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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 22, 2006

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY OF TOLERANCE

Hon. Yoine Goldstein: Honourable senators, last week, during the break, we marked the International Day of Tolerance. This date is an important milestone, since 2006 marks the tenth anniversary of the creation of the International Day of Tolerance by the United Nations General Assembly.

It is also significant that the day comes so soon after Remembrance Day, since intolerance and hatred are the root causes of the wars and conflicts in which our soldiers have fought so bravely and continue to fight to this day.

The need for citizens to tolerate those who are different from themselves is a basic requirement for societies that wish to avoid open conflict. However, to build that kind of society, the kind of society that we truly desire, the kind in which each person is valued for his or her unique qualities and identities, we must go far beyond the passive act of tolerance and engage in the kind of active learning and understanding that will enable us to celebrate the diversity — and the importance of diversity — of our fellow citizens.

This embracing of diversity does not always come easily; it must be nurtured. The governments of Canada — the provinces, the territories and our many municipalities — have risen to this challenge, and have created programs and policies that foster respect for diversity.

Many citizens and citizens' groups also have taken on the cause by forming organizations such as Montreal's La Fondation de la tolérance, which is also celebrating its tenth anniversary, and which encourages citizens to become familiar with each other and to treat one another as equals.

Always more work remains to be done, but we have made much progress in Canada.

Respect for diversity and for difference is a fundamental Canadian value. The ability of Canadians to appreciate and find strength in our diversity is one of our greatest accomplishments, and is also the cornerstone of our country's achievements in all other areas, from economics to the arts.

This success has been repeatedly recognized by governments and organizations from around the world. Most recently, as you know, the Aga Khan Development Network is pioneering in partnering with the Government of Canada to build a new global centre for pluralism in Ottawa.

Unfortunately, the destructive power of intolerance has been far too evident in the past 10 years. Whether it is present in subtle acts of daily discrimination, or in high-profile events such as the conflicts in Kosovo, East Timor and Darfur, much needs to be done before intolerance will become a thing of the past.

Canada continues to demonstrate that it is possible for those from virtually every identity imaginable to construct a society and live at peace in a society founded on mutual respect and understanding.

If the Day of Tolerance were instead to be a year of tolerance, 365 days, we would no longer need a Day of Tolerance; and we all hope for that day to come.

Hon. Senators: Hear, hear.

GREY CUP 2006

CONGRATULATIONS TO B.C. LIONS

Hon. Larry W. Campbell: Honourable senators, this past weekend Senator Zimmer and I had the honour of attending the Grey Cup on your behalf. To say that it was an arduous and dangerous assignment would be an understatement. Late nights and early mornings were the order of the day.

That the B.C. Lions triumphed over the Montreal Alouettes, of course, is important, but just one of the reasons for celebration. The city of Winnipeg put on a tremendous show. From the Grey Cup parade and the cultural entertainment to the actual game, everything was first-class.

The Grey Cup is a uniquely Canadian event. We reconnect as a country. Fans from coast to coast gather, exchange good-natured jabs and talk about home. This year, our troops were honoured and General Rick Hillier was front and centre during the week.

Finally, I congratulate the Grey Cup committee, headed by David Asper, Premier Gary Doer of the Province of Manitoba, Sam Katz, the Mayor of the City of Winnipeg, and the thousands of volunteers who worked so hard to provide everyone with a safe and memorable time.

Today, in the city of Vancouver, the Grey Cup champions, B.C. Lions, are being welcomed home with a large event at B.C. Place stadium.

Roar, you Lions, roar.

GEORGINA FANE POPE

BRONZE BUST IN MEMORY OF CONTRIBUTION TO THE ARMY NURSING SERVICE AND MEDICAL CORPS

Hon. Percy Downe: It is with great pleasure that I celebrate the national recognition of a daughter of Prince Edward Island, Georgina Pope.

A bronze bust of Pope has been erected to commemorate her contribution to Canadian military history as part of the new Valiants Memorial in Confederation Square in downtown Ottawa. This national monument was unveiled on November 5, 2006, as part of Veterans' Week. The memorial honours 14 Canadians for their service during five separate wars.

• (1340)

Georgina Fane Pope is fondly remembered as the first permanent member of the Canadian Army Nursing Service, and has greatly contributed to Canadian military service.

Georgina Pope, daughter of William Pope, a Father of Confederation, was born in Charlottetown in 1862. As a member of a prominent Island family, Pope could have easily settled into the expected lifestyle of the times. However, Pope had far greater aspirations. Her journey began at the Bellevue School of Nursing in New York, where she received her medical training. She remained in the United States until 1899, when she volunteered for nursing service in the Boer War. Georgina Pope, as senior nurse, and three other nurses were members of Canada's first contingent to South Africa where they served north of Cape Town. After the initial five months, Georgina Pope and another nurse headed further north, where they took control of a military hospital that had been ravaged by disease. After a year of emotional and physical hardships in South Africa, Ms. Pope returned to Canada.

Georgina Pope returned to South Africa in 1902. This time she headed a group of eight Canadian nurses, which was known as the official Canadian Army Nursing Services, part of the Canadian Army Medical Corps. Ms. Pope and her nursing colleagues remained in South Africa until the end of the war.

In 1903, Georgina Pope was recognized for her service in the field when she was the first Canadian awarded the Royal Red Cross by Queen Victoria.

In 1906, Georgina Pope was appointed to the permanent forces in Halifax, as part of the Canadian Army Medical Corps. After only two years in this position, in 1908, she became the first person to earn the position of Matron of the Canadian Army Medical Corps. Several years later, Ms. Pope returned overseas to assist the efforts of the First World War. She was stationed in Canadian military hospitals in both England and France until the end of 1918. She then returned to Charlottetown where she died in 1938.

The inscription on the wall below the monument in Confederation Square captures the spirit of the new memorial:

No day shall ever erase you from the memory of time.

All Canadians and Prince Edward Islanders can be proud of the dedication and service given to Canada by Georgina Pope.

[Translation]

MR. CARMEN PROVENZANO

TRIBUTE BY CITY OF SAULT STE. MARIE

Hon. Marie-P. Poulin: Honourable senators, on September 16, in Sault Ste. Marie, in Northern Ontario, an event took place that shows how one person can change the life of an entire community.

The event honoured the legacy of a politician who worked relentlessly behind the scenes to make sure his city was not forgotten by Ottawa.

In return, the people of Sault Ste. Marie showed that they had not forgotten the highly respected Carmen Provenzano, who unfortunately died suddenly in July of last year.

Carmen represented the riding as a Liberal Member of Parliament from 1997 to 2004, earning a reputation as a tenacious gentleman.

Thanks to his perseverance, the previous Liberal government's federal infrastructure program paid a third of the \$15 million cost of the truck route between the International Bridge and Highway 17 leaving the city.

Honourable senators, this project cuts in half the 34-kilometre route that trucks had to take through the city, thus reducing heavy traffic, noise and pollution in Sault Ste. Marie.

The city's Chief Administrative Officer, Joe Fratesi, recalled Carmen Provenzano's quiet but efficient struggle to make the transportation corridor a reality. He said:

Carmen made the phone calls with no fanfare, no self-accolades. "Just doing my job", according to Carmen.

Honourable senators, the new truck route is known as Carmen's Way, in tribute to a man who, as a commemorative plaque states, was a dedicated resident and Liberal MP who worked tirelessly for his community.

I had the privilege to work with Carmen, a man of integrity who respected others. Considering his determination to obtain federal funding, even after initially being turned down, he clearly was someone who did not take "no" for an answer.

Mayor John Roswell pointed out that Carmen's Way is crucial to the city's multimodal transportation plans. The road is a memorial to Carmen, his sister Ada, and the entire Provenzano family.

• (1345)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Her Excellency Kolinda Grabar-Kitarovic, Minister of Foreign Affairs and European Integration of the Republic of Croatia. She is accompanied by Her Excellency Vesela Mrden Korac, distinguished Ambassador of the Republic of Croatia to Canada.

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

[Translation]

ROUTINE PROCEEDINGS

PUBLIC SERVICE INTEGRITY OFFICER

2005-06 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report to Parliament of the Public Service Integrity Officer for 2005-06.

[English]

CANADA-FIRST NATION EDUCATION JURISDICTION AGREEMENT

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Canada-First Nation Education Jurisdiction Agreement.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY PROVISIONS OF CONSTITUTION ACT, 1867
RELATING TO SENATE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Rules, Procedure and the Rights of Parliament be authorized to examine and report upon the current provisions of the *Constitution Act, 1867* that relate to the Senate and the need and means to modernize such provisions, either by means of the appropriate amending formula in the *Act* and/or through modifications to the *Rules of the Senate*. In particular, the Committee shall be authorized to examine:

- (a) section 23 of the *Constitution Act, 1867*, with respect to the qualifications of a Senator;
- (b) sections 26 and 27 of the *Constitution Act, 1867*, with respect to the addition of Senators in certain cases and the reduction of the Senate to its normal number;
- (c) section 29 (1) of the *Constitution Act, 1867*, with respect to tenure in the Senate;
- (d) section 31 of the *Constitution Act, 1867*, with respect to the disqualification of Senators;
- (e) section 34 of the *Constitution Act, 1867*, with respect to the appointment of the Speaker of the Senate;
- (f) section 36 of the *Constitution Act, 1867*, with respect to voting in the Senate;

(g) any other related section of the *Constitution Act, 1867*; and

That the Committee submit its final report no later than June 21, 2007.

• (1350)

QUESTION PERIOD

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Grant Mitchell: Honourable senators, 36 per cent of all income trusts are Alberta-based. Some 45 per cent of all income trusts by value are oil and gas, synonymous largely with being Alberta-based. Royalty income trusts are a particularly efficient vehicle for financing the heavy capital cost of oil and gas exploration and production, especially for small oil and gas producers who have been very responsible in keeping that industry Canadian.

My question to the Leader of the Government in the Senate is as follows: Before flip-flopping on the income trust issue, did her government consider the impact of this betrayal on the small oil and gas producers, who are not just the engine of the Alberta economy but also a very important part of the engine of the entire Canadian economy?

