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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, June 8, 2006

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I would like to draw your attention to the presence in the gallery of the Honourable Lü Congmin, the Honourable Liu Zhen, the Honourable Zhu Mingshan, the Honourable Ren Maodong and the Honourable Duan Bingren who are visiting Canada. They are members of a group of parliamentarians from China and will be meeting with their Canadian colleagues. On behalf of all honourable senators, welcome to the Senate of Canada.

This afternoon they will meet with Speaker Peter Milliken followed by a bilateral consultation among members of the Canada-China Legislative Association. Tomorrow they have meetings with Speaker Kinsella; the Honourable Rob Nicholson, Leader of the Government in the House of Commons; and are hosted at lunch by the Honourable Bill Blaikie, Deputy Speaker of the House of Commons.

The importance of our parliamentary diplomacy with China is demonstrated by the fact that the Canada-China Legislative Association has the second largest membership of our formal bilateral relations with foreign legislators. Canada and China have marched closely together since the time of Honourable Alvin Hamilton and the recognition of our diplomatic relationship by the government of Prime Minister Pierre Elliott Trudeau. We look forward to building on those early positive steps to an ever stronger friendship and strategic partnership.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

CANADA-CHINA LEGISLATIVE ASSOCIATION

Hon. Jack Austin: Honourable senators, I am pleased to join with the Speaker in his recognition of the presence in the chamber of the delegation from the National People's Congress of China. The Canadian Parliament entered into an agreement in 1998 with the National People's Congress, which is the paramount legislative body of China, for the formal establishment of the Canada-China Legislative Association, composed of both Canadian and Chinese sections. Since that time, visits have been exchanged every year between our Canadian legislators and those of China with the objective of recognizing and exchanging views on issues of governance and bilateral relations.

The Chinese delegation is headed this year by an old friend of Canada, the Honourable Lü Congmin, who is Chairman of the Chinese section and Vice Chairman of the National People's Congress Foreign Affairs Committee. He knows Canada well having served in the Chinese embassy in Ottawa for five winters. He is accompanied by four Vice-Chairmen of the National People's Congress Committees, all of whom are senior legislators.

The program, led on the Canadian side by co-chair Senator Day, included a meeting in Vancouver on June 2 with International Trade Minister, Honourable David Emerson to discuss the Pacific Gateway strategy and a visit yesterday, along with co-chair Tom Wappel, MP, to the Alberta oil sands, accompanied by Alberta's energy minister, the Honourable Greg Melchin.

Today they met with Jason Kenney, MP, Parliamentary Secretary to the Prime Minister; Senator Dan Hays; Kevin Sorenson, MP; Chair and Members of the Standing Senate Committee on Foreign Affairs and International Development in the House of Commons.

WORLD OCEAN DAY

Hon. Janis G. Johnson: Honourable senators, it is World Ocean Day today. Did you know that over half the world's population lives within 100 kilometres of the coast? Did you know that more than 1 million people rely on fish as their primary source of protein? Did you know that oceans provide the world with \$21 trillion annually in ecological goods and services? These are a few facts that will fascinate people as they do a bit of reading about World Ocean Day.

On June 8, countries across our globe will celebrate the fourteenth annual World Ocean Day. The idea of taking a day to remember the importance of the life-giving role of oceans world-wide occurred in 1992 in Rio de Janeiro. Although the day has yet to be declared formally by the United Nations, today World Ocean Day has grown into a global tsunami of celebration and reflection.

As home to the bulk of our planet's biodiversity, oceans provide a lifeline. Given how much the oceans offer us, World Ocean Day asks us to reflect about what we have done to protect and preserve this valuable resource.

• (1345)

In Canada, almost every government department and agency is involved in the management of our oceans through policies, programs, services or regulations. The Oceans Act, passed in 1997, provides the foundation for our country's ocean strategy. The act says that Canada promotes understanding and fosters sustainable development, that it applies an ecosystem approach, as well as a precautionary approach, that it promises integrated management of our oceans and marine resources and that it recognizes that oceans provide economic diversification and opportunities. The act points to the need to work in collaboration with all ocean stakeholders.

Honourable colleagues, World Ocean Day gives us an opportunity to assess how our country is measuring up. Like other countries, we certainly face our challenges, some of which include marine pollution, fisheries collapse, failure of species with restoration programs and near extinction of marine species.

However, I do not want you to think that this is all gloom and doom, for World Ocean Day also represents an opportunity for Canadians to be proactive and learn more. Canadians are asked to change their perspective, to think about what the oceans mean to them — the state of our oceans — and ask how we would like them to be now and in the future.

We are asked to learn about the wealth of diverse and beautiful ocean creatures and habitats. We are asked to visit an aquarium, the seashore, the beach or an estuary. Canada's theme this year — "Watersheds...your link to Canada's oceans... explore the connection!" — emphasizes our connection to the ocean, no matter where we live, inland or by the coast. For those in landlocked provinces like me, even a visit to Lake Winnipeg — another very troubled body of water — commemorates World Ocean Day.

We are asked to change our behaviour by watching water use and recycling; and last but not least, Canadians are asked to celebrate. We certainly have reason, for our coastlines, which include the Pacific, Arctic and Atlantic oceans, stretch nearly a quarter of a million kilometres and look out on more than 10 million square kilometres.

CONGO

EFFECT OF CONFLICT ON WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, on Tuesday, June 6, Senators Pépin, Nancy Ruth and I had the pleasure to attend a fundraising event organized by the World Federation of Congolese Women. The goal of this event was to raise Canadian awareness of the brutal conflict that continues today in the Democratic Republic of the Congo.

The event featured speeches to raise awareness of the issues. The horrifying conflict in the Democratic Republic of the Congo is the most lethal the world has seen since the Second World War, having claimed more than 4 million lives since 1998.

For women in the Congo, the situation is even worse. Sexual violence is being used as a weapon of control, and women are kept powerless to stop it as they are pushed out of the political process. This presents a tremendous problem. To quote Nicola Dahrendorf in the report *Mirror Images in the Congo: sexual violence and conflict*:

Sexual violence is arguably one of the most challenging human rights violations to address in peace and security work. There is no vaccine to prevent it; there is no "cure" for its effects.

Girls and women are dying from the violence, and its long term emotional and physical effects are profound and far-reaching.

The deadly conflict that surrounds the women of Congo robs them of all security. This conflict has left families in the Congo completely destroyed. Justice, basic health and adequate schooling are just dreams for many women and girls in the Congo.

Honourable senators, this is what war does to women and girls. The experiences of women in the Congo are a stark example of the merciless conditions that women must live with all over the world. The United Nations estimates that one in three women will be beaten or raped in their lifetime. In many cases, these women are discarded like trash — shunned by their communities, pregnant with children of rape, often carrying diseases like HIV/AIDS and traumatized in other ways many of us here can only imagine.

Honourable senators, for too long the world has ignored the situation in the Congo. Today, we can make sure that the Congolese are supported by Canadians.

Hon. Senators: Hear, hear!

[Translation]

OPERA OF MONTREAL

Hon. Andrée Champagne: Honourable senators, the Opéra de Montréal's recent cry for help should make us stop and think. It should encourage us to work together to convince our government to review its policy on funding a noted institution that is the pride of Canada, Quebec and the city of Montreal.

Over the past 12 years, federal funding for the Opéra de Montréal has been slashed by \$200,000. Today, it is running a \$2 million deficit, and its survival is uncertain.

The Opéra de Montréal's outgoing artistic director Bernard Labadie has said that, if nothing is done, the company will disappear within three years.

• (1350)

He said that the company has been operating under either emergency mode or crisis mode for too long. General Manager David Moss added that time is short, and the company does not need a study, it needs help, and the sooner the better.

Years ago, opera was considered to be the exclusive preserve of the elite. Over the past few years, the Opéra de Montréal has brought about changes that have made opera more mainstream. That was the only way to ensure its future. Last season, the company played to packed houses. Over the past few years, there has been a 700 per cent increase in the number of people coming from outside Montreal to see the performances. However, production costs are still high and ticket prices must remain reasonable if the company is to maintain its public support. It must therefore rely on government funding to fill the gap in its budget.

The Opéra de Montréal is extremely important for our young singers. There is no doubt that young Canadian singers have talent. We have many schools and teachers with excellent

reputations. At the Opéra de Montréal, they have the opportunity to improve their acting skills and try them out during company productions. The next step is to take on bigger roles here and abroad.

Rumour has it that a foundation is about to lend a hand to the management of the Opéra de Montréal regarding the workshop, and in the pursuit of educational projects as well. The interest of youngsters in that form of art has to be stimulated if we want to prepare the music lovers of tomorrow.

It is only a matter now of convincing our governments at all levels to loosen the purse strings, thus continuing to allow, and even promote, the production of quality operas increasingly featuring Canadian artists.

Honourable senators, let us all hope that this cry will be heard.

COMMUNITY RADIO MANITOBA

ENVOL 91 FM—FIFTEENTH ANNIVERSARY

Hon. Maria Chaput: Honourable senators, on Saturday, June 3, I had the pleasure of attending the celebrations marking the fifteenth anniversary of Envol 91, la radio communautaire du Manitoba. This community radio station, the first to broadcast in Western Canada and in the territories, marked its fifteenth anniversary by hosting the first annual general meeting of the Alliance des radios communautaires du Canada, or ARC du Canada, in Western Canada.

The 21 broadcasting radio stations formed a North American French-language network to support the consolidation and production of member stations across Canada, eventually entering into partnerships with France.

Envol 91's president, Francine Deroche, stated:

Radio is more than just a media, in that it is a public space where people are allowed to experience their language and culture outside the private space provided by their homes, for example. From the moment any culture or language can only be experienced in private, they die out.

The year 2005-06 saw several ongoing radio projects be granted broadcasting licences by the CRTC and other start-ups. The Brise de la Baie co-op in Saint John, New Brunswick, and the radio co-op in Toronto are now broadcasting.

Radio Richemond, in Petit-de-Grat, the Halifax-Metro station in Nova Scotia, and the community corporation in Victoria, British Columbia, have both been granted a broadcasting licence.

Radio MirAcadie, in New Brunswick, has applied for a licence and its application is currently under review at the CRTC.

Honourable senators, I draw your attention to the challenges facing these radio stations. Over the course of 2005-06, they explored various avenues for funding, in search of alternatives. The national government advertising file caught their eye and a workshop on it was held with the Department of Public Works and Government Services. The information they received was not very encouraging, given that audience ratings of Francophone community radio stations in Canada are apparently not high enough for them to have access to that department's programs. I intend to follow up on this issue.

Honourable senators, is this simply one more example of a program designed for the majority that is therefore not accessible to minority groups?

I will close by saying that the ARC du Canada is about to ratify an agreement with its French partner, the Conseil des Radios associatives, whose representatives I was pleased to meet that day. The Conseil was amazed by the vitality and dynamic nature of French-Canadian community radio stations.

• (1355)

I congratulate all of our community radio stations. I thank the volunteers who work at them with such determination and dedication, and I wish these radio stations many years of success.

[English]

ABORIGINAL WOMEN ON THE MOVE

CROSS CANADA CYCLE TOUR

Hon. Lillian Eva Dyck: Honourable senators, on May 28, the Aboriginal Women on the Move Cross Canada Cycle Tour kicked off from the Pacific Spirit Regional Park, Vancouver, B.C. The purpose of the tour is to raise awareness and bring attention to family violence in Aboriginal communities and violence against Aboriginal women. The women who make up the cycling team — Sheila Swasson, Donna Martin-Metallic, and Chi Metallic — are from the Listuguj M'ikmaq First Nation in Quebec. They will cycle across Canada, travelling 7,049 kilometres, and end their trip in St. John's, Newfoundland, in mid-August. Their intended schedule is posted on their website, www.Aboriginalwomenonthemove.org.

They will be in Saskatoon next week, on June 13 and 14. The events planned for them in Saskatoon are being coordinated by members of Iskwewuk E-Wichiwitochik, which means "women working together," a community group that aims to provide moral support to the families of missing Aboriginal women and to put an end to violence against Aboriginal women.

Premier Calvert, Mayor Atchison, MPs, MLAs, provincial Minister of Justice Quennel, FSNI chiefs, members from community support agencies and I have been invited to attend a public rally and barbecue on June 14.

Honourable senators, women are three times more likely than men to be injured by their spouse. One in 12 children have seen violent acts in their own homes. Violence against women occurs in every part of our society, regardless of ethnicity, culture, age, religion, or social or economic status. It is heartbreaking to note that young Aboriginal women are five times more likely than all other women in Canada to die as a result of violence.

