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OFFICIAL REPORT
(HANSARD)

Thursday, June 15, 2006

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, June 15, 2006

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

Prayers.

SENATORS' STATEMENTS

CANADIAN STROKE STRATEGY

Hon. Wilbert J. Keon: Honourable senators, yesterday I had the pleasure of hosting a press conference to announce the Canadian Stroke Strategy on behalf of the Canadian Stroke Network and the Heart and Stroke Foundation of Canada — two organizations whose work I respect very much. The Canadian Stroke Network is a network of centres of excellence and a leading research organization. These two organizations have joined together to develop the Canadian Stroke Strategy, a plan to help all provinces provide patients with better access and better results from stroke prevention, care and rehabilitation by 2010.

Organizing care for better results is a field that I know quite well. In my own work I have seen what advances in heart disease prevention and care can mean to patients, their friends and their families. It is critical that we apply the best research and knowledge and organize our systems to ensure that we get the best results. With an aging population and rising health care costs, there is no alternative. We have to act now to find better, more effective ways to protect the health of Canadians today and in the future.

• (1335)

Widespread access to organized stroke care could prevent more than 160,000 strokes in Canada; prevent disability in 60,000 patients and save $8 billion in overall health care costs over the next 20 years. Measures include organized stroke care units, use of clot-busting therapies, better access to rehabilitation and building awareness of the signs and symptoms of stroke among the public and health workers. The ultimate goal is to ensure that all Canadians have access to organized stroke care by 2010.

The achievements of this movement to date have been truly outstanding. For the first time in medical history, massive strokes are being totally reversed, leaving patients with no disability. Better still, large numbers are being prevented.

[*Translation*]

Honourable senators, please join me in recognizing the organization's remarkable accomplishments and in congratulating everyone involved, especially Dr. Hakim, Dr. Sharma and Ms. Sally Brown.

[*English*]

EXPANDING THE DIALOGUE: PREVENTING THE USE OF CHILDREN AS SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, June 12 was the World Day Against Child Labour. The International Labour Organization's Convention 182 on the Elimination of the Worst Forms of Child Labour, which Canada ratified in 1999, states

For the purposes of this Convention, the term the worst forms of child labour comprises:

> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

In addition, part d states,

> (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

There is a clear link between child labour and child soldiering. There is also a link between child soldiering and the perpetuation of violence. One priority that guides Canada's international engagement is building a more secure world, as well as protecting vulnerable populations and children from violence against them.

I am pleased to inform you that my office, in collaboration with Senator Zimmer, Canadian and United States partners such as UNICEF Canada, the University of Winnipeg, Search for Common Ground, Displaced Children and Orphans Fund of USAID, will implement a long-term project entitled Expanding the Dialogue: Preventing the Use of Children as Soldiers.

Child soldiers are the most sophisticated, low-tech weapons system that exists in the world today. Child soldiers are the new phenomenon of our era. The overarching goal of this initiative is to develop a set of tools that can be used to prevent the recruitment of children into armed groups.

Approximately 300,000 children around the world are used as soldiers in deadly theatres and conflict. Graça Machel, the wife of Nelson Mandela, who has been leading the charge on this issue, has estimated in her studies that over the last five years, nearly 2 million children have been killed in such conflict. Very few remain as injured casualties because once they are injured, they are simply abandoned in the bush.

These children, all under 18 years of age, as per the optional protocol on child rights, have become frontline troops as part of armed groups, and serve in capacities from carrying arms, to cooks, to sex slaves, to bush wives.

The response to GuluWalk Day on October 23, 2005, shows that Canadians demand an end to the use of children as instruments of war. Since 1987, treaties and Security Council resolutions have failed to make a difference in the lives of these children. The widening gap between reality and international commitment is disturbing.

Expanding the Dialogue: Preventing the Use of Children as Soldiers consists of three phases. During the first phase, partners will host a workshop at the University of Winnipeg that will bring together relevant stakeholder groups, former child soldiers and military commanders. The second phase will be a war game simulation exercise where a small group of experts will develop creative tools to use in a specific country in order to neutralize this weapon system. During the third phase, the partners will implement the tools. We will go on the ground and apply those tools in order to stop the use of children in that particular conflict.

• (1340)

While the approach is multi-dimensional, the distinctive aspect of this initiative is, in fact, using the military dimension to neutralize that capability. We will examine why commanders use children as soldiers. What are the military advantages to commanders to use the children in that way? What is the philosophy behind the doctrine of the use of children?

We must neutralize and eliminate the use of children as instruments of war.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore***:** Honourable senators, I wish to draw to your attention the presence in the gallery of the participants of the Parliamentary Officers' Study Program from the National Assembly of Afghanistan. On behalf of all senators, I welcome you to the Senate of Canada.

FARM INCOME

Hon. Hugh Segal: Honourable senators, in the past few months Statistics Canada has released alarming numbers relating to the income of Canadian farmers, as Senator Hays informed us a few days ago.

Two years of drought and the trade restrictions placed on our farmers as a result of the BSE scare has dropped the 2005 realized net income of Alberta farmers to half the 2004 level and in Manitoba it declined by almost 40 per cent.

At the same time, the rising cost of machinery fuel increased farm operating expenses by nearly 2 per cent. Also in 2005, total net farm income fell 35.8 per cent from its 2003 numbers to $2.6 billion. Canadian farmers are suffering. Statistics Canada reports that the first quarter market cash receipts fell to their lowest quarterly level in a decade. If the trend continues, Canada will lose the thousands of family farms that dot our landscape from coast to coast. We cannot ask our farmers to continue to work for little or no return or worse, an ever-growing debt from which they cannot escape. The Canadian farm should not be a place that subjects its inhabitants to a life of diminishing prospects.

At the federal level we need to look at whether the divisions between science, technology, health, industry, agriculture, energy and environment make that much sense any more. There is an opportunity to step beyond the present crisis to a more integrated approach in addressing farm and rural poverty.

The Canadian farmer does not want to be the last of his or her generation. Many of these farms have existed in the same location in places such as Leeds County and Frontenac County, run by the same families for hundreds of years. We owe them our best efforts to mitigate the recurring problems affecting them by working together in a bipartisan fashion and putting forward innovative and feasible solutions for our fellow Canadians.

COMMENTS OF MINISTER OF JUSTICE ON CRIME RATES

Hon. Larry W. Campbell: Honourable senators, two weeks ago the Honourable Vic Toews made questionable comments regarding crime rates in general, and crime in Vancouver in particular. Although the Minister of Justice has intimate knowledge of the justice system, having been charged and convicted of an offence in Manitoba, he clearly has no knowledge or experience in gathering statistics or applying them in an appropriate manner.

Not only did he inaccurately compare crime in Vancouver as similar to crime in New York City, he reached such a conclusion by comparing data that does not align. Violent crime statistics per 100,000 people were used to compare the two cities. However in B.C., all assaults, levels one to three, are calculated into violent crime statistics. Conversely, New York City statistics include only aggravated assault. Furthermore, Vancouver violent crime statistics include all levels of sexual assaults, levels one to three, while New York City statistics include only forcible rape.

In addition to relying on faulty statistics to form the bulk of his argument, comments made by the Minister of Justice unfairly painted the city of Vancouver as a place where "people like to come because the weather is fine and the sentences low."

Considering that Vancouver was rated in the top three of the most liveable cities in the world for the last four years, unlike Winnipeg, and that numerous statistics and analyses over the years seriously contradict Mr. Toews' remarks, I bring into question the veracity of the Minister of Justice's statistics.

It is both unstatesmanlike and in poor judgment for the Minister of Justice to launch this uninformed attack on one of Canada's cities particularly as Vancouver prepares to host the world in 2010. This misinformation hurts our business, our law enforcement agents, local elected officials of all stripes and our tourism trade. I would urge all members of the House and Senate to use caution when making such salacious comments. I call on the minister to publicly retract this statement. Vancouver is not only one of the great cities of North America, it is also one of the safest.

The next time Mr. Toews visits Vancouver, I urge him to spend time talking to, rather than maligning, the law enforcement officers there, and recognize it is they who work tirelessly to make Vancouver a truly great city.

• (1345)

[*Translation*]

ROLE OF RELIGIONS AND HUMAN RIGHTS CONFERENCE

Hon. Claudette Tardif: Honourable senators, I am pleased to inform you of an international conference entitled, "Building World Peace: The Role of Religions and Human Rights", presented by the John Humphrey Centre for Peace and Human Rights, to be held from October 20 to 22 in Edmonton, Alberta. I have agreed to co-chair this conference with one of our former colleagues, the Honourable Doug Roche.

As Canadians, we live in a multicultural and diverse society. We must address issues related to the religious, linguistic, cultural, ethnic and racial diversities that make up our country. In order to face the challenges associated with a diverse society, it is essential to discuss the important role played by the various religious representatives and human rights advocates. It is time for religious communities to affirm that the major religions promote the essence of the culture of peace.

[*English*]

The "Building World Peace: The Role of Religions and Human Rights" conference presents a framework for discussion and resolution by building upon the core message of peace shared by most religious teachings and the Universal Declaration of Human Rights.

Participants and invited speakers, such as our own Senators Roméo Dallaire and Mobina Jaffer, Lloyd Axworthy, Ovide Mercredi, Lloyd Roberston and General Jean de Chastelain, just to name a few, will explore the question of what role religions and human rights can play in building world peace.

This conference is intended for leaders or members of religious communities, as well as everyone who is concerned about the increasing amount of intolerance, violence and injustice in society in general.

[*Translation*]

We need to have conferences like this to stimulate public debate on peace within the social fabric of Canada and other countries. I encourage you, honourable senators, to promote this conference in your communities and to continue to be spokespeople and promoters of tolerance, openness, dialogue and social justice.

I hope you can attend this important and timely conference. More information is available from my office and in the Senate reading room.

[*English*]

ROUTINE PROCEEDINGS

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 15, 2006

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-15, An Act to amend the Agricultural Marketing Programs Act, has, in obedience to the Order of Reference of Tuesday, June 13, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOYCE FAIRBAIRN P.C.
Chair

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

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

• (1350)

STATUTES REPEAL BILL

REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 15, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, has, in obedience to the Order of Reference of Wednesday, May 31, 2006, examined the said Bill and now reports the same with the following amendment:

Page 2, clause 5: Replace in the English version, line 5 with the following:

" provision that is necessary for the amended provision to have ef-".

Respectfully submitted,

DONALD H. OLIVER
Chair

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

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

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. David Tkachuk presented Bill S-218, to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorists).

Bill read first time.

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

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

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

ACQUISITION OF JDS UNIPHASE BUILDING

Hon. David P. Smith: Honourable senators, my question is for the Minister of Public Works and Government Services.

The new government has repeatedly pledged more transparency in public procurements to ensure taxpayers receive the best for public money. However, the government's pledges sound like meaningless Tory rhetoric when you consider what is happening with the empty JDS Uniphase Building and the government's intention to lease that million-square-foot space. That would be tantamount to a 40- to 50-storey building in terms of area. We are talking about a big building.

We are told the government intends to acquire this building with no public tendering at a cost of around $600 million, but they will only know the details once the deal is signed. In other words, "trust us."

• (1355)

Is this the government's idea of transparent and open competition? Is the minister prepared to disclose the details of this deal? I am not saying necessarily that it is bad, but is the minister prepared to disclose the details of this deal that, according to today's *Ottawa Citizen*, expires today?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the honourable senator for his question. I appreciate that he mentioned accountability and transparency because that is indeed part of this government's DNA. The terms of the Memorandum of Understanding that PWGSC signed with the owner were to expire today. I am happy to inform the Senate that the department, after due consideration, has decided to withdraw from the offer.

The government was fully committed to getting the RCMP the appropriate space in the right building for them to do what they have to do given the government's commitment to invest more money in the RCMP. However, the terms of this transaction were not satisfactory and the department has so informed the owners.

Senator Smith: As I am sure the minister is aware, a motion was adopted yesterday in the House of Commons committee on Government Operations and Estimates that recommends that acquisition by purchase or lease of any significant property, including this property, be the result of a competitive call for a tendering procedure. Can the house assume that will be the procedure henceforth?