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

I shall take the specific question that the honourable senator asks as notice and determine from the Minister of Finance what considerations were taken into account in dealing with the issue of income trusts.

However, as honourable senators know, the decision of the government was made with very few people being involved because of the damage done last year as a result of leaks. As well, of course, the decision of the government, while it did cause some difficulty, was necessary in order to ensure tax fairness and to protect the tax base of the country.

With regard to the specific question of the honourable senator concerning the oil and gas industry, I shall simply take it as notice.

Senator Mitchell: It may be difficult for the leader, who is thousands of miles distant from the actual issue, but it is far more than difficult for the people of Alberta and for those small oil and gas producers and for many Canadians across this country who depended upon those oil and gas and other income trusts for their income.

Is the minister admitting that the government, therefore, over its many months in government and as it considered this policy, did not actually consult the oil and gas industry in this country, particularly the small oil and gas producers who, as I said, are critical to keeping this particular industry Canadian in this country?

Senator LeBreton: I am not admitting any such thing. I believe the Minister of Finance, his officials and the people with whom they were working, as the Minister of Finance said, regretted that this difficult decision had to be made. It was a decision that was supported even by the Liberal critic in the other place, and it was supported by the ministers of finance of the various provinces.

As honourable senators know, the fact that it did not leak out would indicate that the minister made this decision based on the knowledge that the Canadian tax base was being severely threatened. The proof that this announcement was made and there was no speculation in the market would indicate the responsibility shown by the Minister of Finance in taking this important decision.

Senator Mitchell: Honourable senators, yesterday the Leader of the Government in the Senate actually, unbelievably said, and I quote:

...I have not seen any evidence that individuals have lost large sums of money.

Given the thousands of emails that we on this side of the house have been getting to the contrary, she is either being wilfully ignorant, she does not read her emails or people are not aware of her email address.

• (1355)

For the record and for the information of Canadians, so that they can be sure that their emails reach her, can the leader confirm that her email address is lebrem@sen.parl.gc.ca and that her telephone number is 613-943-0556?

Senator Angus: Are you spying on the Leader of the Government?

Senator LeBreton: First, honourable senators, I am tempted to tell Senator Mitchell that he does not have to shout at me. There is a sound system in the Senate.

As I said yesterday, my remarks are made on the basis of what I have read in the financial pages, which is that people, upon reflection and with the help of their investment dealers, have realized —

Senator Mitchell: Can you speak up, Marjory? I cannot hear you.

Senator LeBreton: Use your ear piece.

With proper investment advice, people have learned that they have four years to divest their income trusts.

As I said yesterday, I am receiving emails. I have read the emails, and a significant number of them are obviously part of an organized campaign, as the message is a simple repetition and the language used is almost identical. As I also said yesterday, people have an absolute right to organize such campaigns.

My email address and phone number are as the honourable senator stated, and are a matter of public record. I take messages sent to me seriously.

Hon. Tommy Banks: Honourable senators, speaking of organized email campaigns, I can report to you that Jeffrey Kroeker's email address is kroekj@sen.parl.gc.ca.

Senator Mercer: Only for a short while.

THE ENVIRONMENT

UNITED NATIONS PROCESS ON CLIMATE CHANGE AND KYOTO PROTOCOL—GOVERNMENT POSITION

Hon. Tommy Banks: I have a happy question to ask of the Leader of the Government in the Senate today. If the answer is a positive one, as I hope it will be, it will cause bells to ring in the land and dancing in the streets. We will be able to put aside all our past niggling differences and move forward into the sunlit uplands of ecological enlightenment.

The question is about a quote in an article in yesterday's *Ottawa Sun*. We all know how accurate the press is when they put quotation marks around things, so I will assume that this is a correct quotation from Minister Ambrose speaking in Nairobi.

It reads:

'To those of you who might question our resolve to stand together on this urgent issue,' Ambrose told the Nairobi gathering, 'let there be no doubt: Canada remains strongly committed to the UN process ... strongly committed to Kyoto.'

I look forward to a positive answer to this question. Is that an expression of the policy and attitude of the Government of Canada at this time?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Ambrose has never changed her view. That misapprehension has been due to misrepresentations. When she spoke at the Nairobi conference, she spoke out to the world with something that the media and people in this country have not been used to, that is, honesty from their government.

As Minister Ambrose pointed out, the government is committed to the UN climate change process and constructive efforts for a truly global response to climate change. Minister Ambrose has said many times that this global challenge requires global solutions and that Canada will be a full partner in it.

• (1400)

Senator Banks: I would be delighted to learn that I have been operating under a misimpression and to be disabused of that misimpression. If the leader can confirm to me that the minister said the position of the Government of Canada is to remain strongly committed to the UN process and Kyoto, and that that is the position of the Government of Canada, I and everyone will be thrilled to know we have been labouring under a misimpression.

Senator LeBreton: Minister Ambrose has always been committed to these initiatives. She is committed to the Kyoto process.

As she explained very honestly in Nairobi, the one problem is that the previous government committed Canada to targets we cannot live up to. As a matter of fact, the situation grew much worse under the previous government. Minister Ambrose was simply making an honest statement, and she is very committed.

The minister acquitted herself extremely well in Nairobi, under unbelievable pressure and circumstances.

Some Hon. Senators: Hear, hear!

Senator LeBreton: When comments were being made about the fact that Canada had received more than one fossil award this year, interestingly the previous government did not bother to point out it also received many such awards in the past.

Hon. Jack Austin: With respect to the question of Kyoto, I was hoping Minister Ambrose was not endorsing Stéphane Dion's dog, because that dog is named Kyoto.

Senator Tkachuk: Very funny.

Senator Austin: Better than gophers. Gophers are down.

I wonder if the minister can explain to us the reconciliation between the many speeches Minister Ambrose made about a made-in-Canada policy on the environment and this recently discovered Kyoto commitment.

Senator LeBreton: I found the preamble to the question insulting, when the honourable senator suggested that Minister Ambrose would not know that Kyoto was something more than Stéphane Dion's dog. That is the level of arrogance.

Some Hon. Senators: Hear, hear!

Senator LeBreton: It is uncalled for.

Senator Tkachuk: Hear, hear! There are smart guys on that side.

Senator Austin: She does not know anything about Kyoto, and neither does your government.

Senator Tkachuk: Of course not. Only Senator Austin does; he knows everything.

Senator LeBreton: I will just sit down because Senator Austin is the great expert.

Senator Austin: Yes, I am.

Senator LeBreton: Minister Ambrose has been very consistent. We certainly understand the commitments that were made. Even when the former Prime Minister signed on, there were those, including people running for the honourable senator's own leadership, who said that they knew the moment they signed on that they could not live up to those commitments.

Minister Ambrose has never said that she did not support Kyoto. She is talking about having made-in-Canada solutions in order to put our own house in order and, by so doing, to contribute to the objectives of the Kyoto protocol.

Senator Austin: I wish to point out to the government leader that those statements are enormously different from earlier statements made by Minister Ambrose, who said that Kyoto objectives are not attainable and, therefore, we are walking away from them, blamed the Liberals for setting up those targets and said that she and her government will make a made-in-Canada policy instead. That is an enormous difference.

• (1405)

I have attended her speeches, including the one at the GLOBE Foundation in which there was total silence with respect to the commitments in that room by those who represented many nations when she said, "We cannot meet and we will not even try to meet any of the targets." She abandoned programs, including the One-Tonne Challenge, for example, and ones with respect to energy efficiency. She wiped them all out to develop a clean air bill, which is now being profoundly reworked, if at all possible, in the other House.

I want to suggest to the minister that the government should accept the fact that its environmental policies are a failure and work with the whole of Parliament to renew our commitment to Kyoto and work towards the target. I would be happy to hear her answer.

Senator LeBreton: Honourable senators, the only failure in all of this area lies with the Liberal government, by not living up to any commitment. The fact is that for the first time a government is putting in place a regulatory framework to deal with smog in this country. We are working with our international partners to try to address the serious issue of climate change.

This government has been in power for eight months. We inherited, as the minister pointed out in Nairobi, a file on which nothing had been done. It is too early for anyone to judge this government on the environment, especially since the previous government did nothing in 13 years.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

NUNAVUT—STATUS OF LITERACY PROGRAM

Hon. Willie Adams: Honourable senators, my question is to the Leader of the Government in the Senate. It has to do with the cutbacks to the literacy program, especially in Nunavut.

After settling the land claim, we have been upgrading more people to do the work of the Nunavut government.

The education system in the territories began in 1950. At that time, we had a typical program in the Arctic. It was at that time, in 1950, the government stepped in. Some communities only offered up to grade 6 or grade 8. Now, because of regulations, we have education that must go up to grade 12.

At that time, we had schooling up to grade 8, for people who do not want to travel to other communities. To go to grade 12, they had to go to Churchill, Manitoba, Yellowknife or Iqaluit. Today, if they want a job, they must have grade 12. Will the government put more money into literacy programs in Nunavut?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I can assure the honourable senator that the government's adult learning, literacy and essential skills program has not been eliminated and will not be eliminated. All existing agreements have been honoured.

As I reported in answers to other questions, currently the government is working with the people in the community, especially through the Department of Indian Affairs and Northern Development and Minister Prentice. A significant amount of money has been set aside in that department, in addition to the money in the literacy program, to address this important and serious issue.

• (1410)

I simply encourage the honourable senator, when working with people in his area, to encourage them to access the programs that are available, both through the literacy program and through the Department of Indian Affairs and Northern Development.

HERITAGE

FUNDING OF FIRST NATIONS CONFEDERACY OF CULTURAL EDUCATION CENTRES

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate.

Given this government's refusal to honour the Kelowna accord, I was not surprised by Minister Oda's announcement that the \$160 million remaining from the amount allocated in 2002 for Aboriginal languages has been removed from this government's list of outstanding commitments. Her government insists on studying new ways of distributing funds for this purpose.