Honourable senators, Sheila Swasson, Donna Martin-Metallic and Chi Metallic — the Aboriginal Women on the Move — have a dream: to break the cycle of violence in our communities. Please help them make it so by getting involved when they visit your community.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE TABLED AND ADOPTED

Hon. George J. Furey: Honourable senators, I have the honour to table the first report of the Standing Committee on Internal Economy, Budgets and Administration.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I move that, with leave of the Senate and notwithstanding rule 58(1)(g), the first report of the Standing Committee on Internal Economy, Budgets and Administration be adopted now.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. Lowell Murray: I would like to see what I am voting on, if the honourable senator does not mind.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, I would like to make a comment about that report. Given that I attended that meeting of the committee, and before granting my support to the adoption of this report dated June 8, which is before us —

[English]

The Hon. the Speaker: Honourable senators, leave has been requested to consider this report. If leave is requested, then I would anticipate a motion would be made and then we can all debate that motion. It will be like any other motion. That would be the proper time for Senator Hervieux-Payette's intervention.

The chair takes it that leave is granted.

• (1400)

Honourable senators, it has been moved by the Honourable Senator Fraser that notwithstanding rule 58(1)(g), the first report of the Standing Committee on Internal Economy, Budgets and Administration be adopted now.

[Translation]

Senator Hervieux-Payette: Honourable senators, before I support the adoption of the report dated June 8 that is before us, I would just like to remind the honourable senators of two very important points.

Under section 18 of the Constitution Act, 1867, every senator enjoys the privileges, immunities and powers that exist in British and Canadian law. In addition, under the Canadian Charter of Rights and Freedoms adopted in 1982, Canadian citizens are entitled to the protection of their fundamental rights, in particular the right to a full and complete defence and the right to be presumed innocent.

In that regard, honourable senators, paragraph 4 of the report mentions submitting it to the proper authorities. To fully understand the impact of this report, it is important that the senators receive assurances that their rights and privileges will be preserved for all legal purposes, in the interests of our institution and all its members, when the report is referred to the authorities.

[English]

Senator Murray: Honourable senators, I do not know any more about the substance of this matter than what we have all read in the media. There is a reference to a report of a subcommittee. May I ask the mover of the motion, or the chairman of the committee, whether the report of the subcommittee is available to us and whether verbatim transcript was kept of the deliberations of the subcommittee?

Senator Furey: Thank you, Senator Murray. In fact, transcript was kept. The report is available to senators, but on a confidential basis, obviously to protect the reputation of the senator involved until any investigation is completed.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SECOND REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the second report of the Standing Committee on Internal Economy, Budgets and Administration.

• (1405)

QUESTION PERIOD

NATIONAL DEFENCE

LONG-RANGE AIRCRAFT PROCUREMENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I raise with the Leader of the Government in the Senate the questions discussed in the media involving the procurement of long-range aircraft. In particular, I raise the issue of the acquisition of the C-17 cargo plane at a time when the issue has raised great controversy in the media because of an apparent difference between the position taken by the Chief of the Defence Staff, General Rick Hillier, and the minister.

Could the minister advise us on whether there is a difference between the positions and what the status of this matter is?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

I have seen the same media speculation, and that is exactly what it is: speculation. I have no more information than what was in the paper this morning. It is speculation, and I think that we should wait until the Department of National Defence makes an announcement of what equipment it will buy.

Senator Hays: I leave it with the minister that we are all curious to know when this decision will come forward.

Can the Leader of the Government in the Senate comment on the general way in which this decision will be made? It is obviously something that has a source. I do not know what that source is. I assume that the Leader of the Government in the Senate does not know either, but she is a member of the government and has access to the minister and to information that we do not have access to. I think that the sooner this matter is put to rest, the better. Again, the issue is: When will this matter be put to rest, one way or the other?

Senator LeBreton: I thank the honourable senator. I hope that it will be put to rest or resolved fairly quickly. The Minister of Defence, as the honourable senator will know, is in NATO meetings. I am certain that the decision will be based on need and that it will be open for everyone to see. The decision will be made much quicker than it took the government to replace the Sea Kings, of course, which the government did not do.

AERONAUTICAL PROCUREMENTS
AND MAINTENANCE

Hon. Francis Fox: My supplementary question is addressed to the Leader of the Government in the Senate. One can assume that a decision will be made and, second, that it will be made by the government on the recommendation of the Department of National Defence, and that the government will have input into the decision.

In her position as an important member of the government, can the minister give assurances to us and to the Canadian aerospace industry that these procurement contracts will be negotiated in keeping with the long-held tradition in Canada, supported by previous Liberal and Conservative governments, of ensuring that there are important economic spinoffs and offsets, such as significant subcontracting to Canadian manufacturers, and also that contracts will be negotiated in keeping with another long-held tradition in Canada of ensuring that maintenance of Canadian military aircraft is done by the Canadian aerospace industry?

Hon. Michael Fortier (Minister of Public Works and Government Services): I am happy to respond to Senator Fox's supplementary question. It is indeed our intent, when these decisions are made, to ensure that after the government has spent the money over the next several years, we have a more robust and vibrant defence industry in Canada. Hence, we are taking these factors into consideration. It is important to every single member of cabinet that this decision unfolds exactly as I have indicated.

• (1410)

[Translation]

Senator Fox: Honourable senators, as minister for Montreal, the Minister of Public Works, surely knows that aerospace is a flagship industry for Greater Montreal and the third largest in the world, after Seattle and Toulouse, in terms of the size of this industry.

The minister also knows that this industry developed thanks to a public-private partnership. One key element of that partnership is the Technology Partnerships Program, and the other is the emphasis that all federal governments, regardless of political stripe, have placed on the economic spinoffs that are negotiated when major contracts such as the C-17 contract are awarded.

Can the minister assure us that he will make the necessary representations to his colleagues to ensure that a major share of the spinoffs from the proposed purchase of the C-17 will come to the Canadian aerospace industry, which is centred in Montreal?

Senator Fortier: Honourable senators, what is important to me, as well as to the Leader of the Government in the Senate and all our Cabinet colleagues, is that this exercise improve the lot of Canadian companies with expertise in this sector. Thus, not only will Canadian taxpayers' money be well spent and result in economic benefits to Canada, but the companies will be able to participate in calls for tenders of foreign governments, which will bolster the prosperity of this industry, which once was much more robust.

After this exercise, we want to put the industry back on track, something we feel is very important and a good policy in the context of these important acquisitions.

Hon. Marcel Prud'homme: Honourable senators, several years ago — those of you with institutional memories will remember this — there was a furious debate in the Senate concerning the pharmaceutical industry, which is well established in Montreal. This has some relevance to the remarks of my colleague and friend, Senator Fox. The entire pharmaceutical industry in Montreal grew as a result of the protection it received at the time. I pay tribute to the late Senator Rizzuto, who vigorously defended the Montreal pharmaceutical industry. At present, there seems to be a debate resurfacing in Toronto, led by Apotech. For those following the news, it seems that the intense competition from back then is resurfacing for a variety of reasons. I do not wish to go into detail, but I see that Apotech appears to want to again take up the battle for pre-eminence of the Toronto pharmaceutical industry. I hope that the minister, in his reflections, will continue to serve as protector and champion of the Montreal pharmaceutical industry — because this was the pride of the former Mulroney government — which runs the risk of slipping through our fingers as well.

Senator Fortier: Honourable senators, this industry as well as the aerospace industry and culture are important to me. You can rest easy.

[English]

Hon. Sharon Carstairs: Honourable senators, my supplementary question is addressed to the Minister of Public Works. It deals with the original question asked by Senator Fox.

In the past, governments which have had a Conservative label have discriminated against the City of Winnipeg when it came to aeronautical businesses. I wish to be assured that in new government contracts with respect to aeronautics Winnipeg will get its fair share.

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Carstairs for her question.

The new Conservative government does not need to take any lessons from the previous Liberal government. Honourable senators will see a much improved climate in all issues concerning contracting and acquisitions.

[Senator Fox]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

MATERNITY BENEFITS FOR WOMEN ENTREPRENEURS

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate.

In 2003, I was the Vice Chair of the Prime Minister's Task Force for Women Entrepreneurs. We were asked to come up with recommendations on how the federal government could be more supportive of women entrepreneurs and how we could get more women to become business owners. At that time, there were 821,000 women entrepreneurs in the country, and that number continues to grow every year.

• (1415)

During our cross-Canada consultations, we heard, time and again, that women want to have the opportunity to pay into a fund so that they can receive maternity benefits if needed, and that was one of the major recommendations of the task force.

On June 30, 2005, the Minister of Human Resources and Skills Development of the previous government told the Standing Senate Committee on Social Affairs, Science and Technology that she had instructed her department to start a review to determine what would be involved in creating a program to extend parental benefits to women entrepreneurs.

Is the federal government continuing the work of the previous government with regard to maternity benefits for women entrepreneurs?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Callbeck for that question. I well remember the report of that task force under the previous government which was tabled in the Senate.

Senator Callbeck has reminded me of the then minister's commitment to a Senate committee on June 30. I myself wonder what happened in July, August, September, October, November, December and early January. In any event, I will take that question as notice and find out where this recommendation is within the department.

Senator Callbeck: Honourable senators, it is very important to support our women entrepreneurs, because they contribute over \$20 billion to the economy. Between 1981 and 2001, the number of women entrepreneurs in Canada increased by 208 per cent.

If, when the Leader of the Government in the Senate speaks to the minister about this, she learns that this review is continuing and the government is considering a potential program, will she also ask the minister when we might expect to hear about it?

Senator LeBreton: Honourable senators, I believe that everyone supports women entrepreneurs. I have said on many occasions that our government was not elected to implement programs of the previous government, but I will endeavour to learn whether the figures Senator Callbeck cited are sustainable and what programs will be forthcoming in this area.

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY— CONSULTATIVE PROCESS

Hon. Grant Mitchell: Honourable senators, the Minister of the Environment is doing what we all wish pollution would do; she is disappearing. She managed to attend one of 14 days of the international Kyoto conference, at which she was supposed to be the chair. She failed to appear at the FCM conference because of a scheduling conflict. This one is good for the environment: She took a van less than one block across a parking lot so that she would not have to deal with some well-behaved demonstrators. She missed a major environmental awards conference and show because of a scheduling conflict. Most recently, she was a no-show at the annual Toronto smog show. That was the first time in seven years that the federal minister did not attend.

In her effort to create a made-in-Canada environmental policy, will Minister Ambrose talk to any Canadians at all?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Mitchell for the question. Minister Ambrose is very talented and is working hard on this file, but even she cannot be in two places at one time. The senator asked whether she will speak on this issue. If he were paying attention, he would know that she spoke at a Canadian Club event in Ottawa yesterday. She cannot speak to the Canadian Club on Clear Air Day and be in Toronto at the same time. As smart and as talented as she is, she cannot split herself in two.

• (1420)

Senator Mitchell: The Minister of the Environment's facts should be checked because she said she was required to be here to vote. She cannot be at the Canadian Club, voting and at the smog show at the same time. You cannot have it both ways. It is not just about who she is speaking to; it is also about who she is listening to.

Before we brought in the climate change program, we had a broadly based consultative process. Could the Leader of the Government in the Senate please inform us of the consultative process the Minister of the Environment is to conduct before she brings in the replacement for this program? Is it limited to her high-level discussions with the U.S. on the Asia-Pacific program?

Senator LeBreton: The honourable senator can go on the internet and get the Minister of the Environment's speech to the Canadian Club. It is also true that she was here for votes yesterday. She is consulting very widely on this issue. Furthermore, most people know that, even if the honourable senator does not.

In today's *National Post*, Jayson Myers, Chief Economist of the Canadian Manufacturers and Exporters, said in response to the minister's speech — that the honourable senator claims she did not make —

The Minister has done a valuable job in focusing on those practical solutions involving technology rather than resting on the laurels of an unachievable agreement.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS' AGREEMENT ON ABORIGINAL ISSUES

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday the honourable senator rose in the chamber and stated, "At the end of the day, no Kelowna agreement was signed." At around the same time, Phil Fontaine, head of the Assembly of First Nations, was appearing before the Standing Committee on Aboriginal Affairs and Northern Development. Mr. Fontaine said, "I want to be absolutely clear that there was an agreement, we truly believe that there was an agreement, an agreement reached with the country and not just one party." Who is telling the truth?

Hon. Marjory LeBreton (Leader of the Government): Does that tickle honourable senators' funny bone?

I have the so-called Kelowna agreement in front of me. It is worded very well. We say things such as agree to take immediate action, recognize and respect the diverse and unique history and traditions, on and on for pages. Not one dime is mentioned in terms of the cost.

At other times, Mr. Fontaine has publicly stated that he has met with the minister several times and indicated that the discussions have been productive. I guess I can ask Mr. Fontaine what he meant regarding past statements on meetings with Minister Prentice and what he said yesterday in the committee.

