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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Monday, December 11, 2006

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. John Steffler, the incoming Poet Laureate.

On behalf of all honourable senators, I welcome you to the Senate of Canada and extend their best wishes to you as the Parliamentary Poet Laureate.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

DIVERSITY AND PLURALISM IN THE SENATE

Hon. Donald H. Oliver: Honourable senators, I was deeply saddened with some of the debate that I heard in this chamber last Thursday. It manifested injustice and unfairness. It was intrinsically a denial that we are all equal in this place and, sadly, it showcased the disadvantage that the four target groups have in this place. You may ask: What are the four target groups of which I speak? Some 20 years ago, as you know, the Government of Canada determined that there were four groups of Canadians who were treated unfairly, not treated equally, were discriminated against and who were accordingly in need of special measures to bring them to the same status as the Canadian majority.

The four groups are women, the disabled, Aboriginal peoples and visible minorities. In Thursday's debate in this place we heard words of anguish from women, Aboriginals and visible minorities and it was distressing.

Honourable senators, I cringed in my seat when I heard the cries for help from our colleagues. This chamber needs to have a candid look at what is happening to it.

I have tried for some 17 years to raise issues of sensitivity to race, issues of diversity, of pluralism, of equality and of human rights and, as painful as it is, I admit that I have been largely unsuccessful. We will never make headway on our systemic problem until the majority recognizes the issue and together undertakes to resolve it.

I listen, honourable senators, when Senator Mercer and Senator Munson talk about the accomplishments of Senate committees and the work of individual senators, as they frequently do, and

never is there reference to the diversity agenda. I will be happy when the day comes when they can talk openly about our achievements in this place in combating racism.

• (1805)

Inequality and discrimination are not matters easily talked about, particularly not when it touches home. I have spoken frequently in this chamber of the weak demographic statistics in the Senate administration, and I ask you: Is this place representative of the mosaic of Canada? I have spoken of the lack of representation of the four target groups when successive speakers have showcased Canada abroad. As some honourable senators are aware, I have had the great honour to speak to issues of pluralism, integration as Europeans call it, our multicultural tradition and racism in many countries of the world over the last couple of years. I have learned a lot about the global problem of insensitivity and barriers to the advancement of certain classes of people.

My recommendation, honourable senators, is that this institution must come to grips with why the federal government isolated four target groups. The majority in this place must take the steps to make pluralism a reality. I recommend that the leadership and the Speaker of the Senate help to create a dialogue that is conducive to finding a resolution to this problem.

SUPREME COURT OF CANADA

DECISION ON MALISEET AND MI'KMAQ LOGGING RIGHTS ON CROWN LANDS

Hon. Serge Joyal: Honourable senators, last Thursday, December 7, the Supreme Court of Canada released its decision in a very important case involving the Maliseet and Mi'kmaq, two Aboriginal peoples of New Brunswick. The decision formally recognized the constitutionally protected right of those Aboriginal peoples to harvest timber for personal use on Crown lands. The case involved an important question of Aboriginal title: the right to harvest wood on Crown lands. That explains why the Attorney General of Canada intervened in the Supreme Court of Canada case, as did six provinces: Ontario, Quebec, Nova Scotia, Alberta, British Columbia and Newfoundland and Labrador.

Originally, two Maliseet, Dale Sappier and Clark Polchies, and one Mi'kmaq, Darrell Joseph Gray, were charged under the Crown Lands and Forests Act of New Brunswick for having cut down trees without a permit on Crown lands. They alleged that they had traditionally harvested wood on that territory and had an ancestral right to such a practice.

In order to conclude whether the offenders had an Aboriginal right, the Supreme Court of Canada had to determine the meaning of what constitutes "a distinctive Aboriginal culture." The court determined what a culture is and what makes it distinctive in an Aboriginal context.

First, the court elaborated on the meaning of the concept of “culture.” The court stated:

Culture, let alone “distinctive culture”, has proven to be a difficult concept to grasp for Canadian courts.

The court also stated:

What is meant by “culture” is really an inquiry into the pre-contact way of life of a particular aboriginal community, including their means of survival, their socialization methods, their legal systems, and, potentially, their trading habits.

Further, the Supreme Court stated:

The use of the word “distinctive” as a qualifier is meant to incorporate an element of Aboriginal specificity. However, “distinctive” does not mean “distinct,” and the notion of aboriginality must not be reduced to “racialized stereotypes of Aboriginal peoples.”

The court also clearly established that “Section 35 of the Constitution Act, 1982, seeks to provide a constitutional framework for the protection of the distinctive cultures of Aboriginal peoples so that their prior occupation of North America can be recognized and reconciled with the sovereignty of the Crown.

This decision, honourable senators, is a seminal one. It will help provincial and federal governments, and Canadians in general, to better understand the scope and meaning of a distinctive Aboriginal culture in Canada.

[Translation]

I would remind the Senate that it was the Maliseet and Mi’kmaq peoples who Jacques Cartier met in the Gaspé Peninsula in 1534 and who Samuel de Champlain may have also met in Acadia in 1604, and that it was these Aboriginals who facilitated the first contact on Canadian soil. It seems a just reward that, 450 years later, the Supreme Court of Canada is now recognizing the rights of these two communities to a distinctive Aboriginal culture.

• (1810)

[English]

ROUTINE PROCEEDINGS

PLAN OF ACTION FOR DRINKING WATER IN FIRST NATIONS COMMUNITIES

PROGRESS REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a progress report on the Action Plan for Drinking Water in First Nations Communities.

[Senator Joyal]

EXPERT PANEL ON SAFE DRINKING WATER FOR FIRST NATIONS

REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Expert Panel on Safe Drinking Water for First Nations.