The reported restoration of only \$40 million for the Aboriginal Languages Initiative does not begin to make up for the loss of \$160 million. Will Minister Oda agree to meet with officials from the First Nations Confederacy of Cultural Education Centres to discuss this shortfall of \$120 million in funding?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. It was interesting that when now Member of Parliament, former Prime Minister, Paul Martin, appeared before a committee in the House of Commons a week or so ago with regard to the Kelowna accord, he was asked to produce the document. He could not do so but instead relied on a press release with no signatures or fiscal framework.

With regard to the specific program that the honourable senator refers to, I will take the question as notice.

I am sure all senators on the honourable senator's side have read Eddie Goldenberg's book, *The Way it Works*. If not, I will refer honourable senators to pages 147 and 148:

Martin always argued vigorously, even at times of budget surpluses, against the Prime Minister's support for a substantial increase in foreign aid. One day as we sat in the living room at 24 Sussex, Martin, to our astonishment, told the Prime Minister, in all seriousness, that because many Aboriginal Canadians live in Third World conditions, federal spending on Aboriginals should be counted as the

equivalent of foreign aid. When Chrétien then suggested increasing the budget for Aboriginals, the finance minister argued that enough is already being spent on them.

Senator Milne: I want to tell honourable senators that I am so busy reading up on everything this government has cancelled that I do not have time to read any of Goldenberg's books.

The federal government has insisted on studying these new ways to distribute these monies rather than through the First Nations Confederacy of Cultural Education Centres. These centres exist in every region of Canada and they have a mandate to produce language materials for First Nations and provincial schools. They have been doing this work successfully since 1971.

What can the government possibly study quickly enough to replace this proven successful process and work to reverse what Senator Gill has been telling us is a negative trend? Why must this government insist on reinventing the wheel? Why cut these people off?

Senator LeBreton: Senator Milne said she is busy reading things our government is doing. I am busy reading all the great things our government is doing, but I still have time to read Eddie Goldenberg's book.

I do not believe we are cutting anyone off. The \$2.6 billion has been allocated over two years to Aboriginal learning and education. Because the honourable senator is inquiring about a specific program that I do not have an immediate answer for, I will simply commit to her that I will ask the minister what exactly has been done with that particular program.

• (1415)

FINANCE

BANKRUPTCY AND INSOLVENCY LAW— INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Bankruptcy and insolvency law is framework legislation. This legislation is fundamental to the social fabric and the economy of the country. Its importance to the social fabric is obvious when one takes into account that almost 100,000 individual Canadians —

Senator Mercer: Did you say 100,000 Canadians?

Senator Goldstein: The honourable senator is talking about the social programs that this government cut; I am talking about the 100,000 Canadians that go into bankruptcy each and every year.

For most of them, this is their only contact with the legal mechanisms of the state. By and large, their bankruptcy is caused not by a desire to take advantage of the system or to abuse it but, rather, because of some horrible thing that has happened to them — loss of a job, loss of a loved one, illness and so on. These people are not creators of abuse but victims in the sense that the credit system that is essential to the workings of this country, and of any western economy, requires a manipulation of the credit system that they are not trained to deal with.

However, corporations also go into bankruptcy. They also go into states of reorganization. Insolvency of corporations is also a phenomenon of the credit system and of entrepreneurship within the credit system because some entrepreneurial initiatives succeed while others fail. Where they fail, the companies go into bankruptcy. Where they succeed, the companies do not. Where they are on the cusp, reorganization mechanisms contained in legislation are essential to the ability of these marginal corporations to continue to survive, to contribute to the economy and to contribute to the maintenance of employment.

We all recall that in 2003 the Senate Banking, Trade and Commerce Committee submitted a fundamental report with respect to bankruptcy and insolvency. Partially as a result of that report and partially as a result of a variety of other initiatives, a bill was introduced. We all remember that bill, rather painfully, when it was thrust upon us in November by the other place, virtually unread, certainly unstudied and with a horrible number of flaws in it. As a result, we correctly extracted from the government then in place an undertaking that the proposed legislation would not be proclaimed unless and until the Senate's Banking, Trade and Commerce Committee had had an opportunity to look at it appropriately and properly.

Nine months have elapsed since this government was elected. Nine months is long enough to have a baby, but, apparently, it is not long enough to be able to introduce legislation that is apolitical and essential to the well-being of this country.

My question is the following. I have asked this question informally in the past and I am now asking this question formally: When will bankruptcy and insolvency amending legislation be introduced by the present government?

My preference would be for the government leader to take this question as notice, so that her answer will be precise.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. It is true; he has asked this question of me quite regularly. I asked Senator Johnson to stay around to be my witness, because this morning, in her presence, I spoke to Minister Bernier. He advised me that he and his officials are meeting later this week and that he will have an answer for me — because I continue mentioning Senator Goldstein — in the next few weeks as to when this legislation will actually be tabled in Parliament.

Senator Goldstein: Can the leader give us a specific date by which she will give this chamber an answer?

Senator LeBreton: If that is a serious question, I will get that from the minister, because he did tell me this morning that he is meeting his officials, almost as we speak. I shall undertake within the next week to provide the honourable senator a definitive date.

HEALTH

BRITISH COLUMBIA—REPORT ON STATE OF DRINKING WATER IN LOWER MAINLAND

Hon. Jeremiah S. Grafstein: I have a question for the Leader of the Government in the Senate with respect to the drinking water

crisis in Greater Vancouver and the Lower Mainland of British Columbia.

• (1420)

It appears now, based on some newspaper reports, that, in 2000, a Health Canada study found a direct link between muddy drinking water and gastrointestinal illnesses in the Lower Mainland. Obviously, it is of widespread application.

My question to the government leader is the following: Has that report by Health Canada been updated, so that we can determine whether Health Canada has followed this issue since the year 2000?

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

I have been watching the situation in British Columbia very closely, as have we all. I was fascinated to see on the news the water coming over the Cleveland Dam and the conditions of the water in Vancouver.

I have a son who lives in Victoria. Even though Victoria's water has not been affected, there has been water on the island, in Nanaimo and other places, that has been affected.

I shall ask, the Minister of Health what has transpired since that report was written in the year 2000. I shall ascertain whether any action was taken or whether Health Canada is updating that report as a result of this latest crisis.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): On a matter of house business, could I ask the Deputy Leader of the Government in the Senate if he could explain to all honourable senators what he sees as the plan for the conduct of house business for the remainder of this week?

As we know, there are some important items before this chamber. As we also know, senators — particularly those who live some distance from Ottawa — would like to be able to have some certainty in their travel plans. I wonder if the deputy leader would explain the plan.

This afternoon, I know Senator LeBreton is expected to speak on the message from the House of Commons in connection with Bill C-2. I think it is probably a safe guess that she will be moving concurrence with the message from the House of Commons. She will be followed by Senator Hays, who will be moving that we refer the matter to the Standing Senate Committee on Legal and Constitutional Affairs.

Beyond that, how does the deputy leader envisage matters?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Indeed, my understanding is that Senator LeBreton will be delivering a great speech this afternoon on the motion of Bill C-2. I understand Senator Hays has an excellent speech, and that Senator Austin and Senator Day will be speaking this afternoon as well. I believe my colleague, Senator Stratton, also has some words, and there may be others.

That will be followed up by Senator Angus on Bill S-5. Senator Angus is always a delight to listen to on the floor of the Senate. I am hearing comments from the background here.

Then we will be dealing with Bill S-4. Senator Joyal and Senator Bryden have some speeches. There is quite a bit more to go on the agenda.

For the more important part beyond today, I would suggest that the other side may wish to consider the idea of proceeding with Bill C-2 on the floor of the Senate, as a means of dealing with the message that has been received from the House. Given that this bill has been thoroughly dealt with in great detail in the Standing Senate Committee on Legal and Constitutional Affairs, we may want to deal with the bill on the floor of the Senate in Committee of the Whole. If that is the case, I think we may be able to relax a bit on Friday and Monday.

Otherwise, we see a great deal of work to be done. If this bill gets referred to the Standing Senate Committee on Legal and Constitutional Affairs, we may have to work on days that we do not like to work on.

As well, the same consideration might be given to Bill S-4. This bill was thoroughly studied by a special committee that was mandated to look at the question of tenure. A great number of witnesses appeared before that committee, and the committee was made up of extremely serious senators who looked at many aspects of the bill. Given that the subject matter of this bill has been studied in great detail, again, we might consider having this bill looked at in Committee of the Whole so that all senators who have not had their say on this bill might do so.

That would give us an opportunity to look at these bills as a whole chamber and let the Canadian public hear what we have to say on the question of accountability in Bill C-2 and on the question of Senate tenure on the floor of the Senate in the full light of day. If these two proposals might be considered by the other side, we may be able to agree to arrangements that are satisfactory to all.

Senator Fraser: We always give careful consideration to proposals that come from the Deputy Leader of the Government and his colleagues. He is aware that, on our side, we believe that committee study, rather than Committee of the Whole study, is the appropriate way to go on both of these pieces of legislation.

Senator LeBreton: We have done it on both.

Senator Fraser: We will have to see how things play out.

Senator Comeau: I cannot let that last comment go without a response. Both of these bills, Bill C-2 and Bill S-4, were studied in great detail in committees. In the case of Bill S-4, I sat on that

committee as one of the members. As the honourable senator knows, an extremely capable senator chaired that committee; her colleague who sits right next to her did an outstanding job as chair. We had excellent members. The work in committee has been done.

By sending it back to committee, we are suggesting the work done by the committee was not appreciated and was not thorough. We are saying that it was. Bill C-2 also has been studied in great detail in committee. We do not need to send these bills back to those committees. Whatever must be said can be said on the floor of the Senate because these two committees did absolutely marvellous work.

I watched my colleague sitting beside me, Senator Oliver, work extremely hard, along with Senator Day and his colleagues, Senator Andreychuk and others. They all worked extremely hard in the Standing Senate Committee on Legal and Constitutional Affairs. They did their work. Why send the legislation back to the very same committees that studied it?