Senator Munson: I have to take Mr. Fontaine's word as to what he said yesterday: "No consultation took place with the minister." He may have had a chat, but there was no consultation with respect to this issue. He stressed that First Nations people's "shared future must not be held hostage to partisan politics."

I ask once again: Who is telling the truth?

Senator LeBreton: I accept Mr. Fontaine's statement, but I also believe that he perhaps has not been fulsome in his comments. He has talked in the past about meeting with the Minister of Indian Affairs and Northern Development. I guess we will have to ask Minister Prentice and Mr. Fontaine whether these meetings took place.

Hon. Tommy Banks: Honourable senators, I am seeking instruction with my question because I am naive as to how things work as far as money is concerned.

Do I take it from the Leader of the Government's comments that the agreement is not valid in some way because it does not contain and was not preceded by a fiscal framework? No dollars are mentioned in the agreement. Does that mean that the present government will ensure that monies will be in place and on the table before negotiating agreements to which that money might apply?

Senator LeBreton: Minister Prentice, who was our then critic on Aboriginal affairs, was at Kelowna. There is a statement of intent. No one can argue with the goals that are listed in the document,

but there was no agreement signed, no fiscal framework was developed. The Kelowna meeting was held on November 24 and 25, 2005. One person described this as “a deathbed repentance.” These meetings took place literally days before the election was called. There was no fiscal framework.

• (1425)

This government and the minister charged with this portfolio are committed to taking real steps to address some of these issues. Budget 2006 provided \$300 million for northern housing, \$300 million for off-reserve housing, \$150 million additional funds in the budget and a \$320 million budgetary increase for the department.

Minister Prentice is also addressing the issue of clean water for many of the reserves, because in this day and age, unclean water is absolutely unacceptable; and why water has not been a priority in the past 13 years, I will never understand. It is absolutely unacceptable that people on reserves cannot get a clean glass of water to drink.

Senator Banks: I take it that, henceforth, this government will always have a fiscal framework in place before entering into negotiations on any government policies; is that correct?

Senator LeBreton: I have never said any such thing. If the honourable senator wishes to call this document an agreement, there was no agreement. If one wishes to carry forward with proposals that are agreed to, the next step, obviously, is to put a fiscal framework around them.

Hon. Joan Fraser (Deputy Leader of the Opposition): With all due allowance for the vigorous rhetoric that we sometimes use on both sides in Question Period, perhaps the Leader of the Government in the Senate might wish to withdraw her comment about “deathbed repentance.”

The Kelowna conference was the culmination of months and months of preparation. Everyone knew the conference was coming and knew it was perhaps the highest priority of the then government. It is my recollection — although I stand to be corrected on this — that the then opposition parties in the other place all agreed that the meetings were so important that they would not overthrow the government until after that conference. That does not sound to me like deathbed repentance.

Senator LeBreton: I thank Senator Fraser for her question. I was borrowing the words of Tom Axworthy, and I will correct the record: As honourable senators will know, Mr. Axworthy is working on the blueprint for the rebuilding of the Liberal Party of Canada. He actually referred to the government’s national daycare program as “deathbed repentance.” At the same time, he referred to the gun registry as “an administrative disaster.” I hope that corrects the record.

We had an agreement in which Mr. Martin committed to health care for our Aboriginal Canadians and never delivered a cent, and he had actually committed to that a year before. The words “deathbed repentance” were actually used by Tom Axworthy in relation to child care and not to the Kelowna accord.

[Senator LeBreton]

Hon. Larry W. Campbell: Honourable senators, yesterday, the leader referred to the helicopter contract, which I will cover in more detail later. She stated that the Liberals cancelled the helicopter contract, and therefore, it was perfectly legitimate for this government to cancel the Kelowna accord.

• (1430)

There is either a contract or an accord or no contract and no accord. However, the leader said that the previous government cancelled the helicopter contract and, therefore, the current government was perfectly right to go forward and cancel the Kelowna accord. Would the honourable leader comment on that?

Senator LeBreton: The question was whether it was proper for governments to cancel contracts of previous governments. I had already stated that there was no fiscal framework for the Kelowna accord. It was not a contract.

As well, I said that we need take no lessons on this front because we had two examples of the previous government. Who could ever forget Mr. Chrétien saying, “zero helicopter”? Of course, there was also the issue over Pearson International Airport. I used those examples as reference. I believe that Senator Munson asked the question about whether this cancellation was a proper procedure to follow. I suggested that this government need take no lessons from his government on that front. Kelowna was not a signed contract and there was no fiscal framework. There was only good intention, which no one can argue with.

Senator Campbell: I have one additional supplementary question. I agree that Prime Minister Chrétien said “no helicopters.” Of course, former Prime Minister Mulroney said that he did not know Karlheinz Schreiber either. I would like to ask what the difference is between a contract and an accord.

Senator LeBreton: The Kelowna accord, just three days before the election, was a statement of good intent because it had no fiscal framework and was not signed. The government and Minister Prentice take seriously some of the concerns raised in the Kelowna discussions.

Hon. Sharon Carstairs: I have a supplementary question for the Leader of the Government in the Senate. There would seem to be a major disconnect. During the 1993 campaign, Mr. Chrétien was absolutely clear when he said to the people of Canada that there would be no new helicopters because the fiscal framework did not allow it. We now have a Prime Minister who did not campaign against the Kelowna accord. Not having been open with the people of Canada on this issue, when will he be open?

Senator LeBreton: The honourable senator has helped to make my point. The Prime Minister travelled across the country during the campaign and talked about government policy on child care, on softwood lumber, on climate change and, on many occasions, the discussions on Kelowna. It was made clear that the government would bring in its own policy on these issues and not carry on with the failed policies of the previous government.

Hon. Willie Adams: I have a supplementary question with respect to the Kelowna accord. I was at the discussions for three days. I sat behind the Prime Minister. In attendance were 10 provincial premiers, three territorial leaders, some leaders from the Aboriginal First Nations, and Jose A. Kusugak, President of the Inuit Tapiriit Kanatami.

• (1435)

In the agreement, we agreed on \$5 billion over 10 years for promoting the future. In the discussions with the premiers, we discussed people off the reserve and on the reserve and the social problems of the Aboriginal people. We also talked about water, and some communities were to get a few million dollars for upgrading some of those services. The premiers and the Prime Minister agreed that we would put aside another \$500 million for upgrading the water services in the communities.

Before the election, Prime Minister Martin said he would put aside \$5 billion for 10 years for the Aboriginal people. After he lost the election, it seems that maybe someone in the department put the matter away someplace. I do not know what happened.

Senator LeBreton: I thank the honourable senator for his question. All of what he said is true, but the sad reality is that the \$5 billion was not put aside. There was no fiscal framework for the Kelowna accord. That is the problem. It really amazes me, because for 13 years, the government did very little to address the issue of Aboriginals or to improve the conditions about which we are now so concerned.

Before becoming Prime Minister, Paul Martin promised to make Aboriginal poverty a priority but, as with so many other issues, this important top priority was delayed and nothing was done. For example, as I referenced in an earlier answer, last November, when Paul Martin was at the Kelowna meeting talking about the poor state of Aboriginal health, the federal money promised one year earlier to address Aboriginal health problems had yet to flow. This was one year later, and he had not even delivered on the \$700 million he promised the year before, and then they talked about \$5 billion in the Kelowna agreements. That is what is so sad about it, honourable senators, it was all talk and no framework, no nothing.

I think the honourable senator will acknowledge that Minister Prentice is trying to address this subject. There have been specific monies targeted in the budget to start to deal with the real concerns of Aboriginals, including dealing with living conditions, health concerns and the condition of the water on many of the reserves. As the honourable senator knows, following the budget, several leaders of the Aboriginal community, including the president of the ITK, congratulated the government for at least starting to make some concrete steps and progress towards addressing these serious issues. It will take a significant amount of hard work between the various levels of government to resolve them.

• (1440)

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to four oral questions raised in the Senate.

The first response is to a question raised by Senator Hays on April 27, 2006, in regard to climate change; the second is in response to a question raised by Senator Hays on May 18, 2006, regarding delays in the recruiting process; the third is in

response to a question raised by Senator Ringuelette on May 11, 16 and 17, 2006, in regard to the proposed softwood lumber agreement; finally, the fourth is in response to a question raised by Senator Carney on May 30, 2006, in regard to the proposed softwood lumber agreement, allocation of export charges.

THE ENVIRONMENT

CLIMATE CHANGE— NEGOTIATIONS WITH THE UNITED STATES

(Response to question raised by Hon. Daniel Hays on April 27, 2006)

There is a strong consensus in the scientific community that an increase in greenhouse gases will result in warming of the planet. The debate pertains primarily to the details of future climate change, and the solutions that would work. Notwithstanding these discussions, the overall consensus amongst the global scientific community remains as provided in 2001 by the Intergovernmental Panel on Climate Change, namely that “There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.” This government agrees with this position. As the Minister of Environment has repeatedly stated, this government disagrees with the direction that the previous government had adopted to resolve this serious situation.

NATIONAL DEFENCE

RECRUITMENT

(Response to question raised by Hon. Daniel Hays on May 18, 2006)

Expanding the Canadian Forces is a clear priority, and in Budget 2006 this government committed resources towards this goal.

Recruiting, training, and retention are at the heart of our ‘Canada First’ defence plan.

The increased funding provided in the Budget will allow us to start to move ahead with our plan to add 13,000 new Regular Force and 10,000 new Reserve members to the Canadian Forces.

The Canadian Forces is committed to making the recruitment process as efficient and as straightforward as possible for applicants and it constantly strives for ways to improve its performance.

The Auditor General’s recent study of delays in the recruiting process is based on recruiting data from 2003-2004. Since then, the Canadian Forces has implemented several changes to speed up the application and selection process.

For example, the Canadian Forces has modified the selection board process so that boards now occur at shorter

intervals. For certain critical occupations, selection authority has also been delegated to reduce the length of time required for the process.

The Canadian Forces has also taken steps to streamline medical processing to the greatest extent possible. The amount of time required for the processing of some applicants, however, will still depend on the availability of civilian specialists.

To address delays applicants face in the scheduling of the Canadian Forces Aptitude Test, the Canadian Forces is reviewing its testing policy and will be issuing new direction shortly.

In terms of physical fitness requirements, the Canadian Forces is looking at ways to reduce delays that some applicants face due to a lack of physical fitness.

The Canadian Forces is also actively seeking ways to reduce the delays that sometimes occur in security screening.

Overall, a concentrated effort to streamline the recruitment process is underway with full support and engagement by all senior leaders in the Canadian Forces.

NATURAL RESOURCES

SOFTWOOD LUMBER AGREEMENT—RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY—VETTING CHANGES IN POLICY WITH UNITED STATES—AID TO FORESTRY WORKERS AND BUSINESSES—REQUEST FOR TABLING

(Response to questions raised by Hon. Pierrette Ringuette on May 11, 16, and 17, 2006)

In consultation with the provinces and industry, Canada is engaged in negotiations with the United States in order to finalize the agreement. We aim to table a Notice of Ways and Means motion before the House of Commons rises for the summer. There will be an opportunity for Parliament to review the agreement when legislation is brought forward at the conclusion of the negotiation process.

We will take the time necessary to secure a good agreement. While there is no deadline, we aim to complete the agreement in the coming weeks so that the benefits, including an end to border measures and the return of deposits, can start as quickly as possible. The sooner a final agreement is signed, the sooner we can bring stability to our industry and turn the page on this long-standing dispute.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT—ALLOCATION OF EXPORT CHARGES

(Response to question raised by Hon. Pat Carney on May 30, 2006)

Any money collected from export charges will be returned to the provinces subject to the terms of agreements between the federal government and provincial

governments. The government will not provide money collected from export charges to industry as this would circumvent the terms of the agreement. Details will be determined in consultation with the provinces.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, on your behalf, I wish to welcome to the Senate a visiting page from the House of Commons, Laura Morrison, who is from Sault Ste. Marie. She is currently studying at the University of Ottawa, where she is pursuing a joint honours degree in history and political science.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

BUDGET IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Angus seconded by the Honourable Senator Eyton, for the second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, before Senator Day speaks, with leave of the Senate and notwithstanding rule 37(3), I would ask that the 45-minute period of time normally reserved for the first senator to speak immediately after the sponsor of the bill not go to Senator Day, but be reserved instead for the Honourable Senator Eggleton, who is our official critic on this bill.

Hon. Senators: Agreed.

Hon. Joseph A. Day: Thank you, honourable senators and thank you, Senator Fraser.

I wanted to have the opportunity to speak on this matter and not to let a day go by without debate on such an important issue. I know our critic on this matter, Senator Eggleton, is unable to speak until next Tuesday.