[Translation]

ABORIGINAL HEALING FOUNDATION

REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006 final report of the Aboriginal Healing Foundation.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED

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

Monday, December 11, 2006

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

TENTH REPORT

Your Committee recommends that the operating budget of the Opposition Whip be increased by \$10,000 and that an additional amount of \$75,000 be allocated to the Leadership of the Opposition.

Respectfully submitted,

GEORGE J. FUREY
Chair

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

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

ELEVENTH REPORT OF COMMITTEE PRESENTED

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

Monday, December 11, 2006

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

ELEVENTH REPORT

Your Committee recommends that the entitlements of the Leader of the Opposition be amended to include an allocation for transportation. The allocation recommended is identical to that offered to Deputy Ministers and to the Leaders of the Opposition Parties in the House of Commons.

Respectfully submitted,

GEORGE J. FUREY
Chair

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

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

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING THE SITTING

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

That notwithstanding the order of the Senate of April 6, 2006, when the Senate sits on Wednesday, December 13, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet on Wednesday, December 13, 2006, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*Translation*]

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-28, A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Bill read first time.

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

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

• (1815)

[*English*]

FEDERAL ACCOUNTABILITY BILL

MESSAGE FROM COMMONS— SENATE AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill without further amendment.

Some Hon. Senators: Hear, hear!

ORDERS OF THE DAY

JUDGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Comeau, for the second reading of Bill C-17, to amend the Judges Act and certain other Acts in relation to courts.

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

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Stratton, bill referred to the Standing Senate Committee on National Finance.

[Translation]

FIRST NATIONS JURISDICTION OVER EDUCATION IN BRITISH COLUMBIA BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, for the second reading of Bill C-34, to provide for jurisdiction over education on First Nation lands in British Columbia.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know that we are always very pleased to see that Canada's Aboriginal peoples are making progress in their long struggle to regain control of their institutions.

The bill before us is a major step toward reaching that goal because it will transfer jurisdiction over education, from kindergarten to grade 12, to First Nations on Aboriginal lands in British Columbia.

[English]

This bill is legislation to implement the federal side of a framework agreement signed in July by the federal government, the Government of British Columbia and the First Nations Education Steering Committee, which is the body representing First Nations in the negotiations. This framework agreement fulfilled a tripartite commitment that was made by the same three parties in July, 2003. That commitment was itself the product of three years of negotiations. In other words, this bill is the fruit of years of work under successive governments.

• (1820)

It is, of course, not the last word. It is more like what Churchill called "the end of the beginning." As every parent and teacher knows, few community activities are more controversial or harder to organize properly than the public school system, and the participating First Nations will not find the task any easier than any other community. However, now it will truly be their task, one they will be able to tackle in their own way and according to their own priorities. They will have the control.

First Nations in British Columbia that negotiate and sign individual agreements to participate in this process will have law-making powers, and the agreements, once signed, will have the force of law. It is also the First Nations who will appoint the board of directors of the new First Nations education authority which will be established under this act. That authority will have the mandate to help the participating First Nations to develop their capacity and, where requested, to enter co-management agreements. These could include such matters as establishing standards, certifying teachers and so on.

Participating First Nations will be able to establish their own Community Education Authorities to run their schools — basically school boards — including the setting and enforcement of standards for curricula and teacher certifications, and the issuing of graduation certificates. These standards will have to be recognized by the provincial government and there will have to be transferability between First Nations and provincial public

schools; that is, students will have to be able to move between the two systems, which will obviously require compatibility of curricula and standards. However, within that framework, the participating First Nations will be able to run their schools in the way they believe best suits their communities. They will also be able to join together with neighbouring First Nations to provide joint education systems if they so choose.

Surely this new system will help — it certainly should help — to lessen the high dropout rate that now afflicts so many Aboriginal communities, not only in British Columbia but across Canada. We know that completing high school is the single best predictor of success in any Canadian's life. I am not talking here only about material success, although heaven knows that escaping the poverty trap is a wonderful goal. I am also talking about the kind of personal, emotional and social stability that is easier to obtain if one has the tools to participate fully in the community, tools that are directly related to education.

It also seems to me that the new school system should be extremely helpful, in particular, in helping First Nations to preserve their languages and cultures. For decades, that struggle has too often seemed like a losing battle. The other day, for example, I was visited by the chief of one First Nation in British Columbia who told me that among the 10,000 members he represents, only 200 still speak their Aboriginal language. It is truly a race against time to recapture that language before the last speakers today are gone, and to train teachers to transmit the language to the next generations of children who will be going to the on-reserve schools in the participating First Nations. Language is a vital part of identity, the principal vehicle for expressing and communicating the unique culture that shapes each community, including First Nations.

[Translation]

We cannot imagine the stress felt by the community and individuals who know that their ancestral language is disappearing and, with it, their history. In many cases, these are strictly oral languages. There is only the oral tradition available to transmit the richness of the values, customs and history of these First Nations.

I believe that it is vital that they be preserved.

[English]

It is a pleasure for me to say that I strongly support this bill. That does not mean, however, that I have no questions. For some guidance, I turned to the debates in the other place, but they were not particularly helpful because our colleagues down the hall, perhaps carried away by their enthusiasm for this project, actually did not debate it much. They had a brief debate at second reading; then, as they sometimes do, they deemed the bill to have been referred to Committee of the Whole, deemed it to be reported back without amendment, deemed it to be read a third time and deemed it to be passed.

Senator Murray: The same old story.

Senator Fraser: As I suggested at the outset, I expect that most senators are also enthusiastic about this bill, but we do intend to examine it in committee.