Senator Fortier: As the honourable senator knows, the process began under a prior administration. I inherited a process that had been in place for several months when the new government was sworn in. I am aware of the motion in the other place. When I appeared before the Commons committee last week, I told a few of the opposition members that, as a rule, I fully agree that PWGSC should seek several offers for any property purchased or leased. The committee recognized that there can be extenuating circumstances. For example, if the government already leases space in a building, it might make more sense for the government to renew that lease with the current landlord.

A large space, such as the one we were discussing, can be up to several hundred thousand square feet. In certain urban areas in Canada, the professionals at PSWGC know the market well and it would be bad management and bad business for the government to tie their hands and tell them that they must never consider an unsolicited offer. For taxpayers, government should consider all the options and, perhaps, at the end of the day the unsolicited offer might be the best one.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: I wish to draw to the attention of honourable senators the presence in the gallery of our former colleague and friend, the Honourable Senator Kroft. Welcome back.

Hon. Senators: Hear, hear!

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—
POSSIBILITY OF EFFECTING DUAL MARKETING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On Tuesday of this week, the Agriculture Committee heard from the Canadian Wheat Board, which was represented primarily by the Chairman of its Board of Directors, Mr. Ken Ritter.

One of the most concise statements of the government's position with respect to the Canadian Wheat Board was given by Minister Strahl on June 7 when he said during Question Period in the other place:

> During the campaign...we said...that our party believed that there was a good future for the Canadian Wheat Board. It involves dual marketing, more Canadian farmers having a choice.

In other words, the single best selling function of the Canadian Wheat Board is something that the government is committed to ending.

First, could the honourable leader please advise whether I am correct given Minister Strahl's statement, which corresponds with the Conservative Party platform?

Second, when would the government intend to proceed with this and in what manner?

• (1400)

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Hays for his question. I am well aware of the statements made by Minister Chuck Strahl about the wheat board and I will simply take the honourable senator's question as notice as to when the government may make further announcements with regard to the wheat board.

Senator Hays: Honourable senators, I would like to pursue the matter of how. The wheat board, appearing before the Standing Senate Committee on Agriculture and Forestry, was anxious to let the committee and the Senate know that the wheat board had been conducting innovative research on the position of farmers by way of polling some 1,300 Alberta, Saskatchewan and Manitoba farmers. Almost nine out of ten farmers questioned said that if there is any decision to be made with respect to the single-desk function of the Canadian Wheat Board, it should be a farmer's decision and it should be preceded by a plebiscite. Can the minister confirm whether the government intends to use a plebiscite as a part of any process to end the single-desk selling function?

Senator LeBreton: I am aware of the report that the honourable senator refers to, but my answer will be the same as my first answer. I will determine from Minister Strahl what his plans are in terms of dealing with this issue and I will get back to the honourable senator and the chamber.

CANADIAN WHEAT BOARD—FUTURE FUNDING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, the wheat board, as a single-desk seller, has closed its accounts on all grains on a crop-year basis, the net result of which is that it has no capital.

As far as Minister Strahl's words to the effect that the wheat board has a good future, one can only assume that he means as a grain company of some kind, but of course without capital, that is not possible. There are examples, such as the Australian Wheat Board, where this issue has been addressed.

I want to add to the list of questions an inquiry about the Government of Canada's position in terms of assisting the wheat board. Do Minister Strahl's words presage or indicate that the government would help provide the capital necessary for the Canadian Wheat Board to restructure, in a way that his comments seem to anticipate, if in fact a plebiscite approves the taking away of the single-desk selling function, for example?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. The honourable senator is, of course, good at answering many of these questions with regard to agriculture and has a lot of expertise and knowledge. I also know that Minister Strahl is knowledgeable and a man of his word. I would not challenge anything that he has said about the issue in public. Suffice to say that when I get these questions from Senator Hays, I am impressed by the ability of Minister Strahl and his departmental officials and staff to provide speedy, long and detailed answers in return. I am learning something from them myself as I read the responses before they are tabled in this place.

[*Translation*]

THE ENVIRONMENT

KYOTO PROTOCOL—QUEBEC'S STANCE

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and relates to certain exchanges we have had over the last two weeks about the Kyoto Protocol.

The minister will understand the surprise, consternation and stupefaction I experienced this morning when I read in one of Quebec's major newspapers that there has been complete silence between Quebec and Ottawa on this issue since January 23, according to an access to information request covering the period between January 23 and June 2.

> Complete silence between Quebec and Ottawa: no written correspondence, official or unofficial, has been exchanged between the two governments.

However, on May 2, in the other place, the Minister of the Environment, her colleague in the ministry, said, and I quote:

> [The provinces] will be very much a part of our made in Canada solution, Canadians will come first, and Quebec is a part of that plan.

How can the minister reconcile her colleague's statement with the reality of these documents?

• (1405)

[*English*]

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

That question is difficult to answer. I have no idea what information was asked for under a request for information made through the provisions of the Access to Information Act. However, as I have pointed out in previous answers, Minister Ambrose is working extremely hard on this file. She is consulting far and wide.

With regard to the specific request for information, I would first have to determine what information was asked for and, second, what, according to the newspapers, is causing the apparent delay in getting that response.

[*Translation*]

KYOTO PROTOCOL—ALTERNATIVE PROGRAM

Hon. Francis Fox: Honourable senators, I have another question for the Minister of Public Works and Government Services, in his role as the minister responsible for Montreal, where environmental issues are extremely important and where several projects are awaiting some cooperation among the federal, provincial and municipal levels.

Nevertheless, going back to the answer that was just given, I am very pleased to give the Leader of the Government in the Senate a copy of the letter from the Privy Council Office, confirming the complete absence of communication at any level between the two levels of government, despite the rhetoric about a "made in Canada" solution, in which Quebec would participate.

My question for the Minister of Public Works and Government Services is as follows. As he is well aware, his government has already thrown out an agreement concerning the environment, namely, the agreement with Ontario, and indicated to the Quebec government that it could no longer count on the proposed agreement of $328 million for environmental projects initiated by the previous government. Can the minister say, on this same day that Premier Charest is tabling his plan to reach the Kyoto targets, whether or not he will urge his government to take advantage of the cabinet meeting planned at the Citadel at the end of next week, to announce once more that Quebec is part of its national plan and to renew negotiations on the $328 million that was set aside for projects specifically to fight greenhouse gases?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank Senator Fox for his question. First, I would like to clarify these issues. I would not be surprised to find out that there is no correspondence between the two governments. Unlike what went on in the past, the governments talk to each other. We know that with the previous government, they had to exchange letters. We can clearly remember the problems that the Minister of the Environment at the time had with his counterpart in Quebec. Mr. Dion and Mr. Mulcair were unable to talk to each other; they had to exchange letters. With us, people talk to each other. I can assure honourable senators that communications between the two levels of government are extraordinary.

As for Montreal, I was there last week, where I inaugurated a new building, a green building, the Normand Maurice Building, on Bel-Air Street. This is the kind of announcement I make regularly. Here in Ottawa, I announced a green roof on the C.D. Howe Building. We are also going to open a new, green, energy-efficient building in Charlottetown.

I therefore want to reassure the senator that a tremendous number of tangible initiatives are taking place here, in Quebec and across the country, reassuring Canadians about this government's commitment to reducing greenhouse gas emissions.

Senator Fox: Honourable senators, can the minister assure us that, at some point, the discussions he talked about between the two levels of government — and if that is indeed the case, I am personally very happy — will translate into written agreements? As he knows, talk is cheap.

Senator Fortier: Honourable senators, I want to reassure the senator that, when an agreement is reached, it will not be a press release, but something more substantial. The governments are talking. We are not just talking with Quebec. Our government is holding discussions with all the other provincial governments on this and other issues and, when we have announcements to make, we will naturally inform this chamber.

[*English*]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS CONFERENCE
ON ABORIGINAL ISSUES—FUNDING OF INITIATIVES

Hon. Robert W. Peterson: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

At a meeting of the House of Commons Standing Committee on Finance on May 10 a senior representative of the Department of Finance was questioned about the funding of the Kelowna accord. He confirmed that the present government has decided specifically to finance Aboriginal matters differently from the commitments made by the previous government and that this decision has freed up funds in the neighbourhood of $5 billion.

As we indicated in this chamber on Tuesday, the money to finance the Kelowna accord was indeed formally booked by the previous government. It is a matter of simple fact that once money has been booked officially, only the Prime Minister or the Minister of Finance can change that booking. We know that neither the former Prime Minister nor the former Minister of Finance made that decision.

• (1410)

Who in the present government did make the decision? Was it the Prime Minister or the Minister of Finance?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. One cannot make a decision when there is nothing to make a decision about. As I have said before, there was no fiscal framework for the Kelowna accord. After 13 years of inaction, we have serious issues with our Aboriginal communities. I am confident that Minister Prentice and the government, as indicated by the budget, will take these issues seriously. This government will make every effort to improve the lives of Aboriginal peoples. Within a short period of time we will have much more to show for our efforts than there has been in the past 13 years.

Senator Peterson: This government regularly talks about its commitment to transparency and accountability. Canadians have a right to know who authorized the removal of the money that was promised to Aboriginal peoples. Was it the Prime Minister or the Minister of Finance?

Senator LeBreton: Honourable senators, in the preamble to his question, Senator Peterson said this answer was given by a government official before the House of Commons Finance Committee. I would have to read the exact question and answer, but I hasten to point out that there was a considerable amount of money earmarked for Aboriginals in the budget, which received unanimous approval in the House of Commons, and we thank all members of the opposition for that.

THE CABINET

REPRESENTATION OF PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, on April 6, I asked why the Conservative government had not appointed a senator from Prince Edward Island to represent us at the cabinet table. At that time, the Leader of the Government in the Senate indicated that she would express my concerns to the Prime Minister. Has she spoken to the Prime Minister? If so, what was his response?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have spoken to the Prime Minister on the matter and his response was that the bill is currently before the Senate, the proposed Senate tenure legislation. The Senate requires reform and we will start with this modest first step.

Prince Edward Island is ably represented in cabinet by Peter MacKay. The precedent for that was set some years ago when there were only Conservative members from Prince Edward Island under a Liberal government and Prince Edward Island was represented by the Honourable Don Jamieson from Newfoundland and Labrador.

Senator Callbeck: Honourable senators, that does not answer my question. What has the Senate tenure legislation to do with having a representative in cabinet from Prince Edward Island?

Prince Edward Island needs to be represented at the cabinet table by an Islander on a full-time basis rather than having a part-time minister like Peter MacKay who is responsible for so many other things.

The results of having a part-time minister are illustrated by what has happened in the last few months. For example, the government has not honoured the announcement of $30 million for a power cable between Prince Edward Island and New Brunswick. It has cancelled the $5.8 million for the Confederation Centre. We did not receive a share of the extra allocation in the shrimp fishery. I could go on and on with this list. However, the question is: How can the Prime Minister justify appointing the Minister of Public Works and Government Services to the Senate so that the people in Montreal would be represented at the cabinet table when he has not done the same thing for the people of Prince Edward Island?

• (1415)

Senator LeBreton: Thank you, Senator Callbeck. I would argue that the people of Prince Edward Island are very well represented at the cabinet table in the person of the Honourable Peter MacKay. I will take the list that the honourable senator outlined in her preamble and I will come back with specific answers as to their status.

An Hon. Senator: We need more foghorns.

Senator LeBreton: Concerning these issues with regard to Prince Edward Island that Senator Callbeck lists, I will have to determine whether they were election promises of the previous government or whether in fact they are actually works that were planned.

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

KYOTO PROTOCOL—QUEBEC'S STANCE—RECOGNITION OF INITIATIVES BETWEEN GOVERNMENTS

Hon. Joan Fraser (Deputy Leader of the Opposition): My question is for the Minister of Public Works and Government Services in his capacity as Minister for the Montreal area.

Given that the Harper government has abandoned its commitments under the Kyoto Protocol, but that the Quebec government has seized the urgency of achieving the Kyoto targets and is launching its own plan, can the minister at least guarantee that all projects by his department in Montreal will respect the requirements of the plan put forward by the Charest government?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, with regard to my department's projects, as the honourable senator knows, a policy was put in place on April 1 for procurement. We insist that suppliers to the government have environmentally sound policies.

