



CANADA

# Debates of the Senate

---

1st SESSION

•

39th PARLIAMENT

•

VOLUME 143

•

NUMBER 102

---

OFFICIAL REPORT  
(HANSARD)

**Thursday, May 31, 2007**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

(Daily index of proceedings appears at back of this issue).

---

*Debates and Publications:* Chambers Building, Room 943, Tel. 996-0193

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Thursday, May 31, 2007

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

Prayers.

[Translation]

### ROYAL ASSENT

The **Hon. the Speaker** informed the Senate that the following communication had been received:

#### RIDEAU HALL

May 31, 2007

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 31st day of May, 2007, at 9:05 a.m.

Yours sincerely,

Sheila-Marie Cook  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, May 31, 2007:

An Act to amend the Criminal Code (conditional sentence of imprisonment) (*Bill C-9, Chapter 12, 2007*)

An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption (*Bill C-48, Chapter 13, 2007*)

An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition) (*Bill C-252, Chapter 14, 2007*)

Business Hall of Fame induction ceremonies in Charlottetown. The Business Hall of Fame is sponsored by the Junior Achievement program, which currently provides support and encouragement to more than 4,000 young Prince Edward Islanders on business fundamentals. They are following in the footsteps of previous generations of hardworking people who have been leaders in the province's business community.

The induction ceremonies this year honoured four distinguished Islanders who have made an indelible mark on the economic and community life of my province. The four new inductees are Mary-Jean Irving, who has established very successful businesses in agriculture and packaging; Walter Riehl, who started as a student employee and developed that business into one of the leading construction companies in eastern Canada; Joe McKenna, who started out driving a delivery truck for a dry cleaner and ended up as owner of the growing enterprise; and the late Eric Robinson, who developed one of the most recognized agricultural operations in the province.

Although the inductees represent diverse sectors of the provincial economy, they have one thing in common — a strong entrepreneurial spirit guided by a vision and a goal to excel. They have demonstrated their capacity for hard work, for business acumen and for strong leadership of their respective enterprises. It is people like these four who have helped to build and shape the economy of their province.

There is one further quality which has brought them much-deserved recognition. Each of them, in their own distinct way, has contributed to the betterment of their communities. They have given generously of their time and talents to help support and encourage others and, in so doing, have earned the respect and admiration of their fellow citizens. Their lives and their careers are an inspiration to all Islanders, especially those young Islanders who are entering the business world.

I invite all honourable senators to join with me in extending hearty congratulations and best wishes to this year's inductees into the Prince Edward Island Business Hall of Fame.

### THE HONOURABLE NOËL A. KINSELLA

#### CONGRATULATIONS ON RECEIVING DOCTOR OF LAWS DEGREE

**Hon. David Tkachuk:** Honourable senators, it seems to be raining honorary degrees on the Senate lately, but on May 7, 2007, St. Thomas University in Fredericton, New Brunswick, presented Senator Kinsella with an honorary Doctor of Laws degree.

Senator Kinsella has earned several university degrees, including doctorates in philosophy, theology and psychology. In addition, as we all know, he has had a successful career as an academic, publishing extensively in the areas of psychology and human rights. However, I believe that his most important

• (1340)

[English]

## SENATORS' STATEMENTS

### PRINCE EDWARD ISLAND

#### CHARLOTTETOWN—BUSINESS HALL OF FAME INDUCTION CEREMONY

**Hon. Catherine S. Callbeck:** Honourable senators, on Tuesday evening, I had the pleasure of attending the Prince Edward Island

achievement is his considerable involvement in pioneering the advancement of awareness and education in the field of human rights.

I ask that honourable senators join me in congratulating Senator Kinsella for his considerable career accomplishments, his achievements on behalf of others and, in recognition of them, receiving this honour.

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

### APOLOGY

**Hon. Anne C. Cools:** Honourable senators, I rise to offer an apology to Senator Comeau for yesterday's error. I would like to say, honourable senators, that I disagree with Senator Comeau frequently, but I do hold him in very great respect — and I would also add, some real affection.

I would like to be clear so that we all understand what happened. Yesterday, during debate on item No. 2 of Reports of Committees — and it is there for anybody to read and see — I stated that Senator Comeau had moved the original motion for the consideration of the report. I had obtained that information from the table; but in any event, honourable senators, the information was incorrect. It was not false, just wrong, and I am sure that Senator Comeau accepts that.

Honourable senators, I believe the table officer gave that information in good faith and was very well intentioned. Somehow or other, there was a mistake. Perhaps I did not put the question clearly or whatever, but it does not matter; I am convinced and know for a fact that the information was given in good faith and it was an honest mistake.

Honourable senators, the intention of this statement is to ask Senator Comeau, with some humility, to accept my apology, and yet to prepare for future disagreements.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I realize, honourable senators, that this is not a time for debate. However, I do accept the very gracious expressions that were just sent to me by my good friend, Senator Cools. I thank her very much.

• (1345)

### PRINCE EDWARD ISLAND

#### CONGRATULATIONS ON ELECTION OF LIBERAL GOVERNMENT

**Hon. Elizabeth Hubley:** Honourable senators, on May 28, the people of Prince Edward Island turned out in their usual record numbers to elect a new government and to choose the men and women who will represent them in the provincial legislative assembly. It was a dramatic and historic day. After the ballots were counted, Robert Ghiz and the Liberal Party had recorded a stunning 23-to-4-seat landslide victory sending the Progressive Conservatives of Pat Binns into opposition. Mr. Ghiz will be sworn in next week as Prince Edward Island's thirty-seventh premier, ending 11 years of Progressive Conservative government on the Island.

Robert's father, of course, was the Late Honourable Joseph A. Ghiz, who served as premier of the province between 1986 and 1993. He played a prominent role on the national political stage as we grappled with constitutional reform.

Honourable senators, Robert Ghiz is an outstanding young political leader. The people of Prince Edward Island have given him a strong mandate to govern and I am sure that he will distinguish himself in the months and years ahead as a premier and first minister.

I know that honourable senators will join with me in offering Mr. Ghiz and the Liberal Party of Prince Edward Island our congratulations and best wishes on a remarkable electoral victory.

### RACIAL PROFILING BY POLICE FORCES

**Hon. Donald H. Oliver:** Honourable senators, I rise today to comment briefly on a new case of racial profiling in Canada. In a landmark decision, the Ontario Human Rights Commission ruled that there is mounting proof that racial profiling is a "systemic" practice used by Canadian police forces. The tribunal's decision received nationwide attention and front page coverage in the *Toronto Star*, Canada's largest newspaper. Honourable senators, on May 18, it received five-column coverage on the front page, and Senator Fraser would understand the significance of that: this is not a small story.

The tribunal ruled in favour of a Black woman, Ms. Jacqueline Nassiah, a single mother from Mississauga, that the Peel police racially discriminated against her. It began in February 2003 when Ms. Nassiah went to the Dixie Outlet Mall in Mississauga for a short shopping trip to Sears. According to *Toronto Star* columnist, Christian Cotroneo, Ms. Nassiah:

... was wrongly accused of shoplifting a \$10 bra, searched repeatedly, threatened with jail, and subjected to an obscene racial taunt by a police officer.

Ms. Nassiah could muster only one simple, sad reason, to explain how this could have occurred. She said it was, "because I am Black."

Ms. Nassiah repeatedly denied the allegation and even volunteered to be searched by staff in the washroom, but, this was not enough and the officer ordered a second body search after the first failed to find anything. The tribunal's report cites several factors leading to this event, such as:

The arresting officer, Richard Elkington, assumed that because she was Black, Nassiah might not speak English. He refused to look at all the evidence, including a security tape.

According to *National Post* columnist, Natalie Alcoba, tribunal member Kaye Joachim said,

What is new —

The article has in brackets "in the last two decades,"

— is the mounting evidence that this form of racial discrimination is not the result of isolated acts of individual 'bad apples' but part of a systemic bias in many police forces.

York Regional Police Chief, Armand La Barge, said that police services across the province are making policy changes in a concerted effort to make sure police forces:

... do not in any way, shape or form, engage in profiling activities of the public or of their own staff members. We have changed processes and procedures to ensure officers understand where the community is coming from.

The force has been ordered to develop a specific directive prohibiting racial profiling and train its members.

Honourable senators, in this particular case, the Peel Regional Police has been ordered to pay \$20,000 in damages to Ms. Nassiah.

Currently, Canada has more than 200 ethnocultural communities, while visible minorities total almost 15 per cent of Canada's population and account for one-third of our GDP. Canada is also a country that prides itself on its international reputation based on our commitment to the rule of law — democracy, equality and diversity. In short, diversity is an everyday reality for Canadians. It forms a part of our collective identity, and our future prosperity is contingent on attracting immigrants and visible minorities. Racial profiling hurts Canada's reputation both domestically and internationally.

Honourable senators, no one should be presumed to be either guilty or engaged in conduct or behaviour contrary to the law on the simple basis of the colour of their skin.

The decision of the tribunal is a step in the right direction, but we, as senators, must continue to speak out against these forms of injustice.

• (1350)

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of a distinguished delegation from the Canada-United Kingdom Inter-Parliamentary Association. The leader of the delegation is Mr. Austin Mitchell, MP. He is joined by Ms. Anne Cryer, MP; Mr. Jeff Ennis, MP; Mr. Roger Godsiff, MP; and our friend Lord Rogan of Lower Iveagh, from the House of Lords. They are accompanied by Mr. Paul Jackson, secretary of the delegation. On behalf of all honourable senators, welcome to the Senate of Canada.

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

### ROUTINE PROCEEDINGS

#### CRIMINAL CODE

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

**Hon. Wilbert J. Keon,** Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, May 31, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### EIGHTEENTH REPORT

Your Committee, to which was referred Bill C-277, An Act to amend the Criminal Code (luring a child) has, in obedience to the Order of Reference of Wednesday, May 9, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

**WILBERT KEON**  
*Deputy Chair*

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

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

#### PERSONAL WATERCRAFT BILL

##### REPORT OF COMMITTEE

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

Thursday, May 31, 2007

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

#### SEVENTH REPORT

Your Committee, to which was referred Bill S-209, An Act concerning personal watercraft in navigable waters, has, in obedience to the Order of Reference of Thursday, December 14, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

**TOMMY BANKS**  
*Chair*

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

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

**FIRST NATIONS LAND MANAGEMENT ACT****BILL TO AMEND—REPORT OF COMMITTEE**

**Hon. Gerry St. Germain**, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, May 31, 2007

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

**SEVENTH REPORT**

Your Committee, to which was referred Bill S-6, An Act to amend the First Nations Land Management Act, has, in obedience to the Order of Reference of Tuesday, May 15, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GERRY ST. GERMAIN  
*Chair*

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

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

• (1355)

**STUDY ON EVACUATION  
OF CANADIAN CITIZENS FROM LEBANON****REPORT OF FOREIGN AFFAIRS  
AND INTERNATIONAL TRADE COMMITTEE TABLED**

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *The Evacuation of Canadians from Lebanon in July 2006: Implications for the Government of Canada*.

**STUDY ON RECENT REPORTS AND ACTION PLAN  
CONCERNING DRINKING WATER  
IN FIRST NATIONS' COMMUNITIES****REPORT OF ABORIGINAL PEOPLES  
COMMITTEE TABLED**

**Hon. Gerry St. Germain:** Honourable senators, I have the honour to table the eighth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Safe Drinking Water for First Nations*, which deals with drinking water in First Nations communities.

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

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

**INTERNAL ECONOMY, BUDGETS  
AND ADMINISTRATION****SEVENTEENTH REPORT OF COMMITTEE PRESENTED**

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 31, 2007

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

**SEVENTEENTH REPORT**

Your Committee recommends that the following funds be released for fiscal year 2007-2008.

**Internal Economy, Budgets and Administration**

Professional and Other Service	\$ 5,000
Transportation and Communications	\$ 0
All Other Expenditures	\$ 0
<b>Total</b>	<b>\$ 5,000</b>

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

**NATIONAL SECURITY AND DEFENCE****NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO EXTEND DATE OF FINAL REPORT ON STUDY  
OF VETERANS' SERVICES AND BENEFITS,  
COMMEMORATIVE ACTIVITIES AND CHARTER**

**Hon. Joseph A. Day:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that later this day, I will move:

That, notwithstanding the Order of the Senate adopted on May 11, 2006, the date for the presentation of the final report by the Standing Senate Committee on National Security and Defence on the services and benefits provided to Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada, be extended from June 30, 2007, to March 31, 2008.

• (1400)

[Translation]

## QUESTION PERIOD

### HERITAGE

#### SUPPORT FOR THE ARTS— FUNDING FOR SUMMER FESTIVALS

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Could the Leader of the Government explain how she could say to Senator Lapointe on May 8, and I quote:

... we have been in government for over one year, and in that time our government has dramatically proven how committed we are to art and culture across the country.

Since the beginning of the week, the newspapers have been full of articles on the concerns of people running major festivals, such as the Montreal International Jazz Festival and the Just for Laughs Festival, about the lack of funding from the federal government.

My question is simple: If you are as dramatically committed to the arts and culture as you pride yourself on being, how will you deal with this problem and help our artists and culture get exposure and make themselves known this summer?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. Canadian Heritage, through its Arts Presentation program, will continue to spend more than \$20 million this year to support many of these local events.

In Budget 2007, we committed to set up a new program — and this may be where the confusion comes from — to assist local events celebrating arts, culture and heritage, with funding of \$60 million over a period of two years. This funding is new. It does not in any way affect the existing funding of \$20 million, as I mentioned, and will not, therefore, affect existing programs.

[Translation]

**Senator Tardif:** This week again, Quebec's tourism minister, Raymond Bachand, told the National Assembly that he had spoken with Minister Oda, and he added the following:

And I call on Maxime Bernier, Michael Fortier, Josée Verner for the Quebec City area, and Lawrence Cannon to intervene, as ministers responsible for Quebec, to defend the festivals.

What does Minister Oda not understand that makes it necessary for the Quebec government to call on almost all its federal ministers from Quebec to help the industry?

[English]

**Senator LeBreton:** I thank the honourable senator for her question. The minister has perhaps misunderstood what we are talking about here. As I mentioned in my first answer, the

\$20 million that has been in place to support programs this year continues to be in place, and many of these festivals will be supported out of these funds. Nothing has changed there. In Budget 2007, we have brought in a new program, an additional \$60 million. This money is new, therefore, for a new program. However, I do not think I need to remind honourable senators opposite or on this side or, in fact, any parliamentarian, that with this new money, given the problems with the sponsorship program, the government wants to be judicious in how this money is spent. We are working on a program of applications so that this money is put into the hands of deserving festivals and cultural events, and is fully accountable to the Canadian taxpayer.

[Translation]

**Hon. Francis Fox:** Honourable senators, my question is also for the Leader of the Government in the Senate and relates to funding for cultural events and festivals in Quebec this coming summer.

I listened carefully to the Leader of the Government's response. It would seem that she is the only one who is not confused. Festival directors in Quebec cannot understand why they are not receiving any funding.

Along with Senator Dawson, I would like to express how sad and disappointed we were at the statement made by Mr. Bachand, Quebec's tourism minister — I suppose he is mistaken, too — who said yesterday that Quebec ministers should avoid attending festivals in that province. We would nevertheless be delighted to see our colleague, Senator Fortier, make a proud appearance at the summer festival in his hometown of Quebec City.

• (1405)

Will the minister inform her colleague, Minister Oda, of the importance of making the funds available immediately, or is this just a smokescreen? Are they planning to kill off the festivals this summer and to let them go bankrupt, so that in October they can claim to be saving the day? Does the minister plan to promote federalism in Quebec by letting Senator Fortier attend Quebec City's big festival and other big festivals in the Montreal region with pride and a smile on his face?

[English]

**Senator LeBreton:** Honourable senators, the fact is that there is an Arts Presentation Program through the Department of Canadian Heritage, which is funding these local events this year. In Budget 2007, the government committed an extra \$60 million over two years. If that amount had not been put into the budget it would not even be on the table to consider. It is obvious that with this new money we will want to make absolutely sure that eligible and worthy festivals and cultural groups have access to this money.

The government is being judicious and careful in developing a program for distributing these funds to worthy groups. After what we went through with the sponsorship scandal that would only be prudent. I am sure all honourable senators would agree that we do not need a repeat of what we went through in the last few years.

With regard to organizations that claim they have not been funded, on that particular question I will attempt to ascertain from the Department of Heritage exactly which organizations have applied directly for funding this year, have not been approved and why not.

[Translation]

**Senator Fox:** I have another question for the Leader of the Government in the Senate. I hope this talk of sponsorships is not intended to serve as a red herring. Certain programs that help finance these festivals have been place for quite some time. For instance, when I was Secretary of State, the first grant given to the Festival de jazz de Montréal was given by my department, based on the criteria established at the time by that department.

Could the government at least consider the criteria established when these programs were under the responsibility of the Department of the Secretary of State, rather than resorting to a red herring and simply saying that, because there was a problem with sponsorships, all such programs must be cancelled? This undermines the very vitality of the major festivals held in the greater Montreal area, not to mention the scores of other festivals held across Quebec and Canada, for which, due to the department's inaction, the necessary criteria have yet to be established.

Establishing criteria is not exceptionally difficult. Minister Bachand has even offered to provide a series of criteria, if the government cannot establish its own.

Again, why not give federal representatives in Montreal the opportunity to stroll through these major festivals, with smiles on their lips and full of pride because the Government of Canada is contributing to and participating in the cultural life of Quebec, of Montreal and of Canada?

[English]

**Senator LeBreton:** I would be happy if I had a list of these festivals that the honourable senator claims were not able to access the money that is already there. Again, this is not a smokescreen. We would not be putting an additional \$60 million into a program to create a smokescreen. We are simply recognizing the importance of culture, not only in Quebec, but also across the country. That is why Budget 2007 allocated these additional funds.

I believe all Canadians, in the interests of ensuring that money is put into the proper hands, into worthy organizations, would want the Department of Heritage to develop a set of guidelines for application that would withstand the accountability scrutiny and to ensure that taxpayers' dollars are put into worthy ventures of various cultural and arts organizations.

• (1410)

In addition to the money that we have put into cultural events, we have made a host of announcements in other areas, such as museums.

[ Senator LeBreton ]

As I stated in my earlier response to Senator Fox, I will be happy to try to ascertain from the Department of Canadian Heritage the extent of the problem that the honourable senator seems to indicate exists.

