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(HANSARD)

Thursday, May 11, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, May 11, 2006

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

Prayers.

[*Translation*]

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

May 11, 2006

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, will proceed to the Senate Chamber today, the 11th day of May, 2006, at 4:30 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Curtis Barlow
Deputy Secretary, Policy, Program and Protocol

The Honourable
The Speaker of the Senate
Ottawa

• (1340)

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, whilst I am on my feet, I wish to draw the attention of honourable senators to the presence in the gallery of His Excellency the former President of Tanzania and also former High Commissioner to Canada, Mr. Benjamin Mkapa, accompanied by Mr. Ombeni Sefue, Tanzanian High Commissioner to Canada. They are guests of the Honourable Senator Di Nino.

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

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

INDIAN RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

Hon. Nick G. Sibbeston: Honourable senators, good news has arrived in the announcement of Minister Jim Prentice in the House of Commons yesterday. He stated that a final Indian residential school settlement agreement has been approved by all the parties.

Some Hon. Senators: Hear, hear.

Senator Sibbeston: Minister Prentice is referring to the churches, the legal representatives of former students, the Assembly of First Nations, other Aboriginal organizations and, of course, the federal government.

I commend the Conservative government and Mr. Prentice, in particular, for bringing this agreement to its final conclusion. I know that Grand Chief Phil Fontaine has made it his goal and objective to initiate the process and to work with the two governments to reach a final agreement. Former Justice Iacobucci has also had an important hand in initially studying the issue, then bringing all parties together to work toward a final solution.

There is still one step to go. The court jurisdictions throughout our country must give final approval, but I believe that is a formality.

The government has announced that elders can also apply immediately for initial payments of $8,000. The website has a simple three-page application form that elderly people can fill out. My office is helping people in this process.

Some of my colleagues may still be wondering what is this all about. Why is there a $2.1-billion settlement, and why is there a need for the federal government to deal with the issue of Indian residential schools in our country?

The Catholic and Anglican Churches were the first to provide residential schools as early as the 1820s. The first government involvement in residential schools was in 1884. There were 130 residential schools in every province and territory except Newfoundland, New Brunswick and Prince Edward Island.

Most of these residential schools closed in the mid-1970s and the last one was in 1996. Tens of thousands of Aboriginal people have gone through these residential schools. Today, it is estimated that there are 80,000 former students still alive and the average age is 60.

In the Northwest Territories, where I come from, the residential school that I went to, the Sacred Heart School, was started by the oblates and the Grey Nuns in 1858. We have had residential schools in our part of the country for about 150 years.

In 1949, when I was six years old, my mother sent me to residential school. I stayed there for six years. I have cousins and friends who were there for 10 years without going home. This was very traumatic and difficult.

Hon. Gerry St. Germain: Honourable senators, I too wish to compliment the government and Minister Prentice for the excellent work that has been done in dealing with this file. However, we would be remiss if we did not pay tribute to the former administration, the Liberal government, who did a tremendous amount of work on this particular file.

Some Hon. Senators: Hear, hear.

Senator St. Germain: I rise today not only to thank the government and the administrations that have dealt with this file, but also to pay tribute to Senator Sibbeston, who spent a significant number of his younger years in one of these facilities. He paid the price. He shared those experiences with me in a confidential way, and I can see the price he has paid.

• (1345)

I think we owe Senator Sibbeston and others a thank you for the patience they have shown the Canadian government and the Canadian people while waiting for this day.

We thank you. We pay tribute to you and all the others, Senator Sibbeston. Hopefully, we will never have to witness anything like this again in our lifetime.

Hon. Senators: Hear, hear!

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

FORTY-SEVENTH ANNUAL MEETING

Hon. Jerahmiel S. Grafstein: Honourable senators, I want to draw the attention of the Senate to a very productive meeting that senators attended on the forty-seventh annual meeting of the Canada-United States Inter-Parliamentary Group, held May 5 to 8 in Charleston, South Carolina. I was the co-chair of the meeting and seven senators from this chamber were also in attendance. I want to thank the interim co-chair, Jason Kenney, MP who did a superb job as the acting co-chair.

In my view, honourable senators, this was one of the most productive meetings we have ever had. I want to thank, on the record, our American hosts, co-chairs Senator Mike Crapo and Representative Don Manzullo and, specifically, Representative Henry Brown from the congressional district in which Charleston is located. We had a fascinating and productive meeting, and the hospitality was outstanding.

Our group agreed to press for an active agenda on over 18 substantive resolutions. The delegates agreed to the Western Hemisphere Travel Initiative and to developing a comprehensive approach to a North American energy strategy and developing an energy plan. Our goal is that within a decade, under the North American Free Trade Agreement, the partners will be self-sufficient in renewable and non-renewable energy.

The delegates agreed to develop a long-term settlement dispute mechanism applicable to softwood lumber, and to develop additional bilateral and multilateral free trade agreements on a joint basis. The delegates also agreed to undertake with the Mexican government a comprehensive study of pharmaceutical drug research, pricing, margins, marketing, et cetera. Next, the group agreed to preserve and augment the manufacturing on both sides of the border, with a special bilateral study on productivity in the automotive industry. We agreed to take a look at the proposed impact of export controls — and this is an important one for us — on high-tech products to Canada and the United States, and I will be pursuing that with our representative, Ambassador Wilson, in Washington.

We also agreed to develop a comprehensive strategy with respect to the threat of avian influenza and to work on a comprehensive environmental strategy encompassing the border, especially the Great Lakes, the St. Lawrence Seaway and Devils Lake. Finally, but not in conclusion, we agreed to get both governments to work on a comprehensive strategy designed to address the growing problem of methamphetamines, which are used in communities of both nations and are a serious new drug problem.

I also want to take this opportunity to congratulate our colleague, Senator Angus, who acted as co-chair of one of the most contentious committees. He did a superb job in bringing both sides together. I want to commend him and thank all honourable senators for participating in this most productive and important work.

These resolutions are merely resolutions unless the Senate and our colleagues in the United States implement them — which they have undertaken to do in both houses. These are far-reaching resolutions that impact us all. I hope this Senate and this chamber will take the leadership in that role.

Hon. W. David Angus: Honourable senators, as you have heard, I, too, would like to say a few words about the forty-seventh annual meeting of the Canada-United States Inter-Parliamentary Group, which met in Charleston last weekend.

• (1350)

I had the privilege of co-chairing Group C with Republican Congressman Mark Souder of Indiana. The group was loosely entitled Bilateral Co-operation on Transborder, Environmental and Other Issues. It included the following: safeguarding our shared natural resources and improving our air and water quality; making our streets safe, cross-border small arms smuggling; crystal meth; securing hemispheric energy resources and production; oil, gas, electricity and uranium supply, demand and infrastructure; and ensuring an adequate, secure border, which was a euphemism for the Western Hemisphere Travel Initiative.

The WHTI consumed the vast part of the Group C meeting of four and one-half hours and stimulated highly animated and controversial discussion. The legislation, as honourable senators know, has passed the U.S. Congress and is now approaching the prescribed implementation date of December 31, 2006. We heard from experts from the Department of State and the Department of Homeland Security about the process for implementation. All delegates of all parties, including the Canadian representatives, except for some senior Republicans, expressed great concern

about the potential for economic and tourism dislocation on both sides of the border. It could amount to billions of dollars per year on both sides of the border if the implementation were to take place as scheduled without key changes.

Some delegates referred to the implementation of this legislation as a slow train wreck waiting to happen. The Canadian Ambassador to the United States has stated publicly that when he raised the issue at the White House, he was told that it was not up for discussion. The problem was that the leading Republicans present, although they shared these concerns, were unable to use words such as "delay the implementation" and "amend the document." Our challenge was to find a compromise and to bring some public focus in a constructive way to the implementation process.

The following resolution was unanimously agreed upon, having been arrived at in our committee at the last moment after four hours of discussion. It states:

> Delegates recognize that the Western Hemisphere Travel Initiative (WHTI) is a matter of considerable debate on both sides of the U.S.-Canadian border for various reasons, including its potential for substantial negative economic impact. Delegates also recognize, however, that the Initiative continues to move forward toward implementation. During animated discussions, delegates also recognized that the final details about how this border security measure would be implemented are still being considered by the U.S. Departments of State and Homeland Security. It is the consensus of delegates that the process of implementation of the WHTI warrants closer examination by both nations to ensure that it is effective, efficient and user-friendly before it is implemented.

Honourable senators, I heartily endorse it.

PRINCE EDWARD ISLAND

CANCELLATION OF PARTNERSHIP FUND— EFFECT ON POWER SUPPLY PROJECT

Hon. Catherine S. Callbeck: Honourable senators, my home province of Prince Edward Island has tremendous potential for wind-generated electricity, and we are currently in the process of developing this wind power potential. Indeed, we have one of the best wind resources in the country, so much so that in the periods of low Island consumption, we could export our extra wind power. Given that Prince Edward Island currently imports about 90 per cent of its electricity from New Brunswick, wind power has the ability to decrease greatly the province's reliance on imported electricity.

On November 18, 2005, the Governments of Canada and Prince Edward Island jointly announced a collaborative project to upgrade the electricity transmission system between Prince Edward Island and New Brunswick, which would add a new power cable between the two provinces. The cable would be placed inside the Confederation Bridge in a utility corridor specifically designed and built for this purpose.

The new cable would allow our province considerable flexibility. Not only would we be capable of exporting our extra wind power but also we would be able to import energy. In addition, a new cable would provide security of electrical supply in the event that the two existing submarine cables fail.

• (1355)

This project was to be the first in our province under the national Partnership Fund, a major initiative of Canada's Climate Change Plan, announced as part of the 2005 budget. The project, which would help Prince Edward Island maximize its renewable energy resources, was expected to cost approximately $60 million overall. The federal government's share of the funding was estimated to be $30 million.

Now the Conservative government has cancelled the Partnership Fund, which means that my province will not receive the $30 million from this fund for the new power cable announced last fall.

This cable is a much needed investment for P.E.I. and will provide enormous benefits for Islanders now and in the future. I call on the federal Conservative government to do the right thing and honour last November's announcement of $30 million towards this worthwhile project.

ROUTINE PROCEEDINGS

NATIONAL AWARENESS DAY PROCLAMATION FOR FIBROMYALGIA AND CHRONIC FATIGUE SYNDROME/ MYALGIC ENCEPHALOMYELITIS

TABLED

Hon. Wilbert J. Keon: Honourable senators, pursuant to rule 28(4) and with leave of the Senate I would like to table a document entitled, *National Awareness Day Proclamation for Fibromyalgia and Chronic Fatigue Syndrome/Myalgic Encephalomyelitis.*

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. J. Trevor Eyton: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to present the first report of the Standing Joint Committee for the Scrutiny of Regulations. This report outlines the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament and contains an order of reference.

Thursday, May 11, 2006

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FIRST REPORT

Your Committee reports that in relation to its permanent reference, section 19 of the Statutory Instruments Act, R.S.C. 1985, c. S-22, the Committee was previously empowered "to study the means by which Parliament can better oversee the government regulatory process and in particular to enquire into and report upon:

1. the appropriate principles and practices to be observed

   (*a*) in the drafting of powers enabling delegates of Parliament to make subordinate laws;

   (*b*) in the enactment of statutory instruments;

   (*c*) in the use of executive regulation — including delegated powers and subordinate laws;

   and the manner in which Parliamentary control should be effected in respect of the same;

2. the role, functions and powers of the Standing Joint Committee for the Scrutiny of Regulations."

