked at our human rights obligations to ensure that our employees have the same rights as other Canadian subjects only to parliamentary privilege.

Honourable senators should be mindful that we should not curtail an employee's rights except and when we believe parliamentary privilege is necessary.

I remind honourable senators that I introduced a motion in this regard in the Senate which has been referred to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. The issue is to develop a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada. Senator Joyal's Bill S-219 covers another gap with employees. I believe the order, which was referred to the Rules Committee, coupled with Senator Joyal's bill and a full overview of employee rights, would be desirable to ensure that senators are mindful of and are complying with human rights legislation in Canada. We would then be on more solid ground when we request governments and others to comply with such rights.

Turning to Bill S-219, Senator Joyal pointed to a gap in the way that employees of the Parliament of Canada are protected under the Canadian Human Rights Act. It is this gap that he hopes to close with Bill S-219.

When Senator Joyal spoke to the bill, he referred to the 2005 decision by the Supreme Court of Canada in the *Vaid* case. The court had been asked, in effect, whether or not employees of Parliament were protected by the Canadian Human Rights Act.

The findings of the court state that:

The Canadian Human Rights Act applies to all employees of the federal government including those working for Parliament. However, the fact that [*Vaid*] claims a violation of his human rights does not automatically steer the case to the Canadian Human Rights Commission. Rather, in this case, V's complaints

of discrimination and harassment contrary to the provisions of the Canadian Human Rights Act arose in the context of his claim of constructive dismissal and therefore fall within the grievance procedure established under PESRA, or the Parliamentary Employment and Staff Relations Act.

The PESRA created a specific regime governing the labour relations of parliamentary employees. Its system of redress, which covers complaints about violations of statutory standards such as those found in the Canadian Human Rights Act, runs parallel to the enforcement machinery under the Canadian Human Rights Act. While not all potential claims to relief under the Canadian Human Rights Act would be barred by the s.2 of the PESRA, there is clearly a measure of duplication in the two statutory regimes, and the purpose of s.2 of PESRA is to avoid such duplication.

Since Parliament has determined that workplace grievances of employees covered by the PESRA are to be dealt with under the PESRA, and as PESRA includes grievances related to violations of standards established by the Canadian Human Rights Act, V is obliged to seek relief under the PESRA. There is nothing in V's complaints to lift his grievance out of its specific employment context.

The Supreme Court of Canada basically found that the Human Rights Act does apply to parliamentary employees, but with parliamentary privilege, it is up to Parliament to decide how to address the implementation of human rights for parliamentary staff.

What Parliament has decided to this point is that parliamentary employees covered by PESRA who have a grievance must seek redress under the PESRA. This seems straightforward, but the situation is a little more complicated than it first appears. As Senator Joyal rightly pointed out, PESRA does not offer quite the same protection under its grievance procedure as is provided by the Canadian Human Rights Tribunal.

Senator Joyal emphasized that under PESRA:

... the Canadian Human Rights Commission has no standing, no right to intervene and no possibility to support the claims or grievances of the employees.

As the Supreme Court of Canada pointed out, PESRA operates parallel to the Canadian Human Rights Act and section 2 of PESRA ensures there is no duplicity between the two. The relevant part of section 2 states that:

Except as provided in this Act, nothing in any other Act of Parliament that provides for matters similar to those provided for under this Act and nothing done thereunder, whether before or after the coming into force of this section, shall apply to or in respect of or have any force or effect in relation to the institutions and persons described in this section.

Furthermore, the Public Service Relations Act, which governs public service employees, includes a means to protect them should they have a human rights grievance. Under this act the Canadian

Human Rights Commission is called to appear and take a stand in support of employees who seek redress or have grievances to file. There is no such requirement under PESRA.

This is a problem and one that our honourable colleague has chosen to rectify legislatively through Bill S-219.

This bill will bring about three key changes to our existing laws. First, it will amend the Parliamentary Employment and Staff Relations Act to provide for notice to be given to the Canadian Human Rights Commission when a grievance referred to adjudication raises an issue involving the interpretation of the application of the Canadian Human Rights Act. Clearly this will create a link between PESRA and the Human Rights Act.

Second, it will set out the powers of an adjudicator named under the Parliamentary Employment and Staff Relations Act to interpret and apply the Canadian Human Rights Act.

Third, it will repeal subsection 4(1) of the Parliamentary Employment and Staff Relations Act that gives privileges, immunities and powers referred to in the non-derogation —

The Hon. the Speaker: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate on April 6, 2006, I declare the Senate adjourned until Thursday, May 31, 2007 at 1:30 p.m., the Senate so decreed.

The Senate adjourned to Thursday, May 31, 2007, at 1:30 p.m.

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