As for buildings, I was just telling Senator Fox that I opened a new building on Bel-Air Street, in southwest Montreal, which meets new building renovation standards for energy and water conservation. This is part of the green program of the Department of Public Works and Government Services.

With regard to our policies governing procurement and office buildings, we have internal rules and, of course, we will continue to follow them.

Senator Fraser: Honourable senators, it seems that the answer to my question is maybe yes, maybe no.

I would like to point out to the minister that, about two weeks ago or so the Quebec minister of the environment, Mr. Béchard, went so far as to say that if Quebec did not meet the objectives of the Kyoto Protocol, the federal government would be at fault and would suffer the consequences.

In the absence of a federal plan, could the minister at least undertake to respect not the internal objectives of his department, which are undoubtedly excellent, but compliance with the Quebec plan that the Charest government had the initiative and the courage to launch?

Senator Fortier: Honourable senators, the honourable senator inquired about the Department of Public Works and Government Services, and I answered her question. It is not a "maybe yes, maybe no" situation. The department has very serious guidelines on greening. We will continue to follow them. I cannot make myself clearer on that.

With respect to plans in the province of Quebec or any other Canadian province, we have to be respectful of the provinces' policies and policy statements. As a Quebecer, I am respectful of the policy statements of my provincial government.

However, the federal government also has responsibilities and it has the right to have a plan of action. As I previously indicated, differences of opinion between two levels of government on this kind of matter are allowable at this stage of the game. I do not view that as cataclysmic. It is fair game in the debate that has to take place in Canada, and I welcome it. I do not want to live in a country where there is only one line of thought and one point of view. So, it is not shattering to me in my everyday life that the province of Quebec holds views that may appear to be different from ours.

• (1420)

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STATUS OF LITERACY PROGRAMS

Hon. Fernand Robichaud: Honourable senators, my question is directed to the Leader of the Government in the Senate. There are various programs for people struggling with serious literacy problems. These programs help many groups across the country.

We have been noticing for a while now that no projects in that area are being approved. Does the government intend to continue making these very useful programs available to Canadians?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I was expecting a question on the programs for literacy from Senator Fairbairn about a month and a half ago. I will simply take that question as notice and ascertain the status of the literacy program.

[*Translation*]

Senator Robichaud: Honourable senators, the minister should try to find out what is holding up the project proposed by the Kent dyslexic support committee. I am told that the proposal has been on the minister's desk for quite a while.

The project in question has been structured in such way as to meet all the requirements of the program. These people are still waiting and, if they do not get an answer soon, all their efforts will have been for naught, and they will not be able to keep doing the great job they do.

[*English*]

Senator LeBreton: I thank the honourable senator for the question. Many programs were on ministers' desks when they were sworn into office a few months ago. It is only fair that new ministers have an opportunity to fully educate themselves on all files they have before them. It is not unreasonable to expect that they would not have proceeded yet, whether the program is good or whether they feel it requires further review. We should not expect that there has been any undue delay. There are many files that these ministers must review, but with regard to the one that the honourable senator raised, I will ascertain its status.

NATIONAL SECURITY AND DEFENCE

REQUEST FOR RESPONSES TO CORRESPONDENCE OF COMMITTEE

Hon. Colin Kenny: Honourable senators, my question is for the Leader of the Government in the Senate in regard to a number of questions that I put forward relating to recommendations that the Standing Senate Committee on National Security and Defence put to different departments to see what progress was being made towards implementing the recommendations.

The initial request went out on October 2005 to the previous government, and further requests were made in December 2005 and February 2006. I wrote the Leader of the Government in this regard on May 30, and also gave her notice of this question for today.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Senator Kenny wrote me on May 30 and enclosed all of the various letters he had written to the various departments, and the enclosures were dated June 1.

I received the package on June 6, just last week. I have referred the matter to the people who work with me in the Privy Council Office, and I expect that they will be advising me of the status very soon.

• (1425)

ORDERS OF THE DAY

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, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Grant Mitchell: Honourable senators, I rise to speak on Bill S-4. Bill S-4 represents a massive retreat from the government's original, clearly and powerfully stated position on Senate reform.

There are two fundamentally important objectives of Senate reform that are held by western and in particular Albertan Senate reformers. To his credit, the Prime Minister captured those two objectives very well in his promise during the election of substantive, significant and comprehensive Senate reform. As stated by Prime Minister Harper, these two objectives were, first,

that he would enhance the democracy of this house by implementing comprehensive senatorial elections; and, second, he would address the ability of the Senate to redress regional imbalance by reallocating seats among the regions and perhaps among the provinces.

Those were laudable objectives. They represented a laudable promise, from an Albertan's point of view certainly. Unfortunately, in retrospect, I now believe that what those objectives really represent is a pure political initiative to get votes without any real commitment to the effort, the negotiation and the consultation that would be required — if at all possible to do it at all — to implement this kind of comprehensive Senate reform.

It is not a surprise that the Prime Minister would begin to back off that promise quite quickly. His second stage of commitment — and I use that word lightly — was that he would implement some form of ad hoc, non-constitutionally supported Senate election, and that was a long distance from his original promise.

It is not a surprise that he would have to back away from his original promise. In order to achieve comprehensive Senate reform to attain those two objectives, it would be required to achieve the most difficult kind of constitutional reform under the Constitution of Canada. In order to have elections — and really, the electoral process is the only way to make the Senate significantly more democratic — the support of seven provinces comprising at least 50 per cent of the population of Canada would be required.

In order to achieve seat reallocation, unanimity from the provinces of Canada would be required. The Prime Minister must have known that was the case — I would give him credit for that — and he must have known that would be perhaps incomprehensibly difficult to do. The question that arises is why would he make the promise in the first place? It is obvious that unanimity is difficult, if not nearly impossible, to do because of historical precedent; but if one understands the politics of Senate reform and the provinces' perspective, one will quickly see how difficult it would be.

Why would a province ever want to see an elected Senate? By and large, once the Senate is elected, it would be in a position to exercise our considerable powers rigorously. One of those powers and responsibilities is the mandate to represent regional interests. Where does the mandate to represent regional interests reside now? That power resides with the provinces. If the Senate were to exercise that power, where would we get it from? We would get it from the provinces. Why would a province want to give up that kind of power?

Why would this Prime Minister — who has, more than any Prime Minister that I am aware of, tried to centralize power in the Prime Minister's Office to the extent that ministers cannot speak without clearing what they are to say through the Prime Minister's Office — want to relinquish real power to the Senate so that he would have to depend upon the Senate to pass or not pass his legislation?

I do not think it was a surprise to the Prime Minister that getting an elected Senate would be difficult to do. It would not be a surprise to the Prime Minister that it would be very difficult to get seat reallocation.

• (1430)

Why, for example, would the Maritimes give up 30 seats, which is a disproportionate number of seats for their region, compared not on the basis of population but simply to the absolute number of seats that the other regions have?

I am driven to speculate as to why the Prime Minister would have promised something of that magnitude and of that specificity when he must have known how difficult, if not impossible, it would be to get the kind of constitutional reform he would need to make that occur. He has raised the expectations of westerners, in particular. I expect many Canadians across the country share these expectations — certainly Albertans — only to have him back off on that original promise, based on something he knew when he was making that promise in the first place.

What was his second stage of retreat? This stage was a less clear commitment to electoral reform, more "We will try to implement the Alberta model across the country. That is, we will try to get each province to structure more or less informal elections, in the constitutional sense." Indeed, less informal — but they would give direction to the Prime Minister as to whom he might choose for appointments to the Senate.

The problems with this approach need to be considered seriously by the Prime Minister and by the Senate. Piecemeal Senate reform, certainly piecemeal election, is perhaps the most destructive form of reform that the Prime Minister could contemplate. We understand, but probably most Canadians do not, that the Senate has profound power. We can veto practically anything the government chooses to do. The only thing we cannot veto is constitutional reform that affects only the provinces, but, of course, that never occurs. Thus, in a sense, we can veto everything the government would choose to do. We do not do that because we understand that there are implications for us not being elected, and we mute that power.

If we were elected and we began, therefore, to be obliged to utilize those powers, the consequence could be that we would hamstring government. Any functioning federation in the world has discovered a way to break an impasse. Australia has a unique method whereby, for example, if there are two impasses on the same issue, an election is called. That would focus everybody's attention on the issue. That would not be the case here. If we begin to elect senators, I believe it must be done in concert with a restructuring of powers and at least a restructuring of the relationship between the Senate and the House so that a way could be found to break an impasse.

What is more disconcerting about piecemeal election of that form is that, once again, we would find ourselves in the position where the Senate would actually begin to exercise its power rigorously. Much of that power would affect regional issues and regional imbalance, yet the seat distribution would do nothing to enhance any regional imbalances perpetrated in the House of Commons. In fact, it would make it worse, from Alberta's point of view. Alberta has 9.1 per cent of the seats in the House of Commons and 5.7 per cent of the seats in the Senate. How could this seat allocation, particularly if it were under the parameter of rigorous application of Senate policy, serve to enhance the redressing of regional imbalance? It would not.

If we are to begin to elect senators, it has to be done, I believe, in the context of comprehensive Senate reform whereby we would also address powers, and certainly the process of breaking an impasse. We would also address the numbers of seats.

In a sense, it is a good thing that the Prime Minister has retreated from that position, because now where he finds himself is a very limited — no pun intended — proposal to limit terms in the Senate. That in no way addresses the two most significant objectives, particularly significant for Albertans and westerners. Shortening terms for senators will not make the Senate any more democratic. Term limits will not do anything about seat reallocation. One thing term limits would do is actually hand the Prime Minister an opportunity to make even more appointments, rather than fewer. To that extent, it would be even less democratic. You could argue that the lack of democracy would be exercised more frequently.

The problem remains that, while this term limit initiative is not insignificant — it is, in fact, significant to the role of the Senate — it is not significant to those two very important Senate reform objectives. However, it is significant as to how the Senate is able to do its job. I believe there are two reasons why longer term limits have made a significant contribution to the effectiveness of the Senate.

First, senators have been able to provide institutional memory. You have to be here for a period of time to begin to develop that. I, as a new senator, am struck by the depth of understanding, experience and knowledge of many of the longer-term senators in this Senate. In fact, I spend a great deal of time observing them so that one day I will have that depth and be able to contribute in that way. The history of this institution is replete with examples of senators who have been able to find flaws in legislation. The Senate is replete with senators who channel thought and development of ideas in ways that they might not otherwise have gone, because they understand the pitfalls of the past, or they have experience that would lend positively to the development of thought based on their experiences. You need to be here for a while to get institutional memory and to contribute on that basis to sober second thought, to make that a real concept.

The second reason — and this is even more important — is that longer terms have allowed senators to address issues that are not of intense political interest to a representative who is facing an election every four years, or every 18 months or seven, eight or nine months, if we believe the rumours that there might even be an election in October. That means that while there are issues that are not of particular political interest or do not attract votes that would be the driving force for someone facing an imminent election, there are issues that are enormously important to many Canadians, often Canadians who are less powerful. We can see examples in this Senate all the time. I will mention but a few, and do not mean to exclude anyone, because I do not have time to mention them all.

Senator Fairbairn's work on literacy does not attract a great many votes, I am certain, but it is profoundly important to people in Canada and to the productivity of our economy in many, many ways. There is the work of Senator Kirby and his remarkable committee on mental health. That is not a huge constituency that has a great deal of political power that would attract the interest of politicians looking to get elected in three weeks, but it is an issue of profound importance to many Canadians across this country and the families that must deal with their family members who have these kinds of problems. There is Senator Carstairs and palliative care, another example of long-term work on an issue that is not of particular political prominence and immediacy.

Every one of the senators in this chamber knows that this is an effective body that has made a tremendous contribution to the public life of this country and to the success of this parliamentary system. However, if we are to be successful, we must be able to develop institutional memory and we must have longer-term horizons so that we can deal with issues that the other House does not find interesting, for whatever political reason.