Your Committee recommends that the same order of reference together with the evidence adduced thereon during previous sessions be again referred to it.

Your Committee informs both Houses of Parliament that the criteria it will use for the review and scrutiny of statutory instruments are the following:

Whether any Regulation or other statutory instrument within its terms of reference, in the judgement of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;

2. is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;

3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;

4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;

5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;

6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;

7. has not complied with the *Statutory Instruments Act* with respect to transmission, registration or publication;

8. appears for any reason to infringe the rule of law;

9. trespasses unduly on rights and liberties;

10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;

11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;

12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;

13. is defective in its drafting or for any other reason requires elucidation as to its form or purport.

Your Committee recommends that its quorum be fixed at 4 members, provided that both Houses are represented whenever a vote, resolution or other decision is taken, and that the Joint Chairmen be authorized to hold meetings to receive evidence and authorize the printing thereof so long as 3 members are present, provided that both Houses are represented; and, that the Committee have power to engage the services of such expert staff, and such stenographic and clerical staff as may be required.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses in connection with its permanent reference relating to the review and scrutiny of statutory instruments, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the First Session of the Thirty-eighth Parliament were as follows:

Professional and Other Services	$ 576.60
Transport and Communications	$ 0.00
All Other Expenses	$ 1,253.56
Total	**$ 1,830.16**

A copy of the relevant Minutes of Proceedings and Evidence (Issue No. 1, First Session, Thirty-ninth Parliament) is tabled in the House of Commons.

Respectfully submitted,

JOHN TREVOR EYTON
Joint Chair

The Hon. the Speaker: When shall this report be taken into consideration?

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

[*Translation*]

BUSINESS OF THE SENATE

NOTICE OF MOTION TO AUTHORIZE COMMITTEES SCHEDULED TO MEET ON MONDAYS TO CONVENE DURING SENATE ADJOURNMENTS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

> That pursuant to rule 95(3), for the remainder of this session, the Standing Senate Committees on Human Rights, Official Languages, and National Security and Defence be authorized to meet at their approved meeting times as determined by the Government and Opposition Whips on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding a week.

• (1400)

CANADA-CHINA LEGISLATIVE ASSOCIATION

ANNUAL MEETING OF CO-CHAIRS, MARCH 22 TO APRIL 1, 2006—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation respecting the annual visit by the co-chairs of the Canada-China Legislative Association to the People's Republic of China, held in Beijing, Guangzhou, Hainan Island and Hong Kong, from March 22 to April 1, 2006.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL GOVERNORS ASSOCIATION— HEALTHY AMERICA FORUM AND WINTER MEETING, FEBRUARY 25-28, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian Parliamentary Delegation of the Canada-U.S. Inter-parliamentary Group respecting its participation in the National Governors Association Healthy America Forum and Winter Meeting in Washington, D.C. from February 25 to 28, 2006.

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BILL S-211—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO RECEIVE PAPERS AND EVIDENCE ON BILL S-11 OF THIRTY-EIGHTH PARLIAMENT

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

> That the papers and evidence received and taken on Bill S-11, An Act to amend the Criminal Code (lottery schemes), by the Standing Senate Committee on Legal and Constitutional Affairs during the First Session of the Thirty-eighth Parliament be referred to the Standing Senate Committee on Social Affairs, Science and Technology for its study on Bill S-211, An Act to amend the Criminal Code (lottery schemes).

[*English*]

THE SENATE

NOTICE OF MOTION TO IMPLORE PRESIDENT OF RUSSIA TO ASSIST IN LOCATING RAOUL WALLENBERG

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

> That the Senate of Canada implore President Vladimir Putin, President of Russia, to use his good offices to shed light on the whereabouts of Raoul Wallenberg, the Swedish diplomat who was responsible for saving the lives of thousands of people from Nazi death camps. He was allegedly seized by the Soviet Union army on June 17, 1945, and has not been seen or heard from since.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

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

> That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans;
>
> That the papers and evidence received and taken and the work accomplished by the Committee on the subject during the First Session of the Thirty-eighth Parliament be referred to the Committee; and
>
> That the Committee submit its final report to the Senate no later than Friday, June 29, 2007.

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AGREEMENT OF FIRST MINISTERS MEETING ON ABORIGINAL ISSUES

Hon. Jack Austin: Honourable senators, my question is directed to the Leader of the Government in the Senate. I will begin by expressing my own appreciation for the finalization of the Indian

residential schools compensation question. As Senator St. Germain has said, this has been a work in progress for several years.

• (1405)

It has been difficult, and I do extend my appreciation to the government for concluding the matter and putting an important chapter of Canada's history with the Aboriginal community behind us.

I wonder whether that step would lead me to some optimism with respect to the Kelowna accord. In the reply to the Speech from the Throne, I asked the government to become a good second-look government. I hope the government will take a second look at its position with respect to the Kelowna accord.

I wish to inform this house that Premier Gordon Campbell of British Columbia has, in the British Columbia legislature, taken a strong position in defence of the Kelowna accord, which he described as "an extraordinary national commitment" by Ottawa and the provinces to improve the lives of Aboriginal Canadians. In addressing the legislature last week, he also described the Kelowna accord as "a compact to restore trust that must be honoured by the Crown." All sides of the B.C. legislature rose to applaud Premier Campbell for his address and his refusal to let the Kelowna accord die.

On May 9, 2006, the Assembly of First Nations called for a continuation of the Kelowna process and asked Prime Minister Harper to meet with them to resolve the impasse over the Kelowna accord. I wish to ask the leader if this request has been considered and whether Prime Minister Harper is prepared to meet the Assembly of First Nations with respect to the Kelowna accord.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I, too, am very pleased that the residential school issue has finally been resolved, and I congratulate those who were involved in the process.

With regard to the Kelowna accord, I am well aware of the unanimous motion from the legislature in British Columbia. As the honourable senator would know, our then critic on Indian and Northern Affairs, now Minister Jim Prentice, attended the meetings in Kelowna, and he met with all of the leaders, including many new, young leaders who are coming forward in the Aboriginal community.

We took specific budgetary measures in the announcement of the budget to begin addressing some of the very serious concerns. As honourable senators will also know, Minister Prentice has been supportive of the objectives of the Kelowna accord, although no monies were made available in the fiscal framework.

Minister Prentice and the Prime Minister are working on these issues. These are serious issues, and we are treating them seriously, but I cannot state definitively when they will meet with the leaders of the Aboriginal community. I will certainly endeavour to find out if such a meeting is in the works and report to Senator Austin.

Senator Austin: Honourable senators, I am concerned as to whether the government is treating the issue of the Kelowna accord seriously, as the minister has said. For example, last Monday, the Honourable Jim Prentice, Minister of Indian Affairs, described the Kelowna accord as just an "empty promise" of the former Liberal government. The Friday previous, Jason Kenney, the Prime Minister's Parliamentary Secretary called Kelowna "an eleventh-hour pre-election press release."

The Honourable Monte Solberg, now the Immigration Minister, during the 2006 election, called the Kelowna accord "a deal scratched out on the back of a napkin."

• (1410)

The fact is, honourable senators, that the Kelowna accord was the result of two years of negotiations among the parties, and the most significant building of trust between the Aboriginal and non-Aboriginal communities in the history of Canada.

I hope that the minister will also take into account that this government did not mention Aboriginal issues in its Speech from the Throne. This government did not mention Aboriginal issues in the budget address or in the budget papers. This government has not continued the Cabinet Committee on Aboriginal Affairs from the previous government, which gave specific focus to resolving Aboriginal issues.

I put that on the record, honourable senators, because it does raise a concern that this government will not seize the opportunity to bring about the partnership between the Government of Canada, the provinces and the Aboriginal peoples created by the Kelowna accord.

I ask the minister to provide this chamber with an outline by way of a delayed answer of the positive steps that the government is taking to address the social and economic issues of the Aboriginal community.

Senator LeBreton: I thank the honourable senator for his question. I will certainly, as he suggests, provide all of that information in a delayed answer.

The honourable senator referred to the comments of Minister Prentice and Parliamentary Secretary Jason Kenney. I think I responded to that question in my first answer to him. It does not take away from Minister Prentice's overall support for the intent and the goals of the Kelowna accord. However, the fact is, and it does not change, that there were statements made without any inclusion in the fiscal framework. I did mention to honourable senators the measures that were taken, and I keep repeating that it is our first budget in our first session of Parliament. We have been here a little over three months.

Honourable senators will note that there have been quite a number of Aboriginal leaders, an example being Patrick Brazeau, the National Chief of the Congress of Aboriginal Peoples, who indicated: "We're very pleased with the budget."

The President of ITK, Canada's national Inuit organization, has expressed support for the funding set aside for Aboriginal housing. He said, "This is the most we have gotten from the federal budget." Mr. Kusugak stated that he is reassured by the government's commitment to meet the targets agreed upon in the Kelowna accord.

Grand Council Chief Beaucage of the Anishinabek Nation said that he is excited to see our government's commitment to compensate the residential school survivors.

I am aware of several meetings Minister Jim Prentice has had thus far with many people in the Aboriginal community. He is working very hard, and I will be very happy to speak to him and ask him to prepare a summary of his negotiations and work thus far in this area.

Senator Austin: The minister refers to the fact that the funds set out in the Kelowna accord are not in the fiscal framework, but I would like to remind her and this chamber that the agreement for the Kelowna accord took place three days before the defeat of the Martin government. It was the intention of the Martin government, as the then-Minister of Finance, Mr. Goodale, said, to provide for the federal government's role in the program. The fact that it was not of importance to the Conservative Party, the New Democratic Party or the Bloc Québécois is another story.

• (1415)

Will the minister encourage the Chair of the Standing Senate Committee on Aboriginal Peoples and the members of her party opposite to invite the national chief, Phil Fontaine, and the regional chiefs of the Assembly of First Nations to come before the committee expeditiously in order to hear their presentations on the Kelowna accord?

Senator LeBreton: I thank Senator Austin for that question.

The fact that the Kelowna accord was signed three days before the defeat of the government has been noted. The subject matter requires immediate attention. Unfortunately, the Kelowna accord is like so many other things that the previous government jammed into the last few weeks when it realized that its defeat was imminent, and I cannot accept that the NDP, Bloc Québécois or the Conservatives are responsible for things that the government did not do until the last moment.

With regard to the chair of the Aboriginal Committee, honourable senators will know that he is a strong voice for Aboriginal and Metis people. I am certain that at the appropriate time all of these people will be invited to the committee to be heard. We will not have to tell him; he can certainly act on his own behalf.

NATURAL RESOURCES

SOFTWOOD LUMBER AGREEMENT— RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY

Hon. Pierrette Ringuette: My question is for the Leader of the Government in the Senate. Her government has given over $1 billion of our Canadian forest industry's hard-earned money to the U.S. forest industry to do product research and development and global market development. The government has removed from the current budget the $1.5 billion package that was announced last November for the Canadian forest industry.

What amount of money will the government provide the Canadian forest industry to do product research and development and to compete with the U.S. forest industry for new global markets?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, not being a trade negotiator or a financial analyst, I will take most of that question as notice.

Most honourable senators will agree that putting the softwood lumber issue behind us has created stability for the provinces. The agreement represents a deal that is good for Canadians, lumber companies, workers and communities. The appropriate officials and the minister are consulting closely with the provinces and the territories on how we can work together to move this industry forward.

Senator Ringuette: The reality is that there are still nine months of discussions left before there will be an official ratification of the deal.