Here are some of the things I would like to know. The first is the perennially toughest one: money. How much will it cost to implement this bill properly? There is no point doing it if it is not done properly. What will be the budget of the First Nations education authority? Will there be proper funding to help participating First Nations establish their new on-reserve systems? Will extra continuing funding be needed, beyond whatever is or is not now provided? I gather there are assurances that the money will be there when it is needed, but it would be appropriate to have something more specific than that.

Honourable senators may recall that education was one of the key components of the Kelowna Accord, for example, and it was not cheap. The Kelowna plan included more than \$1 billion over five years to promote innovation in on-reserve education, which is of course the topic of this bill; it is what this bill is all about.

I might also mention that the Kelowna Accord also took a broader approach to education. It would have provided, in addition to the \$1 billion I just mentioned, \$500 million over five years for bursaries, scholarships and apprenticeships; \$150 million over five years for off-reserve education, including \$50 million for the North; and \$100 million over five years for urban, Metis and northern Aboriginal initiatives to prepare children for school.

The current government decided not to proceed with the Kelowna Accord. I think that was a bad decision, but it is what the government decided to do and we live with that. I do hope that when new initiatives come forward, such as the one in this bill, they will be properly funded.

Another question is this: How long is it expected to take for the changes actually to be implemented on the ground? We all know that major institutional change is far easier to announce than to do, but while the changes are being designed, checked, approved and funded, children are growing up who need better schooling now. How long will they have to wait?

For that matter, how many children are expected to be affected by this new system? I understand that there are now about 6,000 students in on-reserve schools in British Columbia and another 11,000 in provincial schools, some of whom might well, one would hope, return to on-reserve schools if the schools were there and were adequate to their needs. However, there is no indication in this bill of how many B.C. First Nations intend to participate in the new system. Participating First Nations are to be listed in the schedule, but at the moment the schedule is blank; it is a big white page. I understand that some First Nations have indeed indicated their intention to participate. It would be most helpful to know which and how many.

Finally, honourable senators, let me echo a warning note that has already been sounded by the Assembly of First Nations. The framework agreement that has been signed in British Columbia is an historic achievement. It is another step on a long road back from the tragic history of so much of Aboriginal education, the history best known for the residential schools which brought so much grief to so many. Yet this agreement is not necessarily a template for other jurisdictions.

Everywhere in Canada there are, have been or will be negotiations to restore to Aboriginal peoples the full educational rights that they need and deserve, but no two parts

of Canada are the same. There may be great similarities in some respects, particularly in the plain fact that the present system too often fails its clients, the children, but there are also huge differences.

Different First Nations have different histories, different legal situations and different priorities. The Cree of James Bay, for example, are in a vastly different situation from the Innu of Labrador. There can be no question of assuming that one size fits all, that an agreement tailored to the particular needs of British Columbia First Nations will necessarily suit other First Nations.

Perhaps I should also mention that First Nations that choose to participate in this bill's system will not be signing away any gains they might make in future comprehensive agreements. Such future agreements could supersede the individual agreements that First Nations reach under this bill, and that, I think, is probably a useful protection for the First Nations as they go forward and might indeed encourage some of them to participate in this educational project.

In conclusion, honourable senators, let me congratulate all those who worked to achieve this agreement. It is hard to imagine a more worthwhile endeavour. If the new system is well implemented, generations of First Nations children will be the beneficiaries.

• (1830)

Hon. Gerry St. Germain: Honourable senators, I encourage all senators to support Bill C-34 and enact the agreement achieved between the Governments of Canada and British Columbia and the First Nations Education Steering Committee, also known as FNESEC. By passing this legislation, we demonstrate our support for the steering committee and its collaborative approach to improving the quality of on-reserve education in British Columbia.

The remarkable effectiveness of the committee's approach illustrates the power of partnership. Quality education is the product of partnerships among the children and parents, students and teachers, communities and schools, educational organizations and governments. The steering committee helps to create and maintain strong partnerships in each of these areas so that First Nations students can learn effectively.

The committee is itself a partnership. It is composed of representatives of British Columbia First Nations who share a passion for education. These men and women recognize the strong link that exists between the quality of education young people receive and the standard of living they experience as adults. It grew out of the fact that First Nations schools in the province of British Columbia were relatively ill-equipped to deliver a high-quality education and that students struggled academically.

Some 14 years ago — it has been going on for 14 years, so it is not something that came out of the chute yesterday morning — the steering committee set out to change these realities. At the time, most First Nations schools in the province, particularly those located in remote areas, operated with little outside support. In essence, bands received money from the Government of Canada to teach students but could access none of the basic support systems available to public schools. There were no ministry of education or school boards to help develop curricula,

recruit teachers and certify schools. Since funding is granted on a per student basis, many smaller schools did not have money to hire principals and administrators or retain good teachers. Good teachers, believe me, is one of the big problems that plague this particular area of concern.

Honourable senators, we have travelled and we have heard. We know now what they are saying. We do not know firsthand because we have not lived it firsthand.

Recognizing that these factors hampered the ability of First Nations to deliver a high-quality education, the steering committee launched a methodical campaign to address each one. The campaign's principal strategy involved engaging as many people as possible in First Nations education. This remarkably successful strategy has inspired a steady rise in the high school graduation rates of First Nations students and a lengthening list of partnerships.

Today, virtually every group involved in education in British Columbia is an ardent and active supporter of the committee. The list includes the B.C. Teachers' Federation, as well as the professional associations that represent the province's principals, vice-principals, superintendents and trustees. Other partners include the B.C. Ministry of Education, the College of Teachers and the Confederation of Parent Advisory Councils. All these organizations appreciate the importance of improving the academic performance of First Nations students in the province and each partner contributes to the collective effort in its own particular way.

The B.C. College of Teachers, for instance, has helped develop a certification framework for teachers of First Nations languages and cultures. The college has long collaborated on the initiatives to increase the number of Aboriginal teachers in the province.