As far as possibly sitting this Friday and Monday, I should remind honourable senators that we did agree to not sit next Thursday. We do that very gladly, but it will take away from some of our Senate time.

I do not think I need to remind any honourable senator in this chamber of the importance that the other place attaches to both Bill C-2 and Bill S-4. I am not saying anything out of school about the importance both of these bills have to the government and to the House of Commons, which is waiting for them. Both of these bills were introduced last spring and they have been languishing here for months.

Bill S-4 originated in this place. However, eventually, we must send it to the House of Commons, in amended form or otherwise, so that they can look at it.

Bill C-2 is one of the cornerstone bills of the government's platform. It is no secret; accountability legislation was part of the present government's campaign. Either we in the Senate make up our minds to go with Bill C-2 or not; but let us do so on the floor of the chamber, where people can listen to what we have to say.

• (1430)

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND FOR NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE ADJOURNED

The Senate proceeded to consideration of the Message from the House of Commons concerning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

The Honourable Senator LeBreton, P.C., moved:

That the Senate concur in the amendments made by the House of Commons to its amendments 29, 98 and 153 to Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability;

That the Senate do not insist on its amendments 2, 4 to 12, 14, 15, 18 to 20, 22 to 25, 28, 30, 31, 34 to 54, 55(a) to (d), 55(e)(ii) to (viii), 56 to 62, 65, 68, 69, 71, 80, 83, 85, 88 to 90, 92, 94, 96, 100 to 102, 107 to 110, 113, 115, 116, 118 to 121, 123, 128 to 134, 136 to 143, 145, 147 to 151, 154, 155 and 157 to which the House of Commons has disagreed; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker: The Honourable Senator LeBreton moved, seconded by the Honourable Senator Comeau, that —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Dispense.

The Hon. the Speaker: Shall I dispense, honourable senators?

Hon. Senators: Dispense.

Hon. Anne C. Cools: Could we have copies of the motion? That motion is exceptionally large and I am of the opinion that colleagues should have a copy of it before debate begins.

The Hon. the Speaker: If honourable senators are agreed —

Senator Cools: If these are copies from the table, the table made —

The Hon. the Speaker: Can the chair get a word in here?

Honourable senators, in anticipation, we have prepared copies of the amendments to Bill C-2 that were adopted by the Senate and sent to the House of Commons. They were distributed earlier today and with your consent will be distributed, honourable senators, to assist in senators' consideration of the message. Is it agreed, honourable senators, that the message be distributed to the house?

Hon. Senators: Agreed.

Senator Corbin: On the proviso that it is in order.

Hon. Marjory LeBreton (Leader of the Government): Those present last night received the message from the House of Commons.

Honourable senators, here we go again, on the verge of ushering in a new era of accountability in Canada, an era where Canadians will know better how their hard-earned tax dollars are spent and an era where Canadians will feel more confident that individual citizens and not a chequebook will play a role in the political discourse of this country, an era that will effectively throw open the doors on Parliament to allow the light to shine in on how public officials operate in Ottawa.

The government, in drafting the proposed federal accountability act, listened to many stakeholders. The Conservative Party of Canada campaigned across the country for some 48 days. As a matter of fact, the campaign started a year ago next Wednesday, November 29. We campaigned across the country for some 48 days promising that if we were entrusted with

the government of this great country that we would end the era of corruption and entitlement that for years eroded the faith that Canadians had in Ottawa and in the institution of Parliament.

It is worth noting that all parties in the other place contributed to this bill and, as such, made this legislation stronger. When the proposed federal accountability act came to the Senate, the message was clear. This first major piece of legislation was the government's number one priority and it needed the support, and indeed it hoped fervently for the support, of the Senate.

When the proposed federal accountability act was sent to the Standing Senate Committee on Legal and Constitutional Affairs the bill was given a thorough examination. The Standing Committee on Legal and Constitutional Affairs met 30 times, listening to over 105 hours of testimony from nearly 160 witnesses.

I would like to take a moment to acknowledge the work of Senator Day, Senator Zimmer, Senator Baker, Senator Ringuette, Senator Milne and Senator Joyal from the Liberal side for their due diligence on this bill. These honourable senators are part of history in the work that they undertook on the proposed federal accountability act.

I would like to extend my sincere thanks particularly to the team of senators on our side, who worked endless hours on this bill. As Leader of the Government in the Senate I was amazed, but not surprised, by the dedication of our small yet highly effective team.

I wish to thank Senator Oliver who, as sponsor of this bill, acted in good faith throughout the whole process while also acting as chair of the committee.

Senator Stratton, who did yeoman's service, was there for us during the entire committee process and he is owed a debt of gratitude and a heartfelt thank you for his hard work and diligence.

Senator Andreychuk, as always, was an eloquent defender of the bill and was our stalwart during the clause-by-clause process and for that I am most thankful. There are few people in the Senate that have the knowledge of Senator Andreychuk, especially on the legal clauses in the bill.

Senator Nolin provided his instinct, advice and well-based arguments to ensure that the government's amendments and the opposition's amendments were rooted in sound policy and I thank him as I do my other colleagues.

Honourable senators, the Senate has done its job and I would argue that it has done a good job. It has reviewed this bill in great depth. The Senate made over 100 amendments and sent it back to the other place.

In some cases, the other place agreed with the Senate amendments; and in other cases, it did not. That said, the time has come to accept the will of the elected chamber and return a message to the other place that we concur with this bill in its form as it is before us today.

Honourable senators, the days of some parliamentarians and other public officials who believe that they are entitled to their entitlements is now thankfully almost history. A new and

refreshing culture will come in its place. Accountability is taking root and I am sure that we all applaud the dawning of this new era.

I stand before you today proudly to say that the proposed federal accountability act, the first major piece of legislation to come from Prime Minister Stephen Harper's Conservative government, is on the verge of becoming the law of the land, and I seek your support with the greatest respect.

When Royal Assent is finally bestowed, honourable senators, it will mark the end of a dark and unfortunate time in Parliament's history, one strewn with cash-filled envelopes and countless embarrassing stories of partisan cronyism and spending excesses. Sadly, though, there have been some who have tried to steer us away from our determined focus of transparency, openness and accountability in government.

• (1440)

I should like to point out that there are those in public office who benefit from the status quo. They are not representative of the people of Canada — the ones who vote, the ones who pay their taxes and the ones who demand accountability. Canadians voted for change last January, when they voted for a government that would clean up Ottawa and do it quickly so as to restore the faith of Canadians in their government. Frankly, the reason we are so dogged in our focus to bring in this new age of accountability is to ensure that the wishes of Canadians prevail and not the chequebook in partisan politics or lobbyists or the long-time political backroom boys, in most cases, although there was the odd girl sometimes.

The Senate saw this bill for the first time last June, when the other place passed it on division. We appeared to be off to a good start here in the Senate as we began our due diligence, with committee hearings beginning during the first week of July. The committee listened to almost 160 witnesses during more than 105 hours. The Standing Senate Committee on Legal and Constitutional Affairs did its work.

In the view of many, this seemed like a long time to keep Canadians waiting on our promise of cleaning up Ottawa, but we saw the light at the end of the tunnel. When we finally came to clause-by-clause consideration, some weeks after an original agreement to pass the bill in late September, I thought we were just about done. Unfortunately, some Liberal senators broke with our traditions in a way that I had never quite seen before. In the process, they rolled back the timetable and kept Canadians waiting a couple of more months.

Our first Prime Minister, a Conservative, Sir John A. Macdonald, articulated the direction that he envisaged for the upper chamber. We are reminded of his wise words at report stage and at third reading of the bill. His belief was that this chamber was to — and I quote — “never set itself in opposition against the deliberate and understood wishes of the people.” The people, of course, are manifestly represented by the elected members of Parliament in the other place. Rather, though, than heed his advice, some senators masked their sober second thought by gutting this bill of some of its strongest points and inserting amendments that did nothing but serve the political objectives of

the Liberal Party of Canada. While adding insult to injury, they tossed in a heap of highly partisan political barbs in the form of observations, which they attached to the bill.

On November 9, as we sat in this chamber, we had the difficult task of handing the tattered bill back to the other place. My hope was that members of Parliament would deal with the bill quickly. After all, Canadians had long been waiting for this bill to pass. The federal accountability bill presented a challenge to our elected representatives, who accepted the bill back knowing that, whatever form it took, it was still an improvement over the status quo. They knew, as I know, that we owe it to Canadians to pass this into law as soon as possible.

Honourable senators, I am pleased to say that my hopes in that regard were well founded. The elected members of Parliament, from all sides in the other place, were able to set aside their differences and work speedily on the floor of their chamber toward finding common ground and quickly returning a message to the Senate. I emphasize — on the floor of their chamber, not in committee. They rebuilt the bill and, following two days of debate in the chamber, passed it on division and handed it back to the Senate. This revised bill reflects the spirit of compromise and, I believe, a desire to fan the flames of accountability and bring open, honest government to life. While the government and the other place accepted many of the amendments proposed by this chamber, many were rejected. The government has proposed further changes to three amendments from this chamber with which they agreed in principle. I should like to discuss these a little further.

First is amendment 29. The government revised this further to clarify the amendment that was moved by Senator Andreychuk at third reading. Honourable senators will recall that this amendment was to ensure that a former cabinet minister, who was no longer a cabinet minister but was still a parliamentarian, would not be prohibited from working with the department of which he or she was once head on behalf of his or her constituents.

Second is amendment 98. With the additional changes proposed by the government, this amendment now specifies that the political financing components of the federal accountability bill will come into effect on January 1, 2007. This, of course, means that the upcoming Liberal leadership convention will be exempt from the bill, which I know was of great concern to senators opposite. It is no longer a problem.

Third is amendment 153. Those who were at the Legal and Constitutional Affairs Committee might recall that this was debated at some length. Further revision proposed by the government reverts to it its original state and provides Treasury Board with the authority to appoint external members to departmental audit committees. This bridges the statutory requirement for deputies or chief executives of departments to establish an audit committee that would be subject to the directives issued by Treasury Board under the Treasury Board's policy function with respect to internal audit.