That raises the question of whether or not eight years is long enough. It is interesting to note that the average length of term historically for House of Commons members has been six to seven years; the average length of term for senators has been about 10 to 11 years. An eight year term makes it basically just like the House of Commons and would simply exacerbate that problem or, at least, mimic that problem. It would not solve that problem. It would not offer a complement to that approach.

• (1440)

Eight years seems to me to be fundamentally too short. David Smith — not our honourable senator, although I am sure he would have come up with this idea had he thought of it first — the professor from the University of Saskatchewan in Regina, made the point that 12 years might be reasonable. I think that something in the order of 12 years might be reasonable and that, I would hope, is where the focus of the Senate would begin to apply.

We have to be careful of piecemeal reform even in this respect. Consideration has to be given to its implications, the term "implications," for many other features of the work that we do. I also believe that we have to understand that this term "limit proposal" is here not because it is an objective this government wants to pursue. It is here because they made a promise they simply could not keep and they knew that when they made it.

Hon. Pierrette Ringuette: I wonder if the honourable senator would answer a question, please.

The Hon. the Speaker *pro tempore***:** The time for Senator Mitchell has expired.

Senator Ringuette: Would it be possible for Senator Mitchell to have five minutes?

Senator Mitchell: I would ask for five minutes.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Do I understand that the time limit has been reached?

The Hon. the Speaker *pro tempore***:** Yes, it has.

Senator Comeau: We will allow five minutes, as usual.

The Hon. the Speaker *pro tempore***:** Senator Mitchell, will you accept questions?

Senator Mitchell: Yes, I will.

Senator Ringuette: I have been fairly quiet on this issue, however, that does not mean that I have not been reflecting on it. I was listening carefully to what the honourable senator was saying.

I was a three-time elected politician having served in the provincial legislature, like the honourable senator, and in the House of Commons. The honourable senator has not mentioned the aspect of the independence of the Senate. That is very important for me because I have experienced political partisanship and electoral pressure. I wonder if this bill undermines the independence that we have by making it a renewable term. It opens up a new Pandora's Box with regard to how much due diligence the Canadian population wants of this institution.

I would like to have the honourable senator's comments with regard to the independence aspect, particularly with regard to elections and renewable terms.

Senator Mitchell: I think that one of the most important features of the Senate's role is that it can hold the executive to account. Historians and political scientists understand that this is a very significant role. Once appointed, we are not beholden to the executive. That is a feature that should not be lost and if they are to be renewable terms, then it answers an earlier point that I made in my remarks. I asked why would this Prime Minister give up that power? One day he will become renowned for concentrating power — although hopefully he will not have too long to do that — in the Prime Minister's Office by, for example, insisting that no one can make a statement without clearing it through him. Maybe he has not given up that power. Maybe his understanding is that if he makes the appointment and then has the power to reappoint, he actually maintains power, if not enhances power.

It may not be a coincidence that this Prime Minister is actually treading down that path to appear to be giving more power to the Senate. The Prime Minister is in fact retracting that power by not only repeating appointments or having the ability to do that, but by making the limits very short so that the idea of a second appointment is always high on the particular senator's mind.

I think that Senator Hays' analogy, in his speech of imagining the reappointment of judges, is a very powerful image and speaks powerfully to the honourable senator's point. I accept that point and I think, again, the Senate should be very careful of its independence.

The Hon. the Speaker *pro tempore***:** Your time has expired.

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

[*Translation*]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator De Bané, P.C.*)

Hon. Pierre De Bané: Honourable senators, it gives me great joy to congratulate my colleague, Senator Spivak, on introducing, on April 25, Bill S-210, to establish and protect Gatineau Park. In a sense, this measure complements the work announced over 100 years ago when the Ottawa Improvement Commission proposed the establishment of a park in the Gatineau hills. I am pleased to rise today to support this historic bill.

Honourable senators, I wish to point out in passing that Senator Spivak could not have chosen a better time to propose this measure. The timing is all the more auspicious since the National Capital Commission is conducting its own study of options that could improve its authority over the park, ensuring the long-term protection of the park and the integrity of its boundaries and ecosystems.

[*English*]

As Senator Spivak has said, Gatineau Park is the only large federal park that is beyond the direct control of Parliament. It is the only federal park that is not a national park, which means that it is not administered according to the same rules and guidelines. Gatineau Park's boundaries can change, its land can be sold and roads can be built inside it without the approval of Parliament. This lack of parliamentary oversight and legal protection has affected the park, the most obvious of which has been the removal of some 1500 acres of its territory in recent years.

Some might say that the National Capital Commission bears sole responsibility for this state of affairs. In my view, however, the organization has done what it could with the tools it was given and within the present legislative framework. It is perhaps we, the legislators, who have not listened carefully enough to the NCC, which highlighted this problem and proposed approaches to help solve it in the 1990 Gatineau Park Master Plan and the 2005 Gatineau Park Master Plan.

[*Translation*]

In its 2005 master plan, the NCC says, and I quote:

> The *National Capital Act* and regulations grant certain powers in respect of managing and protecting federal lands. Additional legislative authority could give the NCC greater breadth of responsibility and power to act.

• (1450)

In my opinion, honourable senators, that is what is at the heart of the problem with Gatineau Park: the lack of necessary legislative powers and authority to ensure consistent, effective and transparent management. This problem has been around for a long time, and the NCC already identified it in its 1990 master plan.

[*English*]

That plan said:

> Gatineau Park does not have a legal status comparable to that of national parks, and its boundaries are not fixed by law, which affects the way the NCC can manage the park.

To solve this problem, the master plan recommended that the park be given official status, something needed to "legalize park zoning, boundaries and regulations."

I remind honourable senators that national parks have enjoyed legislative protection similar to that offered to Gatineau Park by Bill S-210 since the National Parks Act was passed in May 1930.

The object of that legislation, as then Minister of the Interior Charles Stewart said in the House of Commons during debate on the bill, was to establish the boundaries of the national parks, embody existing legislation in statutory form, place the parks under the control of Parliament and ensure that any deletions of park territory could be made only by act of Parliament.

Honourable senators who have thought about the issue have no doubt wondered why Gatineau Park is not a national park. The short answer is, a provincial minister died before he could follow through on the idea; and former Prime Minister Mackenzie King, aside from having a personal interest in the matter, feared criticism and favoured privacy at his Kingsmere retreat.

In 1935, at the urging of the Federal Goodlands Preservation League, Minister of the Interior Terence Murphy commissioned a survey to examine the effects of fires and excessive logging in the Gatineau Hills. That study, the *Lower Gatineau Woodlands Survey*, is arguably the most important document leading to the creation of the Gatineau Park. Released in 1935, the survey outlined eight options to control excessive cutting in the area, including public education, land purchase and the creation of a national park.

Mackenzie King's journal entry on December 20, 1937, helps illustrate the former Prime Minister's anxiety over the issue. In it, King confirms that he had let the matter of creating Gatineau Park stand for over a year because of his feeling that people might think he was seeking to improve his Kingsmere property.

Adding that he could not allow a possible misunderstanding of his ownership at Kingsmere stand in the way of preserving the forest, he concluded that he wanted his government to go ahead with the work even if "it meant less in the way of seclusion for myself on the way to and from Kingsmere to have even the Meach Lake district open to tourists."

In short, honourable senators, that is why Gatineau Park is not a national park.

[*Translation*]

In the past 40 years, at least three solutions have been proposed to provide legal protection for the boundaries of Gatineau Park: first, amending the National Capital Act; second, creating a brand-new Gatineau Park commission; and third, creating a new national park through an amendment to the National Parks Act.

I think that the solution put forward by Senator Spivak — amending the National Capital Act — would be the most obvious and would cause the least disagreement. The NCC has managed and operated Gatineau Park for more than a half century, with excellent results. What is more, without the efforts of the commission and concerned citizens, the park would not exist today. The NCC has created an administrative structure that enables it to solve the problems related to the park and has the experience and the know-how to do the job.

I would like to conclude by quoting noted urban planner Jacques Gréber, who released his plan for the nation's capital in 1952:

> The very potential offered by this magnificent forest reserve on the outskirts of the national capital warrants establishing a permanent protection program. Its natural structure, the infinite variety of its beauty, the possibilities offered by its attractions far surpass the attributes of an ordinary municipal park serving the population of the surrounding cities. It really is the essential feature of any plan for developing our nation's capital.

[*English*]

"The essential feature of any plan for developing our nation's capital." That is what Mr. Gréber said about Gatineau Park.

[*Translation*]

In principle, the NCC is not opposed to protecting Gatineau Park. As the bill suggests, the park should remain within NCC jurisdiction, which will ensure a better balance between the two sides of the Ottawa River, given that the NCC also owns the greenbelt and a number of parks on the Ontario side.

Also, although the NCC feels that imposing an obligation on current owners of private lands within the park could be problematic, it will not adopt a position on this issue, which may be studied in committee.

It should also be noted that the Government of Quebec owns approximately 17 per cent of the lands within the park.

Finally, I should mention that the NCC is not opposed to prohibiting the sale or transfer of lands it owns within the park. However, the NCC must also have the right to acquire lands outside the park to enlarge it.

[*English*]

Honourable senators, by supporting Bill S-210, we have an opportunity not only to provide Gatineau Park with the protection advocated by Jacques Gréber in 1952 as well as all citizens and environmental groups who followed, we can also go a long way toward completing work that started over 100 years ago when the people of Ottawa first began urging the government to establish a great natural park in the Gatineau hills.

[*Translation*]

In closing, I would like to add that the park, as the bill suggests, must remain the responsibility of the NCC, which will ensure a better balance between the two banks of the Ottawa River.

That is why I support Bill S-210 unconditionally. I hope, honourable senators, that you will do the same.

• (1500)

[*English*]

Hon. Jack Austin: I would like to ask Senator De Bané a question or two, if he has time and would agree.

Senator De Bané: Certainly.

The Hon. the Speaker *pro tempore***:** We have two minutes left, Senator Austin.

Senator Austin: This is a very important topic which has been raised by Senator Spivak and which Senator De Bané has addressed.

In my time in the Senate, there have been discussions, broader in scope than this bill, and the comments of the honourable senator, which have included the concept of a capital region, which would, of course, come about by virtue of a trilateral agreement between the federal government, the Province of Quebec and the Province of Ontario, and Gatineau Park would be incorporated within it. The idea was that Quebec would contribute additional lands that it controlled and Ontario would contribute additional lands that it controlled. There would be in the nature of a trilateral governance body that would manage this particular new entity.

Has the honourable senator, in his research, seen anything of that and decided not to mention it, or does he feel that at the moment that he would like to keep the debate strictly to the national capital arrangement?

I will ask my supplementary question now. With respect to the honourable senator's question about expanding the boundaries, that would require an amendment to the act because the boundaries in which the National Capital Commission is permitted to operate are described in the schedule to the legislation, which was originally introduced, I believe, in the time of Prime Minister Borden and amended in the time of Prime Minister Mulroney.

Senator De Bané: Honourable senators, the points raised by my esteemed colleague, Senator Austin, are very important.

In regard to the first query about creating a national district, I would be in favour of such a thing. I belong to the school of thought that believes that the national interest supersede regional ones. However, I know that at this moment that issue is moot. Unfortunately, with the Constitution as it stands, no changes can be brought to the boundaries of provinces without their concurrence. Ideally, we should pursue the avenue that has been suggested by Honourable Senator Austin.

As for the other issue, the honourable senator is absolutely right, the National Capital Commission has been established by law. The perimeter of that territory has also been defined, and any amendment to that would require the concurrence of the Parliament of Canada.

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

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerry St. Germain moved second reading of Bill S-216, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator St. Germain, P.C.*)

He said: Honourable senators, I rise today to speak to Bill S-216, the proposed legislation in regard to the Crown's recognition of self-governing First Nations of Canada, a bill the substance of which I personally have introduced three times, but the concept of which has now been introduced seven times in this place since 1995.

Honourable senators should note, however, that the recognition legislation actually came out of the constitutional negotiations of the 1980 to 1983 period, which then resulted in the Trudeau government's legislative proposal, Bill C-52, that was proposed 23 years ago.

Honourable senators, allow me to make a few preliminary comments before I speak directly to the bill before us.