[Translation]

**Hon. Dennis Dawson:** Honourable senators, my question is for the Leader of the Government in the Senate. Quebecers wish to have a Canadian presence in Quebec City. We, the senators and MPs from the Liberal Party, should visit Quebec City together with Ministers Fortier, Bernier and Cannon — all from the greater Quebec City area — and attend the 40th anniversary of the Quebec City Summer Festival. This festival is one of the many organizations that was refused funding this year. This is the first time, in the 35 years that they have received funding, that they have been passed over. This is their 40th anniversary.

This visit would prove that the Canadian government believes in the Quebec City region.

In recent months the government has changed its mind about several programs, including Canada Summer Jobs. There are a few weeks left to change direction and help out Quebec City organizations. I am a little guy from Quebec City. The government made an exception for some projects supported by Senator Fortier in the Montreal region. I am asking for a little effort to support the Quebec City Summer Festival.

[English]

**Senator LeBreton:** Honourable senators, I do not know what Senator Dawson is referring to in regard to making exceptions for Senator Fortier's projects. Suffice to say, this government supports Canadian arts and culture, and it supports our museum structure.

If a particular organization — it does not matter if it is this area or another area — makes an application and for some reason the application is turned down, I will have to ascertain from the Department of Canadian Heritage the reasons for that decision.

Many groups submit applications. There are years when a group's application will be accepted and other years when the application will be rejected. New people come on and people who have received funding in the past leave. There is a host of reasons as to why some applications are accepted while others are rejected.

With regard to the specific festival that Senator Dawson mentioned, I will be happy to seek an explanation from the Department of Canadian Heritage.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### STRATEGY FOR MOVING GOVERNMENT OPERATIONS OUT OF LARGE URBAN AREAS

**Hon. Hugh Segal:** My question is to the Minister of Public Works. I notice that he has recently been engaged in the transfer of 6,000 full-time equivalents from the Ottawa side to the Quebec side within the National Capital Region with respect to employees of the Crown. I congratulate him on the initiative, on the concern



about fair balance and cooperating with the transportation and municipal officials so as to make that transition as smooth and constructive as possible.

Would the minister indicate whether his department is working on a strategy for the broad decentralization out of big cities of back-office and other expensive federal government operations that are now in high-rent districts to smaller towns and rural areas where the economic presence would be extremely constructive and probably save Her Majesty tens of millions of dollars?

If he is working on such a strategy, could he share when he hopes to make it public? If he is not working on one, could he tell this chamber why not?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** I thank the honourable senator for his question. He has demonstrated that it is possible to ask the Minister of Public Works questions in this house as long as they are obviously on the topic of Public Works.

With respect to the announcement that we made yesterday, it is important to note that we refer to this as expanding our real estate footprint in Gatineau. As a result, obviously, there will be human beings who will be working in those buildings. However, we came to that decision, first and foremost, by keeping tax-dollar savings in mind as the cost of land and the cost of development in Gatineau is cheaper than it is in Ottawa.

With respect to the second part of the question as to whether we are considering moving from the many urban areas in which we operate across the country, the answer is that, as we look at the schedule of leases and when they actually terminate, we do have a plan to cycle out in certain cases. I will give you examples. We have call centres still in certain downtown areas across the country which we clearly need to revisit and push outside of costly urban areas.

• (1415)

Our strategy also involves trying to regroup certain departments within the same ministry and certain departments that work together here on the Hill in different areas of Canada so they can work more efficiently and, at the end of the day, work on behalf of taxpayers to save them money.

Yes, we are working on such a plan. I thank the honourable senator for his question because, although I like to answer questions, I never get any from the other side.

#### GATINEAU, QUEBEC—NEW GOVERNMENT BUILDINGS—ENVIRONMENTAL STANDARDS

**Hon. Mira Spivak:** I have a question for the minister. I noted, as did Senator Segal, that there will be some buildings built in Gatineau. Will they be built to the gold or platinum standard of the greenest lead standard?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** I thank the honourable senator for her question. They will be built to the lead gold standard.

#### STRATEGY FOR MOVING GOVERNMENT OPERATIONS OUT OF LARGE URBAN AREAS

**Hon. Percy Downe:** The minister may be aware that over 70 per cent of the executive positions are located in the greater Ottawa area. While the regions are always grateful for whatever jobs come to their area, we would hope that it would be more than call centres and what sound like low-paying jobs. Has the minister considered an equal distribution of those executive positions across the country?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** I thank the honourable senator for his question. Honourable senators know that with respect to public servants, the direct line reports to the Treasury Board. Public Works and Government Services Canada is not responsible for the employment agreements and contracts of various individuals who work for the Government of Canada.

Several non-urban regions in Canada house public servants. I referred to the call centres because this is obvious; it is low-hanging fruit. We would all agree that to have call centres in downtown Toronto and Vancouver does not make any sense.

Unfortunately, we signed the leases a few years ago, so we need to get out of them and spin these people out of these locations. We are not just looking at call centres; I want to reassure the honourable senator in that respect.

**Senator Downe:** I thank the minister for his answer. I appreciate and agree with the minister. His analysis of call centres as “low-hanging fruit” is correct. I would also urge him to study what has been done when whole departments, and in some cases, agencies, have been moved. As the minister is aware, when Mr. Mulroney was Prime Minister the National Energy Board was moved to Calgary. Veterans Affairs was moved to Charlottetown.

One of the benefits of these relocations is that the deputy minister right down to the mailroom clerk, the people in the call centre and everyone in between are housed in the same location. In the case of the relocation of Veterans Affairs Canada, it has been of tremendous benefit to the people of Prince Edward Island. I urge the government to do that across the country.

**Senator Fortier:** I take it the honourable senator would support my suggestion to move the Canada Revenue Agency to Vaudreuil-Soulanges.

#### THE ENVIRONMENT

##### KYOTO PROTOCOL— IMPACT OF LIBERAL PARTY OF CANADA PLAN

**Hon. David Tkachuk:** My question is for the Leader of the Government in the Senate. When it comes to explaining the full economic impact of the Liberals' latest environmental plan on our country, the Liberals are silent on Bill C-288. According to an article in the *National Post* on March 1, 2002, the current Chairperson of the Standing Senate Committee on Energy, the Environment and Natural Resources was uncertain whether he should support Kyoto even though he agreed something needed to be done about climate change. He stated that when Kyoto was ratified, Alberta, rightly or wrongly, would immediately pay a larger price than any other province in the country.

Could the Leader of the Government in the Senate explain the impact that the Liberal Kyoto plan would have on the Canadian economy and how the new Conservative government views the need to balance cleaning our environment with providing sound management of the Canadian economy and Canadian workers?

• (1420)

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** This is an excellent question. I notice it finally piqued the interest of Senator Banks when the honourable senator quoted him in his question on the economic analysis and the cost of the Liberal Kyoto environmental plan. I will be happy, Senator Tkachuk, to put on the record that the economic analysis released in April, which was backed up by reputable economists, shows that recklessly following a Liberal plan at this time would have a devastating impact on the economy.

The honourable senator mentioned the province of Alberta, and the analysis shows that the Alberta economy would be particularly impacted, both in terms of GDP and employment. Much higher costs of production associated with the introduction of a major carbon tax on energy inputs would lead to a significant decline in Canada's energy exports. The study shows that Canada's GDP would decline by over 4.2 per cent. This decline represents a deep recession, one that would dramatically lower the living standards of Canadian workers and families.

In contrast with the inaction of the past, we are taking action to reduce greenhouse gases and air pollution through a balanced commitment to environmental protection and economic stewardship. Our approach recognizes the urgent need to act on the environment while also respecting our responsibility to provide Canadians and their families with a good standard of living, and to keep those families working. We have already taken a number of steps forward, and we will continue to do so.

As honourable senators know, we are imposing mandatory emissions and air pollution targets on industry for the first time ever, and the regulatory plan introduced last month will cut air pollution in half by 2010 and reduce greenhouse gas emissions 20 per cent by 2020.

It is interesting that the honourable senator quoted Senator Banks. I had occasion to appear on an open-line radio show in Alberta, and callers were concerned that Senator Banks was overlooking one of the criteria that senators are supposed to adhere to as members of the Senate, and that is to represent their regions.

## THE SENATE

### ENHANCEMENT OF SECURITY— COMMENTS BY THE HONOURABLE TERRY STRATTON

**Hon. Roméo Antonius Dallaire:** I have a question for the Leader of the Government in the Senate. Last week on May 18, the Honourable Senator Stratton said in a phone interview, which my signals intelligence unit picked up, that the upper chamber is "an incestuous place that should be blown up." This statement is a bit strange, because a similar one was made 400 years ago by a chap by the name of Guy Fawkes when he led a plot to blow up

the British Parliament. As a soldier, I become concerned when people talk about blowing up things, particularly our democratic process, because I have spent my life defending against such an eventuality.

To the Leader of the Government in the Senate: Should we look at enhancing the security of the Senate and the nature of possible threats to the Senate, or is Senator Stratton's comment simply a case of loose lips reflecting the true nature of the thought process regarding the Senate in the leader's party?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, when one reads the article one sees that Senator Stratton referred to the Senate as dysfunctional.

In answer to the specific question about whether we provide extra security, with all the ex-military, ex-police and other experts in the Senate and our own capabilities, we are more than capable of physically defending ourselves.

The honourable senator referred to a similar incident happening in Parliament many years ago and the infamous Guy Fawkes. It is interesting that Britain now celebrates Guy Fawkes Night.

• (1425)

**Senator Dallaire:** We are not sure exactly what they are celebrating, because the House of Lords is still there.

### POSITION OF INSTITUTION VIS-À-VIS THE OFFICE OF THE PRIME MINISTER AND HOUSE OF COMMONS

**Hon. Roméo Antonius Dallaire:** Honourable senators, I saw an advertisement yesterday that the Conservative Party launched about Mr. Dion's lack of control over the honourable Liberal senators in the Senate.

Does the Prime Minister foresee the role of the Senate as being a chamber that should be controlled by our respective leaders? I speak of "control," instead of the term "command," which is more familiar to me.

Does the Prime Minister see the Conservative senators as nothing more than "an echo chamber of the government's agenda," as Don Martin wrote in the *National Post* yesterday? Does the Leader of the Government obey every desire of her leader, or is her office perhaps more of an extension of the Office of the Prime Minister?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, anyone who knows the members of the Conservative Party caucus would know that we are very strong individualists.

However, in answer to the honourable senator's question, these are advertisements run by the Conservative Party of Canada. As I mentioned in response to questions a few days ago, there was an election campaign and we ran on certain measures — democratic reform, tax fairness and strengthening our criminal laws.

[ Senator Tkachuk ]

The piece of legislation which is the focal point of this advertisement is Bill S-4. The advertisement is quite factual. We are in a parliamentary system. We discuss policies within our own caucus. The Leader of the Opposition in the other place indicated in February that he supported term limits for senators. Tomorrow is June 1 and we are still waiting.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### REVIEW OF GOVERNMENT POLLING— APPOINTMENT OF DANIEL PAILLÉ

**Hon. Sharon Carstairs:** I did not realize the Minister of Public Works and Government Services was feeling so lonely, honourable senators. I will do my best in the future to ensure that he does not feel lonely ever again.

The Minister of Public Works and Government Services awarded a contract recently to Daniel Paillé and a mandate to review government polling between 1990 and 2004. It is somewhat ironic that he did not want him to review any polling done by this particular government, only previous governments.

Mr. Paillé, by his own admission, has absolutely no knowledge of polling. Would the minister like to tell the chamber why he would appoint someone with no background and no experience in polling to review polling?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** I thank the honourable senator for her question. We appointed someone to review contracts that were handed out to polling firms for the period of 1990 to 2003. The gentleman that we appointed to do this work is reviewing contracts that have to do with polling.

Mr. Paillé will retain experts, if he believes that is necessary, but we have asked him to review how these contracts were awarded and to report back to me within six months.

### POSTING OF IPSOS-REID POLL ENTITLED “EXPLORING THE VIEWS OF CANADA’S MULTICULTURAL COMMUNITIES”

**Hon. Sharon Carstairs:** Recently, the minister’s government conducted a poll of ethnic Canadians. They asked questions essentially about how the government was doing on its five priorities. The cost of this polling was \$117,000. Yet, despite Treasury Board guidelines, this poll was not released. It only became public after the media made an access to information request.

My question to the minister is: Why was this information not released until the government was forced to do so?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** Honourable senators, I do not know the specifics of this particular poll. It was not conducted by my department. However, the honourable senator is right; the new guidelines exist and the polls should be released.

If the honourable senator has other examples of polls that have not been released, I would welcome her suggestions, and I will immediately tell the departments to release that information.

• (1430)

[Translation]

## ANSWER TO ORDER PAPER QUESTION TABLED

### HEALTH—PEST MANAGEMENT REGULATORY AGENCY

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 30 on the Order Paper—by Senator Downe.

[English]

## BUSINESS OF THE SENATE

**Hon. Gerry St. Germain:** Honourable senators, with leave of the Senate, I move that Bill S-6, placed earlier on the Orders of the Day for third reading at the next sitting of the Senate, be placed on the Orders of the Day for third reading later this day.

After consulting with the leadership and the opposition critic, I seek the consent of the Senate. Tremendous work has been done by all colleagues who worked together closely on Bill S-6. It has been requested that the bill be expedited in the spirit of providing economic opportunities for Aboriginal peoples in the province of Quebec.

**The Hon. the Speaker:** Honourable senators, is leave granted for third reading of Bill S-6 later this day?

**Senator Cools:** I am not following. Which bill is it?

**The Hon. the Speaker:** Bill S-6, which was reported without amendment earlier this day.

**Senator Cools:** We are not there yet.

**The Hon. the Speaker:** The honourable senator is asking for leave.

**Senator Cools:** It is not on the Order Paper.

**The Hon. the Speaker:** Bill S-6 was reported earlier without amendment and the motion was to put the bill on the Orders of the Day for third reading at the next sitting of the Senate. However, Senator St. Germaine is asking leave to place the bill on the Orders of the Day for third reading later this day.

Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

---

## ORDERS OF THE DAY

### CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

#### BILL TO AMEND—THIRD READING

**Hon. Hugh Segal** moved third reading of Bill C-11, to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, as amended.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question!

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

Motion agreed to and bill, as amended, read third time and passed.

### FIRST NATIONS LAND MANAGEMENT ACT

#### BILL TO AMEND—THIRD READING

**Hon. Gerry St. Germain** moved third reading of Bill S-6, to amend the First Nations Land Management Act.

He said: Honourable senators, I am very happy to rise today to express my support for Bill S-6, to amend the First Nations Land Management Act. This is a small bill, but it has significant ramifications. Honourable senators heard from Senator Peterson, not to mention my own speech at second reading just a few weeks ago, about why this bill to amend an existing statute is so necessary. Those of us who are members of the Standing Senate Committee on Aboriginal Peoples also had the opportunity to question officials from Indian and Northern Affairs Canada. Most importantly, we heard from the people who will be impacted directly by this change and from First Nations leaders who have been involved in the implementation of the framework agreement that underlies the parent act, the First Nations Land Management Act. They all spoke to the numerous benefits of this proposed legislation. In a single stroke, this bill will amend the First Nations Land Management Act to allow First Nations in Quebec to opt into the act if they so desire.

There is another legislative proposal that the government introduced which demonstrates its commitment to working with First Nations. Bill S-6 will enable First Nations to develop the tools and mechanisms that they need to determine their own economic development plans with the intent to create a more prosperous future.

Last fall, I sponsored Bill C-34, the First Nations Jurisdiction Over Education in British Columbia Act, which the Senate considered and which received Royal Assent last December 12. The act allows First Nations children in my beautiful province of British Columbia to access an education that not only meets provincial standards, but also provides the all-important cultural component that is essential in the educational development of each child.

All honourable senators are aware of the great potential that exists among members of First Nations communities to want to participate fully and maximize their economic opportunities in the Canadian economy. In terms of labour force and entrepreneurial development, the First Nations represent a significant human resource. Bill S-6 is an important progressive means of expanding the benefits of direct land management to First Nations in Quebec, if they choose to go this route.

The genesis of the proposed legislation before us is, of course, the First Nations Land Management Act, which received Royal Assent in 1999. By the way, I worked closely on this particular piece of legislation with many members in this place. It was a tremendous thing then and I still believe it was a great move on the part of the government of the day to bring forward the legislation. The act permitted First Nations that opted into it to adopt a formula that gave them greater control over their land and resources. At the heart of the First Nations Land Management Act is the Framework Agreement on First Nations Land Management, signed in 1996 between the Government of Canada and the 14 First Nations who initiated this arrangement.

The Framework Agreement allowed participating First Nations to opt out of the restrictive property provisions of the Indian Act. Simply put, however, since there was no First Nation from Quebec among the original signatories to the Framework Agreement, that document was drafted on Common Law rather than on Civil Law concepts. Only afterward did it become apparent that this made accessing the benefits possible under the Framework Agreement difficult for the First Nations in Quebec. This is the situation that the bill before us will correct. If First Nations in Quebec elect to opt into the legislation, they will have access to all of the essential legal powers required to manage their lands and resources.

Honourable senators, the First Nations Land Management Act is a proven success. Of the 47 First Nations currently opting into the act, 17 have had their land tenure systems approved through negotiations with the department and through successful ratification votes by their own communities. Already, they are setting up job creation projects on their own land without seeking approval at every step from Ottawa and the department. One of the first, Westbank First Nation in British Columbia, has moved through this land management regime and has gone on to conclude their self-government agreement.

• (1440)

We should all care about this because these economic projects will create attractive job prospects for First Nations youth, which will in turn encourage these youth to stay and grow along with their communities.

I think that this is the crux of Bill S-6. It puts the opportunity and the means of economic success squarely in the lands of the First Nations in Quebec. It enables them to plan their own economic future according to their community's individual circumstances. In developing these economic opportunities, they can build the foundations of vibrant, successful communities.

When Chief Austin Bear of the Lands Advisory Board appeared before our standing committee, he talked about the cooperation that the 17 operational First Nations gave to this

project. All 17 were convinced that they wanted to open the framework agreement up to the First Nations communities in Quebec. All 17 passed band council resolutions to express their support for the initiative and they have also signed the framework and agreement amendment.

Chief Bear was able to give us concrete examples of how First Nations are benefiting from the ability to manage their own lands. We can only imagine what that means for the leadership and the people of these communities.

There are another 30 First Nations communities working with the Lands Advisory Board and the department towards developing all the land codes necessary to put an informed package before their people for consideration and ratification.

The standing committee also had the opportunity to talk to Chief Ross from the Innu First Nation of Essipit on the banks of the St. Lawrence River. Chief Ross and his council are convinced that there are benefits for their community in opting into the provisions of the framework agreement.

This community has already made great strides in economic development through thriving tourism ventures on their land. They have advised us that other Quebec First Nations are watching this development with interest.