The reason the government will not be able to help our Canadian forest industry is that within that proposed deal are provisions that prohibit the Government of Canada from helping our own forest industry.

Will the minister table in this house that proposed deal and refer it to our own Standing Senate Committee on Banking, Trade and Commerce to be reviewed?

• (1420)

Senator LeBreton: I will put that request to the appropriate officials in the government.

Senator Ringuette: This is a matter of many, many jobs, and many businesses in Canada that need to survive. I ask the Leader of the Government again: Will the Leader of the Government table this deal, or is she afraid that she will again be accused of bullying the stakeholders?

Senator LeBreton: Honourable senators, when we started this process in the Senate, I tried to communicate to senators on both sides that shouting at each other and dictating one's own views are not what the Canadian public expect of parliamentarians.

Senator Ringuette: We expect openness. We want that document open.

Senator LeBreton: I again point out to the honourable senators: We were elected on January 23. We were sworn in on February 6. As I sat in this chamber when the honourable senator was sitting on the government side, I do not remember her ever insisting that her government resolve the softwood lumber dispute or, in fact, deal with the smaller industries.

I will take the question as notice.

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

APPLICATION OF OFFICIAL LANGUAGES ACT

Hon. Claudette Tardif: Honourable senators, my question is for the Minister of Public Works and Government Services. Like my colleagues, I would like to congratulate the Minister of Public Works and Government Services, Mr. Michael Fortier, on his appointment.

In her annual report, the Commissioner of Official Languages gave the mark of "poor" to the Department of Public Works and Government Services. This department had the third highest number of complaints among federal institutions. In reaction to the commissioner's report, Minister Fortier said, and I quote:

> As a francophone, I am not pleased to see the mark is rather less than spectacular. There is no doubt I will make the effort necessary to improve our marks significantly by the next report card.

The minister's reaction in this regard is encouraging. How, specifically, does the minister plan to proceed to improve the application of the Official Languages Act in his department? Does the minister have a plan of action or implementation, particularly in the light of Bill S-3?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the senator for her question and words of welcome.

She quoted me, and so I learn another lesson today. We can quote newspaper articles in this chamber, but not responses to questions from colleagues in the other chamber.

Your question is a very good one. Indeed, specific measures will be taken. I am studying the report with my officials at the moment. The first measure will be as follows. First and foremost, it has been a very long time since this department has been headed by a bilingual minister.

You will understand the commissioner is delighted a minister can speak French with employees and hear their briefings in French, something that has not been the case for many years in this department.

Leadership will therefore start at the highest level, and I guarantee there will be improvements by the next report card.

Senator Tardif: Honourable senators, I have a supplementary question. I am confident that, given the minister's leadership and commitment with respect to improving linguistic duality in his department, there will be real progress. Could we then ask the minister to provide us with a written action plan for implementing Bill S-3 as soon as it becomes available?

Senator Fortier: Honourable senators, the minister does not have to provide written reports. The minister appears before committees. I am very new to Parliament Hill in Ottawa, and I would be pleased to appear before committees. I will study the report with my senior officials and look at areas for improvement, of which there are certain to be many. As you know, the report reflects an era before my time, an era during which the party you represent was in power.

Once I have examined the report, we will develop an action plan, just like all of the other action plans I have developed for the department as part of my other responsibilities as Minister of Public Works and Government Services.

Senator Tardif: Honourable senators, I was talking about the future of Bill S-3 and the new responsibilities that both Houses of Parliament have committed to. Each department must now submit an action plan to fulfill the commitments in Bill S-3.

Senator Ringuette: That is new.

Senator Fortier: Honourable senators, if we are required to submit a plan, we will, of course.

[*English*]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

EMPLOYMENT OPPORTUNITIES FOR ABORIGINAL PEOPLE

Hon. Willie Adams: Honourable senators, at one time the government promised that in the future more jobs would be available for Aboriginal people.

My concern goes back to committee hearings where we received a promise that in the future any hiring in the government in Ottawa or across Canada would be open to all. Young Aboriginal people today have a better education than their parents. I believe it is important that the hiring policies of government departments include Aboriginal peoples.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator. I remember his representations before committees of the Senate about Aboriginal languages.

As I think he has acknowledged, we have a Minister of Indian Affairs and Northern Development now, in the person of the Honourable Jim Prentice, who is probably the best-qualified person that this country has seen for some considerable time. As the honourable senator knows, Minister Prentice, before he got into politics, worked in the areas of Indian land claims and northern issues.

He is knowledgeable and sympathetic. I think that anyone who watched him yesterday when he made the announcement on the residential schools issue — anyone especially from the Aboriginal community — will know that in Minister Prentice they indeed have a good advocate and friend.

THE ENVIRONMENT

KYOTO ACCORD COMMITMENTS

Hon. Grant Mitchell: Honourable senators, in what can only be described as a bewildering lack of leadership, this government's environmental policy seems to be drifting aimlessly.

On the one hand, we know that the government has cancelled its commitment to the Kyoto program and replaced it with literally nothing. Now we find that the minister responsible for cancelling the Kyoto plan will fly to Germany to chair the international Kyoto meeting. She does not really want to chair it because she will only stay for the first day of a two-week meeting.

Could the Leader of the Government in the Senate please tell us whether Canada is in or out of Kyoto? If we are out of it, has the minister taken the courtesy of sending to our international partners some formal notification that Canada will not participate?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. It was not this government that took Canada out of Kyoto; it was the previous government that failed to live up to the Kyoto commitments.

Some Hon. Senators: Oh, oh!

Senator LeBreton: Minister Rona Ambrose has never attacked the goals and aims of Kyoto; she simply stated the obvious: Under the previous government, emissions had increased rather than decreased. If honourable senators saw the news last night, they will know that the situation is even worse than we thought.

In terms of our ongoing responsibilities to the environment and our role in the global community, Minister Ambrose will be attending the conference in Germany.

Senator Mitchell: There is a direct correlation between how little the government has to do with its own policy areas and how much it talks about the past and other governments.

What kind of message is sent to the international community when this government's minister, a person who has betrayed the Kyoto program and wanted nothing to do with it, insists on going for one of 14 days to manage that meeting?

Senator LeBreton: Honourable senators, I do not accept the premise that somehow or other there is no plan regarding the issue of greenhouse gases, global warming and Kyoto. This is a serious problem.

The problem is that the previous government did not live up to its commitments. Having come to that stark realization, there is no point in the current government proceeding with or accepting what the previous government did. It simply did not live up to the commitments, and the situation is now much worse.

In terms of the environment, we have a minister who has been working very hard on this issue. I know that we will come up with a very good made-in-Canada plan. We will continue to help shape global dialogue on long-term international cooperation on climate change in a way that advances our country's interests and delivers meaningful results for Canadians.

As the President of the Conference of Parties to the United Nations Framework Convention on Climate Change for 2006, Canada will work with other countries to help advance a more transformative long-term approach to tackling climate change. We will be open to other options for regional and international collaboration regarding reducing greenhouse gas and emissions.

I look forward to the Minister of the Environment presenting the plan to the House of Commons and also to this chamber when it is in place.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting the delayed answer to a question raised in the Senate on April 25, 2006 by the Honourable Senator Gerry St. Germain regarding the farm income crisis, disaster relief and the program to support alternative crops.

AGRICULTURE AND AGRI-FOOD

FARM INCOME CRISIS AND DISASTER RELIEF— PROGRAM TO SUPPORT ALTERNATIVE CROPS

(*Response to question raised by Hon. Gerry St. Germain on April 25, 2006*)

The government is very aware of the farm income situation facing grains and oilseeds producers, and we agree that one element of the solution is to provide a broader range of marketing choices for producers.

The government has committed to a 5 per cent renewable fuel content in Canada's transportation fuels by 2010. The 5 per cent goal is ambitious as it requires 3 billion litres a year of biofuels — a ten-fold increase from current use.

The Minister of the Environment is leading the government efforts to implement this goal, in cooperation with provinces and territories.

The Council of Energy Ministers, co-chaired by the Minister of Natural Resources Canada, is coordinating federal-provincial work to develop a national framework on renewable fuels. The process to develop the national framework has been engaging stakeholders to ensure the long term success of a Canadian biofuels industry. Agriculture and Agri-Food Canada (AAFC) is also participating in this process as it is important that the development of the renewable fuels sector benefits Canadian farmers as much as possible.

As the biofuels sector develops in Canada, farmers will have new market opportunities for their grains and oilseeds. It can also have positive environmental benefits, while promoting rural economic development and technology development.

As well, research and development is continuing to improve production capability, efficiency, and enhance the long-term viability of the biofuels sector.

As the Minister of Agriculture and Agri-Food has stated, Canadian farmers will share in the benefits of this new market opportunity for grains and oilseeds.

[*English*]

ORDERS OF THE DAY

INCOME TAX ACT

BILL TO AMEND—SECOND READING—POINT OF ORDER—SPEAKER'S RULING

On the Order:

Second reading of Bill S-212, to amend the Income Tax Act (tax relief).

The Hon. the Speaker: Honourable senators will recall that on Tuesday, May 2, during Orders of the Day under Other Business, as Senator Austin was about to move second reading of Bill S-212, Senator Di Nino rose on a point of order to argue that the bill was not properly before this house. The senator explained that under the Constitution Act, 1867, bills that appropriate any part of the public revenue or impose a tax must originate in the House of Commons. Such bills cannot be introduced first in the Senate. Based on his reading of the bill, Senator Di Nino maintained that Bill S-212 was imposing a tax and was appropriating public revenue. In his view, the bill "should have been preceded by a Ways and Means motion, should have been accompanied by a Royal Recommendation, and should have originated in the other place."

The senator went on to explain the reasons why he thought Bill S-212 was out of order. First, the bill provides an increase in the child disability supplement which could lead to payments out of the Consolidated Revenue Fund, the CRF. Second, clause 3 of the bill increases the maximum refundable medical expense supplement. As a result, in instances where a taxpayer is entitled to a tax credit, a refund will be made out of the CRF. Finally, while Senator Di Nino acknowledged that Bill S-212 reduces the income tax rate from 16 per cent to 15 per cent, he suggested that this could actually result in an increased tax burden for a very small number of taxpayers.

[*Translation*]

Other senators participated in the discussion on this point of order. Senator Rompkey characterized the arguments justifying the point of order as specious. Senator Baker claimed that the expenditures contained in Bill S-212 were not really expenditures within the meaning of the objection raised. For his part, Senator Austin, the sponsor of the bill, denied that there were any appropriations or tax impositions in Bill S-212. The Senator also pointed to several precedents to buttress his position including past rulings in which the Speaker declared that bills proposing reductions in taxes did not require a Royal Recommendation.

Senator Stratton appreciated the intent of the point of order. He thought that the bill should be examined to determine if there is an increase on the public purse. Senator Murray then intervened. He repeated a point that had already been made by Senator Di Nino, that Bill S-212 is based in large measure on a bill that had been introduced in the House of Commons in the last Parliament. That bill, as Senator Murray recalled, had been preceded by a Ways and Means motion and accompanied by a Royal Recommendation.

• (1440)

Whether right or wrong in his recollection, the senator was convinced that the provisions of the bill implicitly involved payouts that would be drawn from public funds. Finally, Senator Hays spoke to caution against any misunderstanding of the fiscal process that might prompt any confusion about the purpose of the bill, which is "to preserve tax reductions that are already in place."