We are all well aware that before the arrival of the Europeans on North America's shores, the then existing inhabitants were citizens of their own structured societies. These societies possessed their own government systems, culture and language, and the peoples of these nations shared a deep religious faith centred in the sanctity of nature. Their societies were complex and specialized. Each nation lived off its land and waterways. Some were nomadic, while others built communities. Commercial networks spanned the continent, and nations traded food, clothing and crafts.

Honourable senators, I am Metis. I grew up in Manitoba. My father was a hunter and trapper. His ancestors, whom he had told me about, were buffalo hunters. As a young child growing up in this atmosphere, I realized that there was no future in trying to continue this dying way of life, in spite of the fact that, in our hearts, we yearned for much of that lifestyle. The muskrats were disappearing and the buffalo were gone.

Honourable senators, the autonomy of earlier generations has been compromised throughout history, and today Aboriginal people struggle to maintain cultural and legal self-sufficiency. One of the most important public policy matters facing Canada is the issue of Aboriginal rights, and central to the debate is the right to self-government.

The concept of recognition legislation is this: There needs to be a way for all First Nations with a recognized land base to be recognized by the Crown as possessing self-governing rights that pre-existed the arrival of explorers and settlers to North America. Canada's Parliament must be dedicated to establishing a new relationship with First Nations, a relationship which the Royal Commission on Aboriginal Peoples called "a necessary transformation in consciousness."

The report of the Royal Commission on Aboriginal Peoples said that this new relationship must be based on four principles: first, mutual recognition of First Nations' right to co-exist as self-governing peoples in Canada; second, mutual respect; third, mutually beneficial economic interdependence through the sharing of benefits and the application of First Nations' values in resource management; and fourth, mutual responsibility derived from political autonomy, resulting in appropriate fiscal arrangements rather than welfare.

First Nations — at least, all of them who are prepared to do so — must be able to exercise their rights to self-government in their areas of jurisdiction.

A recognized First Nation must have the power to make laws respecting the First Nation and its members, lands, language, identity, culture and other matters which are set out in its own Constitution, subject to any limits provided for in the Constitution, and in the manner provided for in that Constitution.

In order to answer the question as to why recognition legislation was brought forward, allow me to cite some basic demographics and trace a brief history of the relationship between Aboriginal peoples and Canada.

Canada's Constitution specifies three categories of Aboriginal peoples: Indians, Inuit and Metis. With respect to Indians, the preferred collective term today is "First Nations," with its implication of many separate, formerly sovereign, entities. Indians are by far the largest in number and occupy all but the northernmost reaches of Canada.

• (1510)

Today, there are approximately 850,000 Indians, 45,000 Inuit and 290,000 Metis people in Canada. There are 51 languages comprising 11 major linguistic families, many more than there were spoken at the time of the European contact.

The great majority of the Aboriginal languages of Canada are endangered. Only three — Cree, Ojibwa and Inuktitut — are spoken over large areas today.

First Nations Indian land reserves measure approximately 3,241,094 hectares, approximately 0.35 per cent of Canada's land mass. There are approximately 2,892 First Nation reserves, many of which are uninhabited. Some 615 official First Nation bands reside on these reserve lands.

In 1763, the end of the Seven Years War, saw the arrival of the Royal Proclamation which told the colonial government how to deal with Indian people. Basically, it said before you settle the land, before you open the land to European settlement, you must go out and treat with the Indians. You must arrange a transfer of title and a regularization of affairs. That was what Canada did for a long time.

There were 15 treaties made with First Nations between 1725 and 1921. The classic 18th century treaties were about friendship, navigation and commerce.

In the 19th century, at the time of Confederation, starting with the Robinson treaties of 1850, the flavour of the treaties changed from arrangements between military equals to ones of the 1763 colonial spirit.

The numbered treaties were outright land cession documents.

Following Confederation in 1867, Canada's Parliament consolidated a number of smaller statutes into the Indian Act of 1876. These numbered treaties in the Indian Act led to a destructive system, the period of time when reserves were little better than prisons. Cultural ceremonies, language and mobility rights were effectively banned. Traditional hunting and fishing rights were substantially eroded in that time. For example, as soon as the government discovered that Indians were trading in a valuable commodity like salmon, they moved to take the fishing rights away from our native peoples.

Prior to 1927, First Nations had been calling for the terms of the treaties to be implemented. Then, in 1927, Canada moved to prohibit their rights to pursue grievances through the courts. Parliament amended the Indian Act to make it illegal to "receive, obtain, solicit or request from any Indian any payment for the purpose of raising a fund or providing money for the prosecution of any claim" without the consent of the Superintendent General of Indian Affairs.

It was not until 1951 that potlatches were allowed again in British Columbia, or that Indians were allowed to hire lawyers to defend their rights.

In 1960, Indians were recognized as citizens of Canada and given the right to vote by then Prime Minister Diefenbaker.

Since 1969, there has been a wave of public expression, policy and court actions in the direction of more autonomy, more self-government and more self-reliance. This was best expressed by the Nisga'a of British Columbia who brought the whole issue of Canadian Aboriginal land claims into focus when they brought their fight for recognition of Aboriginal title to the Supreme Court of Canada. The issue at stake was whether or not such title existed. This, of course, was the *Calder* case which determined that Aboriginal title predated the settlers and that Aboriginal title exists in Canadian law regardless of any recognition by government.

In response to *Calder*, the federal government developed policies and procedures for the purposes of negotiating land claims based on outstanding Aboriginal title. Additionally, claims for more autonomy caused the government to pursue programs like devolution, meaning First Nations would administer programs that were designed in Ottawa. The focus was to move from Indian administration to Indian management.

As a direct result of the imposition of the government's Indian Act, living conditions on reserves grew steadily worse.

Over the last 30 years, as a consequence of commencing claims resolutions and increased government service funding, these living conditions have steadily improved.

There are some Indian groups that are wealthy beyond imagination, and there are some that are absolutely destitute with no earned incomes at all.

Voices in Indian country started to present their views on policy and what the government should do to improve what had come to be known as "apartheid conditions" on reserves. These voices concentrated around two polar opposites. The first was a concept of self-government and self-reliance — to do away with the Indian Act entirely. The second was about the notion of trusteeship — to maintain the special relationships the act legislates, that is, fiduciary obligations.

Bill S-216 is concerned with the right of self-government as an Aboriginal and treaty right. Section 35 of the Constitution Act, 1982, recognizes and affirms the existing Aboriginal and treaty rights of Indians, Inuit and Metis, without defining those rights. The status of Aboriginal self-government under that provision has been a matter of ongoing debate.

From 1983 to 1987, intergovernmental negotiations to define the content of a constitutional right of Aboriginal self-government proved unsuccessful. During this period, federal policy took a community-based approach to negotiating self-government.

In 1995, general political acceptance of the concept of self-government led to federal recognition of the inherent right of Aboriginal self-government as an existing right under section 35. Under this revised policy, the objective was, for the first time, to negotiate land claims and self-government agreements and to implement the terms of historic and modern treaties.

Notwithstanding this significant policy development, unanimity among Aboriginal groups and governments on the nature and scope of self-government powers and on the range of section 35 protections remains elusive.

Self-government negotiations are currently in progress in virtually every jurisdiction across Canada.

In 2004, there were 72 negotiating tables representing 457 Aboriginal communities, including 432 First Nations communities and 25 Inuit communities. Over 50 were comprehensive claims-related tables.

The self-government negotiation context covers a range of comprehensive and sectoral initiatives, as well as stand-alone processes, for example, the negotiation of a forestry or fisheries agreement affecting First Nation lands. None of the sectoral or stand-alone negotiations and few of the comprehensive negotiations are constitutionally protected under section 35.

Furthermore, many years of negotiations produced very few self-government agreements.

The government's inherent right policy was first directly implemented in the 1998 tripartite Nisga'a Final Agreement. This was the first modern treaty in British Columbia and the first in the country to explicitly extend section 35 protections to self-government rights as well as land rights in the same agreement. Imagine, honourable senators, it only took 24 years to negotiate and settle that claim.

When you step back and look at our progress, you see a picture where hundreds of specific claims and dozens of comprehensive claims are being negotiated, costing millions of dollars in legal fees. More important, you realize that individual claims are taking decades to resolve.

One cannot help but think that there must be another route to honouring and implementing the treaties. It is ludicrous that future generations of Aboriginal people must live under a colonial regime as second-class citizens on land they occupied first and then shared with the newcomers. I believe it is totally unacceptable.

How do we speed up the process; or, what is slowing it down? First Nations have always claimed that they never ceded, extinguished or otherwise gave up their right to self-government on their lands. Governments have insisted on negotiating this right. As I mentioned earlier, there has never been an agreement on the nature and scope of self-government powers and on the range of section 35 protection.

It is this reality that has bogged down treaty implementation. The challenge remains — how do we get treaty rights implemented? How do we get treaty rights out of the courts, off the negotiating table and back into the hands of First Nations?

• (1520)

Under the Indian Act, First Nations determined long ago that they could never achieve their fundamental goal of gaining recognition of their land management authorities and resuming jurisdiction over their lands. The vehicle of delegated ministerial responsibilities was not capable of enabling First Nations to achieve this recognition. To date, amending section 35 of the Constitution has been impossible. The extension of section 35 protection to self-government powers and the nature of those powers remain controversial. No one can even agree as to whether section 35 contains self-government protections.

Government officials still see section 35 as an empty box. That leaves the legislative route — an act of Parliament, an act to allow for recognition of Aboriginal and treaty rights so that First Nations will have the authority to resume jurisdiction over their land. Such legislation must be a First Nation initiative. It must be optional — not something that is rammed down anyone's throat. It must not prejudice Aboriginal rights, treaty rights or constitutional rights. It must provide jurisdictional protection of First Nation lands. It must not affect existing individual and collective rights and it must not prejudice the right to benefit from government programs.

Under section 35, self-government, as an Aboriginal right, is based on the notion accepted by the courts in the *Calder* case that First Nations were organized societies with their own laws and customs when Europeans arrived in North America. In terms of treaty rights, either the right of self-government continues as a residual Aboriginal right that was not extinguished by treaty or the right of self-government is itself a treaty right which was recognized when the Crown entered into treaties with Indian nations.

The inherent right of self-government has been recognized in federal government policy and by the Royal Commission on Aboriginal Peoples, and the framework for its recognition has been established by the Supreme Court of Canada under *Sioui*, *Van der Peet*, *Pamajewon* and *Campbell*. While the Supreme

Court of Canada has not yet legally recognized it, the policy and jurisprudential developments in Canada clearly point to its existence under section 35. If the right exists, then it is protected by section 35 and shielded by section 25 of the Charter and cannot be unilaterally regulated by federal or provincial legislation. Parliament cannot infringe upon their constitutional rights without proper justification.

If First Nations have an inherent right to govern themselves, how can Parliament create this authority? Parliament cannot regulate the exercise of the inherent right, but it can prescribe the way the Canadian government proposes to interact with First Nations governments. It can prevent government intrusion into First Nations internal affairs. Canada can recognize First Nations who exercise the inherent right of self-government.

From a constitutional standpoint, both federal laws and provincial laws may be held to apply to an Aboriginal people, even if the effect of those laws infringes upon existing Aboriginal and treaty rights. However, such laws must undergo the justificatory test established by the Supreme Court in *Sparrow*, *Van der Peet* and *Delgamuukw*.

It seems to me that legislation that recognizes the inherent right of self-government would not be seen as an infringement by First Nations and, therefore, would not be in contravention of section 35 of the Constitution Act, 1982. What authority could Parliament exercise or what is the jurisdictional basis of recognition legislation?

Section 91.24 of the Constitution Act, 1867 gives Parliament the exclusive jurisdiction to pass legislation regarding laws affecting "Indians and the land reserved for Indians." This permits Parliament to pass legislation that grants to First Nations or, in this case, recognizes a First Nation's power of governance over their people and lands.

The Government of Canada needs to recognize legislatively Aboriginal governments. Doing so has been the primary recommendation of academics for at least the last 14 years, since the non-controversial constitutional self-government provisions fell with the defeat of the Charlottetown Accord in 1992. Government policy recognizes an inherent Aboriginal right. Dozens of academic articles highlight the importance of self-government and call for formal recognition. In numerous court cases, Aboriginal defendants have sought to protect practices and powers that they claim are founded on their right to practise and protect self-government. Courts, though recognizing the possibility of such a right, have been unable to connect the plaintiffs' practices to the anchor of self-government. In part, this is because of briefs; in part, this is because of confusion having to do with Aboriginal titles and rights.