Honourable senators, Bill S-6 is an important enabling piece of legislation and I want to take this opportunity to thank the members that sit on the committee. I think of Senator Campbell, Senator Sibbeston, Senator Gustafson, Senator Lovelace Nicholas and others that sit on this committee. We have been able to work together in a non-partisan manner to further the cause of our Aboriginal people and I think this is critical. We have Senator Hubley and the critic on this, Senator Peterson, who showed leadership in working with us and putting this forward and making it work.

I urge all senators to give Bill S-6 your full support and I thank you for the cooperation of this place in making certain that we expedite these initiatives in the way we should.

**Hon. Tommy Banks:** Would the honourable senator accept a question?

**Senator St. Germain:** Certainly.

**Senator Banks:** I agree with the honourable senator's comments about the very good value in the bill which this seeks to amend.

I have a question that refers to section 19 of the present bill. I would not ask this question had this bill not originated in this place. We will now, I presume when we pass this, as I hope we will, send it to other place for consideration and ratification.

Section 19 is a short paragraph that has to do with the coming into force of this bill. It is one which, if it were to stay in its present form, gives to this government, the next government or the government after that, the freedom to determine when, and sometimes that has become "if," this amending bill would come into effect.

Ordinarily there are clear reasons in a bill when this kind of clause is included as to why it is included, usually having to do with consequential amendments to other bills or the bringing into force of another act, which is required to give effect to this one. A perusal of this bill shows there are no such consequential amendments and it simply amends an act which, as the honourable senator said, in itself is good and this makes it better.

Is there a reason for devolving to the government the option of deciding when this comes into place or does the honourable senator think it would be more efficacious and bring more certainty to the application of this amendment if this particular clause made a date certain; for example, six months after receiving Royal Assent?

**Senator St. Germain:** I commend the senator for his astute observations of this particular clause.

I cannot give the honourable senator the reason why this clause is included because I do not have it. I can assure honourable senators that the First Nation Land Management Act has been so well accepted in the Aboriginal community, I do not care who is in power, I cannot foresee them stalling this particular initiative or Royal Assent of this particular bill.

The track record is there. Robert Louie, the Chief of the Westbank band, is the chair of the Land Advisory Board of this particular First Nations Land Management Act. I can only assure the honourable senator of one thing: If the present government, of which I am part, was delaying this bill, it can rest assured there would be an outcry from this seat.

I do not have an answer to the question, but I can assure the honourable senator that there would be a tremendous amount of pressure on any government to pass this bill because of the huge success in the ability of First Nations to get out from under the Indian Act to manage their own lands.

I cannot see any reason for delay, but I can assure the honourable senator that I will be watching for it to make it certain the moment it passes the other place, Royal Assent is received and the Quebec First Nations are given the same opportunities that the rest of the country enjoys.

**Senator Banks:** To be sure of my question, I have no doubt that the government would not stand in the way of Royal Assent of this or any other bill, but after Royal Assent has been obtained, this bill, if it were to become an act, says that notwithstanding Royal Assent having been attained and obtained and given, the government has the option of deciding when the bill will come into force. It is the latter thing on which I presume the honourable senator is undertaking to bird-dog this very carefully. I will rely on the honourable senator.

**Senator St. Germain:** The honourable senator has my assurance.

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

Motion agreed to and bill read third time and passed.

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Segal, for the second reading of Bill C-22, to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**Hon. Catherine S. Callbeck:** Honourable senators, I rise to speak today on Bill C-22, an act to amend the Criminal Code, the age of protection and to make consequential amendments to the Criminal Records Act.

This legislation amends the Criminal Code in order to raise the age of consent referred to as the age of protection. The current age of consent, which has been in place since the late 19th century, is 14 years old. This legislation, once passed, will raise that age of consent to 16 years old.

This amendment of the Criminal Code is a serious step. Once completed it will be tremendously difficult to change back. No doubt the Senate committee will want to look at the studies and consultations done by the Government of Canada in preparing the legislation as well as to hear from a wide variety of witnesses. As parliamentarians, we must be sure we do the right thing for Canadian youth. We need to ensure that the legislation criminalizes predators and not young people.

• (1450)

The age of consent varies greatly in different countries around the world. In the United States, the age of consent is either 16 or 18 years. Many states in Australia, as well as countries such as New Zealand, Russia and the United Kingdom, have placed their age of consent at 16. In countries such as France and Germany, the age of consent is consistent with ours, at age 14. I am sure that in the course of this study, the Senate committee will contrast and compare the legislation that exists elsewhere.

This legislation contains only four clauses. It amends various provisions in the Criminal Code that state that the current age of consent for sexual activity is "14 years" by changing the words to "16 years." This bill adds a "close-in-age" exception. This exception applies only to 14- and 15-year-olds who engage in sexual activity with a partner who is less than five years older, and where there is not a relationship of trust, authority, dependency, or any other situation which is exploitative of the young person.

The current legislation also has a "close-in-age" exception, in that 12- and 13-year-olds may consent to sexual activity. This exception applies only if their partner is less than two years of age older and less than 16, and provided that the relationship is not exploitative. This exception will remain in place.

An additional time-limited exception will also be available for 14- and 15-year-olds who, when this piece of legislation comes into effect, are already married or living in a common-law relationship for more than one year, with a sexual partner who is more than five years older. This exception will also apply in cases

where a 14- or 15-year-old person is expecting a child or has a child with a partner more than five years older, even if their living together does not meet the minimum time frame to be considered common law. Statistics Canada data from the 2001 census shows that there are 15-year-olds involved in a legally married or common-law relationship.

Views on this legislation are varied and complex. On the one hand, this bill is supported by a number of groups, including parent groups, child advocacy groups, police and law enforcement. They believe there are serious consequences to Canada's current age of consent.

The House of Commons Standing Committee on Justice heard testimony that this country has become a sort of sex tourism destination for predators who are looking for 14- and 15-year-olds to exploit. Detective Sergeant Kim Scanlan of the Sex Crimes Unit at the Toronto Police Service noted that:

Canada's low age of consent is openly discussed in peer-to-peer chatrooms by sexual predators.

Tony Cannavino, President of the Canadian Police Association, also testified before the committee and said:

Those who would prey on our children through the Internet or other means understand that it is not an offence in Canada for an older person who is not in a position of trust or authority to have consensual sexual relations with a child of 15 years.

Police believe that raising the age of protection, while putting the close-in-age exception in place, gives law enforcement the tools they need to curtail those types of activities without affecting teenage sexual behaviours.

While there is support for the legislation, a number of concerns have been expressed that require the careful study of the Standing Senate Committee on Legal and Constitutional Affairs.

There are significant concerns that the rigidity of the close-in-age exception will criminalize the sexual behaviour of youth and, as such, young people will find themselves in violation of the law. For example, it would not be out of the ordinary for a 14-year-old and a 19-year-old to attend school together and to meet at other social functions. Even if their birthday was on the same day, any sexual relationship would be termed illegal, given that the legislation clearly states the exception is "less than five years."

This provision becomes all the more problematic in that young people could find themselves labelled as sex offenders. Jason Gratl, President of the British Columbia Civil Liberties Association, testified before the Justice Committee to that effect. He said:

We are talking about drastic consequences to individuals who are convicted of sexual offences — not only potential penal consequences, but inclusion of sexual offender databases and registers. These are consequences that ultimately change a person's life from there on in, making that person subject to extra monitoring, extra prescription and so forth.

A number of witnesses also testified to the committee that the close-in-age exception may give rise to a constitutional challenge. According to Professor Daphne Gilbert from the Faculty of Law, Common Law Section at the University of the Ottawa, the minimum age for marriage with parental consent in the territories is currently 15 years of age, while in the provinces, the age is 16. In addition, a number of provinces have provisions, such as by judicial order or ministerial permission, which allow a marriage under the age of 16 when it is in the best interests or expedient to do so, as in the case of pregnancy. It is then possible that a marriage between a 15-year-old and a partner more than five years older would be allowed under provincial jurisdiction, but that sexual relations in the marriage would be against federal law.

Professor Gilbert stated:

Given, then, that both schemes are constitutionally permissible — the provincial age limits under solemnization of marriage competence and federal criminal law age limits for lawful sexual activity — the legal question becomes how to resolve the constitutional conflict.

In this situation, federal and provincial law would be in direct conflict with one another. The marriage itself would be legal, while sexual relations between the couple would not. In cases where federal and provincial laws are in conflict, judicial doctrine regularly states that federal law is paramount. As a result, for couples where one of the parties is more than five years older, the territories would need to raise their minimum age for marriage to 16 and provinces that have exceptional provisions would need to eliminate them altogether.

A number of organizations expressed their concerns that teenagers would be reluctant to seek sexual health information and services for fear that they are breaking the law by being sexually active, especially if that relationship is outside the five-year age limit.

Andrea Cohen, President of the Board of Directors of the Canadian Federation for Sexual Health said:

The perception or reality that a young person or his or her partner would be reported to authorities and prosecuted for consensual sexual activity outside the five-year limit will result in sexually active youth not seeking or getting the health services they need. There are potential consequences to this. The prevention of unintended pregnancies, the prevention and treatment of sexually transmitted infections, and the prevention of HIV/AIDS will be seriously compromised.

We do not want Canadian teenagers to be afraid to obtain sexual health information or to seek medical attention. It was suggested during the Justice Committee's hearings that an aggressive public awareness campaign on this legislation might alleviate the problem. The Senate committee will want to look into this area and hear the concerns and possible solutions from both adults and young people themselves.

Honourable senators, there has been both a wide range of support and concerns for this particular piece of legislation. There are those who say that the current laws are sufficient to protect

youth from exploitation and abuse. I know that many Canadians are concerned about the use of new technologies, such as the Internet, by adult predators to sexually exploit youth, and indeed we should be concerned. A poll conducted earlier this year found that 25 per cent of children aged 10 to 14 said they would feel safe meeting a person they have met only online.

We all agree that we want to protect Canadian youth from those who would attempt to exploit them, but significant concerns about the legal and social consequences of this bill remain. The Standing Senate Committee on Legal and Constitutional Affairs will want to give careful consideration to all these issues, as well as others, when Bill C-22 is referred for study.

• (1500)

**Hon. Sharon Carstairs:** Honourable senators, I rise to say a few words on Bill C-22, but I speak today because I have no intention of preventing this bill from going to committee as soon as possible. However, I wish to express my concerns — concerns that I hope will be dealt with by the committee.

On the surface, Bill C-22 would appear to be a good bill; raising the age of consent for a sexual act to 16 years from 14. Let us be very clear what this bill does not do.

This bill does not deal with the issue of a relationship between a child — because I think a 14-year-old is a child — and someone in a position of trust; a parent, a guide leader, a teacher. That is already dealt with in the Criminal Code. That is already a criminal act.

This bill deals with the consensual sexual act of a 14-year-old, whether male or female. It really asks the question: Do 14- and 15-year-olds have the maturity to decide to participate in sex? In other words, we are stating, if we pass this bill, that we do not believe that 14- or 15-year-old girls or boys have the appropriate decision-making capacity to make a decision of this magnitude.

I find it somewhat strange that this bill comes from a government whose former Minister of Justice, the Honourable Vic Toews, has indicated that children as young as 10 have the mental capacity to determine whether or not to commit a criminal act and should be treated like adults when they do so.

Honourable senators, I believe 10-year-olds are children and I also believe 14-year-olds are children. We should not have a double standard, whether it is with respect to a sexual or criminal act. I would suggest to honourable senators that our Youth Criminal Justice Act deals harshly with 14-year-olds, and I ask you to consider that.

I also think we have to be consistent in the age at which we protect children from themselves and the influence of their peers. I want the committee to look seriously at the sexual activity of 14- and 15-year-olds. I spent 20 years of my life teaching junior and senior high school students. While I regretted what I saw going on around me, it was all too obvious that many 14- and 15-year-old boys and girls had active sex lives. Therefore, my concern became focused on how to educate young persons, first by trying to make them understand the seriousness of decisions they had made or were due to make and, second, by providing them with the information, if they made that decision to have an

active sex life, to prevent an unwanted pregnancy. That is why, for example, I taught the first family life education programs in the province of Alberta.

My concern now is: Would this bill lead to a decrease in appropriate education programs for teenagers? Will this legislation prevent teens from seeking information about the activity they are participating in or thinking about participating in? Will this bill prevent them from seeking and learning information about sexually transmitted diseases, diseases that are on the increase in Canada, and particularly among young teens?

Unfortunately, we know all too well about child prostitution. Honourable senators, one can see 14- and 15-year-olds on the street soliciting in many of our large cities if one looks closely enough. At the present time, they are visible. They are visible to child sex workers and to social workers. If we pass this proposed legislation and the act of participating in sex becomes illegal, will those who manage these young boys and girls — and they are indeed managed — then take them inside, where they will not be observed by social workers and by child sex workers, and where they will not get the help that they need? I do not know the answer to that. I am asking the question.

Honourable senators, what of our Aboriginal children? Aboriginal children are the most highly incarcerated children in this country. Will this bill make their situation worse? Will it make it better? Will it have no effect? Again, I have no answers for honourable senators, and that is why I ask that we review this matter seriously in committee. I regret to say that many of these issues were not addressed thoroughly by the House of Commons committee that dealt with this bill.

The decision that we make to raise the age of consent from 14 to 16 must not be done as a glib, quick solution to what we think is the unacceptable behaviour of a 14-year-old. We must make this decision on whether this proposed legislation will prevent children from harm or whether we will, in fact, create a greater harm.

On motion of Senator Tardif, for Senator Joyal, debate adjourned.

[Translation]

## CONSTITUTION ACT, 1867

### BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATED 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 said a few words yesterday about this motion, but I did not use up my full 15 minutes. Could you confirm that I still have some time left?

[ Senator Carstairs ]

[English]

## POINT OF ORDER

**Hon. Anne C. Cools:** I would like to begin my point of order by thanking Senator Comeau for his gracious acceptance of my apology earlier and to say to him that the apology was well meant and very sincere.

I would like to raise questions that may be easily resolved here. They may be. First, let me say that this particular issue before us now is under the rubric Reports of Committees Order No. 1, which is:

Resuming debate on the motion of the Senator Comeau, seconded by Senator Di Nino, for the adoption 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, 1967 (Senate tenure)), tabled in the Senate on October 26, 2006.

The important issue, honourable senators, is that yesterday, I think it was, Senator Ringuette made a successful motion to adjourn that debate. According to this Order No. 1, that result has totally either disappeared or evaporated; I am not sure which.

That would be the first question I would like to have resolved. There was a vote yesterday, not just a voice vote, but also a division — the bells rang, senators were called in, and there was a vote in favour of Senator Ringuette's motion.

My understanding is that this appearance on the Order Paper today arises out of a point of order that followed the division. That is the right word, honourable senators — “division” — that followed the division yesterday.

• (1510)

The next question that I wish to raise here is how can a Speaker's ruling overcome a division and what in fact is an order of the Senate? I will come to the Speaker's ruling in a moment. I am trying to lay these points out so that senators can follow and understand. Despite the slight hiccup yesterday with the wrong information from the table, the fact of the matter is that when I rose I thought Senator Comeau, though well-intentioned, was wrong, particularly in trying to move a motion and have it adopted simultaneously. That remains a concern. Whereas I was wrong on the fact of whether or not he had moved the motion originally, I was still correct on that fact.

I draw honourable senators' attention to our rules and to rule 57(1)(e), where it states clearly, without any doubt:

Two days' notice shall be given of any of the following motions:

(e) for the adoption of the report of a special or special joint committee;

Honourable senators, the report before us is a report of a special committee. Two days' notice is required. The best and the most generous interpretation that can possibly be given to what Senator Comeau moved yesterday is that it was a notice, despite the fact that at the time I knew that he wanted to speak to the



motion and have it adopted simultaneously. In order that senators can be crystal clear, the rule is under “notices”. The margin notes say: “Two days’ notice of certain motions.” Rule 57(1) says: “Two days’ notice shall be given of any of the following motions.” Rule 57(1)(e) says: “for the adoption of a report of a special or special joint committee.”

Clearly, honourable senators, the proper way that he should have moved ahead yesterday was that Senator Comeau should have risen and given notice of his motion. However, for the sake of argument yesterday, because I was dealing with another subject, I did not raise that because one can always treat that as notice. However, two days’ notice means that he cannot speak today or that the debate on this motion cannot take place today. Therefore I would like that question addressed. There is no doubt whatsoever about the clarity of rule 57(1)(e).

The issue then becomes now, honourable senators, Senator Comeau’s actual moving of his motion. If honourable senators would look at the *Debates of the Senate* of yesterday, page 2462, May 30, 2007, states:

**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.

Honourable senators, that is not what the blues of yesterday’s *Debates* say and that is not what happened here yesterday. I shall now read from the blues of yesterday, as they are different. I know, honourable senators, because I was trying to get to my feet as fast as possible and I darted over to the table to get back here, so I am pretty aware. What happened yesterday is the following, according to the blues.

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

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

Honourable senators will notice that the motion was never seconded nor adopted.

I believe that the information about the seconder of Senator Comeau’s motion was brought when I rose here yesterday to say what the table had told me. At that point, Senator Pierrette Ringuette rose and said:

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 Ringuette was very fast to get in there. There is a difference of expression of events in the two reports; the one in the blues and one in the *Debates*. I do not know how His Honour can resolve that. It is not unusual for zealous staff to rewrite the blues to reflect what they think should have happened. Perhaps that is what has occurred. I tried to get a copy of the audio but I was not

able to listen to it in time. At any rate, my recollection — and maybe Senator Ringuette can help with this — of yesterday’s events was that Senator Comeau’s motion was not properly moved. It was so fast that it was not properly moved and properly put before us with notice. Senator Ringuette moved with lightning speed yesterday, which is what members of Parliament are supposed to do.

I hope I have been clear. However, the blues show clearly that Senator Comeau’s motion was not seconded; neither was any notice given for it. That problem could have been overcome had Senator Comeau asked for leave to move the motion, but leave was not requested so it did not present itself as a problem yesterday.

Honourable senators, I would like to have some resolution on this issue because Speakers’ rulings play an important role, but the role that they do not play is to determine which motion should move ahead quickly or to overcome another. Clearly, two motions were moved, though one was improper. One was voted on. One can even say that that one motion superseded the first one, the one of Senator Comeau. This will take some resolution in this place from honourable senators.

Honourable senators, if we could just move on to page 2464 of yesterday’s *Debates*, still May 30, 2007. I am now looking at the record on the point of order, which Senator Comeau justly and properly raised in respect of questioning why he was being denied the opportunity to move his motion.