[*English*]

Honourable senators, following these exchanges I stated I would take the matter under advisement. Since then, I have reviewed the applicable *Rules of the Senate,* closely examined the bill and studied the relevant precedents and authorities. I am now ready to make my ruling on the point of order.

There were three arguments made by Senator Di Nino to justify his claim that Bill S-212 is not properly before the Senate. Let me begin with the last one. The senator accepted that one objective of the bill is to reduce the federal income tax rate to 15 per cent from 16 per cent. This is achieved through clauses 1 and 2 of the bill. As he and other senators acknowledged, this reduction first appeared in Bill C-80, a bill introduced in the other place in what turned out to be the closing days of the last Parliament. According to the Journals of the other place, that bill was preceded by a Ways and Means motion. However, honourable senators, I can find no evidence that the bill was also accompanied by a Royal Recommendation.

In his presentation, Senator Di Nino explained that when the percentage of the tax rate is lowered, the tax credits are also lowered. When this happens, when a tax credit is lowered, according to the senator, a Ways and Means motion is required. Such motions are a distinct feature of the other place. There is no equivalent in any part of the Senate rules and practices. While I accept that clauses 1 and 2 of Bill S-212 will reduce the tax rate, I do not agree that this tax reduction necessitates a Ways and Means motion. A tax reduction is clearly not a tax imposition even if, incidentally, it has a negative impact on a small number of taxpayers. According to *House of Commons Procedure and Practice* by Marleau and Montpetit, at page 759:

> Legislative proposals which are not intended to raise money but rather to reduce taxation need not to be preceded by a Ways and Means motion before being introduced in the House.

This statement is supported by two rulings by Speakers of the House of Commons, dating back to 1957 and 1972. Based on this aspect of the point of order, I would not be disposed to rule

Bill S-212 out of order. This is in keeping with my own preference and underscores my intention to allow debate which gives the Senate itself the opportunity to come to its own decision on the question.

There are, however, two other arguments that need to be considered in regard to this point of order. I propose to deal with both of them together. As has already been mentioned, much of Bill S-212 is based on Bill C-80. Despite their similarities there are some significant differences which may be reflected in their different titles. Bill C-80 was entitled, An Act to implement certain income tax reductions; Bill S-212 has as its title, An Act to amend the Income Tax Act (tax relief). In addition to incorporating elements of Bill C-80, Bill S-212, in clauses 3 and 4, also seeks to implement increases to the refundable medical expense supplement and the child disability benefit. As honourable senators may recall, both of these refundable credits had been increased in the budget implementation bill, Bill C-43, adopted last June. Prior to the enactment of this bill, the formulas used to calculate the refundable credits for medical expense supplements and the child disability benefit were $500 and $1,600 respectively. As a result of the changes implemented through Bill C-43, the figures were increased to $750 and $2,000. Bill S-212 now proposes to increase the benefit again to $1,000 and $2,300. Based on this analysis, it is clear that Bill S-212 is doing more than preserving tax reductions already in place. Bill S-212 also aims to provide tax relief in the form of refundable tax credits.

So far as I have been able to determine, these proposed tax credits have not had any expression in legislation. No bill was introduced in the last Parliament to implement them. They were certainly not any part of Bill C-80. In preparing my ruling, I found it instructive to review the procedures that were followed in the other place with respect to Bill C-43, entitled Budget Implementation Act, 2005. This bill was preceded by a Ways and Means motion. More importantly, when Bill C-43 was introduced and read the first time, it had a Royal Recommendation attached to it. This recommendation was necessary because of the proposed scheme to increase refundable tax credits. Unlike measures that affect non-refundable tax credits, bills proposing to alter refundable tax credits need a Royal Recommendation.

This is because the payouts that will be made to taxpayers, who are entitled to claim them, must be authorized. This authorization is the Royal Recommendation. These payments can only be made from the Consolidated Revenue Fund; they are expenditures of public money.

[*Translation*]

Rule 81 stipulates that:

> The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

Bill S-212 does not have a Royal Recommendation, though it is clearly necessary with respect to clauses 3 and 4. Had Bill S-212 contained only clauses 1 and 2, I would have been able to rule otherwise. However, given this level of certainty with respect to the meaning and operation of clauses 3 and 4, I am obliged to rule that the point of order that was raised with respect to further proceedings on Bill S-212 is well founded. The second reading motion on Bill S-212 will not be put for debate and the bill is to be stricken from the Order Paper.

• (1450)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-207, to amend the Criminal Code (protection of children).

She said: Honourable senators, I am pleased to speak to you again about Bill S-207, to amend the Criminal Code (protection of children). This bill was previously tabled in 2004, but its review in committee could not be completed due to the election. Since it was tabled in 2004, there has been a continuous flood of support for the bill, encouraging me to pursue the fight against physical violence against children. Average citizens, health and social services professionals, non-governmental organizations, provincial premiers from Quebec, Ontario and British Columbia, fellow senators and MPs have asked me to continue this debate to put an end, once and for all, to the corporal punishment of children. Bill S-207 eliminates section 43 of the Criminal Code, which reads as follows:

> Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances

In my speech at second reading stage of the previous Bill S-21, I gave a detailed history of section 43. I encourage you to review it. I would, however, like to revisit the definition of the verb "to correct," which *Webster's Dictionary* defines as follows:

> to punish (as a child) with a view to reforming or improving behaviour.

The word "correction," means corporal punishment or hitting someone. Furthermore, we also see the word "care," defined in the Criminal Code as follows:

> The provision of what is needed for health or protection.

Honourable senators, as I am sure you will agree, this definition is the antithesis of the word "correction." We must reflect deeply on this matter.

In 2004, in its information sheet, *Physical punishment of children*, the Centre of Excellence for Child Welfare defined physical punishment as follows:

> ...an action intended to cause physical discomfort or pain to put an end to a child's behaviour...Attempts to distinguish physical punishment from physical abuse have not been successful. In fact, the majority of cases of reported and substantiated child physical abuse are situations of physical punishment.

In 1991, Canada ratified the United Nations Convention on the Rights of the Child, which states in article 19:

> States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 3 of the convention states that:

> ...the best interests of the child shall be a primary consideration.

In two successive reports on Canada, dated June 20, 1995 and October 27, 2003, the United Nations clearly indicated that, by maintaining section 43 of the Criminal Code in force, Canada was not complying with the terms of the convention it had signed.

On June 20, 1995, the Committee on the Rights of the Child stated that it was:

> ...preoccupied by the existence of child abuse and violence within the family and the insufficient protection afforded by the existing legislation in that regard.

As well, on October 27, 2003, the committee recommended that Canada:

> ...adopt legislation to remove the existing authorization of the use of "reasonable force" in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.

Despite these reprimands and recommendations, Canada still has not taken steps to comply with its international obligations.

Meanwhile, elsewhere in the world, the Council of Europe, at its 2004 parliamentary assembly, recommended in recommendation 1666 that all member countries ban physical punishment, and I quote:

[*English*]

> The Assembly considers that any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member states violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society and children are human beings. The social and legal acceptance of corporal punishment of children must be ended.

[*Translation*]

On April 22, 2005, the Committee of Ministers of the Council of Europe confirmed its support for Recommendation 1666, and:

> ...heralded the idea of launching a coordinated and concerted campaign in all member states for the total abolition of the corporal punishment of children.

For example, in 2003, Germany tabled an exhaustive study of physical and psychological child abuse and, in recent years, has implemented many measures to eradicate abuse; these are summarized in the document entitled:

[*English*]

Violence in upbringing: an assessment after the introduction of the right to a non-violent upbringing.

> The new German prohibition of violence is thus connected with the Swedish law reform, which was so successful because it couples a clear "no" to corporal punishment with a broad and comprehensive program of informing the public about the negative consequences of violence when raising a child.

[*Translation*]

In 1998, the German government amended its Civil Code to prohibit all degrading methods of instruction, including physical and psychological abuse.

And in 2000 it amended its Civil Code, which states:

[*English*]

> Children have the right to a non-violent upbringing. Corporal punishment, psychological injuries and other humiliating measures are prohibited.

[*Translation*]

Furthermore, the German childcare law was also amended —

[*English*]

> ...to promote ways in which families can resolve conflict without resorting to force.

[*Translation*]

The German federal justice department and minister for family affairs conducted research to assess the impact of the legislative changes and compared the results with previous findings. They discovered that, in 1996, 33 per cent of parents spanked their children; by 2001, after six years and a public awareness campaign, the number had dropped to 25 per cent. In 2002, only 3 per cent of children reported being beaten, compared to 30 per cent in 1992. Similarly, in 2002, 87 per cent of parents believed in the soundness of parental discipline without violence.

After Sweden, which completely prohibited corporal punishment of children in 1979, and which is the leader in this area, Germany is the model to follow. Obviously, Germany and Sweden did more than just amend their legislation. They carried out extensive public awareness campaigns, informing the public of

the risks and dangers of corporal punishment of children. Sweden even used milk cartons to inform parents that hitting a child constitutes an offence. These extensive campaigns drastically altered public opinion.

Several other countries have banned corporal punishment of children including Finland in 1983, Norway in 1987, Austria in 1989, Cypress in 1994, Denmark in 1997, Iceland in 2003, Hungary in 2004, Romania in 2004, and Ukraine in 2004.

In Canada, no such measure has been considered since 1892. Even worse, in the case of *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, the Supreme Court ruled, by a majority of four votes to three, not to ban this practice and to protect parents and educators, to the detriment of children.

• (1500)

This was the decision that compelled me to fight for this minority, to defend these children who cannot defend themselves. The majority of the justices made a discriminatory decision that only children aged two to twelve could be subjected to corporal punishment, even though such actions would be considered assault for the rest of the population.

As legislators, we cannot give others the power to decide what is force that does not exceed what is reasonable under the circumstances. As Justice Arbour, who is now the United Nations High Commissioner for Human Rights, stated in the Supreme Court of Canada's decision:

> The phrase "reasonable under the circumstances" in s. 43 violates children's security of the person interest and the deprivation is not in accordance with the relevant principle of fundamental justice, in that it is unconstitutionally vague. A vague law violates the principles of fundamental justice because it does not provide "fair warning" to individuals as to the legality of their actions and because it increases the amount of discretion given to law enforcement officials in their application of the law, which may lead to arbitrary enforcement.

Further, she added:

> Conceptions of what is "reasonable" in terms of the discipline of children, whether physical or otherwise, vary widely, and often engage cultural and religious beliefs as well as political and ethical ones. While it may work well in other contexts, in this one the term "reasonable force" has proven not to be a workable standard and the lack of clarity is particularly problematic here because the rights of children are engaged.

And finally:

> Striking down the provision is the most appropriate remedy, as Parliament is best equipped to reconsider this vague and controversial provision.

It is therefore up to us, as parliamentarians, to protect our children. It has been shown that children under five are subject to corporal punishment most frequently. How can they defend themselves? When do they know their parents have exceeded force that is "reasonable under the circumstances"? Whom can they turn to? How many times can they be struck before a neighbour or a teacher notices? Sometimes it takes a long time before marks appear, and then it is too late.

Honourable senators, to continue to allow parents to think they can strike their children to teach them a lesson is to fail to respect their basic rights to life, liberty and security of the person.

I would like to draw honourable senators' attention to a number of Canadian studies on the subject, which confirm the importance of abolishing section 43 for the good of society.