Honourable senators, as the chair of the Standing Senate Committee on National Finance, I had an opportunity to listen to the honourable senator who is sponsoring the bill, Senator Angus. I had a chance to listen to his comments yesterday, and I have had a chance to review the bill prior to it being referred to the Standing Senate Committee on National Finance. I thought it would be helpful for honourable senators to spend some time reviewing some of the clauses.

Senator Angus pointed out yesterday that there are 13 parts to this bill and a total of 186 pages. At first glance, it would appear to be a daunting task. However, honourable senators will appreciate that in making amendments to the Income Tax Act and the Excise Tax Act, it sometimes takes many words to achieve an idea.

In reviewing the various parts of the bill, we will find that it is not as daunting as it first appeared, especially since many of the parts are a continuation of policies of the previous government. That will make our work in committee easier to deal with the various issues.

The other preliminary point is that there appears to be some confusion in the minds of some of us with respect to the difference between this particular bill — which is the implementation of some of the aspects of the budget — and the general debate that we have with respect to Budget 2006, which is before us in an inquiry.

Honourable senators will have followed the debate with respect to the inquiry. There are many issues that are raised with respect to the budget generally that can be raised in the inquiry, particularly items that did not appear in the budget. Therefore, some honourable senators are rightly raising some concerns. We have just heard the discussion during Question Period with respect to the Kelowna accord: the \$5.1 billion, where is that? That is not in Bill C-13, the budget implementation, so we will not be dealing with that issue in this bill.

In regard to post-secondary education investments, there are significant reductions in what was the policy of the previous government. Environmental programs have a significant change from a policy point of view in that there is no funding for many environmental programs. However, in Bill C-13, we do not see that kind of statement; that is not what we are dealing with in this bill. Likewise, with arts and culture, we see neglect with respect to the budget.

The tremendous track record that was established by the previous government over a good number of years with respect to research and development, both private and at the university level, we are not dealing with that in Bill C-13, which is budget implementation. There is no mention, expenditure or creation of a fiscal framework with respect to those particular items.

Honourable senators, perhaps in the short time available to me I might go through some of the parts of the bill. Perhaps the best place to start is with respect to Part 1.

Part 1 deals with a reduction of the Harmonized Sales Tax and the Goods and Services Tax from 7 to 6 per cent. That will be a matter of some considerable debate when and if this bill reaches committee. I look forward to that debate.

Honourable senators, the stated intention of the current government is to implement the reduction in the GST/HST on July 1, 2006. We will want to know if everything is in place for that initiative. We will want to know if there will be a reduction in the retail value of goods as a result of this measure; or if this is an initiative that will help the retailers with an additional profit but

provide no reduction in the ultimate selling price of the goods. Those are the kinds of questions that I have no doubt honourable senators will want to address at the appropriate time during the committee hearing.

Honourable senators, Part 2 is an extensive part of this bill and deals with extensive changes to the Income Tax Act. One amendment recognizes the previous government's commitment, which is typical. Even if there is not a fiscal framework, if the federal government makes an announcement with respect to income tax reduction, from 16 to 15 per cent for the first category, other governments that come along typically would follow that.

That is what is being done for the first taxation year, which was 2005; then the tax will go up for this first category, which applies to everyone who pays taxes. The first category will go up to 15.25 per cent, and then in the next year to 15.5 per cent in the next year. It is clear what is happening. As long as the public understands that this is an increase in personal income taxes to help defer the policy decision to reduce the GST.

The second item is an increase in child disability benefits. I do not anticipate any major debate in that regard. There is an increase in refundable medical expenses and the elimination of the capital gains tax on charitable donations, which is an initiative that was already in place and that is being followed through.

• (1450)

Many items in this Income Tax Act were initiatives in the fiscal framework of November 2005. I made a point of going through a good number of them and they include expanding the eligibility criteria for the disability tax credit, expanding the list of expenses eligible for disability support, and many more, honourable senators. Many are a follow-up on the November announcement last year. Therefore, when honourable senators start to delve into the details, they will probably find themselves *ad idem*, as my honourable friend Senator Angus is wont to say — in agreement — on a good number of points, and I do not anticipate extensive debate in that regard.

The elimination of the federal capital tax on large capital holdings was an initiative announced previously, but this bill accelerates that elimination which I think most of us will find an acceptable position. In fact, our Standing Senate Committee on Banking, Trade and Commerce had recommended that very thing. That is another positive point in this bill.

Part 3, honourable senators, repeals certain taxes on jewellery, which had been announced previously. This bill accelerates that reduction, which again is a desirable initiative, assuming that there is the fiscal framework and the ability to meet those commitments. That is what we will have to test.

Part 4 amends First Nations goods and service tax. This is an initiative to allow First Nations to enter into agreements, accords if you will, with provincial governments to allow for the collection of sales tax by the First Nations. We know that the Province of Quebec already had that agreement and this particular initiative in Part 4 merely allows for other provinces, particularly in this instance, Manitoba and Saskatchewan, to do the same thing.

Part 5, honourable senators, amends the Excise Tax Act and harmonizes the way penalties are calculated and interest is calculated.

Hon. Eymard G. Corbin: I am four seats away from Senator Day but I can barely hear him without having to pop up the volume of my hearing aid because of the many conversations in the Senate. Could we have some order, please?

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Will your conversation be in the reading room please, those who have important conversations.

Senator Day: I thank you, Your Honour, and the honourable senator.

Honourable senators, I was moving along nicely with respect to the 13 parts so you will get a feeling for what is in this bill in principle. I am now at Part 5, which is another on-going initiative that is being continued to harmonize in various taxing statutes, excise tax, et cetera, the penalties and how interest is calculated. It is a good initiative that should be continued.

Part 6 will generate interesting debate. That is the creation of a new universal child care benefit act. It provides for a taxable payment to the parents of children under the age of six of \$100 per month. There are various other consequential amendments in that part. We will undoubtedly want to hear from some witnesses in relation to that particular point.

Part 7, honourable senators, deals with federal-provincial fiscal arrangement, typically referred to as equalization. Honourable senators will be aware of the expert panel that just came forward with a report recently on equalization. Honourable senators will be aware of the accords that were reached with respect to equalization two years ago between the federal government and the provinces. Honourable senators will be aware of the debate since then and the expectations created by this particular government with respect to equalization and the so-called "inequitable balance" between the federal and provincial governments. That debate is not in Bill C-13. That debate will be forthcoming. Our Standing Senate Committee on National Finance is interested in that debate, and we have had a report on that subject. Honourable senators, Part 7 deals solely with the issue of up-to-date information, fiscal information, that has resulted in additional monies being available to certain provinces.

Honourable senators, Part 8 is a payment of \$650 million to the provinces for the fiscal year. What is the payment for? The payment, honourable senators, is for the recognition of the accord, the agreement in principle reached by the federal government with the provinces in relation to child care and early learning. That program has been cancelled as of February this year by the current government. The program was in place, but there were no fiscal arrangements for it. The program was in place by virtue of agreements in principle reached by the previous government and the provinces and, therefore, this is merely creating the fiscal opportunity and framework to pay the provinces for the funds they expected to receive this year until

the program was cancelled at the end of this fiscal year. That is an explanation of that part, and I do not anticipate an extensive debate on the payment. Honourable senators might have some comment with respect to the cancellation of the program, but that is outside of this particular bill as well.

Part 9, honourable senators, of 13 parts is an area where we will be receiving witnesses because we have received several letters from affected private sector companies with respect to the changes with respect to insurance, and private companies versus Canada Mortgage and Housing Corporations' role in guaranteeing mortgage insurance. I expect we owe that to those who are affected to come and explain their situation and what they feel should be done.

Honourable senators, in part 10 there is an extension of sunset provisions in certain fiscal statutes. The statutes have not had an opportunity to be studied with respect to a proposal from the House and the Senate on where they should go from here. The sunset clauses will be triggered and, therefore, there is a need to extend the sunset clause to allow for parliamentary review.

Finally — not finally, I am sorry — Part 11 amends the Superannuation Act.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Day: I wonder, honourable senators, if you could allow me approximately five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Day: Part 11 amends the Canada Forces Superannuation Act, an initiative in place previously that is desirable.

Part 12 enacts the Mackenzie gas project impacts act and provides funding for \$500 million to compensate those communities along the Mackenzie Valley that are impacted by the building of the pipeline. We may want to study that part.

Finally, there are amendments with respect to European Bank for reconstruction that allows the bank to do certain work in Mongolia, which is close to my heart. Previously they did not have authority to participate in that work. It is almost like a basket clause like you see in some bills, or an omnibus bill. The Department of Finance has been looking for a number of amendments that have been put into this bill. None of them deals with the budget, but this was an opportunity to obtain legislative authority for housekeeping-type activities.

• (1500)

Honourable senators, now that we have seen this bill, it does not, in my view, appear to be nearly as daunting, although we will want to deal with a good number of points in detail, which will be best done at committee. A good number of clauses in here will undoubtedly receive unanimous support once they are understood clearly.

Hon. W. David Angus: Will the honourable senator take a question?

The Hon. the Speaker *pro tempore*: Will the honourable senator take two questions, one on each side? Does that agree with the leadership?

Senator Angus: I am comforted by Senator Day's remarks and his realization that this bill is fairly straightforward, and that he appears to be on track to have that bill through here by June 23 so we can get these cheques for \$100 to every single Canadian with a child of six or under. I can assure the honourable senator the documentation is in place and the cheques are ready to go.

I also ask him, is it fair to take from his comments that he agrees that this bill has nothing to do with dealing with the fiscal imbalance that exists in Canada?

Senator Day: I thank the honourable senator. I do not agree that there is a fiscal imbalance in Canada. Therefore, I cannot answer the second part of his question.

Hon. Pierrette Ringuette: Honourable senators, I want to make sure that the committee will look into the reduction of the GST from 7 per cent to 6 per cent and how that will affect GST rebates to low-income families. That issue has never been talked about. It is a concern for low-income families, if the impact is a reduction in the GST rebates.

I also want to make sure the committee looks into how much of that \$100 a month per child under six will be given back to the federal coffers through the income tax system. I want to make sure we have a fair estimate of that from the committee. Those two issues are important for low-income families in Canada.

Senator Day: I thank the honourable senator for her question. She is absolutely right on both those questions. They are critical for the committee to understand the initiatives of this new government. I have no doubt we will explore both of those questions and many more related questions so that we can report back to the Senate as a whole on those important issues.

On motion of Senator Fraser, for Senator Eggleton, debate adjourned.

Hon. Anne C. Cools: No motion for adjournment was required. Senator Day was speaking with the acquiescence of Senator Eggleton. The adjournment falls back to Senator Eggleton, who has indicated he will speak on Tuesday. There is no need for a motion.

The Hon. the Speaker *pro tempore*: The motion is in the name of Senator Eggleton.

[Translation]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure).

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, Bill S-4 is an important measure that places the issue of Senate reform before Parliament for the first time since 1992, and in a highly intriguing manner.

Nonetheless, before sharing my thoughts on its history and impact, I will take this opportunity to say that the Prime Minister's attitude toward senators today cannot be seen as confrontational. The bill will not affect the rights, responsibilities and privileges of those currently sitting in this chamber.

[English]

Nor do I see it as affecting my ability to carry out my responsibilities to the end of the mandate given to me by our Constitution when I was summoned. Whether or not the bill as proposed comes into force will have no effect on me personally. Consequently, my views on this bill are guided only by reason and my own experiences as a parliamentarian, and not by any personal interest. I believe it is important to stress this point to reiterate the fact that the views expressed about Bill S-4 are not based on personal interest but, rather, are grounded in the involvement and governance of this complex federation that we all call home.

Though our homes may be separated from one another by so many miles that parliamentarians are comfortable thinking in terms of time zones of distance, we have respect and pride in our democratic system of government that has bridged these vast physical divides, and facilitates our cultural, social and economic differences so successfully that we are among the most admired and envied countries in the world.

It is in the context of how to best govern ourselves and manage our remarkable federation that my observations on Bill S-4 are put forward. I have no other motivation or interest.

Turning to the bill itself, I believe it is important to begin by reflecting on how it came before us. An important element in the platform of the Conservative Party is a reformed Senate, the principal element of which is that it will become an elected body. The Conservative Party's campaign platform states:

A Conservative government will

Begin reform of the Senate by creating a national process for choosing elected Senators from each province and territory.

Propose further reforms to make the Senate an effective, independent and democratically elected body that equitably represents all regions.

During the election campaign, now-Prime Minister Harper vowed that under his administration, future members of this chamber would be elected. On December 14, 2005, speaking in Vancouver, he said:

The Prime Minister currently holds a virtually free hand in the selection of Senators. As Prime Minister I will use that power to establish a federal process for electing senators. Alberta has already held provincial elections for

individuals aspiring to the Senate. A national Conservative government will establish a national process for senatorial elections in each province and territory on an interim basis.