I will now go to the Speaker’s ruling at the end of the point of order. I tried last night to clarify that there was no notice and to apologize immediately, but I did not have the opportunity. However, if we look at the ruling that the Speaker gave last night, and we look at the *Debates* as reported at page 2464, and the edition of the blues, we see a difference again.

• (1520)

If we look on page 2464 at the paragraph:

**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.

The blues say something different now. They come to a different conclusion. The blues say at page 1540-9 “That motion has now amended the question.”

In other words, the blues say that Senator Comeau’s motion is no longer a free-standing motion that can supersede a previous motion because there is a conflict between the two; the debates and the blues. One was voted on and the other one was not. It clearly shows that there is a problem.

According to the blues, that motion has now amended the question. The Speaker’s ruling as reported in the blues is saying that we now have a question that has been amended, which is different from what was reported in yesterday’s *Debates of the Senate* at page 2464. It says: “We are considering a report and a motion asking that that report be adopted.”

Somewhere along the line, maybe a zealous table officer excluded that sentence that was in the blues at page 1540-9, "That motion has now amended the question." I would like honourable senators to look at this.

If honourable senators also look at Senator Comeau's remarks at page 2464, when he was basically appealing to the house for relief from a mistake — and I think that is fair and just — he said:

Therefore, my motion to have this bill dealt with today was denied, and I took the position that I had better be absolutely sure.

He then went outside and checked very correctly, I thought.

There is something here that is either an error or someone has corrected or edited the record in some way to favour one motion over the other.

However, that is still academic. The fact remains that perhaps there is a different resolution. I sincerely believe that quite often these things happen, and people do mean well. However, the fundamental question that must be asked is that according to the outcome of a vote yesterday, Senator Ringuette should be the first on the floor today holding the adjournment from yesterday. Today, to my mind, we would have sorted out the proper fate of Senator Comeau's motion bearing due respect to everything else that had happened.

Honourable senators, this sounds remarkably complicated, but it is not. All that must be considered is the proper role of a Speaker's ruling, and there is no Speaker's ruling that can defeat or overcome a division that agreed with the fact that Senator Ringuette should be the first one to speak today on the report, not on Senator Comeau's motion.

The question of the fate of Senator Comeau's motion is somewhat unclear. If I were in his position, I would have reintroduced it today and put it on notice because it requires two days' notice anyway, and it would be on for Tuesday in any event. There is no doubt that Senator Comeau cannot speak to that motion today because it requires two days' notice. The Speaker, by a Speaker's ruling, cannot decide that he should make it a one-day notice.

I hope I have made myself clear. I have just been speaking from the record in front of me. I hope I have made sense of it. Something is quite out of order in this instance.

**Hon. Joan Fraser:** Your Honour, as is often the case, Senator Cools has raised some acute and important points. It is true that notice was not given for the motion that Senator Comeau made yesterday, and it should have been given. Two days' notice is indeed required for the adoption of a report by a special committee. That was not done.

As honourable senators know, the proceedings at that particular point were confusing to a large number of us in the Senate, and it will be Your Honour's duty to seek appropriate remedies. I have a couple of suggestions.

My second point, in particular where I would support Senator Cools, is in her observation that adjournment was not granted for the balance of Senator Comeau's time; it was granted in the name

of Senator Ringuette. Therefore, technically, Senator Comeau has lost his slot.

However, I am sure that it would be within Your Honour's capacity to draft appropriate language for the Senate to give leave first for the proceedings yesterday to be deemed to have consisted of the requisite two-day notice, which would bring us to a debate on Tuesday. Once that had been done, seek further leave, should Senator Comeau wish it and should Senator Ringuette wish to grant it, in particular for Senator Comeau to be able to speak for what would have been the balance of his time had we adjourned for the balance of his time.

As for the matter of discrepancies between the blues and the printed record, I would urge Your Honour to consult the audio. I am not in a position to make any judgments on it. We know that sometimes things appear that are not exactly as we said them, and I do not blame anyone for that. I know that I myself do not always speak as clearly as I would like and that when many things are going on, not everyone catches it. However, it is important for the printed record of this place to be accurate. I would leave that in Your Honour's hands.

**The Hon. the Speaker:** Is there advice from the government side?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** We leave it in the capable hands of the Speaker.

**Senator Cools:** I would like to say, honourable senators, I would be happy to give agreement and leave to Senator Comeau to speak today for the whole time. I think Senator Comeau should know that if he had asked for leave yesterday, it would be a different question.

Honourable senators, we can find it in our hearts to be magnanimous and generous at times. I think we can resolve the issue, since Senator Ringuette is willing, on Senator Comeau's motion. If I were he, I would rise now, put the motion again and ask leave to begin that debate on his motion now.

With respect to the other question of the discrepancies or differences between the blues and the *Debates*, I think His Honour should look into that and listen to the audio. As I have said before, I did not have an opportunity to listen to the audio, so I cannot say with certainty which record is correct or which one is more correct. I will leave that in His Honour's hands.

**The Hon. the Speaker:** Honourable senators, on the last point mentioned by Senator Cools, I will indeed undertake the appropriate steps. It has not been my practice to check the blues since I have been in the Senate for the past 17 years. That is why I am sure there are many misnomers attributed to things that I have said in the Hansard.

It seems to me there is an agreement in the house that we deem that leave has been granted so that we can proceed.

**Senator Fraser:** I have suggested that we deem the proceedings yesterday to have consisted of two days' notice for the motion in question, which would bring us to Tuesday.

• (1530)

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

## PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

### BILL TO AMEND—SECOND READING

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*)

**The Hon. the Speaker:** Senator Andreychuk was speaking on this item when we arrived at a bell at four o'clock.

**Hon. A. Raynell Andreychuk:** Thank you, honourable senators. I rose yesterday to speak to Bill S-219, a bill that Senator Joyal introduced in this chamber. I will resist rereading the comments I made yesterday. However, Bill S-219 has three key changes to our existing laws.

First, it will amend the Parliamentary Employment and Staff Relations Act, PESRA, 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. This provision 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 clause, section 4 of the Parliament of Canada Act.

Honourable senators, this bill will deal specifically with the gaps that currently exist. In particular, it will ensure that employees who are covered by PESRA will have the full protection of the Human Rights Act, eliminating any discrepancies that currently exist.

Senator Joyal has chosen the legislative route in Bill S-219. It warrants study, and the gap for employees is certainly one that needs to be addressed. However, I would like to explore further whether a legislative answer is necessary to the problem or whether regulations or rules within the Senate would provide for this assurance for employees without unnecessarily yielding rights and privileges of parliamentarians. I further believe that we should be consistent, or at least attempt to be consistent with the other House.

For example, the *Vaid* decision makes it clear that it is not necessary to repeal subsection 4(1) of PESRA to make a link to

the Canadian Human Rights Act. Again, the Supreme Court stated clearly that:

The Canadian Human Rights Act applies to all employees of the federal government, including those working for Parliament.

Of particular concern is that curtailing the privileges, immunities and powers referred to in the non-derogation clause may lead to a greater number of difficulties. We should also note that the House of Commons Board of Internal Economy has asked the House staff to develop options on how to ensure that parliamentary staff have appropriate provisions for ensuring the protection of their human rights.

We should also be mindful of the employees working within our respective offices. As we take this issue on, we should consider another related issue: Privileged employees — our clerks in this chamber, as well as the Black Rod — have no protection. They are not covered under PESRA or under the Public Service Labour Relations Act. Should they have a grievance, from a legal standpoint they may be amongst the least-protected individuals in this country.

Therefore, I thank Senator Joyal for his continuance in following this issue and in ensuring that we in the Senate deal with this problem of lack of full compliance with the Canadian Human Rights Act. I believe that the bill should be studied with the previous order within a broader assessment of the compliance with the Canadian Charter of Rights and Freedoms and other human rights legislation in Canada.

I believe that if this bill is referred to the Standing Committee on Rules, Procedures and Rights of Parliament, this will give us an opportunity to study the bill fully and any related other solutions that may be appropriate. Thank you, honourable senators.

**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 a second time.

REFERRED TO COMMITTEE

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

On motion of Senator Carstairs, bill referred to the Standing Committee on Rules, Procedures and Rights of Parliament.

## BANKRUPTCY AND INSOLVENCY ACT

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Yoine Goldstein** moved second reading of Bill S-227, to amend the Bankruptcy and Insolvency Act (student loans). —(*Honourable Senator Goldstein*)

He said: Honourable senators, Bill S-227 is a bill intended to provide needed relief to young Canadians who have borrowed money to pay for their education and find themselves unable to repay their loans.

As a key to this debate, in which I hope many of you will actively participate, I want to explore with you, first, the Canadian student loans programs; second, the Bankruptcy and Insolvency Act provisions relating to student loans; and third, the thrust and intent of the proposed amendment.

To do this, I am borrowing and drawing liberally — and I hope that the term does not offend honourable senators on this side of the chamber — from excellent research by Professor Stephanie Ben-Ishai of the Osgoode Hall Law School, an excellent, if brief, description of the Canada Student Loans Program by Tim Riordan Raaflaub of the Parliamentary Information and Research Service and a paper by Constantine Capsalis on the factors affecting the repayment of student loans.

Let me start with the student loans program itself. In 1964 the Government of Canada established the Canada Student Loans Program to help young Canadians finance the costs of their post-secondary education. This program is available today — with amendments I will talk about in a few moments — in all provinces and territories except for Quebec, the Northwest Territories and Nunavut, each of which have their own programs and receive independent funding from the federal government to offer their own student assistance programs.

The Canada Student Loans Program provides loans to full- and part-time students at the post-secondary level. “Post-secondary” is defined as including colleges, universities and private institutions offering, predominantly, trade education.

Students are generally eligible for these loans provided that their income and that of their parents, in accordance with a particular formula, does not exceed a certain threshold each year.

• (1540)

The program was designed to supplement the resources of individuals and their families by providing loans to students who could demonstrate need. The interest rate was set by the Canadian government, which paid the loan interest to the lending institutions, usually banks, during the period of student enrolment and for a period of six months thereafter. The borrowers were given up to nine and a half years to repay their loans.

Certain statutory changes were made in 1981 and again in 1983. Loans for part-time students were introduced, and an interest-relief program was established so that low-income borrowers who, after graduation, remained unemployed or were sick or disabled could apply to have the federal government pay the interest on their loans for up to an additional 18 months.

With the increasing cost of education, the program was completely restructured in 1994 with the passage of the Canada Student Financial Assistance Act. The way in which financial need was assessed was changed, and a number of other changes were made to allow students to receive large loans. A program

was introduced to essentially assist students with permanent disabilities.

From 1994 onwards, borrowers were expected to enrol in a program leading to a degree, a diploma or a certificate and were required to make what the statute called “satisfactory progress” each year.

In 1995, the Government of Canada stopped guaranteeing new loans. This meant that the lending financial institutions would now assume the risk when the borrowers defaulted, but the government paid them a risk fee or a risk premium equal to 5 per cent of the value of the loan, which they consolidated each year upon the graduation of the student.

In 1997, the program was further amended to allow for interest relief for as much as 30 months, up from the 18 months envisaged in 1983. At the same time, it became possible to extend the loan repayment period from nine and a half years to 15 years and extend interest relief to a maximum of 54 months. In addition, a new Debt Reduction and Repayment measure provided that up to \$10,000 of the capital of the student loan could be forgiven once interest relief had been exhausted. Canada Study Grants for students with dependants also became available at that time.

In 2000, financial institutions generally withdrew from the plan, and the federal government accordingly introduced directly financed loans. Two separate organizations now handle loans made to students.

In 2003, the plan was again changed to allow protected persons, including special convention refugees, to apply for those grants.

The 2004 budget had the effect of reducing parental contributions expected from middle-income families, and a new grant of up to \$3,000 was made available to first-year students from low-income families to assist with tuition costs. Income thresholds for interest relief rose by 5 per cent, and the Debt Reduction and Repayment measure was amended to allow borrowers to have up to \$26,000 of their loan forgiven.

The 2006 budget provided that loan eligibility for students from families with incomes between \$65,000 and \$140,000 per year would be expanded and in August 2007, reduced parental contributions are expected to enhance loan assistance for some 25,000 individuals.

The program, honourable senators, has achieved remarkable penetration. In the education year 2003-04, over 340,000 full-time students received a student loan, and the average loan obtained by these borrowers was over \$4,800 per year.

The program is one of Canada’s great success stories, and we should be justly proud of a system that permits students from low- and middle-income families to complete their education by obtaining interest-assisted loans reimbursable over a very long period of time.

The obvious intention is that enhanced earnings resulting from enhanced education would be used to reimburse these loans, and it generally works well.

Since almost a decade and sometimes more is allowed for reimbursement for loans following their consolidation on the graduation of the student, it is interesting to look at statistics with

respect to students who graduated in 1994-95, some 10 years later, because they have had almost a decade to reimburse. About 128,000 students consolidated their student debts that year. Nine years after consolidation, 39 per cent of the students had repaid their loans in full, 30 per cent were still making payments but were in good standing, and 31 per cent were in default. Default, however, is not defined as a permanent loss but rather as being in arrears for three months or longer. The statistic with respect to supposed defaulted loans, although it stands at 31 per cent, is factually considered to be lower.

It is encouraging to note that two years after graduation, fully 20 per cent of graduates with student debt had paid off their loan completely. For those with debts still remaining two years after graduation, about a quarter of the debt had been paid off; more than would be paid off by a graduate making regular payments with the standard 10-year repayment cycle.

Some former students, however, are unable to repay their loans. This inability can arise from a number of factors. One important reason is the fact that trade schools are included in the definition of post-secondary education, and some students borrow to complete trade schools and find themselves unable to find a job in the trade for which they were trained. Other students are unable to find jobs for other reasons. Still others drop out and never complete their studies and therefore are unable to find employment in their chosen field. Some become sick. Some suffer other personal problems or issues which preclude their ability to pay.

Whatever the reasons may be, two clear facts emerge from the research and the literature. First, debt size is a factor in non-repayment only for very large student debt, and, second, the type of study the student engages in is less important than the student's future income.

One further thing is clear, and this is essential for an understanding of the philosophy behind this proposed bill: There is absolutely no evidence at all that students have been abusing the bankruptcy process to rid themselves of student debt.

However, looking at bankruptcy legislation in connection with student loans, one would think that abuse has occurred. This is not the case. The research is clear and consistent: abuse of the bankruptcy process is not a factor in the non-reimbursement of student loans.

In order to deal intelligently with the provisions of the Bankruptcy and Insolvency Act relating to student loans, we should first take another look at the discharge process.

The general philosophy of the Bankruptcy and Insolvency Act insofar as consumer debtors are concerned is that the unfortunate debtor who is in good faith but cannot meet his or her financial obligations should be relieved of those obligations so that the debtor may make a fresh start and integrate himself or herself in the economy of the society in which the debtor lives, free from the crushing burden of their indebtedness so that they may once again participate in the economic and social life of the society in which they live as free actors. The Bankruptcy and Insolvency Act provides, with very rare exceptions, that where a person goes into bankruptcy, he or she is liberated from his or her debts automatically nine months after going into bankruptcy.

Those that abuse the process, and there are some, and go into bankruptcy a second time are subject to a different regime, and those who have sufficient excess income to pay some portion of their debts are obliged to do so.

However, even first-time bankrupts are not liberated from all of their debts. For instance, they are obviously not liberated from the obligation to pay alimony or family maintenance. They are not liberated from a debt that was incurred as a result of misrepresentation or fraud. They are not liberated from the obligation to pay fines, if fines have been assessed.

In 1997, an amendment to the bankruptcy legislation was introduced to preclude discharge of student debts if the bankruptcy had occurred within two years of the bankrupt leaving school. That meant that a person who had left school with student loans was unable to obtain relief from those loans until at least two years had passed since the time that the student had terminated his or her studies. By an amendment introduced in 1998, this two-year exception to discharge was increased to 10 years, making it virtually impossible for students to obtain a discharge of their student loans.

This provision did not prevent the banks from abandoning the program in 2000, less than two years after this amendment came into force.

• (1550)

There is no evidence that this draconian provision did anything to enhance the collectability of student loans. Certainly, it granted no relief to former students who were unable to find jobs or to earn a sufficient amount of money to discharge their student loans.

The Personal Insolvency Task Force, which I had the honour to chair, and which issued its report in 2002, and the Standing Senate Committee on Banking, Trade and Commerce, which issued its report in 2003, both recommended that the exception to discharge for government student loans should be amended and not be dischargeable in situations where it had been less than five years since the bankrupts completed full- or part-time studies. Both reports recommended an amendment that would provide courts with the discretion to confirm the discharge of all or a portion of a government student loan before the five-year period had elapsed where the bankrupt could establish that the burden of maintaining the liability for some or all of the debt would result in financial hardship.

Bill C-55, which we all remember, was passed in this chamber shortly before the fall of the Liberal government. Notwithstanding its terrible flaws, it would reduce the period for the exception to discharge for government student loans from 10 years to seven years following the completion of full- or part-time studies. The bill would also reduce the period of time before an application for relief from the exception to discharge could be made to the courts from 10 years to five years.

Professor Ben-Ishai suggests, in her study, that student loans should be treated like any other debt, and should be subject to discharge like any other debt. She suggests that if there is abuse,

our courts are well able to deal with such abuse and provide, as a condition of discharge, that the debtor must pay all or a portion of his or her student loans.

The present legislation proposed by Bill C-55 leads to inhumane results. Senators Angus, Biron, Hervieux-Payette, Moore, Oliver and Tkachuk — and I believe Senator Meighen was part of the committee at that point, as well — will recall with me the gripping and depressing story told to us in 2003 by a young single mother from the Maritimes who had left medical school after her third year, had not completed her studies and was saddled with tremendous debt which she could not repay. We were also told the story of a suicide in the Maritimes by someone who could not pay her student loan because of the draconian provision providing for a 10-year delay.

The legislation, in this case, forced this young woman to remain in a condition of inability to pay, coupled with inability to escape — sort of permanently enslaved to debt. She and her child were victims, and their victimization really victimized society because she could not reintegrate herself, because of the Bankruptcy and Insolvency Act provisions, as a useful member of society.

Honourable senators, this bill does not propose to do away with some special status for student loans in the event of bankruptcy. There is something that is difficult to accept in having all society pick up the liability for student loans where the student has gone bankrupt while the student benefits from the education which has been paid for by the loan — and, therefore, by society.

Accordingly, this bill proposes that the liability for a student loan will not be discharged if the student goes into bankruptcy within the two years next following the termination of his or her studies. This two-year period permits the student to take stock of his or her situation, seek and obtain employment and make a serious and honest effort to repay the loans.