The proposed legislation provides a simple mechanism for Canada's recognition of those First Nation governments that wish to be so recognized. By providing a constitution ratified by its members, a First Nation may implement for itself such jurisdictional areas respecting the First Nation and its members, lands, language, identity, culture and other matters, or have its existing jurisdictions formally recognized. Such a procedure is a crucial step in economic development, interaction with other governments, management of Aboriginal lands and providing effectively for members. The federal government has long, under both federal governing parties, ignored the advice of Aboriginal citizens, commissions, both external and those chartered by the government, and even an international community for which indigenous self-government is becoming customary international law. First Nations that desire to do so deserve the right to use this proposed legislation as a means of consolidating their land base and their membership, defending and developing their natural resources and gaining economic opportunities.

Dramatic new features over the past year — the water contamination at Kashechewan reserve in Ontario and the land claims protest at Caledonia — suggest that the possible consequences of inaction are more unacceptable living situations, more chaotic government and interpersonal relationships, more lost resources and, most important, more lost human resources. More wasted resources and more lost lives.

In testimony before the Penner commission in the early 1980s, Aboriginal representatives were crystal clear in their calls for self-government. Contained in the hundreds of pages of testimony, one witness, Chief Frank Powderface, explained that initiative a creativity stem from allowing Aboriginals to shape their own destinies. They must learn from their own mistakes. Chief Powderface goes on to say that when the department makes the mistakes for them they learn only one thing and that is how incompetent the department is. The situation is no less true today.

In a recent monograph, Professor Alan Cairns explains that the First Nations and their members are alienated from the Canadian constitutional order. He comments that First Nations are increasingly dubious of the trustworthiness of both federal and provincial governments, no longer the "citizens plus" of his own earlier work. Professor John Borrows notes that First Nations are, "uncertain citizens," increasingly left out of their proper place and offered only an unequal substitute. Professor Borrows goes on to say that the unequal substitute and not proper self-government, raises the spectre of secession because the international community approves of secession in cases where internal nations are poorly treated by their dominant government. As a direct result of the devaluation of Aboriginal governments, no amount of money spent in programs and services can alleviate what are acknowledged to be devastating conditions for Aboriginal citizens both on and off reserves.

• (1530)

Borrows says that the most recent Auditor General's status report found that progress in management of programs for First Nations was unsatisfactory on 15 of 37 previous recommendations. "Generally the recommendations that are the most important to the lives and well-being of First Nations people."

The report calls for more "sustained attention of management, coordination of government programs, meaningful consultation with First Nations capacity, establishment of First Nations institutions, development of an appropriate legislative base for programs, and consideration of the conflicting roles of Indian and Northern Affairs Canada.

The proposed Bill S-216 speaks directly to these concerns by providing a legal legislative base, offering recognition and greater respect for the First Nations government, and thus recognition and greater respect for First Nations management, institutions, and economic capacity unaffected by conflicts of interest or inattention in Indian and Northern Affairs Canada. First Nations and other government resources now wasted can be redirected towards real issues and real problems.

Honourable senators, I believe the fundamental elements of the bill have been captured in the summary. I may also refer honourable colleagues to my remarks at second reading of Bill S-16 for additional specific details. There are, however, particular aspects that I wish to highlight by providing further comment. My first point concerns the areas of jurisdiction.

Bill S-216 provides a list of heads of jurisdiction. The areas named are typical of those which appear in self-government legislation already passed by Parliament for other specific First Nations. As well, the areas are those which naturally fall within the range of First Nations management of its own internal affairs. There is nothing to stop a First Nation from negotiating an agreement with the federal government to exercise additional areas of jurisdiction. However, a First Nation should not have to negotiate regarding the areas of jurisdiction that are implicit in internal governments and that have already been agreed to with regard to other First Nations, thus the list in Bill S-216.

Also, there is nothing in Bill S-216 which requires a First Nation to exercise all the areas of jurisdiction. Each First Nation can decide which areas it is prepared to take on. Until a First Nation assumes an area of jurisdiction, the status quo prevails.

Consultation is another matter that compels comment. Recent jurisprudence has reinforced the right of First Nations to be consulted about decisions of governments that may impact on Aboriginal and treaty rights. The issue of consultation regarding Bill S-216 has been approached in several ways. For more than a decade the general thrust of Bill S-216 appeared in several previous bills under the same name. Its predecessor, Bill S-16 in the Thirty-eighth Parliament, was widely circulated and invitations were made to submit briefs. The Standing Senate Committee on Aboriginal Peoples held several hearings. A major and well-attended conference on the bill was held in Manitoba. Additional hearings will be scheduled for Bill S-216. Amendments proposed by witnesses will be considered by the committee. If the Senate passes the bill, it will go to the House where there will be additional committee hearings and possibly other amendments. The government, of course, is also free to engage in consultation, as it frequently does, in relation to bills it introduces in the House.

A third issue concerns whether a First Nation community must be of a certain size to become eligible to be a self-governing First Nation. Should there be a tipping point or appropriate levels for a First Nation to exercise jurisdiction, and if so what are the economies of scale? First Nations are highly varied by culture, language, geographical location, size, history and other factors. It is important that each First Nation be able to exercise its right to self-government in a manner appropriate to its unique combination of circumstances. At the present time, however, the Indian Act does not permit First Nations to group into regional or tribal governments to act in a manner they consider to be most appropriate and efficient.

Bill S-216 recognizes the ability of First Nations to group together, for example, for a child welfare service, or to engage in joint environmental, economic, health or educational activities. First Nations themselves recognize the value in combining forces, sharing resources and working together. For the first time, Bill S-216 will mandate the federal government to recognize these arrangements.

Fourth is the matter to address funding concerns for recognized First Nations. Bill S-216 originates in the Senate. Therefore it cannot address the question of federal resourcing of recognized First Nations. It therefore remains neutral on the subject, neither adding to nor detracting from existing arrangements. Recognition of First Nations jurisdictions will enable First Nations to take better advantage of economic opportunities and will arrange for more efficient administration of their affairs than is possible under the current administration.

Money now devoted to costly administrative arrangements can be used more efficiently by recognized First Nations. Under the Canadian Constitution, Parliament and the legislatures, together with the Government of Canada and the provincial governments, are committed to ensuring all people of Canada are provided essential public services of reasonable quality. Even some provincial governments are provided additional funding so they can meet these obligations.

A final matter that I wish to address at this time relates to the number of self-government agreements already in place. Canada began to negotiate the self-government agreements related to comprehensive claims in the 1980s. Starting in 1995, Canada began to negotiate self-government agreements related to the implementation of its policy regarding the inherent right of self-government. In more than the two decades involved, only 17 agreements are in place. Of the 17 agreements, 11 are related to the Yukon comprehensive claims settlement. Despite a decade of multi-million dollar expenditures and efforts on all sides, the present method of dealing with First Nation governance in a manner compliant with the 1982 amendments of the Canadian Constitution has simply not produced the necessary results.

Bill S-216 does not eliminate the need for negotiations. We still have to negotiate, but the bill requires that Canada recognize the right of First Nations to govern their own internal affairs immediately, while negotiations on more complex or controversial matters continue. There will be immense savings for all parties as a result.

Honourable senators, the purpose of recognition legislation is to implement a framework and mechanism so Parliament provides the federal government with statutory authority and a statutory mandate to recognize First Nations and the rights and powers of their governments, institutions and other bodies.

Recognition legislation codifies, in a modest yet realistic way, most of the best practices on First Nations self-government that have emerged as a result of litigation, negotiation and legislation. The legislation offers those best practices to First Nations that might not have the capacity or the resources to litigate or negotiate, or that might prefer the legislative process. The bill respects the federal and provincial distribution of legislative authority. The bill operates within the demands of the Constitution and the Charter of this country. It provides for extensive democratic checks and balances. It ensures the utmost in

fiscal and financial accountability. It offers real democratic participation to First Nations to alter, for the better, the way they are currently governed. It will break the logjam of study after study, report after report, and negotiation session after negotiation session. The bill offers real self-government recognition to First Nations right across this country.

• (1540)

Native chiefs from First Nations have advised Canada that:

> Accepting and investing in self-government is the single most crucial factor for the development of real accountability, social cohesion and economic growth. The focus for First Nations has always been the issue of self-government. There have always been gaps in cross-cultural understanding between First Nations and non-Aboriginal Canadians, probably due to the inability to explain matters in a way understandable to the other. Self-government is still not understood. Nor is the fact that self-government is the number one priority to be resolved.
>
> Government has consistently placed a greater priority on addressing poverty, housing, education, infrastructure, social conflict, and fiscal measures. The evidence assembled over the last 15 years clearly points to self-government being the key determinant of success in any society. The Harvard Project on American Indian Economic Development concluded that the best predictors of sustainable economic development on indigenous lands are not "economic" variables; rather they are a set of political factors — practical sovereignty, capable governing institutions and cultural match.
>
> The United Nations Development Program also determined that a "capable government", able to perform key functions effectively, is a pre-condition for development. The essential point is that there is a vast difference between communities simply administering federal programs and those allowed to develop the institutions and modes of operating that reflect the community's intrinsic values.

In Canada, a First Nations right to self-government is enshrined in section 35 of the Constitution Act. For more than 20 years, Canadian courts have been pointing to the need for a different approach to the recognition of the right to self-government. Many First Nations are ready for self-government today. Others want to express their right to self-government within the context of historic or modern treaties between their nations and Canada. Self-government is the hope for the future. It is the only way forward.

Honourable senators, this proposal has been before us seven times; twice before an Aboriginal Peoples Committee study and once included in the substance matter for the Senate study, *Forging New Directions*, chaired by Senator Watt.

I pray that this is the last time that I or any senator will have to bring this bill before the Senate. Bill S-216 is consistent with our Constitution and Charter of Rights and Freedoms. This is a good and honest instrument. Let us not forsake our Senate duty to protect the minorities in Canada. Let us not bring shame upon this place by choking the parliamentary process through inaction. Rather, honourable senators, speak to this bill, send it to committee and vote on it at third reading. Let us quickly send it to the other place where the government can be called to stand and state its position on this fundamental Aboriginal right.

In closing, I have but one hope, and that is to hear the Prime Minister of Canada say that Canada was founded by Aboriginal peoples with the French and English peoples, that these three ethnic groups form the heart that is Canada and that their cultures and languages form the undeniable element of the identity of all Canadians, even if some of us do not yet know the other as well as we should.

Honourable senators, let us work and go forward!

[*Translation*]

Hon. Aurélien Gill: Will the honourable senator take a question?

Senator St. Germain: Yes.

Senator Gill: I congratulate Senator St. Germain on his speech. I was not here for the beginning, but I know there is so much to say. The honourable senator demonstrated, once more, that no matter how much we say, we end up saying the same things.

Why do we always hear the same things, even though we are fully aware — as we were recently told again in committee — that, out of a thousand claims before us, covering a span of 30 years, only some 200 have been resolved, which means, on average, only six or seven per year?

There are, as the senator said earlier, approximately 50 comprehensive land claims. One, two or three are resolved each year. There are just as many that have not yet been filed, that are still to come.

Why can we still not find a way to achieve self-government? After so many years and so much rhetoric, what must be done?

Senator St. Germain: It is simple, honourable senators; we must continue to work relentlessly on this file. I believe that things are beginning to improve. We now have a Minister of Indian Affairs and Northern Development who understands these files. He has been working on them for approximately 12 years and we have a good chance of seeing some success if we continue to work this way.

[*English*]

I do not think we can give up, honourable senators. Senator Gill has brought forward something significant. We are working on specific claims right now as to why there is a bottleneck. We were told in committee this week that it takes nine years for a specific claim to be processed. We were told that funding over the years has been reduced in the Department of Justice and in the Department of Indian Affairs and Northern Development to deal with these claims. The solution, to expedite them under the present methods, is to have more human resources to do these things.