Providing senators with an electoral mandate was a matter of deep personal commitment for Mr. Harper, to be breached, as we have seen, only when political expediency demands it.

[Translation]

I believe it is fair to say that all members of this Chamber, regardless of political stripe, were anxious to know how the Prime Minister would go about achieving the goal of having an elected Senate, especially in light of his formal promise to do so, his statements during the election campaign and the assurances he gave that he would make these changes without changing the Constitution.

[English]

Instead of a proposal for an elected Senate, we have been presented with a plan whereby the current and future prime ministers will make more appointments to the Senate there ever before. We are told this is but the first step to a new elected and reformed Senate. However, we are left with no choice but to examine and consider the proposed constitutional change in the context of the current appointed and unreformed Senate because that is all we have been given to work with. At the same time, we must keep in mind that a promise of broad reform has been made and we are left to speculate on what that might be, in particular on the relevance of Bill S-4 to the anticipated next steps.

• (1510)

In any event, we all know that Senate reform is a priority of this government. It falls to us to give careful and thorough consideration to this important constitutional matter, just as we have done so many times in the past on other reform proposals.

In 1992, we had before us the Charlottetown Accord, which recommended the Senate be reformed and that senators be elected either in a general election or by the provincial legislatures. Every province would have six senators, while every territory would have one senator, and future seats would be determined for First Nations voters.

However, the Charlottetown Accord reduced the powers of the Senate. On matters relating to culture and language, passage of a bill would require a double majority; that is, a majority in the Senate as a whole, along with a majority of francophone senators.

The 1987 Meech Lake Accord, for its part, recommended that future senators would be chosen from among persons whose names had been submitted by provincial governments, while not mentioning powers or distribution of seats.

In May 1985, in response to the Senate's treatment of Bill C-11, the Borrowing Authority Bill, the Mulroney government tabled a resolution to amend the Constitution in order to curb the Senate's powers. It proposed to replace our basic veto over legislation with a 30-day suspensive veto on money bills and a 45-day suspensive

veto for all other legislation. John Crosbie, the then Minister of Justice, claimed that he had the support of eight provinces, all except Quebec and Manitoba.

In 1978, the Trudeau government introduced Bill C-60, a proposal for creating a house of the provinces. That bill would have established the indirect elections of senators, half of whom would be elected by members of the House of Commons, and half of whom would be elected by provincial legislators representing parties in proportion to the party vote in the most recent provincial election.

The bill advocated a 60-day suspensive veto and originated the concept of double majority voting in areas involving linguistic matters. Perhaps most significantly, this initiative prompted the Supreme Court of Canada reference that will be referred to later. It is the Reference re Legislation Authority of Parliament of Canada. The citation, for those interested, is 1980 1 Supreme Court Reports, page 54. It is well worth the read.

However, unlike the initiatives I have described, the proposal before us seems as simple as it is brief, giving rise to serious questions and several concerns.

[Translation]

The preamble of Bill S-4 states that, by virtue of section 44 of the Constitution Act, 1982, Parliament may make laws to amend the Constitution of Canada in relation to the Senate. In her speech on this bill, Senator LeBreton said that Parliament could move forward with this bill because of section 44 of the Constitution.

[English]

The importance of this claim with respect to section 44 is that if it does not apply, the government would need to proceed not by way of a bill, but by way of a resolution under the amending formula in 38(1) of the Constitution, which engages the provinces in the amending process.

The Supreme Court of Canada, in the case I gave the citation for earlier, reported in 1980 that the ability of Parliament acting on its own to make changes to the Senate was limited to modifications that would not affect its "fundamental features, or essential characteristics." Would altering the tenure of senators amount to such a modification? In the 1979 reference, the court was asked specifically whether it was, "...within the legislative authority of the Parliament of Canada ... to change the tenure of members of that house." "That house", of course, is the Senate. The court responded by stating:

At present, a senator when appointed, has tenure until he attains the age of seventy-five. At some point, a reduction of the term of office might impair the functioning of the Senate in providing what Sir John A. Macdonald described as the "sober second thought in legislation". The Act contemplated a constitution similar in principle to that of the United Kingdom where members of the House of Lords hold office for life. The imposition of a compulsory retirement at age seventy-five did not change the essential character of the Senate. However, to answer this question we need to know what change of tenure is proposed.

[Senator Hays]

From this quotation, there are three points that stand out. First, the court clearly stated that if tenure was decreased enough, one of the Senate's essential characteristics, which is to say providing sober second thought to legislation, could be impaired. Second, the court emphasized that the British North America Act contemplated that Canada should have a constitution similar to that of the United Kingdom, where the members of the upper house hold office for life. The members of the House of Lords continue to serve for life. Clearly, lengthy tenure in the upper house in the United Kingdom continues to be an essential feature of its Constitution. I need not go into a drawn-out discourse about why a lengthy tenure is so crucial beyond saying that it provides a strong guarantee of independence.

The third point I take from the Supreme Court of Canada decision is that the imposition of a compulsory retirement age of 75 for senators in 1965 did not change the essential character of the Senate. I can only surmise that, as a practical matter, whether one is summoned for life or until age 75, the length of tenure in either case remains a significant guarantee of independence.

Life tenure, although admittedly unusual, has not been the exclusive domain of senators. Until 1961, all federally appointed judges also served for life. This guarantee of their independence was provided for in section 99 of the BNA Act. In 1961, the BNA Act was amended to provide for the mandatory retirement of judges at age 75. The amendment to the Constitution for the mandatory retirement of senators was passed four years later. Currently, both judges and senators serve until the age of 75, although at one time both served for life.

Honourable senators, the bill we have before us changes the tenure of senators from retirement at the age of 75 to the fixed term of eight years that is renewable. What if this bill spoke of senators, but of judges? What if this bill proposed that judges, who are also appointed by the Prime Minister, would be appointed for eight-year terms and at the end of eight years they could be reappointed for another eight years at the absolute discretion of the Prime Minister? Is there anyone in the chamber who is prepared to argue that this would not strike very close to — perhaps not at — the heart of the independence of the judiciary? Would not such a change to the tenure of federally appointed judges have a profound impact on the essential character of the judiciary? Are we genuinely confident that the change in the tenure proposed in Bill S-4 to the members of this chamber would not have a similar impact on the essential character of the Senate? I do not know. That is one of the important questions to bring forward when we have this bill in committee.

As Mr. Harper has said, "The Prime Minister currently holds a virtually free hand in the selection of senators." In our current constitutional framework, the free hand of the Prime Minister will become even more powerful if Bill S-4 passed into law.

Fixed terms for senators are, I believe, a necessary feature of an elected Senate. That is what was promised by Mr. Harper, namely, an elected Senate. However, fixed terms for senators, where the power of appointment and reappointment continues to rest in the hands of the Prime Minister, may be a different story, and one which could have unintended consequences, particularly if a national process for electing senators continues to remain something for the future; that is, not matched to the terms.

[Translation]

Honourable senators, we will have to examine other parts of this bill. I raised the issues that occurred to me. I am sure that my colleagues will want to deal with other aspects of this measure.

It is also essential that a Senate committee undertake an in-depth study of this proposed amendment to the Constitution to ensure a thorough examination of all relevant issues. Using section 44, as proposed in Bill S-4, raises some important questions that deserve the full attention and energy of the committee that will study them.

[English]

Honourable senators, I am hoping that when this proposal makes its way to committee, which I hope is soon, the testimony of government representatives and eminent scholars which we will hear will assist us in making our judgments on this interesting proposal.

• (1520)

The Hon. the Speaker *pro tempore*: Would the Honourable Senator Hays accept questions?

Senator Hays: Yes.

Hon. Lowell Murray: I thank the Leader of the Opposition for his thorough and well-balanced speech. I know there were some questions put to the Honourable Leader of the Government when she opened debate on this bill at second reading. Perhaps the Leader of the Opposition can refresh my memory. Is it his interpretation that the eight-year term of a senator who would be so appointed would be renewable?

Senator Hays: I thank Senator Murray for his question. My understanding is that the term is renewable. Further, my understanding is that the bill would eliminate the prohibition for senators to serve beyond age 75. However, for some reason it does not go the other way. I take that from a briefing that I had the benefit of and also, I think, from a response by Senator LeBreton along the same lines.

Hon. Anne C. Cools: I wish to thank Senator Hays for his remarks. I am aware that Senator Hays is from Alberta and that he is very attached to his Alberta roots. The issue before us is the question of the tenure of service of senators and not the rest of the changes that the government intends to propose, and certainly it is a piecemeal approach. They say that at age 40 women want to change their hairstyles. It is like a woman going to a hairdresser and saying, "I want a new look, a new hairstyle, but I do not really know where I am going, so take off this bit of hair here and I will come back next week and see how it looks, and then I will take off that piece there, perhaps, and then you can cut that one, and so on." I mention that because I have a friend who said that when she turned 40, she wanted a new hairstyle and a new sports car. It illustrates life.

It is important that when an assembly, especially an assembly of Parliament, is asked to consider, debate and vote on an issue, that assembly should know where you are coming from and where you are going to. In this instance, we know where we are coming from, but it is quite unclear as to where we are going with the Senate, and that causes me a high degree of anxiety.

My question to the honourable senator involves his connection to Alberta and Albertans' concerns about an elected Senate. I believe that their concerns about an elected Senate and representation are valid, but I also think that we have a duty to proceed on these questions appropriately.

In the honourable senator's research on this issue, and also in the long run on the question of an elected Senate, has he given any consideration to the possibility that there are proposals which are coming before us to move us into a situation where there would be an elected House of Commons and an elected Senate but headed by an appointed Prime Minister?

We live in a constitutional situation now where many Canadians have illusions that the Prime Minister is elected. Many people say it, and I also say it, only in the vernacular, that we are voting for Mr. X, for example, for Prime Minister, when in point of fact the Prime Minister of Canada is an appointment, just as senators are. I have a commission, letters patent on my wall, and he has that, too. The Prime Minister, after all, is the appointed first minister. It is a collegial relationship. The Prime Minister is supposed to be a first among equals; he is Her Majesty's first minister, which became the title "prime minister."

I know that the honourable senator has done research and work on this over the years. Has anyone looked at the issue that an elected House of Commons and an elected Senate simply could not be run by an appointed Prime Minister? It would not work, would it? Has the honourable senator studied the issue?

Senator Hays: As usual, Senator Cools has asked a provocative question. On the first point that she made of an element of Senate reform being put to us for consideration, as I tried to address in my remarks, that is a challenge for us because it invites the question: What are the other elements? Undoubtedly, when we have the opportunity, we will be pursuing that very question, and we may have an answer and we may not; I do not know.

It is interesting to note that Bill C-16, now in the other place, sets fixed terms for elections every four years, which would equal to two Senate terms if our term would be for eight years. I do not know whether there is a connection there. I suspect that is not a coincidence. We need to know more. We will ask that question. Whether or not we will get answers, I do not know.

The other question, which begs this question that some Canadians have —

An Hon. Senator: The hair question!

Senator Hays: It is more serious than hair or the absence of hair. The honourable senator's other point begs the major question: With an elected Senate and an elected House, why not

go the full way and go to a congressional system? I have not seen that as speculation anywhere. That is not to say that that is not in some people's minds. We will perhaps hear from witnesses to that effect. I have not heard that, nor do I have any information to add that would be helpful.

Senator Cools: Much of this material I have read, but not recently. I am digging out my sources.

The honourable senator said that the House of Lords was appointed for life, but I wish to remind him that the members of the House of Lords are not appointed for life; their positions are primarily hereditary. Much of that is still in question.

Honourable senators, the BNA Act limits our powers to what was going on in the U.K. in 1867. Let us understand that. That is why I am looking at that. Quite frankly, I think that many of Mr. Blair's so-called reforms were a little off the wall, but governments have ways of carrying out ridiculous propositions. I have no influence there and I do not bother myself with it.

The intention of an upper chamber in our system was that its members would have longevity of service, longevity of tenure. That is indisputable, and that function recurs all the way through the Constitution. One also finds it in common law concepts. Remember, the mind of Parliament is a common law mind. The mind of the Senate, as is the mind of the House of Commons, is a common law mind. When it came to designing this phenomenon called the Senate, one of the Fathers of Confederation said that the design was intended to withstand regional and linguistic divisions in Canada. He said at the time that this Senate as designed would last as long as Canada would last. In other words, attempts to alter, correct or change the Senate could result in the undoing of the country.

• (1530)

Honourable senators will remember that in the Confederation debates, about two minutes were spent on the design of the House of Commons and multiple hours and days were spent on the Senate.

The Honourable Senator Hays said that the House of Lords tenure of service is life but it is not; it is hereditary. If you were to look through the records, you would see there were many Lord Lansdownes.