The two-year suspension was chosen with care. The statistics are that fully one third of student loans are reimbursed within the two years next following the graduation of the student. However, there may be some situations where it is apparent that the student simply cannot repay, even after the two years.

Accordingly, this bill envisages the possibility of the student seeking an order from the court, even within the two-year period, that the debt is discharged. The court, however, with respect to that application, according to the bill, may refuse the application, leaving the debt intact or may grant the application, relieving the student of the debt. The court may also order a partial reimbursement of the debt or other appropriate conditions, having regard to circumstances. In all of these cases, where the student is seeking relief, the burden will be on the student to establish hardship in reimbursing the loan.

Honourable senators, this proposed amendment is a humane, sensitive and decent compromise between the need for students, like all citizens, to honour their obligations on the one hand, and the need for society to grant relief to those in society who cannot cope with the requirement to fully repay the student loans.

Bill S-227 is non-partisan. It is neither Liberal nor Conservative; it is Canadian. I respectfully commend it to honourable senators for earnest consideration.

[ Senator Goldstein ]

**Hon. Lowell Murray:** Honourable senators, I had not intended to take part in this debate and I will keep you for only a minute or two. I want to congratulate the honourable senator on his initiative, and especially on his extremely informative, interesting and thorough speech.

It seems to me that with the initiative he is taking with this legislation, we will want to and need to consider the Canada student loan regime as a whole. In that connection, I want to draw the attention of honourable senators to one of the chapters of the Auditor General's report earlier this month, which dealt with the Canada Student Loans Program.

Last night, the Auditor General was a witness at the Standing Senate Committee on National Finance. Among other things, she pointed out that an evaluation of the Canada Student Loans Program is long overdue. I will read only a sentence from her testimony last night.

[Translation]

In reference to the Department of Human Resources and Social Development, the Auditor General had this to say:

... although the Department committed to completing an evaluation of the Canada Student Loans Program in 2006, it has not yet done so. We think the Department should evaluate this program to see if it has indeed improved access to higher education, as Parliament intended.

[English]

A bit later, during the period for questioning, she said:

With respect to the Canada Student Loans Program, there had been a commitment to do an evaluation by 2006. That has changed. They are now talking about doing an evaluation in phases, which will not be completed until 2011. We think that is too long and should be done much earlier to ensure the program is providing the results that are expected.

I simply want to express the hope that when my friend's bill goes to committee that honourable senators will take the opportunity to put the feet of certain officials — or even ministers — to the fire on this subject.

On motion of Senator Tkachuk, debate adjourned.

## KYOTO PROTOCOL IMPLEMENTATION BILL

### THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the third reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(Honourable Senator Tkachuk)

**Hon. David Tkachuk:** Honourable senators, I want to begin by citing an article published last week in the *National Post*. A top United Nations official said he is no longer alarmed by Canada's stand on the Kyoto Protocol now that he better understands the Conservative government's position. According to the article, the official said that he now understands that Prime Minister Harper's government was not rejecting the value of the Kyoto Protocol but rather was making the observation that its objectives cannot be met within the target deadline.

• (1600)

The official in question was none other than the Executive Secretary to the United Nations Framework Convention on Climate Change, Mr. Yvo de Boer. The man most responsible for dealing with climate change at the United Nations seems to be unfazed that the short-term targets cannot be met. We are not the only ones.

Honourable senators, we made it plain in the committee hearings on this bill that this government takes climate change seriously and is determined to do something about it. In April, Minister Baird introduced *Turning the Corner: An Action Plan to Reduce Greenhouse Gases and Air Pollution*. The plan moves beyond the Liberal platitudes about reducing greenhouse gases when they were in government. It, for the first time, imposes mandatory targets on industry to reduce greenhouse gases. More than that, the plan will cut industry-generated air pollution by one-half by 2015. These are serious targets and they are reasonable targets. They are also targets that can be met without causing untold harm to the economy.

Honourable senators, the impact of Bill C-288 on the Canadian economy would be devastating. We produced our own analysis of exactly what that cost would be. While the Liberals have spent a great deal of time criticizing our figures they have yet to produce a detailed plan of their own; not while they were in government, according to the environment minister and not now while they are out of government.

In the target period, 2008-12, our study estimates that Bill C-288 would result in 275,000 Canadians losing their jobs by 2009. Their electricity bills and those of other Canadians lucky enough to keep their jobs would jump 50 per cent after 2010. The cost of filling up your car would jump 60 per cent and the cost of heating your home with natural gas would double. The study also shows that Canada's GDP would decline by over 4.2 per cent and that Canada would be thrust into a recession on a par with what took place in 1981-82, which was the worst recession since the Second World War.

Our study also estimates that the personal disposable income of Canadians would be reduced by \$4,000 annually. This figure should be familiar to those opposite because it is about the same as what they estimated some seven years ago. I believe the figure they used then was \$4,400. The difference is that under their watch, emissions increased so that today we are faced with a situation in which greenhouse gases have increased by 35 per cent above the 1990 baseline level.

Bill C-288 asks us to do in eight months what the Liberals gave themselves 10 years to do and did not do. Instead, they increased emissions. Let us be clear about that and let us be clear that the price for meeting the Kyoto targets will be borne by all Canadians.

Senator Munson was on record as saying he would not mind being taxed if it would mean helping the environment. *The Globe and Mail* quoted Senator Munson as saying that however Kyoto works itself out, if you want to tax me today for the future, go ahead and tax me. That is fine for him, but not all Canadians have an income of \$125,000 per year; and not all Canadians have job security until they are 75 years old; and not all Canadians would be able to bear another government tax that would reduce their annual income by some \$4,000.

The Canadian Chamber of Commerce has issued its own assessment. The implementation of the Kyoto Protocol, they say, will cost \$30 billion, or 2.5 per cent of the GDP by 2010. In 2002, the Liberals predicted a loss of 200,000 jobs and a decrease of 1.5 per cent in the GDP. Yet, when we point out the difficulty of meeting the Kyoto short-term targets as prescribed by Bill C-288, the Liberals — the same people who put us in this position in the first place — call us defeatist.

Honourable senators, I will quote something that Senator Mitchell said in one form or another a number of times in committee. This comes from the hearings with industry representatives. Senator Mitchell said:

What gets me is that sense of defeatism of this continual regurgitation of this line that focuses on what is not possible. It seems to me if we could simply focus on what is possible, we should be absolutely surprised . . .

They point to good old Canadian ingenuity. However, when you go to the European community and speak the truth, as former Environment Minister Ambrose has done; when you take action against hazardous chemicals, as this government has done; when you put a plan on the table that outlines the costs of C-288, again as Minister Baird has done; and when you set mandatory targets for GHG emissions reductions, as Minister Baird has done; in 15 months we did all these things, and all they do is criticize our numbers and our assumptions.

What did the Liberals do in 10 years? The Liberals misled Canadians, they did not meet any of their goals, they failed to implement successfully any one of their numerous plans to reduce emissions, and they provided no costs because they did not have a plan.

The Montreal Economic Institute, which surveyed the various parties on the economic costs of the Kyoto Protocol, wrote a letter and asked each party to respond to a series of questions. The second question they asked was: How much do you believe the implementation of Kyoto will cost? That is a pretty straightforward question. I will repeat it. How much do you believe implementation of Kyoto will cost?

The following is the answer given by the Liberal Party to that question, and I quote:

In April 2005, the Liberal Government released *Moving Forward on Climate Change: A Plan for Honouring our Kyoto Commitment*. The plan outlines the core mechanisms and strategies the Liberal Government will use to implement the Kyoto Protocol. It is estimated that the approaches outlined will reduce greenhouse gases emissions (GHG) by at least 270 megatonnes annually by 2012. The associated

federal investment plan will be in the range of \$10 billion through 2012. The Liberal government approach to climate change builds on previous approaches and incorporates transparency, ongoing evaluation and learning.

Honourable senators, except when it comes to costs.

The answer continued:

We will make modifications and course corrections to our plan over time, including an annual review and reallocation of climate change spending to ensure that investments are effective and cost-efficient and result in real and verifiable GHG emissions reductions. As well, annual reports will be made to update Canadians on our progress beginning in 2008.

Timely investments in innovative technologies for energy use and production not only have the potential to reduce our GHG emissions but also can open up economic opportunities. Canada's climate change-related investments to date have delivered energy efficiency, energy conservation and cost savings across the economy.

What was the question again? The last bit looks like it came close, but estimating what you think your savings might be is not the same as answering the question: How much do you believe the implementation of Kyoto will cost? No answer.

**Senator Segal:** Shame.

**Senator Tkachuk:** We have answered that question and they have not. When the Liberals are asked directly to answer the question, they avoid doing so. Senator Mitchell has called for Canadian ingenuity. He said in committee, and I quote:

I am also struck that I can see that the same kind of attitude amongst those people who say we should not have started building the railroad 150 years ago because it could not be done, or we should not get involved in World War I because we could not possibly win, or we should not get involved in World War II because it would be too large a thing for Canadians to accomplish. In fact, those things were all done.

This comment comes from a Liberal senator whose party wants us to abandon the fight against terrorism in Afghanistan. I guess that so-called can-do attitude applies only to the most serious threat facing Canada in the last 50 years. When it comes to the fight against terrorism, a minor affair, I suppose, according to Senator Mitchell, but one in which Canadian and U.S. lives are actually being lost. "It can't be done" seems to be the Liberal mantra. Where is that can-do attitude that they want us to apply to the environment? Mysteriously absent.

They have also criticized us for referring to the past and the fact that had the Liberals done more to reduce GHG emissions, we would have to do less.

Senator Mitchell, the sponsor of this bill in the Senate, chastised us for focusing on the past as part of our defeatist attitude. His exact words were:

A corollary of that approach. . .

• (1610)

That approach being defeatism.

. . . is focusing on the past and making this argument to defend not doing anything by arguing that someone else did not do enough.

His references are World War I, the railroad and World War II. I guess the lesson is that the Liberals can refer to the past when it suits them, but Conservatives cannot, or is it that you can refer to the past when you are talking about things that got done, but you cannot refer to it when you are talking about things that did not get done, like reducing greenhouse gas emissions. I should be on safe ground then when I refer to what the Liberals got done in the past, so I will say it again. They increased GHGs by 35 per cent above the 1990 baseline level for Kyoto.

I should be on safe ground with the Liberals with that reference, but what does one expect from a party whose patron saint these days seems to be Al Gore, a man whose country, when he was Vice-President of the United States, refused to even sign the Kyoto Protocol, much less ratify it or set targets for GHG emissions. He is now the Liberal poster boy for climate change.

Al Gore and his Liberal buddies: Friends, both once in government, now seeking redemption. As Catholics, we would refer to "purgatory." As Protestants, perhaps "born again." Sinning, living the high life, ignoring environmental and treaty obligations and then in defeat, please, God save us. The only difference is, there is no repentance. Unashamed, they blame the newly elected government for not saving the planet. Al Gore is like the Liberals in that they blame everyone but themselves.

Let me read what Maclean's magazine had to say about Al Gore:

The collapse of the Greenland ice sheet at the hands of global warming will increase worldwide sea levels by nearly seven metres, Gore states. He sketches out the impact this will have: India and Bangladesh will be inundated. Forty million people will be displaced around Shanghai. Florida will all but disappear. Most cruel of all, however, is the effect on New York City. His graphics then show a blue tide of water slowly swallowing up city streets. "This is what will happen to Manhattan. They [scientists] can measure this precisely." In a whisper, he adds: "The area where the World Trade Center Memorial is to be located would be under water." It is perhaps the most powerful moment in the movie. Yet, like the bulk of Gore's message, it is also heavily exaggerated and of questionable practical value.

Those scientists in which Gore puts so much faith do discuss the possibility of a failure of Greenland's ice. In fact, the February 2007 report of the UN's Intergovernmental Panel on Climate Change mentions the possibility of a seven-metre rise in the oceans. But that report also says global warming would have to continue "for millennia" for this to occur. Gore's Manhattan/Atlantis scenario is thus a potential risk sometime after 4007. It's not exactly a clear and present danger.

We bring this up not because global warming or environmentalism are things to be ignored — they are important issues to be sure — but to point out Gore's

[ Senator Tkachuk ]



frequent distance from the useful truth. His comment last week in Toronto that the Conservative government's environmental plan is a "complete and total fraud . . . designed to mislead the Canadian people" is as exaggerated and misplaced as his movie's scaremongering. It is never a fraud to be honest. However painful it may be for single-minded idealists like Gore to admit, it is an absolute impossibility for Canada to meet its 2012 Kyoto targets without triggering economic collapse.

Honourable senators, as we have said countless times in committee, this bill is flawed. It does not take into account the devastating effect for Canadians of meeting the short-term Kyoto targets. The Conservative government has come up with a plan that is reasonable, a plan that is guided by a balanced commitment to environmental protection and economic stewardship. In fact, we have already taken steps towards real reductions in greenhouse gases. We remain committed to the principles and objectives of the United Nations Framework on Climate Change and the Kyoto Protocol. However, the economic and social impacts of Kyoto must be considered when taking action on the environment, and those impacts are far different now than they would have been 10 or even five years ago.

To reach our targets beginning in 2008, Canada would be required to reduce its GHG emissions by an average of 33 per cent each year of the Kyoto commitment period. That simply cannot be done without foisting untold hardships on Canadians.

However, we are faced here with a private member's bill introduced by a Liberal member of Parliament that says we have to. Never mind the implications of this bill on the economy, what does it say about accountability? We have before us a bill introduced and supported by someone who will bear no responsibility for what happens as a result of this legislation. Neither Mr. Rodrigues nor Senator Mitchell will be held to account should Bill C-288 steer the economy into a nosedive. No, only the people who opposed this bill, who voted against this bill in the other place will be the ones held accountable for its effects. How perverse is that?

We heard testimony in committee, though not nearly enough, about the sea change that this piece of legislation heralded. Mr. James Hurley, a constitutional expert who appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources, explained it this way:

Because it must maintain the confidence of the house, the assumption is that the government is responsible for the legislative output of Parliament and will be held accountable to the electorate when the next general election is held. . .

Bill C-288 would reverse this dynamic, for in passing the bill, Parliament would be imposing its will on an unwilling government by compelling it to do something it does not wish to do. . .

It follows that while there are relatively minor precedents for Parliament proposing and imposing measures on the government, there are no precedents of the magnitude of

Bill C-288, which seeks to resolve one of the most prominent and hotly debated public policy issues facing Canadians by obliging the government to implement the Kyoto Protocol, which it does not wish to do.

Certainly an issue of that magnitude warrants more debate than what was given to Bill C-288. An issue this important to Canadians warrants a full debate and the Liberals denied us that opportunity in committee.

We asked for more witnesses to be heard, but the Liberals who have been dragging out Bill S-4 for a year now are in a rush to push through Bill C-288. They did not want to hear from more witnesses.

Once we knew they were determined to go clause by clause, we, being few in number, used the procedural tools at our disposal to encourage further consideration of this bill. We managed to inconvenience the Liberals, but we did nothing to prevent them from carrying out their parliamentary duties. They, on the other hand, took advantage of our low numbers and prevented us from even participating in clause-by-clause consideration of this bill.

One is left wondering what the rush is all about. After all, Senator Banks said in 2002:

Let us look at the Kyoto Accord. Kyoto's purpose is not to reverse climate change. It is not to fix the problem. It is not to be the solution. No one ever said that it was. . . "It will not solve the problem," . . . No one ever said that it would. It will not by itself seriously reduce global emissions. No one ever said that it would. Those are not the goals of Kyoto. . . It is the beginning. It is a tiny baby step in the process of challenging our collective minds.

Given that Bill C-288 will have a very real economic impact on the lives of Canadians — and we all agree that it will — what is the rush? We need to take that first step, no doubt, but what is the harm in taking the time to make sure that, in doing so, we do not make that first baby step a giant misstep?

I will read a letter from Don Drummond, one of Canada's foremost economists. He was one of the leading economists asked to review our cost study. Upon review, he supported this study.

• (1620)

He wrote:

Canadians need to focus now on sound environmental initiatives that will be achieved over a realistic time frame. The course will only be adhered to if economic costs are mitigated. This is not a call for procrastination, quite the contrary. A comprehensive environmental policy should be set out very soon. The policy should target substantial progress in reducing emission within the first Kyoto period and greater progress over time.

This is a reasonable thing to ask. It is not what Bill C-288 asks. Bill C-288 asks us to do what few, if any, nations with Kyoto targets have been able to do. Let us look at the European Union,

which Senator Mitchell has constantly referred to as an example for us to follow. Let me cite what *The Economist* has to say on this. In an article in the issue of March 15, the author wrote:

The targets may have a practical purpose; but they also need to be met. The EU's credibility as a role model rather depends on it. But the Europeans have a bad habit of missing their own targets. All 27 EU members signed up to Kyoto, but most have not cut their own greenhouse gases enough to meet their targets.

In fact, Denmark, Spain, Portugal, Italy and Ireland, according to the David Suzuki Foundation, have experienced significant emission increases and are unlikely to meet their allocated reduction targets. Then there is Norway. Norway has a profile similar to that of Canada. It is a northern country with substantial oil and gas development and export. Its target was to increase emissions by no more than 1 per cent. They were not going to cut. They have in fact increased by 9 per cent above 1990 levels and that figure continues to rise. That is a better record than that of Canada under the Liberals, but still a rise. Again, this is also according to the David Suzuki Foundation.

Austria is not expected to meet its Kyoto targets. Neither will Belgium, according to The Wilderness Society, an Australian environmental group.

What about those European nations that have met their Kyoto targets? France is often cited as one, but France is on track because France derives nearly 80 per cent of its energy from its 58 nuclear reactors — not a bad plan. I would support that type of strategy and have been supporting it for about 20 years. That would make me an environmentalist, I think. If, 20 years ago, this country had taken my advice, we would have met our greenhouse gas emission targets. Saskatchewan would have been Alberta. We would have relieved some of that pressure from the province that Senator Banks comes from.

However, there is widespread opposition to the use of nuclear energy in Canada. What is the big difference? In France there is little or no public opposition to nuclear energy.

We must then turn to Britain. Liberals have pointed to their grand record on Kyoto, but fail to mention — and this is rather ironic — that the record was made possible from the shift away from coal, which dominated the energy industry in that country until the mid-1980s. It was then that Margaret Thatcher, the Conservative Prime Minister of Britain, won a year-long dispute with the trade unions and shut down most of the mines. Britain now uses natural gas rather than coal and has met its Kyoto targets.

On the new targets that Britain set for itself, I am sorry, they have not been met.