The Confederation of Parent Advisory Councils helps encourage parents to get involved in their children's education, a significant challenge because many First Nations parents suffered abuse at residential schools. Today, some of these men and women have little use for formal schooling.

To overcome this challenge, the steering committee established a special club for parents, and today the club boasts more than 120 local chapters and nearly 3,000 members. The club uses a series of tools, such as promotional calendars, books and newsletters to encourage First Nations parents to get involved in their children's education. Through the club, parents can learn how to help with their children's homework, how to interpret a report card, and what questions to ask during parent-teacher interviews. Thanks to initiatives such as Parents Club, an average of 70 per cent of all parents attend parent-teacher interviews at First Nations schools.

Honourable senators, another statistic that illustrates the success of the committee's partnership strategy is the climbing graduation rate between 1999 and 2004. The high school graduation rate among First Nations students grew from 39 per cent to 48 per cent — a significant growth, but still not acceptable.

The steering committee's partnerships have also helped address key barriers to high-quality education, such as access to and the sharing of student data. Until recently, British Columbia's Ministry of Education collected data only on students enrolled

in public schools. The information collected by Indian and Northern Affairs Canada on students of First Nations schools was different in both content and format. As a result, school officials had no way to track progress made by students moving between systems, a common event particularly in small First Nations communities. This meant it was nearly impossible to compare how well a student performed when he or she moved between two systems. In collaboration with B.C.'s Ministry of Education, a data-linking project is now underway that will facilitate that tracking. The project will enable teachers and administrators to design and implement effective strategies to meet the particular difficulties students experience as they move between school systems.

Another of the committee's significant accomplishments is the implementation of the First Nations SchoolNet program. It coordinated the delivery of this program, maximizing the funding by buying computer hardware in bulk. Last year, the committee installed some 95 computers, nine video-conferencing labs and six satellite connections in schools across the province. To ensure that teachers and students can make the most of this technology, it also oversees software support, services and training.

While the valuable contribution of its educational partners must not be diminished, the steering committee also enjoys the support of several high-profile, private sector companies. These partnerships focus on specific initiatives, such as the Seventh Generation Club, which encourages children to stay in school by organizing a variety of contests and festival days devoted to science, heritage and sports. Seventh Generation also publishes a newsletter, maintains a website and offers attendance prizes and promotional give-aways. Today, approximately 9,000 First Nations students are keen members of the club.

Club sponsors include B.C. Hydro, the Vancouver Canucks and Historica, along with two federal departments. This year, B.C. Hydro provided nearly \$4,000 worth of bursaries, while the Vancouver Canucks donated several thousand dollars worth of promotional merchandise and hockey tickets. The Canucks also contribute a regular column to the club's newsletter and organize player appearances at club events. Thanks to this support, the Seventh Generation Club is able to achieve its goal of encouraging children to stay in school.

The name of the club derives from a traditional Aboriginal belief that decisions made today affect the following seven generations and must strive to honour the previous seven generations as well. I am convinced that this enlightened philosophy also inspires the steering committee's partnership strategy.

Honourable senators, the committee is determined to reinvigorate the proud learning traditions of First Nations in British Columbia and to inspire new and enduring respect for the value of education. The organization's strategic partnerships enable it to wrest maximum value from the investments of taxpayers and sponsors. There is no question that it has had a positive and lasting impact on the quality of education delivered in the province's First Nations schools.

Supporting this legislation celebrates the remarkable accomplishments of the steering committee and will lead to the establishment of additional partnerships that will further improve the quality of on-reserve education in British Columbia.

Honourable senators, I have met with representatives from the Aboriginal community in British Columbia on this subject. I do not profess to be an expert in any way, shape or form on education. However, I have met with them, and I do not think we can afford to ignore their sincerity and long journey to get to this point.

Honourable senators, let me tell you a story about the Tlicho, the Dogrib bands in the Northwest Territories. These are people who took control of their own destiny on education. Education in the remote areas was terrible. They established a higher learning centre in a community just outside of Yellowknife. They went from virtually no one in post-secondary education to over 100, simply because they did what the British Columbia First Nations people want to do; they took control of their own destiny.

• (1840)

Certainly, government support is required for this initiative. If government is not prepared to fund it, it will go nowhere. However, I am convinced that it will. We would not have gone through this process if they were not prepared.

I do not think there is a template; one size does not fit all. The needs are vastly different on the East Coast, the West Coast and in the centre.

It is important that this bill be passed quickly because too many generations have already come and gone. When the Senate dealt with Tlicho, we passed the legislation immediately because these people have been deprived of control of their own destiny for far too long. They have been controlled by a government department, and both Conservative governments and Liberal governments have failed to meet their requirements. It will take 28 years for these people to catch up, even if we do everything right. Therefore, we cannot afford to delay this initiative for one moment. The future of our First Nations youth is at stake.

Honourable senators, I would like this bill to go to committee as soon as possible. If, in the wisdom of the leadership on both sides, it is sent to the Standing Senate Committee on Aboriginal Peoples, I would be proud, as Chair of that committee, to commence hearings on it immediately in order that, without further ado, the Senate can pass this bill.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator St. Germain, bill referred to the Standing Senate Committee on Aboriginal Peoples.

[Translation]

INFORMATION COMMISSIONER

MOTION TO RECEIVE APPOINTEE ROBERT MARLEAU
IN COMMITTEE OF THE WHOLE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of December 7, 2006, moved:

That the Senate do resolve itself into a Committee of the Whole on Tuesday, December 12, 2006, at 8 p.m., in order to receive Mr. Robert Marleau respecting his appointment as Information Commissioner;

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings; and

That photographers be authorized in the Senate Chamber to photograph the witness before the commencement of the testimony, with the least possible disruption of the proceedings.