First, there is the October 25, 2004, study by Statistics Canada on the parenting environment and aggressive behaviour in children. This study involved 2,000 children and revealed that children two to three years of age living in punitive environments in 1994 scored 39 per cent higher on a scale of aggressive behaviour — such as hurting others or being naughty — than children living in less punitive environments. The difference, however, was even more marked six years later, in 2000, in the same children at ages eight to nine. Those living in punitive environments scored 83 per cent higher on the scale of aggressive behaviour than children living in less punitive environments. Only 17 per cent of the children had not become aggressive. Statistics Canada noted that this aggression carried over into adulthood in the form of aggression, delinquency, crime, poor school performance, unemployment and other negative aspects. In other words, those who begin life in violence are unable to make positive contact with others, resolve conflicts normally and develop in a healthy manner.

On February 21, 2005, Statistics Canada published its *National Longitudinal Survey of Children and Youth: Home environment, income and child behaviour*. This study looked at changes in punitive parenting practices in the home and observed changes in child behaviour. Children showed higher levels of aggressive behaviour when their parents were more punitive. They also showed higher levels of anxiety and lower levels of pro-social behaviour, the latter defined as actions that benefit another person with no reward for oneself, when parents were more punitive. Note that in both Statistics Canada surveys, household income had little bearing on any of these trends.

In 2003, the Centre of Excellence for Child Welfare conducted a national study on physical violence against children. Some 31,488 cases of physical violence were investigated and corroborated in 2003 in Canada, excluding Quebec. In 12,775 of those cases, the child had been hit with a hand. Some 40 per cent of those children were slapped or spanked.

The Centre of Excellence recently gathered the findings of several studies and found that children who are hit have a tendency to hit other children; 19 per cent were violent toward others. They had a tendency to adopt anti-social behaviour such as intimidation and bullying at school and 36 per cent of children who are physically abused have psychological or behavioural problems. Lack of remorse was also observed because, for

punished children, violence is a habitual form of conflict resolution. The centre also notes deterioration in parent-child relations. What is worse is that a higher risk of depression, sadness, anxiety and despair was observed in the children. Unfortunately, children are beaten by those who are supposed to love them the most.

Some people have told me that in their childhood they had been hit and it was not so bad — I am talking about my colleagues here and elsewhere. The centre noted that 71 per cent of children who suffered physical violence had no evidence of physical scars. However, in 50 per cent of cases, investigators noted functional problems such as learning difficulties or developmental delays. In other words, even though it is not always apparent, it is far too often harmful.

In 2004, the *Joint Statement on Physical Punishment of Children and Youth* reported the results of several national surveys of Canadian parents concerning their use of corporal punishment. For example, in 2002, 50 per cent of respondents indicated that they had inflicted light corporal punishment. The results of regional surveys were also gathered. In Ontario, 85 per cent of respondents stated that they had spanked their children and 20 per cent reported having hit them with objects. In Manitoba, 70 per cent reported having used physical punishment. In Quebec, 48 per cent reported having physically punished their children in the 12 previous months and 7 per cent reported acts of severe violence such as shaking an infant, punching and kicking. However, the majority of respondents believed that physical punishment is ineffective and unnecessary, and most believed that it is even harmful. Parents who had themselves been physically punished as children were more likely to use this method. This is why, honourable senators, it is important to put an end to this backward, if not barbarous, practice.

In 2003, Toronto Public Health conducted a national poll on Canadians' attitudes toward removing section 43 from the Criminal Code. The results revealed that 69 per cent of Canadians agreed that teachers should not be allowed to physically punish children and 51 per cent agreed that parents should not be allowed to use corporal punishment. Sixty-one percent wanted to see section 43 removed if it were proven that corporal punishment is not effective and can be harmful. However, 71 per cent wanted it removed if it could be proven that this would decrease child abuse. In light of all of these studies and this poll, it seems obvious to me, honourable senators, that by voting in favour of this bill, the Senate would be listening to Canadian public opinion.

Honourable senators, I would now like to respond to those whom I have not yet convinced. Abolishing section 43 does not cause problems for parents who, in an isolated instance, lose their patience one day, because common law defences such as necessity and *de minimis* are still in effect — see section 8(3) of the Criminal Code — and will continue to justify isolated acts and acts that are necessary in order to protect children, meaning that court action will be avoided. As Justice Arbour said so well in the Supreme Court judgment, it "will not expose parents and persons standing in the place of parents to the blunt instrument of the criminal law for every minor instance of technical assault" — where the intent is not criminal, of course. The common law defences of necessity and *de minimis* adequately protect those whose conduct is excusable or trivial and not repeated too often.

• (1510)

"The defence of necessity rests upon a realistic assessment of human weaknesses and recognizes that there are emergency situations where the law does not hold people accountable if the ordinary human instincts overwhelmingly impel disobedience in the pursuit of self-preservation or the preservation of others."

The Canadian Bar Association, on page 206 of a 1992 study entitled *Principles of Criminal Liability: Proposals for a New General Part of the Criminal Code of Canada*, bases its reasoning on K.R. Hamilton, *De Minimis Non Curat Lex*, December 1991, which gives the following justifications for a *de minimis* defence: first, the application of criminal law must be reserved for serious misconduct; second, an accused must be protected from the stigma of a criminal conviction and from the imposition of severe penalties for relatively trivial conduct; third, the courts must be saved from being swamped by an enormous number of trivial cases.

With respect to the defence of necessity, the Supreme Court has reiterated its application on many occasions.

Also, we must not think that every parent will face prosecution based on a mere report. Take Quebec for example, which signed a multisectoral agreement on the social and judiciary response procedure. There are five essential steps in the decision-making process: first, the reporting of abuse to the director of child protection; second, liaison and planning; third, investigation and assessment; fourth, decision making; and, fifth, action and information of partners.

Thanks to this whole process, a serious and thorough investigation can be conducted with a view to protecting the children and dismissing frivolous or unfounded complaints.

For the repeal of section 43 of the Criminal Code to be successful in curbing the physical abuse of children, this bill has to be complemented with national initiatives, as Germany and Sweden did.

First, there has to be a public awareness campaign, with a clear, consistent and tenacious message, saying that the use of corporal punishment to discipline children is unacceptable and that it can cause irreparable physical and psychological harm.

I would like to add that child abuse can also cause economic harm. In 2003, the Law Commission of Canada measured the economic costs of all forms of child abuse for 1998 alone. It was estimated that judicial costs and costs associated with social services, education, health, unemployment and other costs related to violence against children totalled nearly $16 billion. That is to say that child abuse has a devastating effect not only on individuals but also on society in general.

Second, it is necessary to raise public awareness about discipline without violence. In this respect, I refer you to the information sheet published by the Centre of Excellence for Child Welfare,

which lists constructive methods for guiding children's behaviour, including modeling appropriate behaviour; monitoring and supervising the child's activities; planning and preparing for challenging situations; establishing expectations and limits ahead of time; and, most importantly, seeking assistance, whenever necessary.

Given the astronomical costs of violence against children, a comprehensive parent education program designed to support them in their child-raising role would be most beneficial for Canadian society as a whole.

Third, the Criminal Code has to afford the same protection from assault for everyone, and Canada has to fulfill its international obligations.

In closing, I would like to speak of the support received for the repeal of section 43 of the Criminal Code. In 2004, an initiative of the Children's Hospital of Eastern Ontario — the *Joint Statement on Physical Punishment of Children and Youth* — was formally endorsed by 138 Canadian organizations. Today, this statement has been endorsed by 226 organizations. I would like to name a few: the Canadian Academy of Child and Adolescent Psychiatry, the Canadian Public Health Association, the Association des centres de jeunesses du Québec, Ontario Association of Child and Youth Workers, the BC Institute Against Family Violence, Hôpital Sainte-Justine de Montréal, the College of Family Physicians of Canada, the Canadian Paediatric Society, the Yukon Family Services Association.

Therefore, honourable senators, I am asking you to support Bill S-207 in order to put an end to the corporal punishment of children, and in order for Canada to honour its international commitment and join the ranks of the nations most respectful of the human condition.

Honourable senators, a few minutes before giving this speech, I met with a class of nine- and ten-year-olds. These children discussed this bill. I intend to ask the committee responsible for examining the bill to invite some nine- and ten-year-old children to talk about the consequences of this legislation. I believe that they will be able to convince you that there is no longer room for this medieval practice in our modern society.

[*English*]

Hon. Willie Adams: Honourable senators, I have a little difficulty with the bill. What is the future? How are you going to police it? Nowadays, things have changed a lot. We used to punish kids with spanking, before we had a law on spanking. Today, kids are watching all kinds of things on television, with violence and things like that.

Today the kids and young people in my area who are 13 and 14 years old are starting families. They are not old enough to look after kids. How are you going to police how they behave themselves in the house? Will the RCMP or social welfare be there, watching how the family behaves?

To me, despite what happened so many years ago, we never had any break-ins in the houses. There was spanking in the schools and in the homes.

After the spanking law came in, especially for the Aboriginal people and the Inuit, if kids had a mark on the bum, the doctors told the RCMP that the kids have been abused. It happened a few times in the community in Nunavut.

To me, today, even if you love your kids you have to spank them sometimes. If they do not understand you, sometimes you get angry. What do you do? Just let them go so they become more spoiled? You could allow more people to punish them, social workers and the family, or you could have the RCMP get a warrant to take the youth from the home. What can the bill can do?

Senator Hervieux-Payette: Thank you for your comments. Let me remind the honourable senator that it was a practice also in Quebec to use corporal punishment in boarding schools. We have a case called the Duplessis Orphans. Several thousand children who were placed in boarding schools were declared mentally unfit and were brutalized.

If we look at the statistics today of the future of these people, whose childhood took place many years ago, more than half of them were unable to work in the marketplace because they were so damaged that they could never complete any course of study. They were depressed and had many mental problems. They were supposed to be placed in these institutions for their well-being and to be taken care of.

• (1520)

We have ample evidence that it starts with the education of the parents. A national education program for parents took place in Germany, and it has been a tremendous success. It is not a matter of having the police educate parents; it is the responsibility of the government that implements this measure to have a national campaign.

Whether it is on milk containers or on television, the program must properly inform the parent who wants to discipline their child. This does not mean that one should never discipline a child; it means that one should not use physical correction because it does not work. Psychologists, psychiatrists, pediatricians and everyone who works with children state that when they are treated properly and disciplined properly, they mature and become responsible individuals.

I am not saying that parents are not allowed to lose their temper once in a while; this bill is not designed for that purpose. It is meant to stop the practice of educating a child by using physical correction on a regular basis.

We say that reasonable spanking does not exist because it cannot be measured. This is what Judge Arbour at the Human Rights Commission at the United Nations is saying. What is a mother of 90 pounds compared to a father who weighs 225 pounds? I do not think the spanking would be the same. Therefore, it cannot be measured. It has produced only very large damages. The human cost to our society is $16 billion a year for juvenile delinquency and depression.

Honourable senators, the evidence is that we have to make sure that the parents have support, that the social services are behind them and that we are educating our people.

Hon. Anne C. Cools: Would the honourable senator take a question?

Senator Hervieux-Payette: Of course.

Senator Cools: I think we all believe in this chamber that brutality is undesirable. However, I am interested in the statement by my honourable friend about a national education program to educate parents, or to teach people how to be parents, for that matter. Does this bill contain any provisions to that effect?

Senator Hervieux-Payette: Yes. There is a provision that the bill not receive Royal Assent for one year. It is similar to the provisions for using a safety belt in cars; it was understood very well by the people that it would save lives. In this case, the measure is certainly less material. It is more a matter of telling the parents where to reach out for the support they need to use other means of discipline.