When it came to putting together the BNA Act, we have to understand that the honourable gentlemen of Confederation opted to leave it to Canadians whether or not they wanted to create a hereditary system but did not choose to impose those systems on us via the Constitution Act, 1867.

One reason they imported this concept of longevity in the Senate was that they clearly understood that Canada was a confederation, that they were putting together a federation. Honourable senators must remember that the Parliament in the U.K., is the parliament of a unitary state. The Fathers were attempting to put together a Constitution for a confederation. Most of the Constitution Act, 1867 was written in Canada, something which many Canadians forget. It developed out of the 72 Quebec resolutions.

Part of the reason the Senate was designed the way it was and given strong powers in respect of financial legislation, unlike what was happening in the U.K., was because the Fathers of Confederation understood that the House of Commons as they were designing it in Canada was very much the House of Commons of a unitary state. The principles of federation would be embodied in the Senate, complete with the total veto over financial legislation and with total powers wider and larger than those of the House of Lords of the U.K. The Fathers intended that this longevity would serve as a stabilizing force in the maintenance of the confederation.

The notion of federation came about as a result of the rebellions in Upper and Lower Canada and the troubles in the two Canadas. It was Lord Durham who first proposed the notion of the federation.

What bothers me about many of these debates or proposals is that they act as if you can take one simple little item in a Constitution and make a change, which relates to the entire system as a whole, ignoring the fact that the entire system, which is the Constitution has a design, balance and totality, and it has to be looked at as a whole.

I am not saying that we should not have constitutional amendments or changes. We should revisit many of the premises of 1867. The change proposed before us is an amendment to a phenomenon of 1867. It is not attempting to change the entire premises in total, but it is pretending to make a change without changing anything else. That is what is wrong with it; it is a pretender. That is one of the reasons I have difficulties.

In the opinion of the honourable senator, is this proposal consistent with the entire design and purpose of the Constitution?

Senator Hays: The honourable senator has made some good points. In passing, I might observe on the term of office for members of the House of Lords, I was quoting from the Supreme Court reference case. The words used were that they "hold office for life," which is consistent with hereditary or life appointment.

As we know, the House of Lords has gone through profound changes in the 20th and 21st centuries. Currently, there are only 92 hereditary peers left. They are to go. In fact, they are close to electing the Lords if you listen to the Blair government.

The process by which they have made these changes is instructive to us in terms of the Wakeham commission and what flowed from it. The independent appointments commission, the method of appointment and the devolution of powers in a unitary state are all fascinating. I recommend them to all honourable senators.

It is not my opinion that counts as to the relevance of life term or what the Senate was designed to do and what is repeated in the Senate reference case. Rather, it is the court's opinion that counts.

Hon. Hugh Segal: Honourable senators, if one accepts what Senator Bacon, former Prime Minister Martin and others have said on this issue, any fundamental change with respect to the

composition of this place and the way in which people arrive at this place requires constitutional negotiation and constitutional agreement. It follows therefrom that the only legislative option to any government that sought to vary the means by which a Prime Minister could choose for the purpose of appointing or recommending to Her Majesty the summons of an individual to this place would be a permissive proposal relative to an election process to produce a list of nominees from which a Prime Minister might choose for each vacancy. In that context, accepting that condition as the constraint under which any government of any affiliation would be governed, does that cause the honourable senator any reason to reflect upon producing some parity with respect to term limits between the other place at four years and this place at eight?

Senator Hays: The words "permissive proposal" are key in the honourable senator's question. I assume he refers to some sort of election of senators. The question also raises interesting questions of constitutionality and would, I am sure, be interesting to members of the House of Commons with regard to the way power is shared now and the dominance of that House in most legislative matters. Members would be interested in whether a permissive proposal would be constitutional or not.

I think the court might be interested as well. One would have to look at it. I do not know whether that helps the honourable senator or not.

There may be a way of doing it. If everyone agreed and no one challenged it, it would work. However, I suspect that would be even more difficult than achieving constitutional change.

Hon. Roméo Antonius Dallaire: Honourable senators, much of the content of the bill speaks about the stagnation of minds, the lack of initiative and the new ideas that are required. That is the reason for shortening the tenure.

Senator Hays indicated he would seek expert advice when this matter is referred to committee. Is it sage on the part of the honourable senator to seek such technical expertise from academics or professors? More than likely they will all have tenure, and they can serve *ad vitam aeternam*.

Senator Hays: That, too, is another brilliant suggestion. We will look forward to hearing from academics, with or without tenure.

• (1540)

Hon. Pierrette Ringuette: I am speaking about what I have heard from New Brunswickers, and that is a significant amount of confusion, because they were told that Senate reform would start with Senate elections. Yet, the only bill we have deals with tenure. To add to all of this confusion, Premier Lord announced yesterday that he would hold senatorial elections at the same time as municipal elections. Only 72 per cent of the population of New Brunswick lives in incorporated areas and would be allowed to vote in this process. Imagine the confusion. It is like a jigsaw puzzle.

I hope that all this confusion will be alleviated in committee so that people will understand what we are dealing with.

Senator Hays: The honourable senator is right. One wonders how democratic those processes are.

In Alberta, we have had two Senate selection processes in conjunction with municipal elections and one in conjunction with the provincial general election. The rules are not very precise. In one of them, only one party fielded candidates along with some independents. Permissive proposals can be flawed. In order to respect the democratic principles that I know we would all want to have observed, we should all pay special attention to this interesting matter if we have the opportunity to do so. I am not sure whether it presents itself before us in the matter of mandate of senators as a standalone question.

Hon. David Tkachuk: The honourable senator spoke of longevity of service as one principle in the independence of the Senate. Yet, many senators were appointed for seven years or less, and they were good senators. There is no minimum time for which a senator should be appointed. I would hazard the guess that senators were initially appointed at a much later age, given that they were to serve until they died.

I do not know specifically what the average age of members of the House of Commons is, but we may be surprised to know how long some members remain there. Don Mazankowski served for 25 years. Senator Gustafson served as long in the House of Commons as he has been in the Senate, and he has three more years to serve here.

Is there any evidence to show that this place is any more independent than the House of Commons on votes?

Senator Hays: With regard to senators who were appointed close to their seventy-fifth birthday, I agree that they served very well and with distinction. The real issue is not so much what we think, although that is important, but rather what Sir John A. Macdonald thought and what the court adopted in terms of the interpretation of our Constitution and its applicability. That is the so-called purposive approach to determining what is meant, as opposed to interpretive, which is just looking at the black letters and saying, "That is what it says. I interpret it this way and we will do that."

The court went beyond that. They said that they are interested in more than only the words; they are interested in how the words got there and why they are there. That will be the interesting question for us.

[Translation]

Hon. Claudette Tardif: Honourable senators, I rise at second reading stage of Bill S-4 to discuss certain issues that I feel the government should consider during its study of this bill.

I do not think that limiting senators' tenure is bad in and of itself. However, I wonder why the government chose to limit it to eight years. Some studies, including one conducted by the Canada West Foundation in 1981, have recommended that tenure be limited to two parliaments.

That said, in their questions for the minister, some honourable senators rightly pointed out that eight years may not be long enough to ensure that the Senate remains independent, which is

essential to enabling us to do more thoughtful, better-researched work free from partisan and electoral considerations. We must therefore examine this issue more closely when the bill is before a committee to ensure that the proposed length of term will not have a negative effect on the Senate's independence and its ability to do in-depth work.

The minister also stated in this Chamber that this bill is an important first step in a broader reform of the Senate that the Prime Minister is planning to carry out in the long term. However, to proceed in this way is to ignore an important point made by many political scientists: the Senate is part of a set of institutions, a system, as professor David E. Smith describes it. As Mr. Smith explains, proceeding with reforms without considering and understanding that system could be detrimental and have an unexpected impact on other parts of the Canadian political system.

[English]

As Gordon Gibson highlights in a 2004 study for the Fraser Institute:

Political systems are highly complex.

...

The observed consequence of reform of anything in such a system is that when you change one thing in order to achieve a certain objective, you are likely to find you have unintentionally changed other things as well.

David E. Smith also states that, "one reason why reformers are forever frustrated is that they fail to see our political system as a system that serves not single but multiple interests."

Therefore, to change the length of terms without considering other aspects of Senate reform and without a clear understanding of reforms to come could be prejudicial to the functioning of the Senate and of Parliament as a whole.

[Translation]

This bill does not address the distribution of seats, the method of selecting senators or regional and minority representation, which are all important issues to consider in any attempt to reform the Senate.

The minister indicated that this is a first step — that is good — but that does not tell us what sorts of changes are to come. Moreover, when any reform is proposed, we, as senators, and the government must always bear in mind that the Senate must continue to represent minorities effectively.

[English]

How can we study and consider thoroughly the impact of this legislation on our parliamentary institutions when we do not have a full understanding of the changes to come? While piecemeal Senate reform has the advantage of bringing about some gradual changes, it can also create unforeseen or additional problems which, in the end, may leave Canadians even more frustrated with their parliamentary institutions.

• (1550)

[Translation]

I mentioned in passing that this bill does not address the issue of regional and minority representation. I think it could be prejudicial to proceed with reforming the Senate without truly knowing what the future reforms will be and understanding them without considering the impact on regional and minority representation.

In every debate on possible Senate reform, regional representation is very important and draws a lot of attention. We must not forget that our role to protect minorities is also very important. We must always bear in mind that, when it comes to Senate reform, we have a responsibility to consider and defend the interests of minorities.

As I have said many times, the Senate increases the representation of the minorities that are underrepresented in the House of Commons, namely women, Aboriginals, vulnerable persons and francophone minorities. Furthermore, David E. Smith said that the Senate must complement the House of Commons and not be a carbon copy.

For example, close to 37 per cent of the members of the Senate are women, which largely surpasses the 20 per cent of women currently sitting in the House of Commons. Since senators have worked in a wide range of professional fields, including the media, law, teaching, business, health, academia, arts, culture and many others, the Senate's composition is diverse and differs from that of the House of Commons, ensuring that it is representative of minorities and Canadian society in general.

If this bill is just a first step on a path leading to the election of senators, we must consider right now the impact it could have on the representation of women, Aboriginals and official language communities in a minority setting. Francophone communities in a number of provinces, namely Ontario, New Brunswick, Nova Scotia, Manitoba and Alberta, have almost always, with minor exception, been represented in the Senate.

For example, Manitoba has almost consistently had a francophone senator since 1871. Ontario and New Brunswick have almost always had at least one if not two francophone senators since 1887 and 1885 respectively. Alberta, my home province, had a francophone senator almost consistently between 1906 and 1964, a representation that resumed with my appointment.

The first Aboriginal senator was appointed in 1958. Would the French-language minority communities, which, in some provinces, have been enjoying representation since the 19th century, no longer be represented in the Senate? And what about Aboriginal people and women?

Any future initiative to have senators elected is likely to raise obstacles similar to the ones that were faced by women, Aboriginal people, visible minorities and French-speaking minorities in the other place. There is, therefore, a real possibility that the Senate would deprive itself of a great diversity of expertise, viewpoints and knowledge, should

the impact of any Senate reform on the representation of the minorities across the country in our parliamentary institutions be ignored.

Judging from the experience of the House of Commons, there is every reason to believe that it would be a challenge. Also, let us never forget that, despite good intentions, it is difficult for a majority to always make sure that the voice of the minorities is heard. As Janet Ajzenstat pointed out, and I quote:

[English]

In most political systems, the rights of the majority take care of themselves.

[Translation]

I therefore suggest, honourable senators, that you give this more thought. In future debates and committee proceedings, I would encourage you to consider the impact of this bill or any other Senate reform on minorities, especially since we are, after all, defenders of minorities.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Will Senator Tardif take questions?

Senator Tardif: Yes.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I congratulate Senator Tardif on her excellent speech. My question will almost take the form of a comment, but the honourable senator will forgive me, I am sure, for speaking for my own bailiwick.

The honourable senators from Quebec represent regions so that Quebec's English-speaking minority is represented. That is how it was originally intended to be, but the 1867 forecasts are no longer appropriate. Because of population movement, it is almost theoretical to say that these districts protect minorities now.

When Senator Tardif speaks of this outside of the Senate, will she also bear in mind the other linguistic minority represented in this chamber?

Senator Tardif: Absolutely, given that, when speaking of official language minorities, we most definitely must not forget Quebec's anglophones.

Hon. Marcel Prud'homme: Honourable senators, allow me to give a brief history lesson. We must remember that, in 1867, there were 72 senators: 24 for Ontario, 24 for Quebec, 12 for New Brunswick and 12 for Nova Scotia.