Honourable senators, I would like to move an amendment to Bill C-288. There are a number of amendments I had in mind to put in committee and, had I been given the opportunity to do so, would have done so. In the interests of reasonableness, I have pared them down to what I think are the most necessary.

[ Senator Tkachuk ]

The effect of some is to follow parliamentary tradition in terms of time limits, for example, the number of days a minister usually has in the house to table reports. Others recognize that Canada is trying to meet its Kyoto targets but that some of the factors in meeting these targets are beyond any one order of government's jurisdiction. Still others incorporate some of what was in the Liberal Party Green Plan.

#### MOTION IN AMENDMENT

**Hon. David Tkachuk:** Accordingly I move:

That Bill C-288 be not now read a third time but that it be amended,

(a) in clause 3, on page 3, by replacing line 19 with the following:

“Canada makes all reasonable efforts to take effective and timely action to meet”;

(b) in clause 5,

(i) on page 4,

(A) by replacing line 2 with the following:

“to ensure that Canada makes all reasonable efforts to meet its obligations”,

(B) by replacing line 6 with the following:

“ance standards for vehicle emissions that meet or exceed international best practices for any prescribed class of motor vehicle for any year”, and

(C) by adding after line 13 the following:

“(iii.2) the recognition of early action to reduce greenhouse gas emissions, and” —

This is for Senator Banks, and it is to recognize companies that have already taken action on greenhouse gas emissions and to ensure that they get recognized, which is a part of his plan and part of the Liberal plan.

(ii) on page 5,

(A) by replacing line 9 with the following:

“(a) within 10 days after the expiry of each”,

(B) by replacing line 23 with the following:

“first 15 days on which that House is sitting”, and

(C) by replacing lines 26 and 27 with the following:

“each House of Parliament is deemed to be referred to the standing committee of the Senate and the House of Commons that”;

(c) in clause 6, on page 6, by adding after line 29 the following:

“(3) For the purposes of this Act, the Governor-in-Council may make regulations restricting emissions by “large industrial emitters”, persons that the Governor-in-Council considers are particularly responsible for a large portion of Canada’s greenhouse gas emissions, namely,

(a) persons that are part of the electricity generation sector, including persons that use fossil fuels to produce electricity;

(b) persons that are part of the upstream oil and gas sector, including persons that produce and transport fossil fuels but excluding petroleum refiners and distributors of natural gas to end users; and

(c) persons that are part of energy-intensive industries, including persons that use energy derived from fossil fuels, petroleum refiners and distributors of natural gas to end users.”;

(d) in clause 7,

(i) on page 6,

(A) by replacing line 32 with the following:

“that Canada makes all reasonable attempts to meet its obligations under”, and

(B) by replacing line 38 with the following:

“ensure that Canada makes all reasonable attempts to meet its obligations”, and

(ii) on page 7, by replacing line 4 with the following:

“(3) In ensuring that Canada makes all reasonable attempts to meet its”;

(e) in clause 9,

(i) on page 7, by replacing line 33 with the following:

“ensure that Canada makes all reasonable attempts to meet its obligations”, and

(ii) on page 8,

(A) by replacing line 3 with the following:

“Minister considers appropriate within 30 days”, and

(B) by replacing line 7 with the following:

“(1) or on any of the first fifteen days on which”;

(f) in clause 10,

(i) on page 8,

(A) by replacing line 9 with the following:

“10. (1) Within 180 days after the Minister”,

(B) by replacing line 11 with the following:

“tion 5(3), or within 90 days after the Minister”, and

(C) by replacing line 38 with the following:

“(a) within 15 days after receiving the”, and

(ii) on page 9,

(A) by replacing line 6 with the following:

“Houses on any of the first 15 days on”, and

(B) by replacing line 9 with the following

“(b) within 30 days after receiving the advice.”;

(g) in clause 10.1, on page 9,

(i) by replacing line 17 with the following:

“and Sustainable Development may prepare a”,

(ii) by replacing line 32 with the following:

“report to the Speakers of the Senate and the House of Commons”, and

(iii) by replacing lines 34 and 35 with the following:

“Speakers shall table the report in their respective Houses on any of the first 15 days on which that House”

I have here for the page the amendments, in French and English, which I would like to hand to her.

• (1630)

**Hon. Grant Mitchell:** Honourable senators, I have to begin this response and the debate of this amendment with an apology. I wish that whatever we did had not poked that hornet’s nest so hard, because I feel in part responsible for honourable senators being subjected to this diatribe for the last 45 minutes.

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

**Senator Mitchell:** It is a weak argument that resorts to two things.

**Some Hon. Senators:** Order!

**Senator Mitchell:** It is odd that they do not want to let me speak because about 90 per cent of what Senator Tkachuk said was reiterating what I had said in committee. I feel I am actually getting extra time in this debate, so I thank Senator Tkachuk very much.

The fact is the honourable senator resorts to two things: He resorts to rhetoric that amounts to little more than diatribe, little more than rant, and he resorts, as Conservatives do continuously, to blaming. What Conservatives so often do is find something they create as a problem and find someone to blame for that problem. What they do not do and what this government does not do is take responsibility for what it can do to confront problems which it, as the current government, has a responsibility to confront.

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

**Senator Mitchell:** After waiting 13 years — and how many times have we heard “13 years” — to finally get into government so they could set it right and they could do something, what do they spend their time and rhetoric on? They talk about something that someone else did not do. That is the essence of their environmental policy.

If there is a core argument they want to make, believe me, one would have to work hard to find the core of the inspiration of Senator Tkachuk's argument beyond the past and blaming someone else. If there is a core to the argument, it is somehow that pursuing Kyoto will hurt the economy.

The honourable senator uses three arguments to demonstrate that. First, he refers to Minister Baird's study. I will say it again, and I will say it slowly: That is perhaps the study with the least credibility of any study that I have ever seen in my entire political career. It is without foundation. It is almost incomprehensible that that study actually undermines its own conclusions definitively on the last page, where it lists seven critical things to climate change policy that it cannot consider within its study.

Seven things are listed that actually diminish the impact and the importance of that study. The study is without credibility. Senator Tkachuk also refers to Dr. Drummond. I believe Dr. Drummond is an economist. The honourable senator should dig deeper into what Dr. Drummond said because Dr. Drummond actually went out of his way several days later to distance himself from that study. What he said is what economists always say about studies. They will say that within the assumptions made upon which that study was based, of course, it has a logical consistency and it concludes within those assumptions something like that study concluded. However, the real argument and the real debate about studies of that nature hinge on the assumptions, and the assumptions of that study were profoundly weak. That is the first argument Senator Tkachuk uses to get at whatever is the economic core of his argument.

The second — and I use the term loosely — fact is the \$30-billion cost that Senator Tkachuk claims. What is revealing is that he says it is 2.5 per cent of Canada's GDP. Again, his numbers are wrong, just as they were wrong when he and his colleagues could not add the number of people they needed in their seats in order to have quorum when it came to a vote last week. It is reminiscent of what must become a tradition in the Conservative Party now when, in 1979, Joe Clark could not count, either. How many of them were Progressive Conservatives back in that day?

When one takes \$30 billion, which I agree is perhaps the cost; it may be \$30 billion. Do honourable senators know who said that? I think the \$30-billion figure is slightly high. It is probably

\$20 billion to get our Kyoto levels to the level they need to be at to meet Kyoto objectives for the period from now until the end of 2012, which is five and a half years. The figure is \$20 billion to \$30 billion. Even the Chemical Producers Association, that special interest group which the government brought in to defend their side, said the figure is probably \$30 billion.

TransAlta's former employee, Bob Page, a great guy, said the same thing as the figure that they are clinging to. However, I say to the Honourable Senator Tkachuk that it is \$30 billion not over one year, which would be 2.5 per cent of Canada's GDP, but over 5.5 years, which makes it less than one half of 1 per cent of Canada's GDP.

What is deeply frightening to me is that the government has determined that it is impossible to pursue Kyoto objectives on the basis of a single incorrect and analytical mathematical calculation. Senator Tkachuk thinks that \$30 billion over five and a half years is 2.5 per cent of Canada's GDP. He is five and a half times too high. He cannot add, he cannot subtract, he cannot divide and he cannot figure out what Kyoto will actually cost this country if we do it, let alone what Kyoto will actually cost if we do not do it.

Therefore, I cannot believe that I am left, after listening to that — although I do in fact believe it, I accept it — diatribe that all we have is reference to a study which is categorically without legitimacy and reference to a single figure which is five and a half times too high because Senator Tkachuk cannot figure out what five and a half into \$30 billion over the GDP actually is.

However, we know what comes out of all of this. What comes out of all of this so often, and what this really —

**Senator Segal:** Why didn't you do it? You had 15 years.

**Senator Mitchell:** — underlines to me is this continuous stream of criticizing — you can speak about this yourself. I am looking forward to it.

However, what comes out of this —

**Senator Stratton:** You didn't get it done!

**Senator Cowan:** That is a Tory position.

**Senator Mitchell:** What comes out of this is a stream of argument that underlines a very powerful observation about the character — and I use that word lightly — of this government. The fact is that they continue to blame other people and they continue to fail to take any responsibility. They continue to act like the opposition party that they were for 13 years and will be again.

I know that for sure because I remember in committee, a couple of the senators on the Conservative side so often doubting and raising doubts about the tradeable permit market. I thought about that and they said, “Well, you can't trust tradeable permits. We are just buying hot air.” An opposition party would continually say that.

Do you know what a governing party would say, with leadership, vision and that understands it is here to fix things and make them work? They would say, “We need a market for

tradable permits. We need to do that because there are business opportunities in this country that are going to Europe and will go to the U.S. and will be lost to this country.”

They would say, “If there is a problem with tradable permit markets, as a government we will fix the problem. We will figure it out, use our creativity, our resources, our minds — I use “minds” lightly — and we will fix that problem.

• (1640)

Instead, they seek out problems. They are so used to seeking out problems that they do not know how to fix them and they blame, blame, blame. That is not great government. That is tired government. It is not new government. Believe it or not, after 16 months, this government is exhausted.

A second example of where they act like opposition — now I mention Senator Segal. I apologize to Senator Segal, but when he heckled me the last time I spoke, I said I would take him to task about Buzz Hargrove and I forgot. I will do it now. He said to talk to Buzz Hargrove. I say Buzz Hargrove represents a strong constituency: people who deserve good, long-term jobs, people who have helped build this country and its economy. We cannot disregard it.

People like Arnold Schwarzenegger say the cars built in Canada and sold in California will not measure up to the environmental standards required of Californian-bought autos.

**Senator Angus:** Hasta la vista, baby.

**Senator Mitchell:** Instead of saying, Mr. Hargrove you have a problem, oops, we cannot do anything about it, great government would sit down with Buzz Hargrove and all those manufacturers and ask what we can do in Canada to develop a technology that can be developed, built and made in Canada so we can build cars that will be sold everywhere in the world ahead of any other kind of car that anybody wants to sell.

However, with opposition mentality, these people are stuck where they are, mired in the past, mired in blame, mired in failure to take responsibility, mired in heckling, “Talk to Buzz Hargrove,” whatever that means. It means we have a government that is not working and will not be around for long. Finally, we will get back in there and do something about this problem.

I am sorry to distract you from the real arguments by saying that.

I have observed Conservative government for a long time in the Alberta legislature. I thought that government was bad. This one has lowered the bar even further. This is one example. What does Senator Tkachuk argue about the problem with MPs holding a government responsible for taking action on something like Kyoto or Kelowna, for example? It will be the same argument. It has occurred because we have had democratic reform in that place. It is interesting that because we are not achieving democratic reform quickly enough in this place, Senator Stratton wants to blow it up.

**An Hon. Senator:** Shame!

**Senator Mitchell:** He is committed to democratic reform. Yes, shame.

**An Hon. Senator:** Call the RCMP!

**Senator Mitchell:** When we achieve democratic reform in the other place and it actually works to tell government to do something, he does not like it.

Let us analyze the history of that democratic reform. Do you know where giving MPs more power started? It started with the Reform Party, the very roots of his Conservative Party.

**Senator Ringuette:** It is still the Reform Party.

**Senator Mitchell:** It does not matter what you call it because they have tried a number of different names and it is always the same party. It was that party, under Preston Manning, who would be given credit for starting that democratic reform movement. MPs finally had the power to stand up and represent their constituents. I heard that many times in the Alberta legislature. We need to have our representatives stand up and be able to represent their constituents, and if backbench MPs do not have the vote, they do not have power and are told what to do by their leader.

Finally, backbench MPs have the power to stand up and do something without being told what to do by their leader. They stand up and say, “We had better not allow that because that would be too democratic. Would that not give an MP too much power?”

The fact is they have the power. It is democratic reform. It is real democratic reform, and they exercise it. Parliament is supreme.

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

**Senator Mitchell:** Senator Tkachuk can stand up and he can diminish the power of those MPs, but in doing so he diminishes the essence and quality and legitimacy of this institution. He should listen to what they did and stop arguing that we need to delay it further. He said it was delayed for 10 years and now he wants to delay it more. How does that work? If we delayed it too long — I accept your argument — then we had better get after it.

That brings me to the fundamental question: Why is he so intense about his argument and reduces himself to rhetoric? Honourable senators can sense the anger, because he is confronted with a government and leader who cannot lead. This issue is huge.

After 13 years of wanting to be in government, they want to be out this week and next because they do not have a legislative agenda. Barack Obama said something in an interview that was powerful to me.

**The Hon. the Speaker:** I regret to advise the honourable senator that his time has expired.

**Some Hon. Senators:** More! More!

**Senator Mitchell:** Barack Obama was interviewed shortly after he announced his candidacy for President of the United States. He was asked whether he was overwhelmed by the magnitude of the problems. He said he was not overwhelmed by the magnitude of the problems, but was overwhelmed by the smallness of the politics.

I look at that Prime Minister and what they are doing — mandatory minimums, fixing a problem that is not a problem, and if it exists will make it worse. Fixed terms for senators is one of their core items because he cannot undertake real Senate reform. There is no big legislative agenda or vision for this country and no sense of social policy or economic policy; improving productivity in this country. There is no sense of developing environmental policy that will mean something for our children, our grandchildren and will take our place in the world. There is simply no sense, no vision and no leadership. That is why we need Bill C-288 and why we cannot deny or delay it. That is why I am voting against this amendment.

**Some Hon. Senators:** Bravo! Bravo!

On motion of Senator Comeau, debate adjourned.

## KELOWNA ACCORD IMPLEMENTATION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Campbell, seconded by the Honourable Senator Hubley, for the second reading of Bill C-292, to implement the Kelowna Accord.—(*Honourable Senator Stratton*)

**Hon. Terry Stratton:** I have two nicknames: The Enforcer and Guy Fawkes.

I would like to speak to this issue, and I assure the house that I will speak next week. I ask that I be able to rewind the clock.

• (1650)

**Senator Fraser:** Tuesday?

**Senator Stratton:** I will either speak Tuesday or Wednesday. I am not sure right now because I want to look at Bill S-6, which Senator St. Germain brought to this place, and see the impact of that on what I have to say. I will try to do it Tuesday or Wednesday.

On motion of Senator Stratton, debate adjourned.

## CONSTITUTION ACT, 1867

### REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (*motion to amend the*

*Constitution of Canada (western regional representation in the Senate), without amendment but with observations*), presented in the Senate on October 26, 2006;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Campbell, that the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate), be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words “British Columbia be made a separate division represented by 12 Senators;” with the following:

“British Columbia be made a separate division represented by 24 Senators;”;

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words “consist of One hundred and seventeen Members” with the following:

“consist of One hundred and twenty-nine Members”;

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words “British Columbia by Twelve Senators;” with the following:

“British Columbia by Twenty-four Senators;”;

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words “or, in the case of British Columbia, Twelve Senators;” and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words “exceed One hundred and twenty-seven.” with the following:

“exceed One hundred and thirty-nine.”.  
—(*Honourable Senator Tardif*)

**Hon. Joan Fraser:** Honourable senators, I do have a speech prepared on this item. I have been thinking about it for a long time, because it is a very serious issue and, of course, of particular concern to senators from the western provinces and the people that they represent. I have thought so carefully about my speech that it would be my earnest hope that when I deliver it, it will be at a time when all senators are keenly awake and prepared to sit through it. This may not be that time. I would beg, therefore, for senators’ consent to adjourn the debate once more for the balance of my time, but I will speak to this important motion next week.

On motion of Senator Fraser, debate adjourned.

## STUDY ON RURAL POVERTY

### INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the sixth report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Understanding Freefall: The Challenge of the Rural Poor*, tabled in the Senate on December 13, 2006.—(*Honourable Senator Mercer*)

**Hon. Robert W. Peterson:** I would like to adjourn this debate in my name.

On motion of Senator Peterson, debate adjourned.

## QUESTION OF PRIVILEGE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, 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.—(*Honourable Senator Tardif*)

**Hon. Hugh Segal:** Honourable senators, I note this motion is adjourned in the name of Senator Tardif. I wonder if she would permit me to speak briefly and then adjourn it in her name. I do want to contribute on this matter, and I promise to be brief. I want to use the compelling case for those who support the bill that brought about this particular motion with respect to an issue of privilege that was made by Senator Mitchell in making the case for why I think colleagues should be very supportive of Senator Tkachuk's motion with respect to the matter of privilege, upon which the Speaker was kind enough to adjudicate a few days ago.

Senator Tkachuk raised the issue in good faith, and Senator Mitchell, as others who believe in this legislation — I think of Senator Banks — and do so in good faith, might want to reflect on what I would call the “reasonable person test” of how this particular moment in Senate history will be typified in the future.

Let us assume for a moment that I were a proponent of Bill C-288, which I am not, but if I were a proponent of Bill C-288 —

**Senator St. Germain:** Your phone would not have rung.

**Senator Segal:** — I would want to believe that the passage of Bill C-288 through this place transpired in a fashion where those who were opposed and those who were in favour had an adequate opportunity to express their views, that they were considered in the traditional way of thoughtful reflection and, in its wisdom, this chamber then made its decision. As a proponent of Bill C-288, if I was explaining to my children or grandchildren how we passed that bill, I would not want to say we passed it because we were able to hold a meeting very briefly without the opposite view present in the committee. That is what I would want to be able to say.

Senator Tkachuk's motion on this issue, that the Standing Committee on Rules, Procedures and the Rights of Parliament give due and adequate consideration to the question, allows us as a chamber to reflect upon what transpired at the committee. I do not question the good faith of anybody who was involved in that process. I would never do that.