I am a grandmother of six. I can tell honourable senators that discipline exists in my family, and my daughters were never obliged to hit my grandchildren. Neither am I, when I am babysitting.

Senator Cools: I think the honourable senator misunderstood my question. From her response, I understand that she is saying the bill has a provision, not for a program, but to postpone the implementation of the bill.

My question concerns the program that she is talking about. I am hearing her say that she hopes the government will create a program of the type that she has in mind, but there is nothing in the bill to really call such a program into existence.

Senator Hervieux-Payette: I would like to remind my honourable colleague that neither are there any measures in the Criminal Code to rehabilitate criminals. Knowing that governments will save on the $16 billion budget to repair all the damages, there is ample money to finance this measure at the national level. After my discussion with the Attorneys General of British Columbia, Ontario and Quebec — and I am touring Canada — the Ministers of Justice from these provinces, as well as the minister responsible for children, they are totally supportive. We know that they are in charge of administering the law on a day-to-day basis. They already have agreements in place stipulating that it is not the police who will intervene; it is the family and the department that will deal with these issues. Of course, when it is severe violence, even with section 43, you cannot beat your children to death between two and 12.

However, regular physical correction, without any physical appearance, is still producing severe damage. For children who are hit on the one hand and loved on the other hand, it is hard to reconcile these two sentiments.

Senator Cools: I do not think that I am getting the answers I am looking for, so I will go at this in another way.

In its provisions, does the bill differentiate between severe abuse and other situations? In other words, do the provisions of Bill S-207 differentiate between a tiny slap on the fingers and a severe, brutal beating?

Senator Hervieux-Payette: That has already been dealt with by the Criminal Code. Reasonable force is the concept that Judge Arbour, myself and all the people involved with families are saying is impossible to implement. I have mentioned the two defences, the *de minimis* defence and the one dealing with necessity. When two kids are fighting each other, someone may have to use force to make sure that they will not hit each other, whether it is in a school yard or at home.

However, it is important to know that the program is a regular program that already exists in the Department of Human Resources, and it can be enriched. We are not talking about billions of dollars. I am quite sure that if we were willing to put reasonable campaigns on television and communicate through various associations, we would attain the goal of educating parents to understand that hitting children is not disciplining them.

On motion of Senator Comeau, debate adjourned.

QUESTION OF PRIVILEGE

Hon. Pierrette Ringuette: Honourable senators, pursuant to rule 43, I should like to raise a question of privilege with respect to misleading statements made by the Leader of the Government in the Senate on May 3, 2006.

• (1530)

On Wednesday, May 3, in the Senate, the Leader of the Government responded to some senators' concerns about her absence during Question Period. The honourable senator said:

> My absence yesterday was to attend a special cabinet meeting to brief us on the budget.

Following the above confirmation from the Leader of the Government in the Senate on Wednesday, I asked my staff to verify if cabinet members were in the House of Commons during Question Period on Tuesday, May 2.

I received the pertinent information on Tuesday, May 9, and personally verified it before notifying the Senate of my intentions to raise this question of privilege at the earliest opportunity, therefore, yesterday morning.

Only two sitting days had elapsed since the incident, which was used to obtain and verify the information and consequently give a written notice to the Clerk of the Senate to notify this house and to finally raise the question of privilege I am speaking to now.

To my surprise, when reviewing the tapes, at the exact time that the Leader of the Government in the Senate claims to have had a cabinet meeting, most cabinet members, including the Prime Minister, were in the House of Commons. On May 2, Senate Question Period was between 2:45 and 3:10. On the same day, in

the House of Commons, Question Period was between 2:15 and 3:05. One can certainly conclude that the cabinet briefing on the budget could have only occurred after Question Period of the House of Commons, which ended at 3:05 on Tuesday, May 2.

With evidence of this misleading statement, I am raising this serious offence at the earliest opportunity for the Senate to take up for consideration.

Honourable senators, I have on hand a videotape of the House of Commons proceedings during the time the Leader of the Government alleges she was in a cabinet meeting, which was during Question Period of the House of Commons. As the *Journals of the House of Commons* and videotape indicate, all ministers but one were in the House of Commons during the same period.

Honourable senators, I have serious doubts that a meeting of one minister from the House of Commons and two ministers from the Senate amounts to a cabinet meeting, special or not. Respectfully, I doubt that such a conclusion could logically be reached. If the current Government of Canada operates with cabinet meetings of three persons, then this country has serious issues.

This government constantly pretends to be accountable and to be lifting up the veil of secrecy. The fact of the matter is that what they say and what they do are two different things. This question of privilege is at the heart of this Conservative government's self-proclaimed accountability.

Honourable senators, after reviewing the Leader of the Government's statement in the *Journals of the Senate*, and verifying the location of the Prime Minister and cabinet ministers at the time that Senator LeBreton claimed to be in their presence, I have come to the conclusion that the Leader of the Government in the Senate is in contempt of Parliament.

Honourable senators, contempt of Parliament is an offence against the authority and dignity of the Senate, or an act which offends against the authority and dignity of Parliament, or against its officers or members. The evidence is overwhelming and in clear contradiction with section 4 of the Parliament of Canada Act. We take contempt of Parliament very seriously and provision is made for severe penalties for those who are found in contempt of court or in contempt of Parliament.

Parliament is an institution that must maintain the confidence of the people. The people must believe that parliamentarians act with integrity and honesty at all times. In my opinion, this matter directly concerns the privilege of the Senate and this seriously impedes on our ability to fulfil our parliamentary obligations.

If the absence of the Leader of the Government in the Senate from Question Period and her following misleading statements to cover that up does not amount to a grave and serious breach affecting our ability to perform our duties, I do not know what does.

[*Translation*]

In addressing this point as a matter of privilege and not as a substantive motion, which could be debated after notice is given, I want this question of privilege to be considered to be of the utmost importance.

I therefore ask Your Honour that all other matters of the Senate be put aside and the prima facie merit of this question of privilege be recognized. Respectfully, I must remind this chamber that, when His Honour is asked to determine the merit of a question of privilege, he must not assess the merits of the question of privilege as such, but, rather, restrict himself to determining whether there is sufficient evidence for the matter be given priority for debate.

Honourable senators, I believe this question of privilege fulfills the four conditions in rule 43. I contend that the inaccurate statements by the Leader of the Government in the Senate constitute a breach of senators' privilege and are in contempt of the Senate.

This question of privilege calls for corrective action only the Senate can bring. It is up to the Senate to decide what corrective action to take and, in my opinion, there are no other parliamentary procedures to resolve this dispute. Therefore, I ask senators to intervene in order to remedy this grave and serious offence.

[*English*]

The facts are clear: The statements made by the Leader of the Government in the Senate were misleading. For this, she should be found in contempt of Parliament. I urge Your Honour to rule on this issue based on the facts that I am stating and tabling.

I do not take lightly my role and responsibility as a senator for New Brunswick, and I researched my intervention in this house with respect for each and every one of us. I did so within the rules accepted by this house.

On Tuesday, May 2, on a very important day, which was also the first Senate sitting day of the week, I had pertinent questions that required pertinent answers from this government. After many conversations with the softwood industry people, I had important questions on the issue of the softwood agreement signed with the United States.

Your Honour, given the facts presented today, I ask you to establish that this situation constitutes a prima facie case of privilege in order for me to call upon the Senate to take action on the matter. Your Honour's ruling on the facts presented to the Senate today will undoubtedly set the tone and quality of our sitting for the months to come.

I table the following: The videotape of the House of Commons Question Period of May 2, 2006, and Hansard of the said period; as well as the Question Period *Journals of the Senate* of May 2 and May 3.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Is leave accorded for tabling the documents?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Leave is not granted.

Honourable senators, is there further comment on the question of privilege?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I listened carefully to the intervention of the honourable senator. I absolutely want to confirm that I was at a special cabinet committee meeting that started at 3 p.m. When we looked at the Order Paper that particular day containing the statements and tributes, we realized that Question Period would not start in this place until around 2:50 p.m. If my reading of Hansard is correct, I think that is when it did start.

• (1540)

The Deputy Leader of the Government gave notice and informed the official opposition that I would have to attend this cabinet meeting. I think most senators would understand: I am a new member of cabinet, it was budget day and I, of course, wanted to be briefed on the budget. I have tried to answer the questions as they have been delivered. I knew I could not be in two places at one time.

Question Period in the House of Commons is held at a fixed time, from 2:15 p.m. until 3 p.m. When I arrived at the cabinet meeting at 3 p.m. there were already several ministers in the cabinet room, and the meeting started shortly thereafter. Meanwhile, if Question Period here had continued, it would have lasted another 20 minutes if it started at 2:50 p.m.

I am sure all honourable senators believe me when I say that I was at the cabinet meeting. I felt I was following proper procedure by notifying the official opposition that I would not be in my seat during Question Period.

I regret that this issue has become a question of privilege. I leave it in His Honour's hands to decide whether it is a question of privilege.

Hon. Consiglio Di Nino: Honourable senators, first I think the record should clearly state that proper notice was given. It is not usual, although it does happen from time to time, that the Leader of the Government in the Senate cannot attend, and therefore is not present for, Question Period. I have been around here long enough to remember many times where the individual occupying that office was not present. A courtesy was extended, if I remember correctly, that questions would not be asked.

Second, Senator Ringuette seems to base her argument purely on the number of individuals who are cabinet ministers and who would attend a cabinet meeting. In her own comments, she suggested there were some cabinet members who were most likely at this meeting.

I do not believe there are any specific rules that state you must have a certain number of cabinet members in attendance for a cabinet meeting to take place.

I think the Leader of the Government in the Senate acted responsibly. She certainly acted appropriately by giving notice to the opposition that she would not be present. Regardless of how many members of cabinet sit in a meeting, I believe they constitute a cabinet meeting.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, the question before us is not whether notice was given or not. Notice was given. It has happened that ministers were unable to attend the Senate, and all honourable senators understood the situation. That is not the question.

The presentation made by Senator Ringuette concerns the answer provided the following day by the Leader of the Government in the Senate, saying that she was attending a cabinet meeting at the time. I am questioning neither what the Honourable Leader of the Government said, nor what Senator Ringuette said.

If we were to receive information which, on the face of it, appears to be false, the question put to His Honour is whether or not there is a prima facie question of privilege.

I think that Senator Ringuette clearly made her point. The matter is now in the hands of the Chair. It is not a matter of believing or not believing. We could easily listen to the tape recordings before making a decision, since cabinet meetings are recorded and the recordings are available. I would not want to cast doubt on the truthfulness of what was said, because we are all honourable senators. However, we are faced with a situation where two honourable senators saw an event differently.

Before making his ruling and setting the record straight, His Honour will need to make sure that the matter before us has been given due consideration. I encourage His Honour to confirm whether the facts presented have been well represented and to determine whether or not there is a question of privilege.

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Like other honourable senators, I am content to leave this issue in Your Honour's hands, but I would like to offer a couple of thoughts.

First, I think this exercise demonstrates to us that it is not a frivolous matter when one gives explanations with regard to presence, absence or other conduct, to the Senate. One must be precise when making those explanations.

The explanation that the Leader of the Government has offered today — and I take her at her word, of course — is not exactly the explanation that she offered the other day in this place. I leave it to Your Honour to decide whether privilege has been breached.

I observe that Question Period is not a minor element of our proceedings. However circus-like its atmosphere may sometimes be, it is a profoundly important part of parliamentary process, and not to be taken lightly.