[English]

Hon. Eymard Corbin: The motion requests authorization for the presence of photographers. Is that for the duration of the committee hearing, or just at the beginning?

Senator Comeau: It will only be at the beginning.

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

Hon. Senators: Agreed.

Motion agreed to.

HERITAGE LIGHTHOUSE PROTECTION BILL

REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Monday, December 11, 2006

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FIFTH REPORT

Your Committee, to which was referred Bill S-220, An Act to protect heritage lighthouses, has, in obedience to the Order of Reference of Tuesday, November 28, 2006, examined the said Bill and now reports the same with the following amendments:

1. *Clause 2:*

(a) *Page 1:*

(i) Add after line 22 the following:

““advisory committee” means the advisory committee established by the Minister under section 9.1.”;

(ii) Add after line 25 the following:

““established criteria” means the criteria established by the Minister under paragraph 18(a).”, and

(iii) Delete lines 26 to 29; and

(b) *Page 2:*

(i) Replace line 3 and 4 with the following:

“this Act, and includes any related built structure that is included in the designation.”,

(ii) Replace line 10 with the following:

“use as an aid to navigation.”,

(iii) Replace lines 11 to 14 with the following:

““Minister” means the Minister responsible for the Parks Canada Agency.”,

(iv) Delete line 15, and

(v) Replace lines 16 to 19 with the following:

““related built structure”, in relation to a lighthouse, means any built structure on the site on which the lighthouse is situated that contributes to the heritage character of the lighthouse.”.

2. *Clause 4, page 2:* Replace lines 28 to 30 with the following:

“4. This Act applies to lighthouses that are the property of Her Majesty in right of Canada.”.

3. *Clause 6, page 2:*

(a) Replace lines 33 and 34 with the following:

“6. (1) The Minister may, at any time, taking into account the established criteria.”; and

(b) Replace line 38 with the following:

“include any related built structure that the Minister considers should be included in the designation, taking into account the established criteria.”.

4. *Delete clause 7, page 3.*

5. *Clause 8, page 3:*

(a) Replace line 24 with the following:

“into account the established criteria.”;

(b) Replace line 26 with the following:

“which the Minister receives a petition; and”; and

(c) Replace lines 29 to 35 with the following:

“whether any related built structures should be included in the designations, and make the appropriate designations.”.

6. *Clause 9, page 3:* Replace line 43 with the following:

“it has been design-”.

7. *New clause 9.1, page 3:* Add after line 44 the following:

“9.1 The Minister must establish an advisory committee to advise and assist the Minister on matters relating to heritage lighthouses, including the designation and protection of heritage lighthouses and the establishment of criteria for their designation, alteration and maintenance.”.

8. *Clause 10:*

(a) *Page 3:* Replace lines 45 to 51 with the following:

“10. The Minister must consult with the advisory committee, and may consult with any other persons or bodies that the Minister considers appropriate, before determining whether a lighthouse should be designated as a heritage lighthouse and whether any related built structure should be included in the designation.”; and

(b) *Page 4:* Delete lines 1 to 13.

9. *Clause 11, page 4:*

(a) Replace lines 14 to 18 with the following:

“11. (1) A heritage lighthouse, or any part of it, may only be altered in accordance with the criteria and procedures established under paragraph 18(b).”; and

(b) Replace lines 24 to 29 with the following:

“does not affect the heritage character of the heritage lighthouse.”.

10. *Clause 12, page 4:* Replace lines 30 to 41 with the following:

“12. (1) A heritage lighthouse, or any part of it, may only be transferred to Her Majesty in right of a province or sold if a notice is published at least 90 days before the transfer or sale in one or more newspapers of general circulation in the area in which the lighthouse is situated.

(2) A heritage lighthouse, or any part of it, may only be sold if a public meeting is held on the matter in the area in which the lighthouse is situated, unless the sale is to a municipality.

(3) Any transaction effecting a transfer to Her Majesty in right of a province or a sale shall provide for the protection of the heritage character of the

heritage lighthouse by any means that the Minister may authorize.”.

11. *Clause 13:*

(a) *Page 4:* Replace lines 42 to 45 with the following:

“**13.** (1) A heritage lighthouse, or any part of it, may only be demolished if there is no reasonable alternative and if a notice is published at least 90 days before the demolition in one or more newspapers of general circulation in the area in which the lighthouse is situated.”; and

(b) *Page 5:* Replace lines 1 to 14 with the following:

“(2) Subsection (1) does not apply in respect of the demolition of a heritage lighthouse in response to any emergency situation or an urgent operational requirement.”.

12. *Delete clause 14, page 5.*

13. *Delete clause 15, pages 5 and 6.*

14. *Delete clause 16, page 6.*

15. *Clause 17, page 6:* Replace lines 25 to 27 with the following:

“maintain it in accordance with the criteria established under paragraph 18(c).”.

16. *Clause 18:*

(a) *Page 6:*

(i) Replace lines 28 to 30 with the following:

“**18.** The Minister must

(a) establish criteria to be taken into”, and

(ii) Replace lines 33 to 46 with the following:

“lighthouse and whether any related built structure should be included in the designation;

(b) establish criteria and procedures respecting the alteration of heritage lighthouses that are in keeping with national and international standards for the conservation of heritage properties;

(c) establish criteria for the maintenance of heritage lighthouses that are in keeping with national and international standards for the conservation of heritage properties; and

(d) include in the criteria and procedures established under paragraph (b) requirements that all interested persons be given a reasonable opportunity to make representations concerning any proposed

alteration of a heritage lighthouse or any part of it, and that a public meeting be held concerning the proposed alteration.”; and

(b) *Page 7:* Delete lines 1 and 2.