There were problems from the beginning. Of the 12 Nova Scotian senators, none were women, Acadians or French Canadians. Of the 12 senators from New Brunswick, none were Acadians. Of the 24 Ontario senators, none were no French Canadians or women. And I believe there were no more than seven English-speaking senators among the 24 Quebec senators. Thus, of these 72 individuals, imagine how few were French Canadians and, of course, there were no women at all.

Under Mr. Chrétien and Mr. Martin, every time there were Senate appointments — in an effort to bolster female representation — I would ask them to appoint only women until we attained the numbers of 53 women and 52 men, and then to replace them as needed.

• (1600)

With a critical mass of women in the Senate, those women could then be asked to seek other women in the House of Commons to elect them. Do you think it would be possible to direct this debate and ask the Prime Minister to make the seven appointments immediately? Only women need apply.

What I just said means moving toward having 53 women appointed, which would not prevent the upcoming reform. If we start talking about “elected, equal, efficient,” we could have discussion upon discussion and nothing would be done. I am against an elected Senate. We can be efficient in the Senate. I am against equality if it means equality among the provinces. I went through the previous reform. I was a member of the House of Commons.

[English]

I was a young member for the other place, the House of Commons, when Mr. Pearson went from lifetime appointments to 75 because that is all we could sell. He wanted more than that. I was there. We would ultimately like real reform in the Senate, but in the meantime, women need only apply until we reach that goal of 53 women and 52 men. That does not mean we should not continue discussing the reform of the Senate at a later date.

[Translation]

Senator Tardif: Honourable senators, Senator Prud'homme raises a number of questions to which I do not have the answers. It is important to have more women in Parliament, in both the Senate and the House of Commons. There are many suggestions for how to go about this. The process of making appointments to the Senate allows for a certain degree of discretion, in that appointments can be made specifically to address gaps or areas of weakness.

I hope that the committee will reflect carefully on some of the questions I have raised and that you so eloquently raised as well.

On motion of Senator Cools, debate adjourned.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Second reading of Bill S-201, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).—(*Honourable Senator Comeau*)

[Senator Prud'homme]

Hon. Terry Stratton: Honourable senators, I am pleased to speak today at the second reading stage of the bill presented by my honourable colleague from New Brunswick, Senator Ringuette.

[English]

The bill in question is Bill S-201, an act to amend the Public Service Employment Act. It contains two major parts, which I will address today.

The first part of the bill would disallow the use of geographic criteria in determining an area of selection for hiring by the Public Service Commission. This part is a response to public service job postings that have words to the effect of, “Open to employees of Health Canada residing in the National Capital Region.”

This issue has been a major concern of Senator Ringuette's during the year she has served on the Standing Senate Committee on National Finance, and she is to be commended for continuing to bring it forward. I am sure that those government officials and Treasury Board presidents who did not know her no doubt left committee meetings wondering whose side she was on. In effect, the bill would create in the legislation what is known as “a national area of selection for all selection processes.” Anyone from anywhere in Canada would be allowed to apply for any job open to the public by the Public Service Commission.

The second part of the bill deals with bureaucratic patronage. Bill S-201 includes a clause specifying that all appointments to and within the public service would be free from bureaucratic patronage. In addition, the Public Service Commission would be allowed to define bureaucratic patronage in its regulation.

[Translation]

I would remind you that this bill came before Parliament previously as Bill S-44. Can we deduce that the honourable senator did not feel her own government took her concerns seriously?

[English]

I would like to focus first on the matter of using geographic criteria to determine an area of selection from which to draw possible employment candidates. As my colleague rightly pointed out:

The Public Service Commission uses geographic criteria to define eligibility for internal and external public service competitions.

She then continued:

This current selection process limits access by all Canadians to public service jobs.

You may recall that during the passage of the Public Service Modernization Act in 2003, the question of whether the Public Service Commission should exercise its discretion to establish or not to establish a national area of selection during its hiring processes was a matter of much discussion. At the time, it was raised by several members of Parliament in the other place, especially those from the opposition, such as Paul Forseth and Norman Doyle, two gentlemen from areas of the country that are about as far from the National Capital Region as you can get.

[Translation]

That is a very valid point. Access to employees was limited, but that is not the whole issue.

[English]

Some practical matters must be considered when opening up an area of selection to the entire country. Senator Carstairs, then Leader of the Government in the Senate, provided the defence of this system on June 5, 2003:

Often when jobs are open for competition across Canada, managers receive literally thousands of applications. The commission has lacked the physical capability for handling this volume of interest promptly enough to enable managers to respond to changing needs and priorities.

Back in December 2001, the Auditor General pointed to the difficulty of implementing a national selection unless we were properly prepared. As she stated in her report:

In our opinion, without appropriate changes to recruitment systems and tools, broadening the area of selection could make the existing system even more cumbersome and thus increase the use of short-term hiring.

I would also like to point out that the picture is not as bleak as we have been led to believe. In fact, several policy steps have been taken to help resolve the matter.

• (1610)

[Translation]

Since 2001, there has been a national area of selection for director and senior executive jobs that are open to the public.

[English]

Four pilot projects dealing with national areas of selection were undertaken by the Public Service Commission in 2002. The commission tabled an active plan of phasing in a national area of selection in 2003. As of April 2006, the government began phasing in a policy of making other office level jobs open to the public here in the National Capital Region subject to a national area of selection. This includes positions such as auditors, commercial officers and statisticians. The plan is to further expand this next April, following an impact assessment. The goal is to ensure that by the end of next year, all jobs for all other occupational groups and levels that are open to the public across Canada will be subject to a national area of selection.

Clearly the Public Service Commission is already taking care of this matter. The question is whether it should be done through legislation rather than through policy, which is how the commission is approaching it, or should we wait for the five-year review of the act when we have had more experience working with a national area of selection. It seems that these matters must be brought up at a committee.

As a final point on this matter, I should like to remind honourable senators that in 2003 the previous government reaffirmed the principle of geographic criteria by the Public

Service Commission in the context of the Public Service Modernization Act. However, when the National Finance Committee met to consider Bill C-25 back in 2003, Senator Ringuette made it quite clear to the minister that she was not impressed with her own government's record or the legislation. She began by telling Minister Lucienne Robillard,

Madam Minister, for at least ten years now, I have been receiving and transmitting, with a great deal of vigour, general complaints from the public with respect to geographic area restrictions.

She then tore a strip off her own minister, stating,

Today, with geographic restriction areas, it is not only the fact that the job opportunities are being taken away from all citizens. You mentioned that you received representations mainly from Atlantic region parliamentarians. I am sorry to say that not only the Atlantic parliamentarians but also senators and parliamentarians from throughout the country, and not from any particular region, are very disappointed with this geographic area criterion. A considerable pool of talent is thus excluded and prevented from working in the federal public service.

She also said that she found the clause in her government's bill that continued the regional hiring criteria to be unacceptable, stating,

As a senator responsible for giving sober second thought to bills, in view of the grievances I have raised for the past decade, I cannot accept clause 34.

However, her objections, quite clearly stated, failed to sway the minister.

I should now like to discuss the second part of Senator Ringuette's bill, which deals with the bureaucratic patronage. Specifically, Bill S-201 would require that appointments made by the commission would be free from bureaucratic patronage and that the commission would be allowed to define "bureaucratic patronage" in its regulations. I share with the senator her dislike for patronage, along with scandal and the misuse of taxpayers' hard-earned dollars. It seems that most Canadians feel as I do, judging from how they voted in the last election. However, there are a couple of problems in Senator Ringuette's remarks.

For example, the Public Service Employment Act, largely, deals with bureaucratic patronage. Under the act, abuse of authority, which is grounds for complaint to the Public Service Staffing Tribunal, includes personal favouritism and bureaucratic patronage. If we were to introduce a reference to bureaucratic patronage as suggested by this bill, we would be bringing redundancy into the act. As we are all aware, redundant legislation is not necessarily good legislation.

In addition, allowing the commission to define bureaucratic patronage includes a major change into the act. Currently, abuse of authority is determined on a case-by-case basis by the Public Service Staffing Tribunal, and the commission is a party to all cases before the tribunal. However, Senator Ringuette's bill would give the commission the power to change the meaning of

“abuse of authority” if it disagreed with the findings of the tribunal. This could possibly tangle relations between the commission and the tribunal into a knot, with ripples extending throughout Ottawa. Just think of the unintended consequences. Is it appropriate to give someone who lost a case before the tribunal the right to then change the rules on which the decision was based? If so, what is the point of establishing a tribunal in the first place? Rather than bringing clarity and certainty to the matter of bureaucratic patronage, I am concerned that this bill might muddy the waters and leave us in a mess.

[Translation]

I would like to point out that the current government has already begun to clean up the mess left by our Liberal predecessors.

[English]

It has not been easy. At least one attempt to bring more accountability to the way our government operates has been foiled, although it does not relate directly to the public service. I am talking about opposition members' behaviour at the House of Commons Standing Committee on Government Operations and Estimates in a review of the nomination for the position of Public Appointments Commissioner. Perhaps the less said about that the better. I only hope that was an isolated example of partisanship driven by the need to score political points coming in the way of improving the accountability of our nation's government.

As you are aware, honourable senators, improving accountability is a big part of what our new Conservative government believes in. This is clear in the Federal Accountability Act, which contains several provisions that address the whole matter of patronage. The FAA will give us a strong conflict of interest and ethics regime to restore confidence in our government. The FAA includes a new conflict of interest act that will lay out tough rules for public office-holders and make a law out of the current conflict of interest and post employment code for public office-holders.

[Translation]

Thanks to the proposed federal accountability act, ministers' staff will no longer be able to join the public service without first winning a competition.

[English]

These are just a few of the measures included in the act intended to smash once and for all the unbelievable examples of fraud, flagrant misuse of taxpayers' dollars and utter lack of accountability that marked the last 13 years. The time for honest government is better now, and I am sure that given the honourable senator's desire to eliminate patronage, we can count on her support for the federal accountability act when it comes to the Senate.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I would first like to congratulate my honourable colleague for his eloquence, his endurance and his persistence in speaking French. He has an

excellent accent, and I encourage him to continue. However, I do not agree with his comments, either in English or in French, and I have some questions for him.

[English]

This is not really my bill; this is a bill for all Canadians. It is not for me. It is for Canadians who are out there looking for a job, especially our youth, who have good qualifications and could provide such service to this government and to our nation.

• (1620)

Senator Stratton: The honourable senator must ask permission. I did not hear that and I did not respond so I have time for one question.

The Hon. the Speaker: We are at the point of Senator Stratton has spoken and we typically rise. If you wish to ask him a question he will have to decide whether or not to answer the question. Comments are allowed.

Senator Ringuette: After the compliments I gave him, I think I will need to ask him a question.

Senator Stratton: There is about a minute left.

The Hon. the Speaker: All of that must be done within the 15 minutes that Senator Stratton has and that 15 minutes have expired according to the table, unless Senator Stratton asked for an extension of his time.

Senator Stratton: Perhaps one question.

Senator Ringuette: I have one question. Yes, I have been fighting for all Canadians and, yes, there has been progress, but not enough. Opening up jobs only in the National Capital Region is not enough because the Charter of Rights provides for mobility rights from coast to coast and that should be included in all the processes of this federal government. Therefore, a policy is not sufficient. There is a policy at the commission to require deputy ministers to provide human resource planning and only 23 per cent of them have provided that.

The other issue is that bureaucratic patronage is alive and well. Yesterday I received a message from an employee who said that he hopes that I will pursue this issue because it will limit the freedom to hire staff in the old, tried and true way. In his workplace, a manager employs all three of his children during the summer. Two of his superintendents have their respective children employed as well.

We need legislation. Will the honourable senator help us? That is the question.

Senator Stratton: The simple answer is yes. Typically, when we are dealing with those kinds of questions — and I was on the other side not long ago asking similar questions — I know that you need patience. There is a solution in progress, but it needs time to be measured and I suggest that we do that.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Stratton noted that Senator Ringuette had been quite consistent when she served on the Finance Committee. I can vouch for that as well. However, another senator who has been

[Senator Stratton]

consistent on the whole issue of appointments is Senator Oliver who has asked me to take the adjournment on his behalf so that he may make some comments on this subject.

On motion of Senator Comeau, for Senator Oliver, debate adjourned.

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Committee of Selection (membership of Internal Economy Committee) presented in the Senate on June 7, 2006.—(*Honourable Senator Stratton*)

Hon. Terry Stratton: I move the adoption of this report.

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

Motion agreed to and report adopted.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Di Nino*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I had a discussion with Senator Di Nino and he has given his assent for me to speak today.

I am pleased to speak within the context of the inquiry given notice on April 27, 2006, by Senator Munson regarding funding for the treatment of autism. I wish to speak to autism as I understand it. I will cite personal examples and review the Canada Health Act as it applies to autism. Finally, I will conclude with several suggestions that may be a prudent approach for the Senate of Canada with respect to this inquiry.