Mr. Joe Wild, Senior Counsel with Treasury Board, who was very helpful in clarifying the impact of the amendments at committee, explained this original amendment, by stating that — and I quote:

That policy requires departments to move gradually, through a stepped in system over time, to have audit committees on which the majority of the members are external to the government, not public servants.

In order to have people who are not public servants sit on those audit committees there needs to be a mechanism to appoint them to the audit committee, to provide for their remuneration, and so on.

The policy currently drafted contemplates that the deputy of the department along with the Comptroller General would jointly recommend to the Treasury Board the individual who should sit on that external audit committee. That appointment would, again in accordance with the policy, have to meet certain qualifications that are set by Treasury Board policy, so the person has to meet a certain minimum qualification. The person is investigated through that process, and the Comptroller General is there to ensure that he or she meets those qualifications before being appointed to the audit committee of the department. This amendment merely provides the legal authority necessary for Treasury Board to make that appointment.

Aside from these amendments, several other amendments were refused. Honourable senators, I should like to highlight a few of these today.

Amendments 68 and 69, which doubled the annual limits for political contributions from \$1,000 to \$2,000, were not acceptable. The reason the limits were lowered in the first place was to decrease the reliance of political parties on big money. Raising the limit puts politicians back into the pockets of big money. This situation is unacceptable to hardworking Canadians and unacceptable to this Conservative government, given that 99 per cent of donations to political parties come from individuals who give under \$200 each. To raise the limit would be in direct contravention to a firmly held government policy and promise made to the people of Canada.

Another rejected amendment was number 71, which undermines the ability of the Commissioner of Canada Elections to investigate offences under the Canada Elections Act. The amendment proposed by the Senate limited the time period for investigating offences to seven years, down from 10 years. In addition, it meant that the Chief Electoral Officer would have to act within two years of being made aware of the facts that lead to an offence instead of five years. This would give the CEO only two years to complete the several hundred investigations that emerge following an election. That is just not enough time. I believe that he or she should have all the time that we can reasonably offer to do the job properly and to ensure that all offences are fully investigated.

• (1450)

Amendment 83 seriously weakens the five-year prohibition on lobbying by designated public office-holders by allowing them to work for organizations that lobby, provided that the former public office-holders do not spend significant amounts of their own time lobbying. If that amendment sounds a bit off, honourable senators, it is. This amendment really is a backdoor or a loophole into lobbying and a roundabout way of ensuring

that certain former politicians can receive the entitlements, in this case, jobs, to which they think they are entitled. I personally do not buy this. The Conservative government does not buy it. Canadians will not buy it either.

Amendment 85, on the other hand, extended the five-year ban on lobbying to individuals who work on contract with the government or work for organizations on government contracts. This amendment threw such a broad net over contracted public services that it threatened to snag literally hundreds of thousands of people, bogging down the commissioner of lobbying for years to come and preventing him or her from doing their real job — to monitor those who actually lobby government. It also created an incentive for organizations and corporations to use consultant lobbyists, which, as the previous government knows, can surely get them into a lot of trouble.

Amendment 96 is one that is particularly frustrating. It would protect unfairly the priority status of exempt staff who left their positions after the coming into force of the relevant provisions. This amendment undermines the very premise of the gold standard, merit-based system of hiring in the public service, as these employees could simply go around the requirement to compete for their jobs in the public service. Frankly, that is not good enough. The days of free rides into the public service are over. These people will need to enter the queue and obtain their job the old fashioned way, the right way, by earning it.

Amendments 113 to 118 seriously weaken the capacity of the Auditor General to do her work by allowing the release of papers and other information during an investigation. The Auditor General herself told us that she was concerned that these amendments would put a chill on her work. We must allow her to do her job properly and release the information in its proper time.

Amendment 130 increases the risk of disclosure of sensitive national security information by subjecting the Communications Security Establishment and the Canadian Security Intelligence Service to the Public Servants Disclosure Protection Act without providing additional specific disclosure and protection measures. This provision is simply inappropriate and potentially dangerous.

Amendment 136 increases the maximum amount for legal advice from \$1,500 to \$25,000 to an unlimited amount at the discretion of the public sector integrity commissioner. Honourable senators, this amendment is a complete misunderstanding of this section. The \$1,500 for legal services is intended to allow whistle-blowers to determine whether to pursue a case — not to provide full legal service through a complaint or reprisal process. When honourable senators understand what the money is for, \$1,500 is sufficient. Let us remember that the job of the integrity commissioner is to carry a whistle-blower's case through a legal process. If successful, the tribunal can then award full compensation to the whistle-blower for legal fees, along with other compensation.

These amendments are simply some of the amendments that the other place has requested that we not "insist upon." Upon close examination, it becomes clear that these amendments undermine the original intent of the legislation, which is, of course, to establish a forthright, new culture of accountability, transparency and openness in this country.

Honourable senators, let us debate this bill right here on the floor of the Senate, as they did in the other place, so that we may have a frank exchange and debate the reasons as to why we should not insist upon these rejected amendments. The arguments, I can assure honourable senators, are sound. The policy intent behind them is clear.

Canadians are waiting for this bill to become law. Proposing more amendments or reintroducing rejected amendments will simply tie the act in a knot again and waste more time and money. We owe it to Canadians to pass this bill. Amendments that reverse or undermine stated policy are a disservice to Canadians who have chosen a government that wants to clear up how Ottawa works. That is what they told us when they voted for us.

Honourable senators are also well aware of our own traditions to not set ourselves in opposition to the deliberate and well-understood wishes of the people as articulated in the elected other place. Reversing the clear policy intent of our colleagues down the hall is simply not acceptable. It is not how we should do things here.

With these thoughts in mind, I call upon this chamber to not insist upon the rejected amendments, to use the language of the motion. I call upon this chamber to let them go because the people of Canada do not want them. I call upon this chamber not to impose new stall tactics by once again referring this message and bill to committee because, as honourable senators know, we have had our turn on this bill and the elected chamber has spoken. To send it to committee when there is no new information will be seen by the Canadian public as another stall tactic, and they will wonder why.

Honourable senators, I also believe, speaking with a political hat on, that if I were a member of the Liberal opposition, I would not want to burden my new leader with the accountability act. I do not believe the new leader of the Liberal Party wants to be reminded once again about the Gomery commission, sponsorship funds, cash in envelopes and unrecovered millions of dollars. I do not believe that honourable senators want to do that to their new leader. I cannot imagine why they would want to do so.

Furthermore, I urge honourable senators to accept the wishes of Canadians and to pass this bill in its form as passed by the other place. Canadians have waited long enough for the federal accountability act. The time is now to pass this legislation. The time is now to debate it on the floor of this chamber. The time for action has come. I urge honourable senators to respect the wishes of the elected members of Parliament and pass the accountability act.

Some Hon. Senators: Hear, hear!

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, let me begin by complimenting the Leader of the Government in the Senate on her speech. She has given us a good background on the genesis of the bill. We will have differences, and I will certainly highlight them. These differences relate to whether or not the bill lives up to its billing and her advice towards the end of her speech.

[Translation]

As I begin my remarks on the message we received from the other place concerning Bill C-2, sadly, I must echo the sentiments expressed by the President of the Treasury Board in his response to the Senate's message earlier this week.

[English]

On Monday, Minister Baird began his remarks by saying he was "very disappointed by the attempts of certain senators to dilute this piece of landmark legislation." Today, I must follow him and express my own disappointment that certain members of the other place seem to be more interested in the facade of transparency and accountability than in delivering to Canadians a truly more open and responsible government.

When I spoke to Bill C-2 on November 8, I concluded my remarks that day with the hope that the government would give the Senate's message serious and thoughtful consideration because the amendments contained therein were grounded in the serious and thoughtful evidence of more than 150 witnesses who appeared before our Standing Senate Committee on Legal and Constitutional Affairs, which Senator LeBreton acknowledged.

[Translation]

Unfortunately, that did not happen. In fact, the reasons given in the message before us for rejecting our amendments confirm that the government took neither our report nor our recommendations seriously.

• (1500)

[English]

This is not to say that all the Senate amendments and recommendations were rejected by the government. We know from Senator LeBreton's remarks that the message received yesterday listed 55 amendments that were accepted. We take some satisfaction that the government in the other place accepted amendments put forth by their own supporters in this chamber and that it made compromise proposals on three other amendments that we proposed.

Furthermore, all the opposition parties in the other place joined in adopting our amendment to specifically recognize convention fees as political contributions under the Canada Elections Act, something the Conservative Party of Canada and current government still refuses to accept, notwithstanding the clear evidence heard by our committee from Elections Canada on this matter.

The fact that the government and the other place accepted 55 Senate amendments, to a bill that we had been told by the President of the Treasury Board had already been examined under a microscope before being sent to us, is an acknowledgment of the legitimate and serious role our chamber performs in the legislative process. That acknowledgment was also made in the other place by Bloc Québécois member Ms. Carole Lavallée who, if I can summarize as allowed by rule 46, said:

[Translation]

Did the Senate do the work that should have been done by the legislative committee responsible for Bill C-2, that is, take the time to carefully analyze each clause, hear witnesses, provide opinions, and make changes and amendments?

So said Ms. Lavallée, who also expressed the opinion that the Senate had done good work to bring balance to this bill.

[English]

Unfortunately, honourable senators, that balance was by and large rejected by the governing party.

When I read the debates that took place in the other place and examined in the message that we have before us the reasons given for rejecting the bulk of our amendments, I can only conclude that the government had long ago prejudged our work. In their view, almost everything we proposed, by definition, weakened transparency and accountability, and everything it brought forth strengthened it, regardless of the facts.

By way of example, in my remarks earlier this month, I described how Bill C-2 would allow a public office-holder, including a minister of the Crown, to accept gifts worth thousands of dollars without needing to disclose anything to anyone, not even if that gift might reasonably be seen to have been given to influence the work of that public office-holder.