I also believe, if I may say so, that, as Senator Mitchell contends, Buzz Hargrove should not only be listened to, but should also be confronted, because he is taking a less than broad view of the capacity of Canadian technology to respond. Perhaps allowing him to appear before a committee of the Senate might be a way to have that discussion. Should we deny him that opportunity? What about those people who have been speaking on behalf of anti-poverty groups who have said, “Has anybody worked out the cost of food, transportation, heat, that some of these new provisions as suggested in Bill C-288 might impose on low-income people? Where is the countervailing assistance?” I am not making the case on Bill C-288, which is for another time and place, but I am making the case that a committee of this chamber should have the right to hear those concerns and address them. That is what the motion proposing that the matter go to the Rules Committee suggests.

I want to make one other proposal for consideration. We talk about the issue of parliamentary sovereignty very much thematically, reflected by Senator Mitchell. We talk about the issue of the role of the executive versus the role of the House of Commons and this upper chamber. There is a long tradition around the Royal Prerogative, which is part of the British parliamentary system. I believe what happened in that committee violated that. I do not believe that that committee is the place to sort that out. I believe that this motion should be considered in the Rules Committee, and I would hope that we could invite Senator Cools to give some advice on the Royal Prerogative in a way that would be constructive to that debate and process.

For those reasons, I support the motion advanced by Senator Tkachuk.

On motion of Senator Segal, for Senator Tardif, debate adjourned.

• (1700)

## STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Item No. 3:

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: At the Crossroads*, tabled in the Senate on May 10, 2007.—(Honourable Senator Andreychuk)

**Hon. A. Raynell Andreychuk:** Honourable senators, I move:

That the twelfth report of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: At the Crossroads* be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Foreign Affairs being identified as the Minister responsible for responding to the report.

Honourable senators, I wanted to note that this is the study of the Standing Senate Committee on Human Rights with respect to the Human Rights Council, with an ongoing mandate to examine issues relating to human rights and to review the machinery of government dealing with Canada's international and national human rights obligations.

The Standing Senate Committee on Human Rights took interest in the June 2006 launch of the United Nations Human Rights Council and took up a study of the issue earlier this year. *Canada and the United Nations Human Rights Council: At the Crossroads*, released earlier this month, is the committee's publication of that study's preliminary findings.

While continuing to monitor the issue, the committee sought to release its preliminary report before the first anniversary of the council passed in order to equip the Government of Canada with recommendations that may help it to build a more effective Human Rights Council into the future. We are under a time restraint, as the Human Rights Council will be meeting to deal with its procedures in June, and we thought that our report would be of timely benefit to the Canadian government and to all those who follow the Human Rights Council.

To put the United Nations Human Rights Council into context, it is important to understand the history of its predecessor, the United Nations Commission on Human Rights. The commission first met in 1947, and was established to examine, monitor and report on human rights issues in countries around the world.

Over the next 60 years, the commission had an enormous, positive impact on the international human rights landscape, representing the world's pre-eminent human rights body and drafting a number of influential international human rights conventions. It brought many human rights violations to the

world's attention that might have otherwise gone unnoticed, and often managed to generate international consensus with respect to an individual country's human rights reputation.

Yet, despite these human rights advances, observers agreed that by 2005, the UN Commission on Human Rights had been largely discredited as being politicized and ineffective. The body was frequently and harshly criticized with respect to its credibility deficit.

Many concerns with respect to the commission stemmed from the fact that many of the world's worst human rights abusers served as members. Once on the commission, such members frequently protected other human rights abusers from scrutiny, and escaped scrutiny themselves, by using their power and vote on the commission rather than ensuring the human rights concerns received consistent and thorough attention.

As a result of such comments and other serious criticism of the UN system, in March 2005, Kofi Annan, then Secretary-General of the United Nations, launched a blueprint for United Nations reform, in which he announced the creation of a body to replace the UN Commission on Human Rights by the United Nations Human Rights Council.

On March 15, 2006, the United Nations General Assembly voted 170-4 to create this new council. Among the key features of the new council were that the council was reduced to 47 members from 53 members in the commission. It was also designed to prevent members of the council from using their membership as a shield from censure. Based on a two-thirds majority vote, the General Assembly can suspend the membership rights of any member that commits gross and systemic violations of human rights.

Members of the UN Human Rights Council must pledge to uphold high standards with respect to the promotion and protection of human rights. The council must undertake a universal periodic review of all United Nations member states' human rights records. The universal review will also allow the council to move away from the selective scrutiny of which the commission was accused.

Despite the promise of a better day under the new UN Human Rights Council, a quick analysis of voting patterns and commentary at the council reveals that it has become a proxy for large international geo-strategic conflicts. Our committee found that the council is essentially divided, pitting the Organization of the Islamic Conference, the Arab League and the non-aligned movement against Canada, the European Union and a small number of other relatively consistent allies.

Observers have expressed particular concern that this concentration of membership has allowed one bloc of countries to use its concerted power to cause special sessions targeting the alleged human rights violations of its adversaries, while other human rights violations are being ignored. Three of the four special sessions called so far have focused on human rights violations committed by Israel and only one on the situation in Darfur. Ultimately, the politics that marred the UN Commission on Human Rights has shown no sign of abating, and may be increasing.



Nearly all witnesses appearing before the committee expressed disappointment, mixed with cautious hope, about the future. The overwhelming comment received by the committee with respect to overall impressions of the first year in the life of the United Nations Human Rights Council is that it is too early to tell whether it will work. Ultimately, the UN Human Rights Council is nowhere near being finished. The institution-building process must continue.

The body spent its first year getting its procedures in order. Unfortunately, this overlap between institution building, human rights protection and reacting to human rights emergencies made the first year particularly difficult for the council.

In this preliminary study of the UN Human Rights Council, our committee came to a number of conclusions as to how the Canadian government can most effectively bring its influence to bear in the maintenance of a viable and sustainable council in the future. Needless to say, the committee is concerned that bloc politics are playing a significant and detrimental role on the council. Canada needs to find a way to effectively manage its role to ensure that it does not lose its voice and influence on the council, as well as to ensure that human rights are not lost to politics and positioning on a broader scale.

Government officials noted that Canada is missing many of its natural allies on the council, such as Australia, New Zealand and the United States. In order to work with the bloc politics on the council, rather than being outmanoeuvred by them, Canada needs to learn to deal with countries with which it does not have a tradition of allying and forming cross-regional alliances.

As such, our committee emphasizes that the Canadian government needs to work to enhance credibility and leadership in its role as a member of the UN Human Rights Council. While we laud Canada in exercising this role, we believe that more can be done.

Although Canada is already a very active member of the council, the government needs to re-examine its role and more effectively assert the influence that it can have in terms of shaping the politics and the direction of the council. The committee strongly believes that Canada can play an important bridge-building role that may ease the bloc politics on the council and facilitate the effective functioning of the council in the future.

In order to achieve this goal, the committee recommends that the Canadian government put into place a Canadian ambassador for human rights. Such an ambassador could ensure that Canada has the capacity to undertake elevated diplomatic initiatives and fully evolve into its bridge-builder role on the council.

The ambassador could initially play the role of a focal point within the Canadian government to concentrate on human rights as part of Canadian foreign policy. Models for a successful ambassador for human rights are already present in France, Spain, the Netherlands and Sweden and, I might add, that Canada had that role in the past. Ultimately, a Canadian human rights ambassador would significantly enhance Canada's role and capacity at the council, raise the profile and standing of human rights as a foreign policy issue in Canada and re-focus Canada on the necessity of implementing its international human rights obligations in domestic law.

• (1710)

The committee's primary recommendations with respect to the council itself emphasize that the Canadian delegation bring focus to bear on the development and implementation of the council's procedures, mechanisms and rules by focusing its efforts on the work of the six working groups, which will meet in June, that are currently in negotiations to establish the entire framework for the future council. The council's working groups on implementation of the Universal Periodic Review and Special Procedures are a crucial part of the institution-building process. Our committee encourages the Canadian government to work toward ensuring that these mechanisms become powerful, credible and effective features of the Human Rights Council that are accompanied by effective follow-up and implementation. Our committee also recommends that the Government of Canada press the Human Rights Council to establish an accountability mechanism to ensure that fact-finding missions created by the council receive full support from council members in terms of both fulfillment of mission mandates and follow-up to mission recommendations. Regrettably, that accountability mechanism was the weakness of the Darfur resolution.

Ultimately, our committee wishes to issue a reminder that the Canadian government has an important role to play as a member of the Human Rights Council, particularly during these politically contentious times. There are ways to ensure that politics do not run away with the council — it is too early to tell how the council is working but certainly not too late to fix what has already gone wrong. By taking our committee's recommendations seriously and learning to work with the politics at play rather than throwing up our hands in dismay, Canada can have a serious influence on the evolution of human rights protections through the council. The international community has an opportunity to make the Human Rights Council work. To help this happen, Canada must take the initiative to remind the international community of the council's fundamental purpose and goals — the protection of international human rights for all citizens.

**Hon. Joan Fraser:** Honourable senators, Senator Andreychuk has given a full description of the Human Rights Council and of our committee's report. I would like to add my support for it. This study was the first full study that I had participated in since returning to the Standing Senate Committee on Human Rights. It was a great way to begin. Unfortunately, this report is only an interim one, so we will continue. Unless another senator urgently wishes to speak, I strongly suggest that the Senate adopt this report today because the meetings next week are truly important. If honourable senators lend their collective voice to strengthening the government position, it would be a good thing.

**The Hon. the Speaker *pro tempore*:** Honourable senators, the motion also includes a request for a government response. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

#### POINT OF ORDER

**Hon. Eymard G. Corbin:** Honourable senators, I rise on a point of order. Things have moved rapidly. When the Speaker *pro tempore* put the motion to the house, she said it would also include the minister's response. It seems that the *Rules of the Senate* require a separate motion for that kind of initiative. Am

I right or am I wrong? If I may pursue my point, it is one thing to adopt a report but it is another thing to request a ministerial response. I believe that the *Rules of the Senate* have been drafted in such a way that a separate motion is required, and that is debatable.

**The Hon. the Speaker pro tempore:** Do honourable senators agree to revert to the motion by Senator Andreychuk?

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** It was moved by Senator Andreychuk, seconded by Senator Keon, that the twelfth report of the Standing Senate Committee on Human Rights, entitled: Canada and the United Nations Human Rights Council: At the Crossroads, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Foreign Affairs being identified as the Minister responsible for responding to the report.

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

**Hon. Anne C. Cools:** No.

**Senator Corbin:** Honourable senators, it is one thing to accept the fact, as explained by Senator Fraser, that there might be some urgency to adopt the report today but I see no urgency to bypass the requirement of the *Rules of the Senate* that a specific motion be made to this house for a ministerial response to a report, which is debatable. I might be wrong but I believe it is the duty of any Senator to raise these matters to ascertain whether procedure is in good order, and is proper and timely.

**Senator Cools:** I was not paying sufficient attention to the debate but a motion to adopt a report should not be appended to motions for other things. It is one distinct proposition to adopt a report. If something else is required, a different motion is required to articulate the request. In addition, it should be done with notice. We seem to have problems remembering that most motions require notice and cannot simply be tagged to an item. If the honourable senator could tag one she could tag a thousand others.

**Hon. A. Raynell Andreychuk:** Honourable senators, I shall respond. I have a new clerk. Between her efforts and mine, we twice asked how this should be done. Originally when I came to this chamber, reports were tabled or adopted. Then, Senate committees requested ministers' responses to reports and Senate procedures are not the same as those of the other place. I checked twice. I have absolutely no objections to stopping at adoption of the report and seeking further advice from the table in respect of a motion to request the minister's response to the report. I hope that we could put the house in order because going back twice will delay it for one week and perhaps the outcome will be the same as what I have done, which I deem to be appropriate. With respect, if it is not appropriate, I hope that it is clarified for the sake of all honourable senators.

**The Hon. the Speaker pro tempore:** Honourable senators, I will read from the *Rules of the Senate*:

131(2) The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if

either the report or the motion adopting the report contains such a request, or if a motion to that effect is adopted subsequent to the adoption of a report.

• (1720)

**Hon. Sharon Carstairs:** The problem we have before us is that the original motion made by Senator Andreychuk did not make reference to a referral, so it did not access rule 131, as my understanding is of this situation. If that is the case, perhaps we could give leave for such a notice of motion today so it would not have to be delayed past next Tuesday. We could then move with dispatch on that, if that is the problem. If it is not a problem, if, in fact, it was part of the original motion, then we should be able to move today. My understanding, however, was that it was not part of the original motion.

**Hon. Joan Fraser:** Honourable senators, I believe it is true that a referral was not part of the original motion. As I understand it, Senator Andreychuk has expressed her willingness to split, retroactively, her motion and the Senate can give leave, I believe, for that to be done. I would suggest that that would be a neat way to proceed. I think this has been instructive for all of us. I think the rule does permit going either way, however, it is always desirable to have clarity in affairs of the Senate. I would agree with Senator Corbin on that. I would certainly support splitting the motion if the Senate would give leave to do that.

[Translation]

**Hon. Pierre Claude Nolin:** Honourable senators, Her Honour's reading of rule 131(2) was suitable. I do not believe it is necessary to wait. The chamber can make its ruling.

If the report or the motion adopting the report contains such a request — and it is not specified that this request be in the original motion or added later — it can be adopted by the Senate; this does not require a specific notice.

Madam Speaker, you were right to draw our attention to this rule, of which I was unaware.

**The Hon. the Speaker pro tempore:** Honourable senators, Senator Fraser suggested that Senator Andreychuk would agree to split her motion in two until we clarify rule 131(2).

[English]

Senator Fraser asks for leave or permission from this chamber to accept that Senator Andreychuk will split her motion.

Senator Andreychuk, will you accept to split your motion today and then we will have clarification on how to proceed further on in order to ensure that rule 131(2) is clear to everyone?

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

[ Senator Corbin ]

**Senator Andreychuk:** I agree to split the motion and I will move the referral of the report later. I would prefer to have a clarification so that we are all saying the same thing. I will go back a third time for clarification.

**The Hon. the Speaker *pro tempore*:** It is moved by Senator Andreychuk, seconded by Senator Keon, that the twelfth report of the Standing Senate Committee on Human Rights, entitled *Canada and the United Nations Human Rights Council: At the Crossroads*, be adopted now.

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

**Hon. Senators:** Agreed.

**Senator Carstairs:** Honourable senators, perhaps we would allow Senator Andreychuk to revert to motions and she could give notice of a motion that two days hence she will move that this report of the Standing Senate Committee on Human Rights be referred to the government.

Motion agreed to and report adopted.

#### NOTICE OF MOTION TO REQUEST GOVERNMENT RESPONSE

Leave having been given to revert to Notices of Motion:

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

That pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Foreign Affairs being identified as the Minister responsible for responding to the twelfth report of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: At the Crossroads*.

#### CANADA'S COMMITMENT TO DARFUR, SUDAN

##### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Andreychuk*)

**Hon. Donald H. Oliver:** Honourable senators, I intended to speak today, but as it is Thursday afternoon I will just say that I would like to have an opportunity to speak to this inquiry next Tuesday.

On motion of Senator Oliver, debate adjourned.

#### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

##### MOTION TO AUTHORIZE COMMITTEE TO STUDY PERMISSIBILITY OF SENATORS' STAFF INQUIRING INTO THE TRAVELLING DETAILS OF OTHER SENATORS—MOTION IN AMENDMENT— MOTION WITHDRAWN

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the Committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable; and".—(*Honourable Senator Day*)

**Hon. Tommy Banks:** Honourable senators, I think events have overtaken this motion. It has been ruled upon and it is done. I suggest we might remove it from the Order Paper.

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

Motion withdrawn.

#### THE SENATE

##### GENDER EQUALITY—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer calling the attention of the Senate to gender equality in the process of governance, specifically how we, as

Senators in the Senate of Canada, can be a model for gender equality by requiring that the number of Senators in this place be composed of 50 per cent women and 50 per cent men.—(*Honourable Senator Carstairs, P.C.*)

**Hon. Sharon Carstairs:** Honourable senators, let me begin by thanking Senator Mercer for this inquiry and Senator Prud'homme for having raised this issue on many occasions on the floor of this chamber.

I also want to speak of a major breakthrough as a result of the Manitoba election on May 22, 2007. This election resulted in two significant milestones. For the first time in Canada, 31.5 per cent of the elected representatives in a provincial legislature are now women. I anticipate this will result in a change of tone and the topics of debate in the Manitoba legislature. Both, in my view, are good things.

In addition, the first woman of colour, Flor Marcelino, a member of the Filipino community, was elected in the constituency of Wellington. She will join men, both present and in the past, who have represented Aboriginals and men of colour who have served in the Manitoba legislature: Oscar Laithan, Elijah Harper, Bidhu Jha, and Gulzar Cheema, to mention just a few.

As Senator Mercer has noted in his speech, Canada has an opportunity by 2009 to achieve gender parity in a legislative chamber and to send a signal to this country and to the world that Canada believes in gender parity and we can do this by appointing women in numbers that will bring this place to 50 per cent parity of men and women by 2009.

As deputy leader and then as Leader of the Government, it was interesting to watch how the change in representation of women in this chamber changed the dynamics of the committee structure. In 1997, as deputy leader, I could not help but observe that the most popular committees on which Liberal senators wished to sit were Banking and Foreign Affairs. By 2003, the most popular committee had become Social Affairs, Science and Technology, because this was the committee the majority of women wanted to sit on. It is no accident that women dominate this committee in numbers even today. Women in significant numbers wanted to study the issues of mental health, literacy, child care, autism, population health and the health of our cities. In many ways, women have changed the agenda of this place in terms of the inquiries and motions placed before us. This is not to say that the other committees are not equally important or that women do not choose to participate in them. It means that there is greater balance in the issues before this place, a balance that reflects the issues of concern to all Canadians, 52 per cent of whom are women.

The reality is that, by virtue of appointment, the Senate has 32 women representing 34.4 per cent of this chamber. Regrettably, the House of Commons now has less than 22 per cent, and I do not see this changing in any significant way in the near future despite the efforts of political parties, in particular, the Liberals, NDP and the Bloc, to encourage more women to participate.

The House of Commons, in my view, is, for many women, either a hostile or downright unfriendly environment. Their insistence on a five-day-a-week session denying women and, yes,

men, the right to more opportunities to be home with their families is a part of this. Yes, they will work on Fridays in their home constituencies, but they will be home. They can have breakfast and perhaps dinner with spouses and their children and they can ensure the continuation of the familial bond.

• (1730)

As many honourable senators know, I started my political career as a provincial representative. My home, located in my constituency, was about 10 minutes by car from the legislature. If my horse-crazy daughter had an accident with her horse — and she tended to do this quite often, because if you put your hand in the mouth of a horse he is likely to chomp down and break your hand — it meant that I could get to the hospital myself and not hear about it on the phone. I was not three hours away by plane.