Respectfully submitted,

WILLIAM ROMPKEY, P.C.
Chair

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

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

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Human Rights (budget—study on Canada’s international and national human rights obligations—power to travel), presented in the Senate on December 7, 2006.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs moved the adoption of the report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budget—legislation*), presented in the Senate on December 7, 2006.—(*Honourable Senator Furey*)

Hon. George J. Furey moved the adoption of the report.

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

Hon. Senators: Agreed.

Motion agreed to and report adopted.

CONSTITUTION ACT, 1867**REPORT OF SPECIAL COMMITTEE ON MOTION TO
AMEND—DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (*motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations*), presented in the Senate on October 26, 2006. —(Honourable Senator Tkachuk)

Hon. Elizabeth Hubley: Honourable senators, we should always have good reasons for changing the structure or workings of our political institutions. As I said during debate on Bill S-4, parliamentary reform should never be approached in a piecemeal manner without knowing beforehand the overall shape and substance of the newly reformed institutions. We need a plan; we need to know where we are going.

This is not to suggest that necessary democratic or political reform should be avoided as a country develops and grows and further defines itself, or that we should not attempt to correct old wrongs.

• (1850)

The Meech Lake and Charlottetown accords at their core were attempts to reconcile the cultural and linguistic aspirations of Quebec with the rest of Canada and to provide recognition to our Aboriginal peoples. Both of these lofty, ambitious attempts to reform Canada's Constitution failed, and academics and pundits are still debating the reasons for this failure.

In the past weeks, we have experienced more political shifting along the Quebec-Canada fault line, with passage of the government's motion to recognize the Québécois people as a nation within a united Canada. This is a symbolic recognition, of course.

Honourable senators, our colleagues, Senator Murray and Senator Austin, have introduced a motion seeking a constitutional change to accord additional representation in the Senate for Western Canada. However, once again, this is a piecemeal initiative that poses more fundamental questions.

What is the role and function of an upper house in our 21st century bicameral Parliament? What and who should senators represent? Is it possible to change the character, authority and function of the Senate without also reforming the elected House of Commons?

These basic questions need to be addressed, honourable senators, before the regional balance of representation is altered.

My particular vantage point, of course, is that of a Prince Edward Islander. There always is more at stake for our province in discussions around the Constitution than for other provinces. We have a unique position within Canadian Confederation, not

only as the birthplace of the idea of the federal union itself, but also as the smallest "full and equal partner" in that federation.

This status of full and equal partner has always been difficult for other Canadians to accept. How does a province with a population of a small Ontario city possibly make such a claim?

Historically, Prince Edward Island has struggled to make its voice heard around the federal-provincial table and, more laboriously, with federal bureaucrats for whom size and population amounts to authority and respect. Provincial civil servants in search of federal program spending know the frustration of being told, "You do not have the numbers."

Prince Edward Islanders have never viewed themselves as the Lilliputians of Confederation. We have always stood proudly, demanded our fair share and given back to the nation disproportionately.

In my early remarks on Bill S-4, I spoke about covenants and agreements. When Prince Edward Island finally joined Confederation in 1873 at the urging of a new Dominion concerned with an expansionist United States and anxious to knit together and further consolidate its own interests, the newest province was given four Senate seats, reallocated from those previously given to neighbouring Nova Scotia and New Brunswick in 1867. This was one of our so-called "terms of entry."

In 1873, the Maritime region was at the zenith of its economic prosperity. Ontario and Quebec were growing with the influx of new settlers, and the West remained a vast and largely unsettled territory whose potential was yet to be realized. However, soon after Confederation and with the introduction of Prime Minister Macdonald's protectionist national policy, trade lines shifted and the Maritimes began to look inward toward the continent and a new centrally located economy.

My purpose, honourable senators, is not to look back romantically at a time of earlier greatness, but rather to point out that the constitutional arrangements that defined a new Canada in 1867 reflected the linguistic, cultural and regional realities of the time. These founding arrangements were not an accident but a constitutional bargain to accommodate and balance the expectation of the partners in the federation, both large and small.

Our Island's motto — *Parva Sub Igenti*, "the small under the protection of the great" — is taken from Virgil's *Georgics*. It was adopted in 1769, yet it conveys undoubtedly the expectations of Premier James Pope and his pro-Confederate colleagues in 1873, that Prince Edward Island, though diminutive in geographical size and population, would nevertheless be protected and respected within the new Dominion of Canada.

The Senate, or upper house, was established in part to protect the small and to ensure a degree of equality and inclusiveness against the grain of population. That is right, honourable senators, against the grain of population.

Prince Edward Island was originally accorded six seats in the House of Commons. However, with decreased population, the number of seats fell to four. By 1911, it was in jeopardy of being reduced further. Fortunately, then Island premier, John Matheson, was successful in negotiating with the federal

government a constitutional provision that now guarantees Prince Edward Island no fewer elected members of Parliament than senators.

What and who should senators represent? I believe strongly that representation in the Senate, unlike the elected House of Commons, should not be driven by population at all, for it is the promise of the Senate to provide an effective voice for a diversity of regional and other interests. It is the promise of the Senate to represent fairly the interests of women, racial and linguistic minorities and our Aboriginal peoples. It is the promise of the Senate to ensure that the great Canadian North has a strong voice in Parliament. It is the promise of the Senate to ensure that our coastal and rural communities are understood and appreciated and afforded opportunities to prosper and develop.

Honourable senators, it is not possible to achieve this inclusiveness through representation by population alone. It never was. Majority rule is a noble but limiting concept. We need other principles at work in our democracy; otherwise, it is my firm belief that Canada's full diversity will not be represented, nor its potential greatness realized.

A former Conservative Premier of Prince Edward Island, the late Honourable J. Angus MacLean, believed that in a democracy, more than people need to be represented. For this distinguished politician and war veteran, the land itself deserved to have a voice.