Since this issue has been raised, with regard to whether "proper" notice was given, propriety may lie in the eye of the beholder. However, that day, before the Senate sat, senators on this side of the house were in caucus, as were, I believe, senators on the government side.

I received an urgent note in my caucus between 1:45 p.m. and 1:50 p.m. That is, our side had, in fact, received notice of between 10 and 15 minutes before the Senate sat that Question Period would be missing two ministers.

I did not consider that time as being adequate notice, nor did most honourable senators. If those opposite consider 10 minutes to be adequate notice, I find that slightly surprising.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, we are creating a dangerous precedent in launching an investigation to determine whether the minister was here or there. I did not expect this to take such a turn. I have no intention of checking, for every single time when the former government leader was away, whether a ten-minute notice was given, as Senator Fraser suggested. Personally, I never received any notice saying that the leader would be absent. I would notice his absence once in the chamber.

• (1550)

It was very frustrating because I wanted to ask questions. I knew there would be issues I planned to ask supplementary questions about, but I realized the minister was not there.

I will not start commenting on the attitude of the current Leader of the Government. I am not so naïve as to think that no senators would want to discuss whether, every time the former leader was absent in past months or years, he was really where they said he was.

That is a very dangerous precedent. I would like His Honour, in all his wisdom, to take as much time as he needs to study the precedents. I do not wish to take issue with Senator Ringuette, my colleague and friend, but I feel strongly that we must not treat this matter of privilege lightly. To do so would be to initiate a major debate about the former administration and everybody's attendance.

[*English*]

Senator Meighen, I will speak in English, if you prefer, but today I prefer to speak in French.

I will not repeat what I have just said, but I hope Your Honour takes the necessary time to prepare the ruling because it could set an extremely dangerous precedent and possibly lead to a disorderly future for the Senate. We understand what can happen when the opposition holds a strong majority, the government has a small minority and some are sitting as independents, such as Senator Rivest, Senator Plamondon and I.

The general atmosphere in the house for debate of this issue and where it might take us concerns me. Therefore, as Senator Fraser said, I am at the mercy of Your Honour's wisdom, and your staff, and ask you to take all the time necessary because of the precedent that could be established.

Hon. Tommy Banks: Honourable senators, because the matter has been raised and Senator Fraser has referred to the necessity for precision, which would be right if the question is to be considered, I would refer to Senator Di Nino's remarks. Senator Di Nino said that he did not know whether there were specific provisions on the number of people required to constitute a cabinet meeting. It would be instructional for us to know whether there are rules on quorum in respect of cabinet meetings and whether a cabinet meeting can be held with three people.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, there is no question of privilege in this instance. Senator Ringuette has raised a mere complaint that Senator LeBreton was not present on one occasion. First, this matter was not raised at the first opportunity, as Senator Ringuette asserts; the timing issue was clear from the outset and could readily have been determined by Thursday of last week, and certainly by Tuesday of this week, that under rule 43(2) of the *Rules of the Senate*, the matter cannot be proceeded with under the terms of rule 43 because it was not raised at the first opportunity.

The claim that this constitutes grave and serious breach, as is required under rule 43(1)(d), is a far cry from reality. Senators are absent from this chamber for a range of reasons. In this instance, ministers do have other duties. The Senate Question Period would not have been finished before Senator LeBreton had to attend to other duties. These are the facts. Senator LeBreton could not reasonably be expected to leave Question Period after only a few minutes — to simply get up and walk out. Senator LeBreton provided advance notice to the Leader of the Opposition, to the Deputy Leader of the Opposition, to the opposition whip and to the Speaker of the Senate. There might not have been as much advance notice as the other side might have wanted, and we have heard the complaint on that element as well, but it is a complaint. There is no genuine remedy for occasional absences, no matter what the reason. Thus, rule 43(1)(c) is also not satisfied.

It is not a reasonable proposition that the absence of the Leader of the Government in the Senate could bring this chamber to a halt in such a way as to impede its work beyond repair. Indeed, Question Period did proceed in the absence of the minister. The claim of question of privilege is, at best, specious and should be dismissed for the complaint that it is.

The Hon. the Speaker: Does any other honourable senator wish to speak?

Honourable senators, I believe that I have understood fully the question of privilege that has been raised and the comments that have been made by honourable senators. I will take the matter under advisement and return with a ruling as to whether a prima facie question of privilege has been assessed.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE ADJOURNED

Hon. Jim Munson rose pursuant to notice of April 27, 2006:

> That he will call the attention of the Senate to the issue of funding for the treatment of autism.

He said: Honourable senators, there is an urgent health issue in this country and that issue is autism. The Autism Society of Canada estimates that the number of children with autism has grown by more than 150 per cent in the last six years and now affects one in 200 children. Autism affects people in different ways, isolating its sufferers with compulsive behaviours and speech disorders that close people off from their family, friends, teachers, neighbours and society as a whole.

Researchers studying the brains of people with autism see similarities to other conditions such as Alzheimer's, Parkinson's and Lou Gehrig's Disease. Treatment can make dramatic differences in the lives of people with autism, especially in the early years. The sad fact is that too many children in Canada do not have access to the treatment they need. Across this country, parents are scrambling to find health and social services to help their children break the neurological barrier that prevents them from participating fully in school, family and community. These people are slipping through the mesh of our social safety net. Canada is letting them down and we must take action.

It is heartbreaking to see what is happening to families with autistic children. Two bills have been introduced in the other place that will commit the government of this country to take action to help people with autism and their families. These are Bill C-211, an act to amend the Canada Health Act, and Bill C-212, an act respecting a Canadian Autism Day. I call upon senators to support these bills when presented in this chamber so that we can be part of a national solution to this devastating disorder and part of increasing Canadians' awareness of autism and its affects on individuals, families and communities.

Not long ago, a generation or two, autism was considered to be a psychiatric response to parents, especially mothers who were cold or not loving enough. We have changed our views, thank goodness for that. However, autism remains a mystery in many ways. We do not know what causes it. We do not know how to cure it. We do not know why the number of children suffering from it is growing. We do not have consensus on what constitutes adequate or appropriate treatment, and we certainly do not know how to pay for autism treatment.

I recently stood in the rain on Parliament Hill with representatives from every political party. We stood united in our support for the children and families of people with autism. We need to remember that autism has far-reaching impacts on families — just ask young Joshua Bortolotti.

• (1600)

Two years ago, his sister Sophia was diagnosed with autism spectrum disorder and this big brother, only 12 years of age at the time, presented me with a petition calling for access to treatment for his little sister.

Many have claimed that intensive behavioural intervention, IBI, is the best treatment for children with autism. It is a painstaking, expensive treatment that requires full-time individual therapy for children at a young age.

Success stories exist. In one study, with an average of 40 hours per week of one-on-one treatment for two or more years, almost one-half of the children recover to the point of being indistinguishable from their normally developing peers. The cost of intensive behaviour intervention is between $50,000 and $120,000 a year, depending on the severity of a child's condition.

Most provinces pay for the treatment up to a certain amount. British Columbia and New Brunswick, for example, pay up to $20,000 a year, not even one-half of the cost of treatment for the child who needs the least amount of treatment. In Ontario and Quebec, treatment is limited to children under six and waiting lists are so long that many children reach their sixth birthday before having access to treatment.

Recent news reports have referred to Alberta as the best province for autism service. How fortunate for Albertans.

What does this mean for the rest of Canadians? It could mean pulling up stakes and moving to Alberta, or it could mean selling your home and taking on a huge debt to buy the care that your children need. Parents are going broke. Why are parents being penalized? Where is the universality in health care of which Canadians are so proud? It is not to be found if you have a child with autism.

The Canada Health Act does not specify autism treatment as an insured health service. This means that access to treatment depends on where you live. This is shocking to most Canadians. We believe that people who are ill should get the treatment they need.

We must recognize autism for the health problem it is, one that is urgent and demanding of our immediate action. Autism knows no borders.

The Canadian Institutes for Health Research devotes between $16 million and $18 million to autism-related research. This includes genetic research, health services research and research concerning appropriate support for families. We do not have a national strategy for autism. We do not have a plan to link policy and research. We have to learn more about which treatment works best for whom and in which setting.

It is time for the Government of Canada to show leadership in the same way leadership has been shown with Canada's drug strategy and diabetes strategy. We need an autism spectrum disorder strategy.

There is no doubt that intensive behavioural intervention treatment is expensive, and shockingly so. In fact, if only one-half of Canadians diagnosed with autism received IBI treatment at $20,000 a year, our annual public health care spending would increase by $700 million.

However, honourable senators, we need to act. Nine out of 10 children who do not receive the treatment they need are institutionalized. This is a huge cost to our society and a tragic loss of potential. Think about it, senators. If these children had

cancer, would we not act? Would we debate whether they were deserving of chemotherapy, whether our society had responsibility to treat these children? No, we would not deny this treatment.

The numbers involved — both the growing numbers of children and families affected by autism and the costs associated with treatment — demand that we pay attention and take action. I know that my honourable colleagues Senators Kirby and Keon have been studying mental health issues and consulting with Canadians, including people with autism and their families. I commend this important work.

Allow me to quote directly from the latest report of the Standing Senate Committee on Social Affairs, Science and Technology as follows:

> The Committee recognizes that family caregivers are struggling to provide the best care possible for persons living with autism. Their emotional and financial hardships are very real, and a solution must be found. However, we do not believe the Committee is well placed to make recommendations at this time. Further study is required if we are to do justice to this extraordinarily complex issue...

Canada's most vulnerable children are falling through the mesh of our social safety net. Every province has a different approach. This patchwork approach to autism in Canada is ineffective and, in some ways, demeaning. We know that autism is a neurological disorder — a health problem. It is time we recognize that autism treatment is an essential health care service that should be funded through our health care system.

The federal government has shown leadership over the last few years. We have supported several community-based initiatives to help children and families including the Aboriginal Head Start program, the Canada Prenatal Nutrition Program and the Community Action Program for Children. All these programs put money where it is needed — helping children and families. We need to do the same for autism.

We need a strategy to link policy and research to treatment and services. We must then make a commitment to act. We need to do more than just say that we care about children and families with autism. We must show that we care. Let us have a national strategy to address autism.

I would hope that after reasonable debate here — and I do not mean in 15 years when I will be 75 — we can move this inquiry to the appropriate committee for further study and recommendations in order to do something for these children. No child in this country should be left behind.

Hon. Wilbert J. Keon: I wish to commend Senator Munson for what he has just said.

I have not had the time to look at this issue in depth, but I and other honourable members of the Standing Senate Committee on Social Affairs, Science and Technology have reviewed it to an extent. It is such an enormously complex subject that transcends so many disciplines that we did not quite know what to do with it.

Although this would require much more research, my immediate reaction is that we should probably approach it as the British have and define it as an entity unto itself that requires input from many departments and government.

When we conclude debate on this item in the chamber, will Senator Munson be recommending a study of this subject as a stand-alone entity that requires the resources of health care, education and social services rather than in the context of health care, education and social services themselves?

Senator Munson: Yes, honourable senator, I think it deserves that recommendation. I also think it deserves to be put on the agenda of the Minister of Health so that borders disappear with regard to autism. I am hoping that after a very short debate here, I can move a motion to move it to the Standing Senate Committee on Social Affairs, Science and Technology as a stand-alone entity and that committee can come up with new and innovative ideas for treating this condition. The treatment must be equitable all across the country as it is with diabetes and other diseases.

I spoke briefly about this situation when I came here two and one half years ago. Since that time, the children who were four years old are now six and a half, and it may be too late. It is the same as with everything in life. If we capture the child now with the proper treatment, on the financial side, we will save millions of dollars because, instead of being institutionalized, these children will participate in our society.