I never truly considered federal politics to be an option when the children were younger, and until John agreed that we could be in Ottawa together, I was reluctant to come to the Senate. I had watched my parents drift apart and establish separate lives, with dad here in Ottawa and mom in Halifax. I was not prepared to live a lifestyle like that. Yet, life is considerably easier in terms of family time in the Senate than in the House of Commons. We do not have the same demands to be physically in Ottawa, nor do we have the same demands by constituents.

Let me assure honourable senators and the public that this does not mean that I believe senators work less. What I have argued in the past and continue so to do is that the Senate has been given the luxury of time — the time to read and analyze legislation; the time to champion causes such as palliative care, family violence and human rights, which have been the issues that have dominated much of my work space; the time to contemplate and to view all sides of the issues of the day, time which I believe for many members of the House of Commons is not easily come by.

I urge this Prime Minister and any future prime minister to do two things. First, give serious attention to how the House of Commons could become a more family-friendly place, which would, in my view, attract more women to run and win political office; and, second, increase the representation in the Senate so that gender parity could become a reality in at least one of our chambers almost immediately and thereby set an example for the other place.

Let me leave the following two suggestions on the floor that I believe could enhance the work of all parliamentarians at little cost and yet make Parliament a more family-friendly place.

First, why could we not open four flexible spaces in the child care program on the Hill that would enable children of parliamentarians under five to visit the Hill for a week every so often, to have some special time with their parliamentary mom or dad, allowing the parliamentarian to do their job but to have breakfast, dinner and overnight with their child?

Second, why could we not employ two teachers on the Hill for those school age children, allowing them to go to school on the Hill for a week? They would not fall behind in school work and at the same time have some quality time with mom or dad and have a better understanding of what the work environment is for their parent.

Honourable senators, it is time for a four-day week in the House of Commons. Provincial parliaments have done it and, believe it or not, the sky has not fallen in. Let Parliament lead by example and make Parliament a family-friendly place. Is that not what we want for all of Canada?

**Hon. Marcel Prud'homme:** Honourable senators, I was going to make a few comments and then take the adjournment. I am in a position now where, if I speak, I cannot adjourn the debate in my name, since the honourable senator wants to adjourn.

First, I am glad that the Leader of the Government is here.

**Senator Comeau:** It is Thursday afternoon.

**Senator Prud'homme:** I know, but I am glad the Leader of the Government is here so I will not prolong the debate except to make a few comments. I wanted to ask questions of Senator Carstairs. I am thankful that she mentioned it. Yes, indeed, for years, we have had the option — the Prime Minister has the option, a famous phrase — to appoint 53 women and 52 men. It would be unique in the world.

Since the Leader of the Government is here, I will repeat again that she might put to the Prime Minister our proposal. There are 10 vacancies. As Senator Carstairs said, before the end of 2009 there would be the possibility to achieve that figure of 53. If I were to be the one who has to make the decision for 53-52, I would consider running for office somewhere else.

Having said that, I strongly believe in what the honourable senator just said. I believe in the motion of Senator Mercer. If I can bring to the government's attention — I know it is Thursday afternoon — I would like to pass a message on to Senator LeBreton, if she does not mind.

There are ways to reconcile the Prime Minister's view of not appointing unelected senators. I think he could make a national call and keep his right to appoint, but say, "Canadians, there are 10 vacancies. It is my intention to appoint only women until we reach parity of 53-52." That does not preclude us continuing our reflection as to how to amend the Senate, either elected, equality or otherwise. Politically, it would be an unbelievable gesture from the Prime Minister. After all, if one is in politics, one likes to do something popular. It would be immensely popular and it would achieve what Senator Carstairs has said.

I will finish by saying that I would not like to adjourn before I say that there have been 74 women appointed to the Senate. To show the evolution of Canada, I say to students that I have had the honour of having known 73 of them personally. That shows how far back I go, including to Senator Cairine Wilson, who was protecting my Liberal club at the University of Ottawa for 20 years.

I think the suggestion put forward in better terms than I by Senator Mercer and the debate by Senator Carstairs is worth continuing. I would like to keep the rest of my time, with your permission, by kindly thanking Senator Fraser to adjourn this motion in my name, hoping that my message will get through, and

even considering asking people who think alike to have a national press conference of seven or eight senators who are ready to take on the press, ready to take on those who do not believe in the Senate, because we must not be scared when it is a good cause. I would be more than honoured to be one of the six, seven or eight senators to hold a national press conference; others are better than I at organizing such an event, and then it will be popular.

For the actual government, I do not care who gets the benefit as long as we do it, and Canada again would be known around the world as an unbelievable place where at least one of the two chambers — because we still have the option — will have total parity.

I move the adjournment in my name.

**Hon. Tommy Banks:** Honourable senators, I am happy to have the adjournment but I want to speak by asking a question, and I will ask a question of Senator Prud'homme.

**The Hon. the Speaker *pro tempore*:** Are you asking a question of Senator Prud'homme?

• (1740)

**Senator Banks:** May I ask a question of the honourable senator?

**Senator Prud'homme:** I will review my remaining my time.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

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

### MOTION TO ADOPT REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

**Hon. Maria Chaput,** pursuant to notice of May 29, 2007, moved:

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.

Motion agreed to.

### OFFICIAL LANGUAGES

#### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

**Hon. Maria Chaput**, pursuant to notice of May 29, 2007, moved:

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.

Motion agreed to.

[*English*]

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO MANDATE

**Hon. Tommy Banks**, pursuant to notice of May 30, 2007, moved:

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.

Motion agreed to.

### NATIONAL SECURITY AND DEFENCE

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Colin Kenny**, pursuant to notice of May 30, 2007, moved:

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.

Motion agreed to.

#### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Colin Kenny**, pursuant to notice of May 30, 2007, moved:

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.

Motion agreed to.

[*Translation*]

### ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 5, 2007, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 5, 2007, at 2 p.m.

# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

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

**(1st Session, 39th Parliament)**

**Thursday, May 31, 2007**

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

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30	07/03/29	7/07
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations + 2 at 3rd	07/02/15	07/03/29	5/07
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)  (bill 07/02/20 Legal and Constitutional Affairs)	(report on subject-matter 06/ 10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06
S-6	An Act to amend the First Nations Land Management Act	07/04/25	07/05/15	Aboriginal Peoples	07/05/31	0	07/05/31		

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 <sup>rd</sup> (including 1 amend. to report) 06/11/09 Total 158	06/11/09  Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21  Referred to committee 06/11/23  Report adopted 06/12/07  Message from Commons- agree with Senate amendments 06/12/11	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 ( <i>Appropriation Act No. 1, 2006-2007</i> )	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06	07/02/27	Legal and Constitutional Affairs	07/05/03	0 observations	07/05/16	07/05/31*	12/07
C-10	An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act	07/05/30							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-11	An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts	07/03/01	07/03/28	Transport and Communications	07/05/17	2 Observations  Report amended 07/05/30	07/05/31		
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11	07/03/28	Special Committee on the Anti-terrorism Act					
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0 + 1 at 3rd	07/03/28  Message from Commons disagreeing with Senate amendment 07/04/27  Senate does not insist on its amendment 07/05/01	07/05/03*	10/07
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-18	An Act to amend certain Acts in relation to DNA identification	07/03/29	07/05/09	Legal and Constitutional Affairs					
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-22	An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act	07/05/08							
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07	07/02/28	Banking, Trade and Commerce	07/04/19	0 observations	07/04/26	07/05/03*	9/07
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14	07/02/21*	2/07
C-31	An Act to amend the Canada Elections Act and the Public Service Employment Act	07/02/21	07/03/21	Legal and Constitutional Affairs					
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-36	An Act to amend the Canada Pension Plan and the Old Age Security Act	07/03/20	07/04/17	Banking, Trade and Commerce	07/04/19	0	07/05/01	07/05/03*	11/07
C-37	An Act to amend the law governing financial institutions and to provide for related and consequential matters	07/02/28	07/03/21	Banking, Trade and Commerce	07/03/29	0	07/03/29	07/03/29	6/07
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.2, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.3, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06
C-40	An Act 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	07/05/15							
C-46	An Act to provide for the resumption and continuation of railway operations	07/04/18	07/04/18	Committee of the Whole	07/04/18	0	07/04/18	07/04/18*	8/07
C-48	An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption	07/05/01	07/05/10	Foreign Affairs and International Trade	07/05/17	0	07/05/29	07/05/31*	13/07
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.4, 2006-2007</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	3/07
C-50	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No.1, 2007-2008</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	4/07

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-252	An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition)	07/03/22	07/04/19	Social Affairs, Science and Technology	07/05/10	0	07/05/29	07/05/31*	14/07
C-277	An Act to amend the Criminal Code (luring a child)	07/03/29	07/05/10	Social Affairs, Science and Technology	07/05/31	0			
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/05/30							
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15	07/03/29	Energy, the Environment and Natural Resources	07/05/17	0			
C-292	An Act to implement the Kelowna Accord	07/03/22							
C-293	An Act respecting the provision of official development assistance abroad	07/03/29	07/05/29	Foreign Affairs and International Trade					
C-294	An Act to amend the Income Tax Act (sports and recreation programs)	07/04/17	07/05/02	National Finance					
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/05/09							

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1	07/05/10		
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05	07/05/29	Legal and Constitutional Affairs					
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0	07/04/25		
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources	07/05/31	0			
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27	07/05/31	Rules, Procedures and the Rights of Parliament					
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-224	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/04/17							
S-225	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/05/09							
S-226	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/05/29							
S-227	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/05/29							
S-228	An Act to amend the Non-smokers' Health Act (Sen. Harb)	07/05/30							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	

## CONTENTS

Thursday, May 31, 2007

	PAGE
<b>Royal Assent</b>	
The Hon. the Speaker. . . . .	2467

---

### SENATORS' STATEMENTS

<b>Prince Edward Island</b>	
Charlottetown—Business Hall of Fame Induction Ceremony.	
Hon. Catherine S. Callbeck. . . . .	2467
<b>The Honourable Noël A. Kinsella</b>	
Congratulations on Receiving Doctor of Laws Degree.	
Hon. David Tkachuk. . . . .	2467
<b>Apology</b>	
Hon. Anne C. Cools. . . . .	2468
Hon. Gerald J. Comeau. . . . .	2468
<b>Prince Edward Island</b>	
Congratulations on Election of Liberal Government.	
Hon. Elizabeth Hubley. . . . .	2468
<b>Racial Profiling by Police Forces</b>	
Hon. Donald H. Oliver. . . . .	2468
<b>Visitors in the Gallery</b>	
The Hon. the Speaker. . . . .	2469

---

### ROUTINE PROCEEDINGS

<b>Criminal Code (Bill C-277)</b>	
Bill to Amend—Report of Committee.	
Hon. Wilbert J. Keon. . . . .	2469
<b>Personal Watercraft Bill (Bill S-209)</b>	
Report of Committee.	
Hon. Tommy Banks. . . . .	2469
<b>First Nations Land Management Act (Bill S-6)</b>	
Bill to Amend—Report of Committee.	
Hon. Gerry St. Germain. . . . .	2470
<b>Study on Evacuation of Canadian Citizens from Lebanon</b>	
Report of Foreign Affairs and International Trade Committee Tabled.	
Hon. Consiglio Di Nino. . . . .	2470
<b>Study on Recent Reports and Action Plan Concerning Drinking Water in First Nations' Communities</b>	
Report of Aboriginal Peoples Committee Tabled.	
Hon. Gerry St. Germain. . . . .	2470
<b>Internal Economy, Budgets and Administration</b>	
Seventeenth Report of Committee Presented.	
Hon. George J. Furey. . . . .	2470
<b>National Security and Defence</b>	
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Veterans' Services and Benefits, Commemorative Activities and Charter.	
Hon. Joseph A. Day. . . . .	2470

### QUESTION PERIOD

<b>Heritage</b>	
Support for the Arts—Funding for Summer Festivals.	
Hon. Claudette Tardif. . . . .	2471
Hon. Marjory LeBreton. . . . .	2471
Hon. Francis Fox. . . . .	2471
Hon. Dennis Dawson. . . . .	2472

### Public Works and Government Services

Strategy for Moving Government Operations Out of Large Urban Areas.	
Hon. Hugh Segal. . . . .	2472
Hon. Michael Fortier. . . . .	2473
Gatineau, Quebec—New Government Buildings—Environmental Standards.	
Hon. Mira Spivak. . . . .	2473
Hon. Michael Fortier. . . . .	2473
Strategy for Moving Government Operations Out of Large Urban Areas.	
Hon. Percy Downe. . . . .	2473
Hon. Michael Fortier. . . . .	2473

### The Environment

Kyoto Protocol—Impact of Liberal Party of Canada Plan.	
Hon. David Tkachuk. . . . .	2473
Hon. Marjory LeBreton. . . . .	2474

### The Senate

Enhancement of Security—Comments by the Honourable Terry Stratton.	
Hon. Roméo Antonius Dallaire. . . . .	2474
Hon. Marjory LeBreton. . . . .	2474
Position of Institution vis-à-vis the Office of the Prime Minister and House of Commons.	
Hon. Roméo Antonius Dallaire. . . . .	2474
Hon. Marjory LeBreton. . . . .	2474

### Public Works and Government Services

Review of Government Polling—Appointment of Daniel Paillé.	
Hon. Sharon Carstairs. . . . .	2475
Hon. Michael Fortier. . . . .	2475
Posting of Ipsos-Reid Poll Entitled "Exploring the Views of Canada's Multicultural Communities".	
Hon. Sharon Carstairs. . . . .	2475
Hon. Michael Fortier. . . . .	2475

### Answers to Order Paper Question Tabled

Health—Pest Management Regulatory Agency.	
Hon. Gerald J. Comeau. . . . .	2475

### Business of the Senate

Hon. Gerry St. Germain. . . . .	2475
---------------------------------	------

---

### ORDERS OF THE DAY

#### Canada Transportation Act

<b>Railway Safety Act (Bill C-11)</b>	
Bill to Amend—Third Reading.	
Hon. Hugh Segal. . . . .	2476

#### First Nations Land Management Act (Bill S-6)

Bill to Amend—Third Reading.	
Hon. Gerry St. Germain. . . . .	2476
Hon. Tommy Banks. . . . .	2477

	PAGE
<b>Criminal Code (Bill C-22)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Catherine S. Callbeck . . . . .	2478
Hon. Sharon Carstairs . . . . .	2479
<b>Constitution Act, 1867 (Bill S-4)</b>	
Bill to Amend—Report of Special Committee on Subject Matter—Debated Continued.	
Hon. Gerald J. Comeau . . . . .	2480
Point of Order.	
Hon. Anne C. Cools. . . . .	2480
Hon. Joan Fraser . . . . .	2482
Hon. Gerald J. Comeau . . . . .	2482
<b>Parliamentary Employment and Staff Relations Act (Bill S-219)</b>	
Bill to Amend—Second Reading.	
Hon. A. Raynell Andreychuk . . . . .	2483
Referred to Committee . . . . .	2483
<b>Bankruptcy and Insolvency Act (Bill S-227)</b>	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Yoine Goldstein. . . . .	2483
Hon. Lowell Murray . . . . .	2486
<b>Kyoto Protocol Implementation Bill (Bill C-288)</b>	
Third Reading—Debate Continued.	
Hon. David Tkachuk . . . . .	2487
Motion in Amendment.	
Hon. David Tkachuk . . . . .	2490
Hon. Grant Mitchell. . . . .	2491
<b>Kelowna Accord Implementation Bill (Bill C-292)</b>	
Second Reading—Debate Continued.	
Hon. Terry Stratton . . . . .	2494
<b>Constitution Act, 1867</b>	
Report of Special Committee on Motion to Amend— Motion in Amendment—Debate Continued.	
Hon. Joan Fraser . . . . .	2494
<b>Study on Rural Poverty</b>	
Interim Report of Agriculture and Forestry Committee— Debate Continued.	
Hon. Robert W. Peterson . . . . .	2495
<b>Question of Privilege</b>	
Motion to Refer to Standing Committee on Rules, Procedures and the Rights of Parliament—Debate Continued.	
Hon. Hugh Segal . . . . .	2495
<b>Study on Issues Related to National and International Human Rights Obligations</b>	
Report of Human Rights Committee Adopted.	
Hon. A. Raynell Andreychuk . . . . .	2496
Hon. Joan Fraser . . . . .	2497

	PAGE
Point of Order.	
Hon. Eymard G. Corbin. . . . .	2497
Hon. Anne C. Cools. . . . .	2498
Hon. A. Raynell Andreychuk . . . . .	2498
Hon. Sharon Carstairs . . . . .	2498
Hon. Joan Fraser . . . . .	2498
Hon. Pierre Claude Nolin . . . . .	2498
Notice of Motion to Request Government Response.	
Hon. A. Raynell Andreychuk . . . . .	2499
<b>Canada's Commitment to Darfur, Sudan</b>	
Inquiry—Debate Continued.	
Hon. Donald H. Oliver. . . . .	2499
<b>Internal Economy, Budgets and Administration</b>	
Motion to Authorize Committee to Study Permissibility of Senators' Staff Inquiring into the Travelling Details of Other Senators—Motion in Amendment—Motion Withdrawn.	
Hon. Tommy Banks . . . . .	2499
<b>The Senate</b>	
Gender Equality—Inquiry—Debate Continued.	
Hon. Sharon Carstairs . . . . .	2500
Hon. Marcel Prud'homme. . . . .	2501
Hon. Tommy Banks . . . . .	2501
<b>Study on Operation of Official Languages Act and Relevant Regulations, Directives and Reports</b>	
Motion to Adopt Report of Official Languages Committee and Request for Government Response Adopted.	
Hon. Maria Chaput . . . . .	2501
<b>Official Languages</b>	
Committee Authorized to Extend Date of Final Report on Study of Operation of Official Languages Act and Relevant Regulations, Directives and Reports.	
Hon. Maria Chaput . . . . .	2502
<b>Energy, the Environment and Natural Resources</b>	
Committee Authorized to Extend Date of Final Report on Study of Matters Relating to Mandate.	
Hon. Tommy Banks . . . . .	2502
<b>National Security and Defence</b>	
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Colin Kenny . . . . .	2502
Committee Authorized to Meet During Adjournment of the Senate.	
Hon. Colin Kenny . . . . .	2502
<b>Adjournment</b>	
Hon. Gerald J. Comeau . . . . .	2502
<b>Progress of Legislation . . . . .</b>	<b>i</b>



*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5