The only limitation, honourable senators, is that such a gift would need to have been given by a relative or a friend. Those are the words used in Bill C-2 — “relative or friend.” Therefore, under the proposed new accountability act, a cabinet minister or other public official is entitled to accept secret gifts from his or her friends, without limit. Most, though admittedly not all members of this chamber, found it difficult to reconcile this measure with an accountable and transparent government. Consequently, we made a number of amendments to these provisions of Bill C-2.

First, any gift of more than \$200 in value that originated from outside the individual’s family would have to be disclosed to the Conflict of Interest and Ethics Commissioner, regardless of the source. This would ensure transparency. Furthermore, we amended Bill C-2 to place tighter restrictions on the sources of generous gifts that public office-holders would be allowed to accept. We found it difficult to believe that the self-described “New Government of Canada” really meant to place into the law the proposition that, so long as donations of money and goods were made by so-called friends, there was no restriction on what a public office-holder could accept and no obligation to tell anyone what this newly minted and generous friend may have given them.

The fact of the matter is that in our political world there are a great many friends. I believe that Justice Gomery described very well the network of friendships that exists at the bureaucratic level and which lies at the heart of the problems with the sponsorship program. We amended Bill C-2 to limit gifts a public office-holder could receive to those received from relatives and close personal friends instead of just friends. Admittedly, “close personal friends” is still a subjective description, but it does describe a smaller group of people that are normally found in the lives of

public office-holders. I am confident that current public office-holders would have made far fewer close personal friends than casual friends in their former lives as lobbyists or entrepreneurs.

[Translation]

Yet, how did the other place respond to the changes we proposed? Our amendments were rejected and the President of the Treasury Board said absolutely nothing about the matter in his speech, although that is no great surprise. Additionally, the message that is now before us provides a very interesting explanation as to why the government rejected our changes aimed at limiting gifts received by ministers and other public office-holders.

[English]

The message from the other place says that our amendments “are an inappropriate intrusion into the private lives of public office-holders and their families.” I agree that they are an intrusion, but I do not agree that they are an inappropriate intrusions when, without them, public office-holders would be able to accept gifts of whatever value from so-called friends without any disclosure to anyone. I regret that Minister Baird did not enlighten Canadians in his speech on Monday about why our amendments to restrict the ability of his cabinet colleagues to accept generous gifts from friends were inappropriate and why, in his own words, they “drastically diluted the objectives of Bill C-2.”

Honourable senators, our attempts to bring more transparency to the activities of those in whom the public trust is placed are described by the government as drastically diluting the objectives of this bill. Skeptics may well ask the following question: What, then, are the real objectives of the accountability bill?

Honourable senators, this is but a single example of the superficial consideration given to our work by the government supporters in the other place. I believe one of the reasons this has occurred is that the other chamber has but limited procedures and precedents to deal with messages received from the Senate containing amendments to proposed legislation originating in the other place. As we know, only a very limited debate took place on Bill C-2 in the other place because of their rules, which are the same as ours, providing that on a bill there can only be an amendment and a subamendment before the chamber at any one time. That is a very limiting factor when you have a bill as large and as complex as Bill C-2.

[Translation]

When the other place received our message concerning Bill C-2 two weeks ago, the government responded in the form of a motion that was debated and amended in that chamber. No committee from that place had the opportunity to carefully study our amendments or to properly consider the logical reasoning behind them, although our reasoning was explained in detail in our official files. Fortunately, the precedents and the procedure of our chamber oblige us to take a more reflective approach.

[English]

What we now have before us is the message from the House of Commons describing how it has judged our amendments. We also have a motion, introduced by the Leader of the Government in

[Senator Hays]

the Senate, asking us to agree with the actions taken in the other place and to inform them accordingly. This is not the first time that the other place has taken issue with the treatment our chamber has given to one of its legislative initiatives. Consequently, this is not the first time the Senate has had such a message and motion before it.

Research shows that, in the recent and not-so-recent past, the normal procedure is to refer both a message from the other place and the government leader's motion to committee for consideration and report. This was what was done in 1969 with Bill C-155, the Pesticide Residue Compensation Act, in 1978 with Bill C-22, the Patent Act, in 1980 with Bill C-21, the unemployment insurance act — which has been repealed — and, most recently, in 2003 with Bill C-10B, the proposed cruelty to animals legislation.

• (1510)

The rationale for this approach is obvious. Earlier this year, we charged the Standing Senate Committee on Legal and Constitutional Affairs with the task of examining the accountability bill. It did so with dedication and with a thoroughness that reflect well on the Senate. I join with Senator LeBreton in complimenting the chair and all members of the committee, which I had done earlier when I spoke and I do so happily again. They did a remarkable job.

In his speech on Monday, Minister Baird extolled the efforts of the committee in the other place on this legislation. He described how they laboured "to make sure they got it right." After they apparently "got it right," government supporters in this chamber, as we know, moved 40 additional amendments. In total, our committee found it necessary to make approximately 250 amendments to the hastily drafted bill, many of which unfortunately did not receive the attention of the House. To some considerable degree, this was because of the strict adherence to procedures that prevented — within the time frames they had to consider the bill — a proper consideration of all of the amendments.

We now have the government's response to those and other amendments made by the Senate. It stands to reason that we would now ask our Standing Senate Committee on Legal and Constitutional Affairs for its views of the government's response to its work before we take a final decision in this chamber on the Leader of the Government's motion. This approach would not affect the time frames within which we will deal with this bill one way or the other. Our colleagues on that committee have lived and breathed the accountability bill for some months now, and are the best informed among us of its intricacies and of its full implications. We would be reckless if we chose to proceed at this stage without seeking their advice. As I have described, this approach also respects our rules and long Senate practice.

MOTION TO REFER TO COMMITTEE

Hon. Daniel Hays (Leader of the Opposition): Therefore, honourable senators, pursuant to rules 48(1) and 59(2), I move, seconded by the Honourable Senator Day, that:

The motion, together with the message from the House of Commons on the same subject dated November 21, 2006, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for consideration and report.

POINT OF ORDER

Hon. Anne C. Cools: Is this a debatable motion?

The Hon. the Speaker: Yes.

Senator Cools: I want to raise an issue here. Senator Hays has just moved an amendment to the main motion, which was Senator LeBreton's motion. Senator LeBreton's motion was placed before us a little while ago.

The order that we are debating, as printed in our Order Paper, is a consideration of the message from the House of Commons.

Honourable senators, in reviewing last night's *Debates of the Senate* and the situation here today, I have discovered that the message from the Commons is not before us. Therefore, we are in a position where we cannot consider something that has not been placed before us.

I looked to the record of last night's debates and noticed that when His Honour began to read the message, somehow or other he was stopped or he stopped himself. I think that Senator Hays or Senator Comeau proposed that His Honour dispense with reading the message.

Honourable senators, it is not possible for this house to dispense with the Speaker's putting the order before us, which it is then asking the house to consider. A long statement can be dispensed if it has already been read into the record, and has been placed before us. That is what dispensed means. It means not reading it the second, third and fourth time. It does not mean to dispense with reading it for the first time.

Honourable senators, it is very important that the procedure by which that message, or any message from the House of Commons, becomes a proceeding in this place be followed, and that is when His Honour, our Speaker, rises and reads it to us. Somehow or the other, the message is not properly before us for our consideration. We are debating a question that is not before us, a situation which must be remedied before we continue.

Some senators will say that we do not have to correct this. The fact of the matter is, for that Commons message to become a part of a proceeding in this place, a Senate proceeding, it must be read by the Speaker. This is not like a bill that is printed and it is assumed that every senator sits quietly and reads the bill and therefore gives it first reading. As a matter of fact, centuries ago the bills used to be read aloud in their entirety.

This is a different situation. This message is the result of a proceeding and a vote in the House of Commons, which has come here to the Senate. The only way these messages are relayed to us is through the mouth of His Honour. His words — because this is an oral system — and his utterances move the message into a proceeding in this place.

Honourable senators, if I had some time to do some homework on this, I might have been able to do more. The fact of the matter is that we cannot vote on this message because the message is not

before us for our consideration. It is pointless for anyone to argue that we dispensed with the Speaker reading it last night because, in this instance, to dispense with reading it is to dispense with putting it before us for consideration.

Those who would argue that the Senate dispensed with it would be supporting my point. If we senators dispensed with reading it, what we dispensed with is not the mere fact of repeating the words, but we dispensed with the parliamentary act of putting the message before us for consideration and for debate.

I submit that the message we are talking about right now is not properly before us for debate and for consideration, and that before we move on, we should look into that matter. I would be happy if other senators would like to join the debate.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I wish to make a brief intervention on the point of order.

I listened to Senator Cools and I remember the proceedings of last night. Of course, we have a motion before us that was adopted by the chamber and that puts this matter forward for debate today, which I think remedies any deficiency that might have been the subject of complaint.

As to the deficiency, I cannot agree that dispensing with the reading of the message dispenses with the message. I think it is within the power of senators to give leave — particularly in a case such as this where we have a complex document of some 30 pages — to rely on a written document that is reflected in the *Journals of the Senate*, which contains the details of the document. As well, the document, or at least the message, has been distributed to senators.

My position, Your Honour, is that the matter is properly before us and that there is no point of order here.

Senator Cools: Honourable senators, with all due respect —

The Hon. the Speaker: All honourable senators will have an opportunity to express their view on the point of order. I will hear from other honourable senators and then hear from Senator Cools.

Hon. Joan Fraser (Deputy Leader of the Opposition): To confirm what Senator Hays just stated, I think Senator Cools, as is usually the case, has raised a most interesting question that requires careful thought. However, we all know that this chamber is the master of its own destiny. Last night — and the *Debates of the Senate* and the *Journals of the Senate* confirm this — this house adopted an order that gave His Honour leave to dispense from reading the message; and then adopted a motion to place the message on the Orders of the Day for consideration today.