On a bill such as this, we have to be persistent. We have made huge progress as Aboriginal peoples. We have made giant strides, and we are on the cusp of going forward the way we should and the way we should have been.

People are recognizing now that the great resource of our Aboriginal peoples are our Aboriginal youth, who outnumber any other youth group and any other ethnic group in Canada. That resource must be channelled in the right direction.

There are many dynamics in the country socially, economically and various other aspects that are driving this agenda. I believe that when the Liberal Party was in government attempted to make progress, but we keep returning to the same thing. We keep saying, "We have to do things for the Indians; we have to look after their health, et cetera." Why not let them look after this for themselves? I have discussed this with Senator Austin.

The First Nations have to start building capacity. We have to start giving them responsibility in the areas of education, health and their own economy. That thought process is there. I hate bring up the subject, but the Kelowna accord was a step in that direction. I spoke with the minister, and I am thoroughly convinced that he is committed to the principles of the accord. I have no doubt.

Financially, if we are committed to them and we know how much they cost, it is just a matter of how to get the money there. He may not want to put the money up in a five-year block, as did the previous government, but he is prepared to put those measures in place.

We must never give up. It is like the people I grew up with, honourable senators. Unfortunately, very few of them were able to be successful. They did not have the educational skills. The culture that they came from was in conflict with the culture that they were trying to enter into. Many more are now succeeding. When we travelled the North with Senator Sibbeston, we see the Tlicho, to whom we have given self-government. The last administration fulfilled that dream for the Tlicho people. With their educational process they have produced teachers, lawyers, engineers and professionals. Today, they have over 100 students being educated in this profession. When they began this process of focusing on education, there was one person with a degree.

• (1550)

There is no simple solution. I know that some, such as the honourable senator, have had a great deal of patience. On behalf of every Canadian, I thank the Aboriginal peoples who have had the patience to live with us through our misunderstanding of such an important file and important issue for all Canadians. Unless we all succeed, we all fail.

[*Translation*]

The Hon. the Speaker *pro tempore*: Honourable senators, the time allocated to Senator St. Germain has expired. Does Senator St. Germain wish to have five more minutes?

Senator St. Germain: Yes.

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

Hon. Senators: Agreed.

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): It was a five-minute response to two questions.

The Hon. the Speaker *pro tempore*: Thank you, Senator Comeau.

[*Translation*]

Senator Gill: Honourable senators, I will be brief. I wish to thank the honourable senator for his reply. I would like to ask him another question. I firmly believe that if changes must be made, they must come from the people themselves, assisted by us and by existing institutions. Would the honourable senator be prepared, for example, to take Bill S-216 to the community representatives and say: This can be done by the government? What do you think of it now and what do you want for your communities?

When we talk about self-government that means the people must decide for themselves. Would you be prepared to do this?

Senator St. Germain: Honourable senator, I have already begun working with several groups from Manitoba, Saskatchewan, Alberta, and we may start in Quebec also. I guarantee it. Yes, it is important that they be there to make these decisions. This is not Senator St. Germain's bill. This bill is based on all the agreements already in place in our country.

[*English*]

I can assure the honourable senator that two things are important: first, that our Aboriginal peoples be part of this process; and second, the way in which we bring them into this process. Nothing in Bill S-216 forces Aboriginal peoples to do anything. It is voluntary.

Hon. Jack Austin: Honourable senators, I want to congratulate Senator St. Germain for bringing this important topic and his thorough examination before this chamber and for putting this on high priority for public policy consideration. There are so many issues.

Many communities internal to the Aboriginal communities are affected by the concept of self-government. We have the guidance of the Royal Commission on Aboriginal Peoples. Has the honourable senator considered the opportunity of presenting his bill in the dialogue that Senator Gill mentioned, to which he responded, at the annual meeting of the Assembly of First Nations that will take place in Vancouver in August? The conference will bring together more than 2,000 Aboriginal leaders.

Senator St. Germain: I thank Senator Austin for that question. I know he has worked on this file during his 30-some years in the Senate. He is highly cognizant of the requirement.

If the honourable senator had a way of introducing this bill and putting his name on it, I would be totally satisfied, provided it is determined where this proposed legislation is headed. This is an attempt on the part of one member of the Senate to try to make things better and give our Aboriginal peoples an opportunity. Whatever vehicle we have to use to get there, let us use it.

On motion of Senator Austin, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207, to amend the Criminal Code (protection of children).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that the Honourable Senator Dallaire is the second speaker on Item No. 10 under Senate Public Bills, the 45-minute rule would generally go to the speaker on this side. Could the house agree to apply the 45-minute rule to this side rather than to Senator Dallaire?

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that Senator Dallaire have 15 minutes for his speech and that the government side then have 45 minutes?

Hon. Senators: Agreed.

Hon. Roméo Antonius Dallaire: Honourable senators, I was not informed of this beforehand and I am prepared for longer than 15 minutes. Either I speak today and be cut off in midstream or be given the opportunity to speak at another time. I am looking for guidance in this exercise.

Senator Austin: I advise that the honourable senator speak at another time.

Senator Stratton: The clock is running.

The Hon. the Speaker *pro tempore***:** It is agreed that the government side have 45 minutes. The honourable senator has 15 minutes.

Hon. Senators: Agreed.

Senator Dallaire: Honourable senators, I would prefer to have an opportunity to speak in full at another sitting of the Senate.

Order stands.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(*Honourable Senator Stratton*).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Spivak and I have discussed some ideas on Bill S-209. She has agreed that I would ask to rewind the clock at this time and that this item be pursued next week.

On motion of Senator Comeau, debate adjourned

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (*decisions taken during the period of dissolution between the 38th and 39th Parliaments*), tabled in the Senate on June 13, 2006.—(*Honourable Senator Furey*)

Hon. Joan Cook moved the adoption of the report.

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

Motion agreed to and report adopted.

• (1600)

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. Consiglio Di Nino: Honourable senators, I wish to add my support to Senator Munson's inquiry about a tragic illness that is still not fully understood, Autism Spectrum Disorder.

Other colleagues, including Senator Munson, have spoken about the illness. I wish to address the enormous human costs associated with ASD. Those who suffer with ASD, particularly children, are mostly relegated to the margins of society, and are pitied, feared and humiliated. Their families and friends are usually shunned and isolated. They are more often than not left to cope alone, often resulting in anxiety, sleep deprivation, depression and other related maladies.

Families have been torn apart, friendships lost and normal relationships made all but impossible. Productive contributors can easily become dependent on society, with its associated loss of self-respect and dignity.

The difficulties and challenges faced by those whose lives are impacted by ASD, unlike other serious illnesses, are compounded by the fact that appropriate resources to treat the malady are either unavailable or insufficient. As Senator Munson said, national treatment standards and levels of funding vary greatly across the country. Most families are left to cope on their own, exhausting their resources and often finding themselves in serious debt.

Honourable senators, if there is a positive side to this tragic illness, it is the fierce and unconditional love by caregivers for those afflicted, usually mothers and wives who totally dedicate their lives to the one who is ill. When we witness such love and caring, the strength and commitment are inspirational.

I, too, question the lack of sufficient resources available to research and treat ASD, especially when we see the successes resulting from current methods of treatment. I support and commend Senator Munson for his quest to treat autism like other serious illnesses. It is un-Canadian to do otherwise.

Hon. Wilbert J. Keon: Honourable senators, I also feel obliged to make a few remarks about the horrible situation in which many families find themselves.

I am reluctant to call this a disease at this time because we really do not know what it is. What I wish to emphasize is where we are with research and where I think we might be able to go. I believe some positive things might come out of this.

One of the Canadian Institutes of Health's 13 institutes — the Institute of Neurosciences, Mental Health and Addiction — is helping to support autism-related research. Among its priorities, the institute is supporting research to enhance mental health and neurological health, to address language and communication disorders and cognitive functioning, all issues of key importance in the field of autism.

The institute is also supporting research to reduce the burden of disorders, including autism, through prevention strategies, screening, diagnosis, treatment, support systems and respite care. It is working with partners to set research priorities, reduce duplication and accelerate the translation of knowledge into improved health.

In November 2003, CIHR announced a $2.9 million, six-year partnership between the U.S.-based National Alliance for Autism Research and CIHR's Institute of Neurosciences, Mental Health and Addiction. This team is lead by Dr. Eric Fombonne of McGill University, and the aim of this program is to train the next generation of researchers to uncover the mysteries of autism.

Honourable senators, this research focus was developed in response to complaints from individuals who have autism in their families or who work in the field. They said that locating experts can be extremely difficult. This project, which also benefits from $300,000 provided by the Fonds de la Recherche en Santé du Québec, will help us build our Canadian capacity so that more experts will be available to contribute their expertise to help families and caregivers.

In November 2004, CIHR's Institute of Human Development, Child and Youth Health announced an award of $6 million to three research teams to study the cognitive and behavioural development of infants, children and youth, including $2 million to a team led by Drs. Susan Bryson of Dalhousie University, Eric Fombonne of McGill University and Peter Szatmari of McMaster University to study Autism Spectrum Disorder.

Honourable senators, by focusing on the critical period between when the child is first diagnosed and then enters school, the team is examining not only the child's individual experience of autism, but also the way that factors such as family, health services and community affect the development of this disorder.

Honourable senators, many experts within the medical field, and indeed many parliamentarians, including Senator Munson in his second reading remarks on March 11, have called for a national autism strategy. Such a strategy would expand the Canada Health Act to cover autism treatment for every child who is diagnosed, provide timely diagnosis so that no child will wait more than two weeks to see a qualified professional and to create a graduate level of programs for autism treatment with professionals. This is understandable. The treatment for autism, applied behavioural analysis, otherwise known as intensive behavioural intervention, is currently regarded as the most promising means of treating autism. However, the treatment is very costly — upwards of $40,000 a year — and is beyond the reach of those already dealing with significant costs of raising autistic children.

Honourable senators, I do not believe that the Canada Health Act is necessarily the way to address these issues because autism is much bigger than a health problem. Each province and territory is responsible for the organization and delivery of health care services within its own jurisdiction and each administers its own publicly funded health insurance and is grappling with how to deal with this horrible situation. However, I believe they have all concluded that they cannot deal with ASD under the Canada Health Act.

The Canada Health Act, or Canada's federal health insurance legislation, sets out the criteria and conditions which each of the provincial and territory health insurance plans must meet in order to be eligible for full federal funding under the Canada health transfer. What the Canada Health Act provides is that each of the provincial and territorial plans must cover insured health services, namely medically necessary hospital and physician services. This means any medical service provided by a physician or in a hospital that is considered to be medically necessary in the treatment of a disease or condition should be covered by the provincial and territorial health insurance plans.

However, honourable senators, the Canada Health Act does not apply to the many other health care services that are provided outside hospitals, and by non-physicians. Since intensive behavioural therapy services for autism are among the many other health care services provided outside hospitals and by non-physicians, they are also outside the scope of the Canada Health Act.

This entire situation requires careful thought. At the present time, it is up to the provincial and territorial governments, that have the responsibility for this, to try to come up with a strategy. However, I also fully appreciate that the federal government must play its role, and I have not the slightest doubt that it will.

• (1610)

Honourable senators, we need to collaborate with other levels of government, non-government organizations and the voluntary sector to support a range of programs and initiatives that assist all children, including those with disabilities, in reaching their fullest potential.

In conclusion, honourable senators, I wish to thank Senator Munson for introducing this notice of inquiry for debate. I know it is an issue he cares about deeply. Collectively, we must ensure that all children affected by autism and Autism Spectrum Disorder, as well as their families, have an opportunity to fully participate in Canadian society, but we will only get there when

we do enough research to know what we are dealing with. This may require some patience along the way. No one has a solution to this entity, I believe, but it is an entity much bigger than health.

On motion of Senator Johnson, debate adjourned.

HEALTH

MOTION URGING GOVERNMENT TO PROVIDE LONG-TERM END-OF-LIFE CARE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C.:
>
> That
>
> Whereas the federal government has a leadership and coordination role, and a direct service delivery role for certain populations, with regards to palliative and end-of-life care in Canada;
>
> And Whereas only 15 per cent of Canadians have access to integrated, palliative and end-of-life care;
>
> Be It Resolved That the Senate of Canada urge the Government to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and meets the needs of Canadians; and
>
> That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Comeau*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I shall not speak long on this motion, but that fact should not be taken as indicating the depth of my support for it. This is an important question and an important motion that Senator Carstairs has placed before us.