What is autism? This mysterious abnormality is not one diagnosis, but it is a spectrum of disorders including: The original diagnosis of autism, Asperger's Syndrome; pervasive developmental disorder, not otherwise specified; and a much more rare disorder, childhood disintegrative disorder.

Autism has been described as an intellectual thief. Can we identify the cause and restore the stolen potential? How soon must we act? How and what should be done? Who should take this responsibility? How much should it cost and how will the funds be obtained and allocated?

We need to think in terms of health care, early childhood intervention and education. We need to think as parents and extended family, as society and as government.

Frequently the Canada Health Act is raised vis-à-vis autism. Autism is not specified as an "insured health service." The Canada Health Act covers insured health services that include hospital services, including two types specified in the act, which are medically necessary for the purpose of maintaining health, preventing disease or diagnosing or treating an injury, illness or disability. It includes physician services which are any medically required services rendered by medical practitioners and certain surgical-dental services performed in hospitals. Individual disease entities are not named in the Canada Health Act. The overall designation is medically necessary or medically required. It is a fact that medically necessary services in relation to the treatment of autism, performed by physicians or other health care practitioners, in hospitals or physicians' offices are covered by the Canada Health Act.

Family doctors, pediatricians, neurologists and other health care practitioners spend much time with these children and their parents observing, testing and examining, all to arrive at a diagnosis to recommend the treatment process and to follow the child's development, his or her progress, and to support the parents.

I know whereof I speak. Early diagnosis is key. I am passionate about early diagnosis and early intervention.

Our children deserve nothing less and parents deserve nothing less. Early diagnosis is close to my heart. The last diagnosis I made in my medical practice in 1994 was autism. This did not happen easily or soon enough. The child was three years old; it should have happened 18 months earlier. The signs were there as early as six months. They became more obvious with each day. There was hope by the parents that they would wake up one morning with a positive sign, a sign that words would come, there would be eye contact, that snuggling would be comforting and that their precious child would smile.

We have progressed since 1994 when I made that first diagnosis of autism in my career. Fifty years earlier, in 1944, Dr. Hans Asperger in Austria identified Asperger's Syndrome, but it, too, only found its way into psychiatric diagnostic manuals in 1994. Before Asperger's, in 1942, classic autism was first recognized.

Even today the understanding, the diagnosis and the treatment of autism progresses at a snail's pace because this neurological disorder is evasive in its perplexity, varying from one child to another. We do not know the cause, although theories and possibilities abound. Often we are not sure of the best treatment because, again, what can help some patients learn and become socially integrated is not necessarily the only course of treatment or the best one for every child.

The February 28, 2005, issue of *Newsweek* had a baby on the cover with this title: "Babies and Autism — why new research on infants may hold the key to better treatment."

The article continued:

What to watch for... smiles, response to sounds, playing peekaboo, bye-bye, clapping, "ma" and "da", and by 18 months, toy phones, pointing, words, and by 2 years, 2-4 word phrases, an interest in other children.

• (1630)

Honourable senators, parents, extended family, neighbours, family doctors and paediatricians all can help to make the diagnosis, so that early intervention, early childhood development programs, family support and more, can begin — one little step at a time — to overcome the sad reality of autism — to give hope for productive and fulfilling lives, hope that each child will reach his or her own potential.

Again, from this article:

In the complicated world of Autism, where controversies reign and frustration festers, a two-word rallying cry is growing louder by the day: early diagnosis.

In 2005, the U.S. Centers for Disease Control and Prevention launched a \$2.5 million autism awareness campaign with this slogan, “Learn the signs. Act early.”

Canadian families deserve nothing less. The anti-stigma campaign to break down the walls of silence around mental illness, proposed by the Standing Senate Committee on Social Affairs, Science and Technology, is an example of the road we must walk as Canadians. Autism is not a mental illness. It is a neurological disorder of the brain. Yet, the challenge is similar.

I am very close to a little boy in my town. Does he have autism? No one is really sure. The delays in his development have been profound in selective areas, yet he has provided clues all along the way that he is very bright. Expressing his mind, expressing his love and turning all of this into action have posed formidable challenges.

Now at age 5, it is exciting to be with him because there is so much change, so much hope. How did that happen?

For several years, he has had speech therapy several times a week. He has had the regular intervention of a childhood interventionist, a specially trained social worker, observing closely what was missing and correcting that slowly, one step at a time — repeating over and over again the simplest tasks, always with a clear goal.

Most activities, like riding a tricycle, took months to master. Banging a puck with a hockey stick like his brothers was an enormous breakthrough. Dressing and undressing have been less urgent than social skills. Every word from this child is a gift.

The family was made full partners in all of this. They were empowered. In addition to the parents, grandparents, aunts and uncles gave hours of each day to his special needs. They became proud of their child, their story and his story.

Sadly, too often, this is not the case; so much hope for some and so little for others.

I was struck two days ago by a headline in the *New Brunswick Telegraph Journal*: “Autistic teenager jailed after alleged assault on foster mom.” I quote:

An autistic teenager prone to violent outbursts has been sent to ... jail ... after an act of violence his mother says is a

symptom of his illness. He has been ordered to undergo a 30-day psychiatric assessment. His mother says she'd been told her son ... has been diagnosed with a form of autism called Asperger's Disorder.

She said, “I am terrified because he's so terribly vulnerable.” A spokesperson said, “the autism society is still lobbying ... (for) a specialized treatment facility. The frustrated mother is appealing ... to find a proper placement for her son. ‘The unfortunate aspect of it was that the assault was totally predictable. That's what really bothers me,’ she said.”

Honourable senators, how tragic all of this is. How can this be prevented and how can we do our part as senators?

The Senate of Canada cannot itself advance diagnosis, treatment or overall management of this pervasive disorder. What we can do is contribute to the debate positively and constructively. This contribution, in itself, will be well received by Canadians for whom this disorder is so real.

Many feel abandoned, just like so many with mental illness and addictions. The Senate made a difference to mental illness and addictions, and we can and must do it again with autism.

Public awareness, public education, breaking down the walls of silence — these are key. Let us make parents feel as comfortable asking about autism as they would be in asking about a skin disorder or a heart murmur in their child.

I thank Senator Munson for his inquiry. This step is important, and one that should lead parliamentarians across the land to listen, learn and act.

What might we do as senators? Through committee work, we can produce a comprehensive, coherent account of services and funding across Canada from coast to coast to coast. Here, as in everything else, Canadians should be treated equally and they should get this treatment where they live.

We can ascertain when these services begin, at what age, and when they stop, province by province and in the territories.

We can develop a picture of the contrast between services available during different stages in the life cycle — preschool, school, post-school and even adulthood. We can track progress in diagnosis, intervention and treatment, and in attitudinal shifts above all.

I am not sure that I agree with a national strategy for autism. When we talk about a national strategy for cancer, we are talking about all types of cancer. Would a strategy for autism alone lead to demands for many other national strategies for individual, developmental health disorders in our children and for other diagnoses at all ages?

Above all, honourable senators, we have responsibility and we have choices. We could refer the substance of this inquiry to the Standing Senate Committee on Social Affairs, Science and Technology or we could call upon the forthcoming Public Health Agency of Canada to take up our work to make autism a priority.

We can seek the support of the Canadian Institutes of Health Research for a greater level of research on autism and its family of disorders.

We can ask our Senate colleagues to urge the federal Minister of Health to advance this cause with provincial and territorial ministers. Indeed, we can hope that the Prime Minister will call upon premiers to direct the several departments in their governments — health, education, community and social services — to be more proactive, more generous and more inclusive with respect to autism spectrum disorder. We can state that nothing less than equality of services across the land will meet the Canadian ideal.

Above all, we, as individual senators, can make a difference in our regions, provinces and territories, and our communities. Just speaking about autism, formally and informally, will open doors, break down walls of silence and support the call of parents for a greater awareness, a greater commitment of dollars, more services at a more rapid pace and early diagnosis.

Again, Senator Munson, you have brought to this chamber the life stories of children and their families who live with autism spectrum disorder. I know your inquiry, in which I have been privileged to participate, will lead to progress, to hope and to a better Canada.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

MOTION TO TELEVISION PROCEEDINGS— REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:

That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians;

And on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Peterson, that the question be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.—(*Honourable Senator Tkachuk*)

Hon. Joan Fraser (Deputy Leader of the Opposition): I know this item stands in the name of Senator Tkachuk, but I consulted with my colleagues on the other side of the chamber about speaking briefly to it today, and about the course of action that I would propose.

Senator Segal and Senator Munson have spoken eloquently about, as I think they might both have phrased it, bringing this chamber into the 21st century. I know many senators agree with them. I know also that many senators have doubts about whether that particular form of entry into the 21st century is appropriate for this chamber.

Be that as it may, obviously there are a number of serious practical questions that need to be addressed that are not really suited to debate in this chamber. They are suited to examination in committee.

In particular, I think that it would be appropriate for the Standing Committee on Rules, Procedures and the Rights of Parliament to examine whether we want to go *holus bolus*, one fine day everything will be televised forever after, or whether we want to do it on a pilot project basis, on an experimental basis, maybe televising Question Period or some other portion of our proceedings as an initial venture down this road.

We would also want to hear from CPAC, obviously. We would want to hear some expert testimony about things such as costs and the degree to which the mood and the atmosphere in the chamber would be affected by the presence of television cameras and lights — how disruptive it would be, if disruptive at all. All these issues require testimony of witnesses.

• (1640)

This item has been on the Order Paper for some time and there has not been a rush to speak to it in the chamber. Therefore, Your Honour, I would propose that we vote now and accept Senator Munson's motion that this item be referred to the Standing Committee on Rules, Procedures and Rights of Parliament.

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

Some Hon Senators: Question!

The Hon. the Speaker: The motion in amendment is on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Peterson that, pursuant to rule 48(1), the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

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

Senator Fraser: In adopting the main motion, are we leaving any discretion at all to the Rules Committee or can we refer the subject matter of that motion to the Rules Committee as part of Senator Munson's inquiry? I do not want to prejudge the outcome of the Rules Committee's work.

The Hon. the Speaker: Honourable senators, by adopting the motion as amended, it will be totally in the hands of the Rules Committee, which can amend it, et cetera. I believe that nothing will be lost by this process. The Rules Committee will have the fullness of their authority to do with it as they deem appropriate.

Are honourable senators ready for the question?

Hon. Senators: Question!

On motion of Senator Munson, motion referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.

[Translation]

THE HONOURABLE NOËL A. KINSELLA

**NOTICE OF MOTION EXPRESSING
CONGRATULATIONS AND CONFIDENCE IN SPEAKER**

On Motion No. 2, by the Honourable Senator Joyal:

That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, this motion is at day 15 and it is a very important subject about which we feel strongly. Unfortunately, Senator Joyal cannot be here to speak on his motion. I would ask, therefore, that the clock be reset. I believe that my intervention suffices to do so.

[English]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, it occurred to me a few minutes ago that this motion has never been moved. Therefore, it is not before the house. However, there is nothing that would prevent Senator Joyal from resubmitting his notice of motion at the next sitting to reset the clock so that it will be at the same place as the current motion. This matter has not been dealt with before in the current session and, therefore, there will be no problem in resubmitting a notice of motion. I wish that I had thought of this before so that I might have been able to advise my colleague on the other side. We cannot reset the clock on this item at this time.

Senator Fraser: This is a procedural question, Your Honour, and I am in your hands. The item shows day 15 on the Order Paper, which would suggest that it was on the Order Paper and is about to fall off the Order Paper. I leave it to Your Honour to determine the procedurally appropriate way in which to proceed.

The Hon. the Speaker: Honourable senators, the observation of Senator Comeau is correct in that the clock cannot be reset on

Item No. 2 on the Notice Paper under Motions. I will present the options: First, the house, by unanimous consent, could agree to leave it at day 15; or second, the house could allow the item to fall off the Order Paper today. However, nothing would obviate Senator Joyal from reintroducing the exact motion at the next sitting of the Senate and it would resume at day one. Unlike a bill, which cannot be re-introduced in the same Parliament, this item is a motion and could be re-introduced word for word at the next sitting of the Senate. There are a couple of options and the chair is in the hands of the house.

Senator Fraser: It is my understanding that Senator Joyal will be away on public business. Rather than have this debate come up each day that we reinstate the item at day 15, perhaps the least unsatisfactory option would be, as Senator Comeau suggests, to let it fall off the Notice Paper, but with the clear understanding of the house that Senator Joyal is free to re-introduce it.

Senator Comeau: I agree.

[Translation]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 13, 2006, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 13, 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, June 8, 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	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
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							
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06							
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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	06/05/31	Legal and Constitutional Affairs					
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
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							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							

PRIVATE BILLS

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

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