• (1610)

For the relief of these families for helping others, we have a commitment at this time from your committee to go full steam ahead in dealing with this issue.

Hon. Anne C. Cools: I would like to thank Senator Munson for bringing forward this issue for debate. This question should have been asked a long time ago.

I listened with some care to Senator Munson's statements, and I understand that autism is a condition that has been shrouded in mystery and a lot of misunderstanding for quite some time. Perhaps when Senator Munson closes the debate he could give us a more ample description of the challenges, the difficulties and the problems that autistic children and their parents face in life. I wonder if he would consider putting more substantive detail on the record.

Senator Munson: I certainly will consider that. I am new at this, but I know one thing: Its incidence was one in a thousand just a few years ago; now it is one in 200. I understand it is becoming 1 in 175. It is a mystery. Why is it happening? We must get to the bottom of that question, and I would be pleased to share all the information I have. I believe we need to step beyond this chamber into our committees and have the people and the experts come forward to say how to do it. We must have the will of governments to tear down these borders. Whether you are in St. John's or Victoria, you must get the same treatment, or be offered the same treatment.

On motion of Senator Mercer, debate adjourned.

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY PROCEDURE FOR REINTRODUCING BILLS FROM PREVIOUS PARLIAMENT—DEBATE SUSPENDED

Hon. Céline Hervieux-Payette, pursuant to notice of May 2, 2006, moved:

> That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the Rules of the Senate, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process; and
>
> That the committee report to the Senate no later than June 8, 2006.

She said: Honourable senators, in this motion I am once again proposing that the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the *Rules of the Senate* a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process. I also propose that the committee report to the Senate no later than June 8, 2006.

I would remind the honourable senators that this motion was introduced in the last session, but the election call prevented the completion of its review in committee. However, it is important to point out that this procedural amendment would apply only to public bills originating in the Senate.

Honourable senators, as you know, prorogation ends the session and, in turn, all the work in progress, and requires that we constantly reintroduce the same bills. How many times was the act to protect heritage lighthouses, sponsored by the Honourable Senator Forrestall, introduced? Five times: the first time in 1999, Bill S-21; then in 2001, Bill S-43; in 2002, Bill S-7; in 2004, Bill S-14; and again in 2004, in the third session, Bill S-5, when it was finally adopted. It took five years for this bill to go through the complete parliamentary process.

How many times has the Act to amend the Criminal Code (lottery schemes), sponsored by Senator Lapointe, been introduced? Three times. An Act to Amend the Official Languages Act (promotion of English and French), sponsored by Senator Gauthier, was introduced four times.

The list of bills is long. Between the Thirty-fifth and Thirty-eighth Parliaments, 32 bills were introduced several times. This manner of proceeding goes entirely against the desires of Canadians, who want an efficient parliamentary system.

Honourable senators, this procedure is not new and its efficiency has been proven in the House of Commons. In fact, on November 30, 1998, with the unanimous consent of all political parties, the other place amended its Standing Orders and added section 86.1, which reads as follows:

> At the beginning of the second or a subsequent session of a Parliament, all items of Private Members' Business originating in the House of Commons that were listed on the *Order Paper* during the previous session shall be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the *Order Paper* or, as the case may be, referred to committee and the List for the Consideration of Private Members' Business and the order of precedence established pursuant to Standing Order 87 shall continue from session to session.

Section 86.1 was passed after the 13th report of the Standing Committee on Procedure and House Affairs was unanimously adopted. The committee found that:

> The latter is convinced that the measure adopted at the beginning of the session contributed to the passing of a certain number of private members' bills and accordingly recommends a permanent change to the Standing Orders.

Since 1998, our colleagues in the other place no longer waste any time constantly reintroducing the same bills. This method was not totally new because, a few years earlier, it was used to reinstate certain bills on the Order Paper in a new session at the stage they had reached before prorogation.

What a waste of time and money for taxpayers when we have to reintroduce and re-examine the same issues. This is especially true when there is a minority government. Senators spend a lot of time in committee reflecting on bills that, according to current procedure, may not get passed. These reviews call for serious reflection, and many witnesses are called to appear before committee several times. Sometimes these witnesses come from across Canada and from abroad to share their points of view with the committee. It is a waste of time and money. Individuals and representatives of interested groups lose their confidence in the process.

Honourable senators, this modification to Senate practices will benefit all parliamentarians regardless of their political stripe. You can already see the objectivity of this motion.

• (1620)

Let us remember that, in the House of Commons, all parties without exception voted in favour of this change. Furthermore, as we are speaking more and more of Senate reform, I believe that by adopting such a measure we will demonstrate that we are attuned to the views of the public, which would like parliamentarians to be concerned more with the substance of issues than with their technicalities.

Honourable senators, let us listen to Canadians by spending their money wisely. We are just at the beginning of a new session. That is why it is imperative to find a suitable way to make progress in our debates and to look at other issues that are just as deserving of our attention. Canadians are entitled to expect appropriate answers in a reasonable period of time.

Change is needed. This reflects on the reputation of the Senate, the effectiveness of our parliamentary work and our responsibility to Canadian citizens. Thus, out of respect for the honourable senators and the citizens of Canada —

[*English*]

The Hon. the Speaker: Honourable senators, I apologize to Senator Hervieux-Payette for interrupting.

Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival the Her Excellency the Governor General?

Hon. Senators: Agreed.

The Hon. the Speaker: Furthermore, honourable senators, following completion of Royal Assent, is it agreed to adjourn at pleasure and reassemble at the call of the bell for about 10 or 15 minutes beyond the completion of Royal Assent? Her Excellency would welcome the opportunity to greet each senator individually. It would be a short period of time, and we would have a five-minute bell.

Hon. Senators: Agreed.

The Hon. the Speaker: I shall leave the chair.

The Senate adjourned during pleasure.

• (1700)

[*Translation*]

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bill:

> An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act (*Bill C-4, Chapter 1, 2006*)

The Honourable Peter Milliken, the Speaker of the House of Commons, addressed Her Excellency the Governor General as follows:

> May it please Your Honour.
>
> The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

> 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 (*Bill C-8, Chapter 2, 2006*)

To which bill I humbly request Your Honour's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting was resumed.

• (1740)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY PROCEDURE FOR REINTRODUCING BILLS FROM PREVIOUS PARLIAMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion by the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator De Bané, P.C.:
>
> That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the *Rules of the Senate*, a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process; and
>
> That the committee report to the Senate no later than June 8, 2006.

Hon. Céline Hervieux-Payette: Honourable senators, if I may, I would like to resume my speech at the point where the sitting was adjourned.

As you know, we are still at the beginning of a new session and that is why it is essential that we find an appropriate way to focus on other issues. Canadians have a right to receive satisfactory answers. It is time for a change in terms of the Senate's reputation, the efficiency of parliamentary work, and our responsibility to Canadians.

As such, out of respect for honourable senators, for Canadian citizens, for the experts who appear before committees and for all of the people who do the research, we should adopt this motion. In doing so, we will demonstrate our value as legislators as well as the value of our legislation.

I move that we refer this motion to the Standing Committee on Rules, Procedures and the Rights of Parliament.

On motion of Senator Segal, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY CONTAINERIZED FREIGHT TRAFFIC

Hon. Lise Bacon, pursuant to notice of May 9, 2006, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on current and potential future containerized freight traffic handled at, and major inbound and outbound markets served by, Canada's

i) Pacific Gateway container ports

ii) east coast container ports and

iii) central container ports

and current and appropriate future policies relating thereto; and

That the committee submit its final report no later than March 31, 2007.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, as usual, I would like to ask the Chair of the Standing Senate Committee on Transport and Communications why this study should be done and what it would it entail.

[*English*]

Senator Bacon: Honourable senators, I asked Senator Tkachuk, who is the deputy chairman of the committee, to give the explanation, but he left me his notes, which I have in front of me.

Containerization is regarded by some as the most significant shipping innovation of the 21st century. Container technology dramatically lowered the costs of transporting goods over great distances, facilitating the globalization of supply chains and the realization of benefits from trade liberalization.

While containerization has been streamlining logistics since the 1950s, it continues to evolve and stimulate trade. Growth in containerized freight traffic outpaced economic growth in North America over the last decade, and there is every indication that growth in the volume of containerized freight will continue.

The Senate of Canada needs to conduct a study of containerized freight traffic flowing through our ports and across our country because, without timely analysis and vision, a significant economic opportunity could pass us by.

The volume of containerized freight in Canada is expected to double, some say even triple, by 2015, and before that happens we need to understand where containers using our ports are coming from, where containers go when they leave our ports, whether our transportation system will be able to handle the anticipated growth in the containerized traffic; and, most important, our communities across Canada can take part and add value to the logistics chain.

The infrastructure investment that may be needed to make the most of this opportunity will take considerable time and planning to realize, so the sooner we analyze the situation, the better.

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

Hon. Senators: Question!

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

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Joseph A. Day, for Senator Meighen, pursuant to notice of May 9, 2006, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

(*a*) the services and benefits provided to members of the Canadian Forces, veterans of war and peacekeeping missions and members of their families in recognition of their services to Canada, in particular examining:

- access to priority beds for veterans in community hospitals;
- availability of alternative housing and enhanced home care;
- standardization of services throughout Canada;
- monitoring and accreditation of long term-care facilities;

(*b*) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans' achievements and sacrifices;

(*c*) the implementation of the recently enacted Veterans Charter;

That the papers and evidence received and taken during the First Session of the Thirty-eighth Parliament be referred to the Committee; and

That the Committee report to the Senate from time to time, no later than June 30, 2007.

He said: Honourable senators, this is the reference for the Subcommittee on Veterans Affairs. It is substantially the same reference as in the previous Parliament, except that honourable senators will know that the Veterans Charter has now been enacted. We are proposing in subsection (c) to follow the implementation of the Veterans Charter. Apart from that, this reference is substantially the same as the previous one. We wish to continue that work.

The Hon. the Speaker: Honourable senators, is there further debate?

Are honourable senators ready for the question?

Hon. Marcel Prud'homme: Has there been any evaluation of the budget that would be required for this study? Such a budget would have to go through the Standing Committee on Internal Economy, Budgets and Administration. It is not that I am opposed to it, but, from now on, as far as I am concerned, as at the United Nations now, we have to evaluate items. It used to be a wish and then after that there were budgets that became unlimited. This is just to have some discipline. If the reference is the same, that is okay. I want to know, because it is a good cause, it is okay, it is perfect. However, each committee that requires a study should come with a feasibility study with a dollar amount attached to it as much as possible as to what it will cost.

Senator Day: I thank the honourable senator for his question. That is the chicken and egg question. It is always difficult for us to know what it will cost until we know what we are entitled to do. However, as the honourable senator will recall, our former colleague Senator Lynch-Staunton brought this issue before us on many occasions. The committee has not at this stage set down specific items that it wishes to study from this reference, other than visiting hospitals to determine if the priority beds for veterans are being properly attended to. They are the specific items that appear in the motion. From that, we may get another more specific reference that we may have to come back to the Senate to request direction on.

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

Hon. Senators: Question!

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

Motion agreed to.

• (1750)

[*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, May 16, 2006, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 16, 2006, 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 11, 2006

(**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	1st	2nd	Committee	Report	Amend	3rd	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					
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							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-4	An Act to amend 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-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 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
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							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology					
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							

PRIVATE BILLS

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

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