This is a radical notion, I know, but in a country as territorially vast as ours, in which the population is increasingly grouped in larger urban units, Mr. MacLean's approach to representation has growing relevance.

Senators Murray and Austin have proposed that British Columbia be designated a region and both Alberta and British Columbia be given additional Senate seats while not increasing the total number. This means that Prince Edward Island's representation in the upper house would be diluted and degraded, as would that of its neighbouring Atlantic provinces.

I cannot support the motion of Senators Murray and Austin for this reason. To distribute representation in the Senate based on population change, rewarding those provinces and regions having the greatest strength in numbers and economic wealth, will not lead to better governance. On the contrary, I believe it would diminish who we are as a country.

We have been told the government will introduce legislation soon outlining a process for electing senators. It is clear that such a fundamental change in the character and role of the Senate would also require amending the Constitution.

Honourable senators, a second elected chamber with representation driven by population, mirroring the House of Commons in fundamental ways, would be a step backwards for this country, in my opinion. It would never ensure the inclusiveness or the kind of broad representation I have been speaking about.

We do not need an elected Senate that mirrors the House of Commons in character and function, and we do not need a Senate dominated by the larger, more economically powerful

provinces. Our objective, I believe, should be to further enhance the existing character of the Senate as a unique constituent assembly, where the voices of all regions, all racial and cultural groups, can be heard; a Canada chamber whose authority is derived neither from population numbers nor partisan allegiance, but from the scope and fullness of its representation. It could be argued that our existing Senate already performs this role in an effective and distinguished manner.

• (1900)

However, I am not in favour of the status quo. We need to preserve the essential character of the institution and improve it, giving it more legitimacy in the eyes of Canadians, and making the Senate more inclusive and representative.

Somewhat surprisingly, there have been few recent comparative studies in this area. We have not looked at other bicameral parliaments and upper houses around the world. Perhaps this is where we should begin. If we are serious about reforming the Senate of Canada, then we should take a more comprehensive look. If we want to re-engineer our Senate for the 21st century, perhaps we should be willing to take the necessary political risks. That would be a responsible and democratic thing to do.

In conclusion, let me say that, notwithstanding my opposition to the Murray-Austin motion, as an Atlantic Canadian I have a great deal of empathy for the alienation and frustration that many Western Canadians feel on the other side of a vast country that has been controlled by the centre for the last century or more. I commend my honourable colleagues for introducing their motion.

However, as expressed by several presenters who came before the committee, we need to have a destination before we begin the journey. Just as important, we need a road map to get there, instead of one-off, piecemeal initiatives that raise more questions than they answer.

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

Senator Hubley: Yes.

Senator Banks: The honourable senator talks about the dilution of representation that, if my arithmetic is correct, would move the representation of senators in this place from 3.8 per cent to 3.4 per cent, which is not, in my opinion, terribly significant.

However, my question is: Since the honourable senator referred to the 1873 arrangement where Senate seats were transferred from Nova Scotia and New Brunswick to Prince Edward Island, I take it that the honourable senator has no objection in principle to changing the proportion of representation in the Senate?

Senator Hubley: I thank my honourable colleague for mentioning that point. In 1873, we were dealing with a much different Canada. In 2006 and thereafter, I would like to see us accept the challenge of reforming our Senate, and several ways of reforming have been put forward in presentations. However, I do not want us to make changes in the Senate without a total picture of how changes will affect the representation of smaller communities and areas such as my own province.

Hon. Jack Austin: The honourable senator referred to the need for better representation of coastal and rural communities. Can she conceive that, in British Columbia, half our population is in urban communities? Every senator on either side represents an urban community. With only six senators for British Columbia, it is very difficult for our coastal and rural communities to find appropriate representation. That is the major reason that we seek to move from 6 to 12 seats. Does the honourable senator have some sympathy for that concern?

Senator Hubley: I thank the honourable senator for his question. I certainly do have great sympathy for your concern. I also have sympathy for the communities on our vast northern coastline, which are also perhaps under-represented within the Senate, given the importance of the North and the attention that will be directed towards that area in relation to the issue of climate change. Perhaps we could better understand many of those issues if indeed we had a representation from coastal communities, per se, and certainly British Columbia would be part of that.

Senator Austin: Senator Hubley, I understand your point is that no issue of concern should be addressed until we can address ourselves to the fundamental purpose for which the Senate exists. Is that correct?

Senator Hubley: I would reflect on a lot of our institutions. Yes, as a Senate of Canada, we should be very cognizant of the importance of institutions that have developed through history, that support our way of government and our people. A change in the Senate should be something that is ongoing. However, there is more study that needs to be done. I would not like to see a change in representation until we take a good look at some of the groups here represented, such as women, Aborigines, and the disabled, as Senator Oliver mentioned in his statement this evening.

The Hon. the Speaker: The honourable senator's time has expired. However, as is our practice, if the honourable senator were to consent another five minutes, she would probably receive consent for that.

Senator Hubley: I would so request.

Hon. Francis William Mahovlich: Honourable senators, I would like to address a question to the honourable senator. It is this: Have any studies been done in relation to representation in Northern Quebec or Northern Ontario? They are not coastal communities as such. However, I am talking about a vast land, and not many people have mentioned these areas. For example, we only have one senator for all of Northern Ontario, and that is a vast area.

Senator Mercer: That is you, Senator Mahovlich.

Senator Tkachuk: That is you.

Senator Mercer: You have big shoulders.

Senator Mahovlich: No, honourable senators, it is Senator Poulin, who is from Sudbury. She is the only one representing the whole of Northern Ontario. Therefore, I suggest that when we do

our study, we should look at Northern Quebec and Northern Ontario, and consider increasing the number of senators who represent those areas.