• (1520)

In the *Debates of the Senate*, that passage is found on page 1279. In the *Journals of the Senate* from yesterday, at page 777 we find the notation:

[Senator Cools]

The Honourable Senator LeBreton, P.C. moved, seconded by the Honourable Senator Comeau, that the Message be placed on the Orders of the Day for consideration at the next sitting.

When we turn to the *Order Paper and Notice Paper* that is distributed to us all, there it is: Government Business, Bills, No. 1, on page 3.

I know Senator Cools does not agree with me. The point of this procedure the house agreed upon last night was precisely that the nature of this message, that consists in large measure of a string of numbers, deletions, additions and whatnot, is almost impossible to understand when the Speaker reads it. The house, therefore, asked the Speaker to dispense with reading it until copies could be provided to everyone. Those copies were provided by the opening of the proceedings today.

I know this is not the way we proceed in many other matters, but this bill is unique to most other matters that have appeared before us. It was the clear sense of this chamber last night, without a dissenting voice or argument raised, that this was the best and most appropriate way to proceed.

I always take Senator Cools' arguments seriously, but in this case I think the record shows clearly that that is not what the Senate decided. The Senate, in my view, had the right to make the decisions it made.

Hon. Gerald J. Comeau (Deputy Leader of the Government): This is a message from the other place; they did not send a bill or a motion. What they sent was a message. There is no such thing as two days' hence or one day hence. The message was received. Even if we were to say it was not read last night, it was still received. There is no such thing as having to wait a certain number of days to receive a message. It has been, in fact, received.

Therefore, I suggest to His Honour that he find the message from the other place to be properly before us, as it is meant to be.

Senator Cools: Honourable senators, I do not question what you did last night. I do not question that, nor do I question the intention of the action. All I am saying is that what honourable senators did last night did not have the effect of placing the message before the house for its consideration. That is the first point.

Honourable senators, maybe we should review what a message is. A message is the means by which the two Houses speak to each other, just as an address is the means by which either House speaks to the sovereign.

Unless the message is read by the Speaker here, the two Houses have not spoken to each other because it has not entered the proceedings of this place. Neither printing it in the Journals nor circulating copies can enter it into this place as a part of a proceeding. The only way, in this place, that such matters can become part of a proceeding is by the spoken word and so moved by a human person, a senator. This is what Parliament is. It is like a conveyer belt moving things along and matters have to get onto that conveyer belt. They do so orally, by word of mouth.

In other words, if Senator Fraser were to rise now to move a motion, she could not dispense with reading that motion into the record because it is that act of saying those words that moves it into a proceeding and puts it before us.

It is the same with a message. No amount of printed copies around this place would make it a Senate proceeding until the Speaker utters it. That utterance becomes a part of the Senate proceedings. The matter is not that difficult to understand. I can see why some senators may believe they have acted properly.

As I said before, I do not question any motivation. All I am saying is that the only way that questions become part of a proceeding in this place, motions or anything else, is by uttering them orally.

If this is how honourable senators want to operate, so be it. It does not alter the fact that, though Senator LeBreton's motion talked about the message, that message is still not before us because it was not entered into a proceeding in this place, which can only be done orally, by the Speaker.

Somebody has made a mistake. I have no doubt that it was inadvertent. It would be better to get it on the record and correct the mistake than to say there was no mistake because it sets a dangerous precedent for the next time that such a message is sent and not moved into the system.

This is a very strange and subtle point that eludes many people. The only way something becomes a part of a proceeding is to speak it. Things move along by spoken words.

If what the Honourable Senator Fraser said was in fact the case, her motion need not have been spoken. If Senator Fraser can agree that a motion cannot be put before us for consideration unless it is spoken, certainly she can see the same for a message — because the only voice here that can deliver a message from the House is the Speaker. If he has not delivered it orally, it has not been given. No amount of copies circulating in this place can compensate for that fact.

The Hon. the Speaker: Honourable senators, I want to thank each senator for participating in this point of order.

It is the ruling of the chair that the message has been received and is properly before the Senate. Reasons are to be provided in rulings. My reasons are several, *inter alia*. I would begin with a principle, and I apologize to the reporters, but it is a very ancient principle:

Nihil est in intellectu quod non prius in sensu, which means nothing is in the intellect which is first not in the senses.

Senator Cools has drawn our attention to the importance that, as senators, we must know what is before us. How do we get things before us? One way is through the oral tradition. We table many things in this place, so the written tradition is equally an important process used in Parliament.

Furthermore, honourable senators will recall that we often do second reading of a bill and we never ever read the bill from cover to cover, which, if an honourable senator rose and insisted

upon, would have to be done. The situation is the same for third reading.

Those are but some of the reasons why the chair finds that the message is properly before us. The Speaker did rise and did commence to read it. The house expressed its unanimous view that the 30 pages ought not to be physically read but that the message and its contents would be before the house in its fullness. Thus, part of it has been presented in the oral tradition and the rest was presented in written format. These are my reasons and that is my ruling.

Continuing debate with Senator Day.

• (1530)

Hon. Joseph A. Day: Honourable senators, I rise to support the motion of Senator Hays. The seconder of that motion asked that the material received in this place from the House of Commons and the motion of the Honourable Leader of the Government in the Senate be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Honourable senators are well aware that this is an extremely complicated matter, as discussed on many occasions. I need not go over that ground again. To deal with this in Committee of the Whole would be to deal with this superficially because it would not be possible to handle all of the documentation necessary. I do not have room on my desk for all the documents needed to take honourable senators through what has happened over the last few days. I will try to do so, but the document given to honourable senators for their assistance is the Senate message as printed in the House of Commons Journals. It is a copy of the message sent by the Senate to the House of Commons.

The numbers that appear in this copy are not the same numbers that appear in the document that has been sent back from the other place. Therefore, a specific amendment will not be found by its number according to this document. I discovered that as I worked on this all of last evening, although I thank those who tried to be helpful. I would suggest that honourable senators find the amendment numbers that correspond to the amendments in the address of the Honourable Leader of the Government in the Senate in a document presented by the government to the members of the House of Commons on November 21. I have another document before me that I found to be helpful — that is, a message sent from the Senate to the House of Commons, which is similar to the document referred to. On the Senate website, I was able to find a copy of the document of the message received, which has been the matter of discussion. I have been using that document and it contains the numbers that I will use in this presentation in support of Senator Hays' motion.

Honourable senators, looking back, Bill C-2 was not a good piece of proposed legislation. In fact, it is very close to an embarrassment. If this place were to pass Bill C-2 as initially presented to the Senate, we would be doing no favours for this institution, for the government and for the people of Canada.

That has been said by many witnesses who came before the Standing Senate Committee on Legal and Constitutional Affairs and has been repeated in various speeches. In committee and at third reading in the chamber, an attempt was made to make a bad piece of proposed legislation at least minimally acceptable by

taking out the offensive aspects. This side did not try to gut anything but rather tried to improve that document. It has been said by many people in many articles that this side improved the bill.

The first one that I will mention is from *Democracy Watch*, dated November 15:

Liberal-controlled Senate strengthens Bill C-2 (the so-called "Federal Accountability Act") in 22 key ways that the House of Commons should approve, and weakens it in 4 key ways ...

He describes those later in the article.

Senator LeBreton: Read the end of the article.

Senator Day: I shall leave it up to the honourable senator to read the end of the article. I shall read the introduction only:

Today, Democracy Watch called on MPs to accept all but three of the key amendments to Bill C-2 (the so-called "Federal Accountability Act" (FAA)) proposed mainly, and often supported only, by Liberal senators in the Senate (in fact, a small group of Conservative senators attempted to gut the bill).

"The Senate, mainly with the support only of Liberal senators, has proposed many changes that strengthen the draft Federal Accountability Act in areas of ethics enforcement..."

That is the public recognition of the work that this Senate has done over the past several months in reviewing a bad piece of proposed legislation and bringing it into at least acceptable form.

Honourable senators will remember Mr. Justice Gomery saying, only two weeks ago, that there is nothing in Bill C-2 that is reflective of the millions of dollars that he and his commission spent in reviewing the matter — nothing reflective. He is wondering when the government will act on his recommendations.

The Honourable Leader of the Government in the Senate mentioned the Conservative campaign when she spoke to the bill. Witnesses appeared before the committee with the list of Conservative campaign promises in hand and went through them, saying "that is not there; that is not there; promise made; promise not kept; et cetera." They went through the whole list. To say that Bill C-2 is reflective of election campaign promises or of the Gomery inquiry is incorrect in detail.

Honourable senators, the bill was prepared in six weeks and passed by the other place with a minimum of review. The Senate sent it back one week ago Thursday, after many, many hours of work by both sides of the house. Senator Stratton was there throughout, so he is deserving of accolades, as is Senator Oliver. The other place complained that this place did not work over the summer months on the bill. Why did they not work last week on this bill? They all went home. The other place received the bill on Monday of this week and, despite all the amendments proposed by the Senate, voted on it Tuesday afternoon.

Honourable senators, the other place took only two days to review 150 amendments. To do that carefully is absolutely

impossible. What has happened is exactly what is being suggested in this place: Look over the top of the bill and do not get into the detail because the detail will show you the problems. So many people have pointed that out to us.

Allow me to take honourable senators briefly through four matters that the government wanted to look at and amend. The government said it accepted what the Senate had sent over, but that it wanted to look at and amend four of those. The government accepted four in principle but felt that they should be amended.

• (1540)

We have only three now, but there were four. The fourth one was amendment 67. You will now see that they agree to that in the category at the top. I know honourable senators have that in front of them. There are three categories: accepted, rejected, and then four they would accept with amendments. One of those was amendment 67.

This amendment said that all convention fees are a political expense and should be declared as such. We know that when Mr. Kingsley, the Chief Electoral Officer, appeared, he said the same thing. Political parties pay money for publicity, and it is an important process for the party. It is a political expense, and it should be declared as such.

We know that the Progressive Conservative Party always declared convention expenses as political expenses. We know that the Liberal Party, the NDP and the Bloc all did. The only group that did not, as we heard during our hearings at committee, was the Conservative Party of Canada.