In this chamber, we are all of an age where we will have seen someone close to us in need of palliative care at the end of their lives. Many of us will have seen the devastating consequences that can occur if such care is not available.

As Senator Carstairs' motion reminds us, only 15 per cent of Canadians now have access to integrative, palliative and end-of-life care.

As I thought about her motion, I was reminded in particular of a man I knew who died not long ago. His wife died a few years earlier, after a long and difficult bout with cancer. There was no palliative care available anywhere near where they lived. She died at home, but she was ill for a long time before she died.

Toward the end of her life, he hired a nurse to come in to help her for a few hours a day, every day, because it was essential that she have that care. He lied to his wife. His wife died believing that the government was paying for this vital care. In fact, the government was not paying for this vital care. He was little by little cashing in his not-very-extensive savings to pay for this care. She died believing that her country was doing well by her. He knew better, and his friends knew better.

I really cannot think of a body more appropriate than this Senate to continue paying the attention that Senator Carstairs and her fellow members of the subcommittee pioneered here some years ago now, and that Senator Carstairs worked so hard to advance when she was a member of a previous government.

This motion is quite simple. It is just a motion. It cannot oblige anybody to do anything, but it can put on the record that we do urge the present government — I am reading it here because the words are important —

> ...to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and...

— most important —

> ...meets the needs of Canadians.

Our population is aging. Over the years coming soon, the proportion of our population needing that care will only grow in relation to the proportion of the population available to provide that care. We know that it is no longer true that families can drop everything to look after their relatives, and even if they could, most families are not capable of providing the medical assistance that can make such a difference at the end of life.

I would urge honourable senators to support this motion from Senator Carstairs.

On motion of Senator Keon, debate adjourned.

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE ADJOURNED

Hon. Willie Adams rose pursuant to notice of June 13, 2006:

> That he will call the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.

The Hon. the Speaker *pro tempore***:** Honourable senators, according to the Order Paper, Senator Adams is supposed to speak at the next sitting of the Senate. Is it agreed that Senator Adams speak today?

Hon. Senators: Agreed.

Senator Adams: Thank you, honourable senators. I shall do my best on my inquiry with respect to the future fishery at Nunavut.

Beginning with a land claim in 1993, we started getting quotas in the Nunavut in area OA and OB. In the last five or six years, as we know, there is an award from the Fisheries Minister in Ottawa every year.

My estimate for the worth of the 8,000 tonnes of fish in Nunavut for a year is about $20 million to $30 million per year.

Today in the fishery, Canadians or foreigners have negotiated quotas every year between the Nunavut Wildlife Management Board and the DFO for 8,000 tonnes. Today, up to 75 per cent of the quotas have been caught by foreigners.

Inuit are interested to get into par with that fishery. Today, they only have 25 per cent. I will explain other things about long trawlers or small hook and lining. We had a meeting last February in Iqaluit with representatives of the DFO department and the community. The Inuit are really concerned about the future, that is, how long will we catch long-term 8,000 tonnes a year for the Nunavut area.

• (1620)

What is happening in Nunavut happened in Newfoundland — I do not know how many years ago — with the cod. Inuit today should be concerned. We may do better in the future, in the long term. For now, there is a quota of 8,000 metric tonnes a year in the Nunavut area.

It would be nice to have a choice between hook and line or gill net for the fishers. Because of temperatures, especially in the Nunavut area, where the fish come and go every year, working with percentages is difficult for us.

In the meantime, we have questions for DFO. Research in the area of Davis Strait, the OA and OB areas, last year, showed water temperatures of the up to minus 1. We asked what area the turbot spawned in every year, but DFO could not find it.

The government came up with a policy about three years ago. After a study of the future of fishing turbot in the Nunavut area, they came up with a policy to ban foreigners. At a meeting last February, the DFO did not have any plan for banning foreigners from catching fish along the Nunavut coast or in the bay. That is the only way foreigners can get up there to drag for fish and particularly turbot.

At that time, people from the organization, Nunavut Wildlife, did not have any equipment to collect 8,000 metric tonnes. A request went down to Nova Scotia and Newfoundland, and we ended up with 11 Canadian anchors to fish for the 8000 metric tonnes to help Inuit people in the community. Somehow, the foreigners got a flag from down in St. John's, Newfoundland or Halifax, and they have been going up there since 2003. At that time we settled a land claim, we thought we would be able take part in the future of our economy.

Today, it is important to have an investment between Canada and the fishery. People in the community like to have partners with people from Canada, the fishermen.

If up to 75 per cent of fish are landed in Greenland, what is the investment for our people in the community? If they landed the fish in Canada, at least we would have support from some of the partners who have invested with us in the fishing. Today there is none.

Earlier I mentioned dragging. For the fish I mentioned earlier, I think we are allowed to catch up to 58 centimetres. That is the type of policy we need to be able to catch the fish in OA and OB. DFO was to set the standard at 58 centimetres. That was to be the policy.

We have had people working and coming up for 10 or 15 years. People have been telling us about the fish they get by dragging.

Inuit like to use hooking and gill netting because, according to some of the fishermen, we get a better price than for the dragging. That is the type of thing the Inuit are concerned about.

In 1993, we settled a land claim, but today we are concerned. At the time of this land claim, and being part of Canada, we supported fishing as a business, commercial or any type. We settled the land claim with hopes for creating summer jobs in the community. Today, since the beginning of that land claim, employment in the community is up 85 per cent.

I went up to Burton Island a couple of years ago to see how they were making out with the ice fishing, going out up to 106 kilometres by Ski-Doo. Inuit people know how to fish up there and survive. Today we are looking at around $30 million from fishing. We are looking to the future. Part of the income, that money, should be going to support people in the community.

The fishing season up there is only eight months because of cold weather and ice. If you work for the company for three or four months, sometimes you are able to collect UI in the winter time.

If we gave up our 75 per cent to foreigners every year and not to Canadians, which is very typical, you might be able to collect UI depending on how long you work for the company.

With the land claim agreement set up by Nunavut and the federal government, an investment company, construction or any type of investment, anything that provides jobs, must be owned by 51 per cent of the people living in the community. Today, in the fishery, it does not work that way.

I think in the future, with people in the community involved some part of the money will stay in the community. There was a study to settle a land claim about three or four years ago, in connection with the Industry Department. Nunavut at that time was promoting it. It was going to be called the capital: Nunavut. The government spent over $200,000 million to build up-to-date buildings.

• (1630)

At that time we found out how much, percentage-wise and money-wise, the departments spent up there. Less than 25 per cent stayed in the community. Over 75 per cent of the people who work up there bring the money back down South. That is why we want a policy for the people of the community. The fisheries and businesses should be owned 51 per cent by members of the community. That way, the people who live in our community will benefit.

In the future, this issue should be addressed at the committee, perhaps early in the fall. I want to explain more about the economic future of Nunavut, especially with regard to mining and oil and gas. We must work together in the Senate to ensure better jobs in the community.

Following the land claim settlement in 1993, we have studied how many Inuit people in Nunavut have jobs. Less than 45 per cent of the Inuit today have a job. Over 65 per cent of the workers are from other parts of Canada, taking jobs from people in the community. We need to look into this situation. That is why we settled the land claim; we wanted more control. Today, however, that is not the case.

The Inuit people would like to see more policy between the departments, especially in Ottawa. Job applications coming out today in Nunavut, in the newspapers and on the radio, require that the applicant understand English, Inuktitut and French. In the Arctic before the land claims settlement, we did not have a policy to learn French. Today, however, it is a different story.

The Hon. the Speaker *pro tempore***:** I am sorry to interrupt you, senator, but your time is up. Are you asking for more time?

Senator Adams: Thank you.

Senator Prud'homme: Do you want five more minutes?

Senator Adams: Yes, if possible.

Senator Prud'homme: Agreed.

Senator LeBreton: One more minute.

Senator Adams: Finally, I want to thank the honourable senators who reminded me that we are all Canadians trying to do our best and working together for the future of the people in the community.

At the beginning of my speech, I was talking about 8,000 metric tonnes in turbot fishing. We did not have the type of equipment that people today have. Today, we are concerned that we can only succeed in partnership with Canadians on the East Coast, who are more familiar with commercial fishing.

In the meantime, we have one fish plant in Nunavut, in Pangnirtung. It is typical; we process only 200 metric tonnes. We have 40 employees at the fish plant, mostly women. Their husbands are out fishing while the women work at the fish plant.

We have a policy agreement with the Department of Fisheries and Oceans. Last year, perhaps due to climate change, about 60 miles offshore, in water as deep as 3,000 metres, we lost people and equipment. Huts and snow machines drifted away on the ice. We do not have insurance policies that cover people who fish on the ice. That is the type of situation we have today when we try to fish in Nunavut. This is what will happen in Nunavut in the future. Thank you for listening to me, honourable senators.

Hon. Bill Rompkey: Honourable senators, I know that the hour is late, but I want to add a few words to those of Senator Adams because he is my northern neighbour and we experience some of the same problems. I wish to say a few brief words in support of the honourable senator.

First, I wish to assure him that the Fisheries Committee will visit him. Senator Comeau made the suggestion last night. It is a good suggestion and one that we will follow up on. When we visit the East Coast next fall, we will then move north. That is an initiative we can help with.

The honourable senator is right when he talks about the foreigners, as opposed to local people. What he means by that, I think, are the Greenlanders and others, people in Europe who have the technology and the access to market, who are catching the quota and selling it. We have also had this problem on the Labrador coast. We are undercapitalized. We do not have access to boats, equipment and markets. That is something we all must wrestle with.

The honourable senator talked about initiatives that were taken within Canada, and he is right. Through an initiative he took, there is an example of cooperation between Nunavut and Newfoundland and Labrador. An initiative is taking place now whereby a Nunavut boat is being used, crewed by people from both Nunavut and Labrador, and the fish is being landed in the Newfoundland and Labrador plant. Some of that is going on, but that is still only 25 per cent of the quota. We are talking about people who were here before any of us. We are talking about people who, all their lives, lived on the sea, from the sea, close to the sea, and who today do not have access to it.

The honourable senator mentioned a number of other issues, such as trawlers versus hook and line. We can look into all these issues.

The honourable senator also talked about the land claims agreement. I am not terribly familiar with the Nunavut Land Claims Agreement, but I do know the Labrador Inuit Land Claims Agreement and I suspect that the government of Nunavut now has a clause in that agreement whereby there is cooperation with the federal government and the Department of Fisheries and Oceans in the fisheries area. That must be worked out, because it is not simply a question of the federal government taking action here; it is a question of the federal government taking action in cooperation with the government of Nunavut. We must also look at that.

The question that Senator Adams talks about, namely, the foreigners in the fishery, is something that we all experience and something that we have talked about. That situation is an absentee ownership: the fact that people other than Canadians own licences and are accessing the quotas. The minister, to give him his due, recently identified that as a problem and agreed that he had to take action on that. We had the minister before the Fisheries Committee recently. We raised that issue with him and he agreed that it was a serious issue and one that he wanted to take action on. This question of absentee ownership is not simply a Nunavut question; it is a question for others as well.

The honourable senator talked about the lack of science and not knowing what fish were out there and the state of the fishery. We have to come to grips with that.

• (1640)

The Department of Fisheries and Oceans has been underfunded in the area of science and research. That situation must be corrected. We must have the public funds to research what is out there. There are capable people, but at the moment they do not have the tools to do the job. They need those tools.

These issues must be addressed. I wanted to speak briefly to support Senator Adams. I know that the members of the Fisheries Committee will want to examine this situation more carefully in the fall.

After we have a chance to do that I hope all honourable senators will support the committee in its recommendations.

On motion of Senator Fraser, debate adjourned.

[*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 20, 2006, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 20, 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 15, 2006

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

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	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	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance					
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0			

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1			
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	06/06/13	0			
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	1st	2nd	Committee	Report	Amend	3rd	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							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							

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