What did the Conservatives in the other place do? They took our amendment and tried to say that only the profit is a political expense, if we make more than the cost. All other parties over there said no. Who determines profit? That provision creates a black hole, and we are trying to move away from undeclared political expenses. The Bloc, the NDP and the Liberals combined to defeat the government's attempt to hide political expenses. Campaign expenses are now in the bill as a full political expense. That is one of the matters that we have worked on that is now accepted, thanks to the help of three of the four parties in the other place.

Let me look at the other three amendments briefly with honourable senators. One is amendment 29. I told honourable senators to be careful about the numbers, but it is at page 32 of the act. This amendment was rejected by the majority in committee when it was proposed by the Conservatives. We rejected it because, on advice of counsel, this amendment restricted the rights of members of the House of Commons and the Senate in their parliamentary privilege. It said that they can do what they normally do as senators and as members of the House of Commons, subject to certain sections. That is the part we found offensive — "subject to." We are not subject to sections of this particular bill. We are not prepared to give away our parliamentary privilege and the rights as parliamentarians to certain clauses in this bill, so we said that provision should not be there.

[Senator Day]

Through negotiation, the amendment was reintroduced here at third reading. Honourable senators will remember that. Senator Andreychuk introduced that amendment again here. I stood and spoke on it. I said, "You have taken out the offensive portion of that, and we are prepared to accept it now." What happened when it went to the other place? They want to put back the offensive portion, after we agreed unanimously in this house. After discussions with the other side to accept their motion, the government on the other side now rejects what this house unanimously agreed to, rejecting the recommendation of the Conservatives in this place and introducing this amendment.

We need to understand why they are turning their backs on Senator Andreychuk and the Conservatives in this place. We need to go into the issue of parliamentary privilege. We need to bring somebody in to committee to talk about that and ask, "Does that not interfere with parliamentary privilege?" We do not do that in Committee of the Whole but in a committee that can spend the time and bring the right people in to do the job.

The other amendment that I wanted to talk to, honourable senators, is amendment 153. We agreed to that amendment in committee because the change had been made to have the appointment made by Governor-in-Council. Everybody agreed to that. We negotiated. We said, "Look, you have appointments by the Public Service Commission, and there are a whole set of rules for that. You have GIC appointments and ministers making appointments. We do not want Treasury Board involved in making appointments. That is only another group to set up a whole new set of rules." We gave a choice and ended up with the Governor-in-Council. It is a government type of appointment. They said, "Okay." Now what happens? After it was agreed to by both sides in the Senate, it went to the other place and the Conservatives on the other side put in Treasury Board again. They ignored the compromise reached in this place.

Honourable senators, I have been living with this bill for so long that I am just starting what I would like to talk about. I suggest to honourable senators that this important piece of legislation deals with so many different points of view and goes to the heart of what we are here. What we should amend and how far we should go as an advisory group, and all of what we do goes to the heart of those issues. We need to send this bill back to committee. We need to take our time. Many amendments and statements were made, many of them in support of the government refusing our amendments, and so many of them are misguided. They do not understand our points. I believe that the only way to deal properly with this bill is to call those government people in to the committee, sort these issues out and bring it back to you in a report from the committee.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, if Senator Day agrees, I would like to ask him one or two questions to clarify what he just said.

The Hon. the Speaker: Honourable senators, may Senator Day have the consent of this chamber to extend the time allocated by five minutes?

Some Hon. Senators: Agreed.

Senator Day: Yes, I am ready to answer your questions.

Senator Nolin: Honourable senators, to ensure that the honourable senators are able to follow the entire process, and particularly the documents, Senator Day told us in his presentation that the documents before us are incorrect. Is that what he was saying? If so, I would like him to point out which documents are at issue and more specifically, where is the error in these documents?

Senator Day: Honourable senators, the document on our desks this morning or this afternoon is called the "Senate message as printed in the House of Commons Journals." After discussion the other place approved amendment 67. The numbers here are not the same numbers as in the message received from the House of Commons because one amendment was approved.

Senator Nolin: The document before us is the message that we sent to them. They received this message from the Senate. The honourable senator is telling us that amendment 67, which came from that House and is printed in this document, is not the amendment from the Senate. That has to be clear. If he is right, we will have to adjourn and find the real document that reflects the reality. He says that amendment 67 printed in what is supposed to be the Senate message sent to the House of Commons, which is contained in this document, is not really the amendment 67 that we adopted?

• (1550)

Senator Day: I did not say that. Amendment 67 was sent from the Senate to the House of Commons. There was an amendment 67. The government did not approve our amendment 67. They read an amendment, but it was defeated at the other place. The amendments sent to and approved by the House of Commons no longer have the same number when they are sent back to the Senate.

If you look, for example, at amendment 140, it is not necessarily the amendment 140 we had in the Senate when we discussed it at third reading and sent it to the other place. The best thing to do is to have the document that was sent to the Senate with the notice from the Commons.

Senator Nolin: If you look at yesterday's *Debates of the Senate*, on page 770, you have the message received yesterday from the House of Commons. Look on your desk: you have two documents, the Order Paper and the *Journals of the Senate*. You have the message received from the House of Commons. You will find three groups of amendments there. In his speech you made reference to these three groups of amendments. In the first group, the House of Commons agreed with our amendments, including amendment 67. We then have three Senate amendments that were amended: Nos. 29, 98 and 153. He talked about four amendments. There is a third group of amendments that the other place rejected. He claims these numbers do not correspond to the numbers we had sent.

Honourable senators, we should receive clarification on this matter. I do not think it is up to the Committee on Legal and Constitutional Affairs to address the issue. It will be up to the Speaker of the Senate to inform us of the nature of the documents before us. Is it amendment 67 or the new text Senator Day referred to? I am awaiting clarification from His Honour.

[English]

The Hon. the Speaker: The Honourable Senator Day's time is now over.

Hon. Lorna Milne: I rise on a point of order, honourable senators.

Honourable senators, on Wednesday, November 8, I made an amendment to this bill, at page 1190 of the *Debates of the Senate* of that day, amending section 26 by adding a 26.1. Nowhere can I find a number for this particular amendment nor can I find a proposed section 26.1 added to the message that went to the House of Commons.

Senator Stratton: It was defeated.

Senator Milne: No, it was not. It was passed.

The Hon. the Speaker: Perhaps if Senator Milne continues with that difficulty, it could be dealt with in debate rather than as a point of order.

To the point of Senator Nolin, the message that is before us is the message that was presented last night and is in the *Journals of the Senate*, Issue 51. We will continue debate.

Hon. Joan Fraser (Deputy Leader of the Opposition): I am sorry; I was conferring with my colleague, Senator Milne, about her amendment.

Honourable senators, I bow to Senator Day in his knowledge of this bill, but I have to say that I have spent some time today examining the various documents that are before us. It seems to me that they are in agreement. I do find Senator Milne's amendment, for example, No. 26, which would be on page 6 of the document that was on our desks —

Senator Milne: It is not No. 26; it is an amendment to section 26.

Senator Fraser: Yes, clause 26.

Senator Corbin: All the more reason to send it to committee.

Senator Fraser: It is amendment No. 54.

In other words, Your Honour, I think what we have before us is indeed an accurate, although Lord knows confusing, reflection of the procedures of this chamber, of the other place, in connection with our amendments. If I might sneak in an observation, I think this really does confirm the need to send it to committee for people to understand it.

[Translation]

Senator Nolin: I have one last question, which I alluded to with Senator Day.

[English]

The Hon. the Speaker: Senator Day's time and extension are exhausted.

Senator Nolin: Maybe we should extend it.

The Hon. the Speaker: It is up to honourable senators to decide that.

Senator Austin: Give him the time. We have all the time —

The Hon. the Speaker: Senator Day, do you want to ask for more time, to see what happens?

[Translation]

Senator Day: I can answer one more question, if leave is given to Senator Nolin.

Hon. Senators: Agreed.

Senator Nolin: If we consider just the last group of amendments, that is, the amendments from the House of Commons that are not similar to the ones we sent them, which they amended in the message the Senate received from the House of Commons yesterday, we are talking about amendments Nos. 29, 98 and 153. Do you have those in front of you? If you have a copy of the *Journals of the Senate*, look at the second paragraph.

Senator Day: Yes.

Senator Nolin: The House of Commons says that it rejects all amendments except Nos. 29, 98 and 153. Earlier, it seemed like you were telling us the other place had worked on a fourth amendment and that the list of three was incorrect, that there should be a fourth one. What is the number of the missing amendment?

Senator Day: The fourth amendment was No. 67, which was approved in principle by the government, but an amendment to the amendment was put forward in the House of Commons. They lost the vote yesterday evening on amendment 67, and it can now be found in the first group. In the Commons, amendments Nos. 4 and 67 were in this group. This motion in amendment was defeated. Amendment 67 has to do with the document for convention fees.

Senator Nolin: If I understand correctly, and to ensure that everyone follows, amendment 67, which is duplicated in the document entitled, "Senate Message as Printed in the *Journals of the House of Commons*" was approved by the House of Commons. Is that it?

Senator Day: Yes.

Senator Nolin: What we sent to them was accepted by the House of Commons and was indeed printed in the notice the House of Commons sent to us, which states that they accepted amendment 67, irrespective of who proposed or lost the vote. The results printed in the document, in our message, regarding amendment 67, were approved by the House of Commons.

Senator Day: That is correct.

Senator Nolin: It is, therefore, not a new amendment.

[English]

Senator Austin: I move the adjournment.

Senator Fraser: Before that, if I may revert briefly to our earlier discussion, Your Honour, I think Senator Milne may be right. I think the error has occurred not in what was sent back to us but in what we sent to the House.

It is true that on November 8 — and it is on page —

The Hon. the Speaker: Senator Fraser, I will have to interrupt. It being 4 p.m., pursuant to the order adopted by the Senate on April 6, 2005, I declare the Senate continued until Thursday, November 23, 2006, at 1:30 p.m., the Senate so decreed.

The Senate adjourned until Thursday, November 23, 2006, at 1:30 p.m.

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