Senator Hubley: Senator Mahovlich has pointed out something that is very important in this day and age, and that is, as has been mentioned, that there are regions of the country that are very important to our Canadian economy but that are not represented within the Senate to the degree of the representation that exists for other areas. I would like representation within the Senate to reflect more than just populations. Indeed, in the Maritimes, we regard Newfoundland and Labrador as being very distinctive. Yet, if their representation were based on population, they would not have representation in the Senate. I agree with Senator Mahovlich that that is important.

Hon. Daniel Hays (Leader of the Opposition): I wish to congratulate Senator Hubley on a well-crafted speech. I agree with all of the sentiments expressed.

The honourable senator said that the 1873 arrangement was a reasonable way to balance the expectations of the regions and the provinces at the time. However, the main thesis of her speech was that nothing should be done unless the end result is the implementation of the Murray-Austin motion.

• (1910)

I would be interested in a further comment as to how my honourable friend would respond if she were in Senator Austin's position. While population is not the basis of this chamber — I think there are something like 700,000 plus British Columbians for every senator — it is a difficult thing for those in British Columbia and in my province of Alberta, for that matter, to explain what the reasonable expectations of their region and province should be.

I am interested in an elaboration on how we deal with that number as it becomes more and more dramatic over time. While it is not the basis of the Senate, it is at least somewhat relevant in terms of what it is we in the West answer to our constituents for.

Senator Hubley: Honourable senators, in my closing remarks I stated that I had great sympathy for our Western provinces. I do not disagree with the fact that they are looking for more representation within the Senate. My main point was that in order to make an increase in one part of the country, there is, by the very act of doing that, perhaps a diminishing representation in another. There is an altering of the status quo.

Should that be done? I think it should be done. I think we should take a good look at the Senate. The other place does have representation by population, and therefore B.C.'s ability to elect members to the House of Commons will be much greater than Prince Edward Island's will ever be. It does highlight the fact that we seem to be open to looking at the Senate with a new vision to take it into the 21st century. That is laudable. That is an important function for us as a Senate to do and I would like to see it done.

I would only say that if I were in the shoes of Senators Austin and Murray, I would like to do the same thing. Very likely they deserve these seats, but not within the way the Senate is set up at the present time.

MOTION IN AMENDMENT

Hon. David Tkachuk: Honourable senators, I would like to propose an amendment to the second report of the Special Senate Committee on Senate Reform.

As I have mentioned in this chamber before, when we were debating this report, I believe that British Columbia is a region. It has been recognized as such by the previous government. It should have the same number of senators as any other region, which is 24. Therefore, I move:

That the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate) be amended as follows:

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

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

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

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

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

“British Columbia by Twenty-four Senators;”;

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

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

“exceed One hundred and thirty-nine.”.

The Hon. the Speaker: Is there debate on the motion in amendment, honourable senators?

On motion of Senator Murray, debate adjourned.

EMERGENCY MANAGEMENT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-12, to provide for emergency management and to amend and repeal certain acts.

Bill read first time.

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

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

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey: Honourable senators, I want to make a few remarks on this inquiry. I also wish to thank Senator Fairbairn for bringing it forward. I should like to talk about my home province, the rate of literacy and the rate of illiteracy.

Not all of us are illiterate. Rick Mercer is not illiterate; Rick Hillier is not illiterate; Rex Murphy is not illiterate; Seamus O'Regan is not illiterate; neither is Wayne Johnston nor Lisa Moore, and neither is George Baker. George Baker is erudite all of the time and a great orator — one of the best orators that we have produced.

I remember when we were in opposition in the late 1980s. We would go into opposition from time to time, as honourable senators will know, and we would practice our opposition skills. George Baker was practicing his opposition skills when John Crosbie was Minister of Fisheries. I always wondered about that because it was the highlight of the day. As a matter of fact, the Speaker of the House of Commons at one time thought that he would charge an admission when George Baker was asking John Crosbie a question.

When I was in Newfoundland recently, I asked John Crosbie about that, and he said that from time to time he would get a call from George Baker saying, “John, I am thinking of asking this question in Question Period today and you, John, may want to think about giving this answer...”

Senator LeBreton: They rehearsed it in advance!

Senator Rompkey: That is now recorded.

However, they made their point, they made it with humour and they made it eloquently. The point was made very well. People knew what the point was and they got the message.

There is a degree of literacy but there is also a degree of illiteracy, and the polls show us that we perhaps — depending on which poll one reads — have a great degree of “illiteracy” in the province. Residents of Newfoundland and Labrador had average scores significantly below the national average.

• (1920)

If honourable senators look at the graph, they will see that the rate rises as one travels across the country. It used to be the case years ago, and I suspect it is the case now, that as you travel from British Columbia to Newfoundland and Labrador, you will see the rate of illiteracy rise because it has a lot to do not with ability, intention or demand but with money. We are talking about the province which has the highest rate of taxation per capita and the highest unemployment rate and where, in the provincial budget, the Government of Newfoundland and Labrador now is spending something like 40 per cent of its budget on education.

This cut in literacy from the federal government causes a great deal of concern because literacy is an investment. Literacy really is education. It should be a right in this country, equal to health. You should have a right to health in Canada, and you should have a right to education in Canada. The Greeks believed in a sound mind and a sound body. That is what we should be aiming at for all Canadians. I am not talking about the school system because all education does not take place in the school system. Mr. Baird seems to think that. When he talks about adult literacy, Mr. Baird says that it is just "repair work after the fact." That is a very simplistic view from a man who, perhaps, has not experienced the regions of the country.

Senator Sibbeston said the other day, and Senator Watt will know, that in certain regions of the country, we have a particular problem with education. People have a language problem. English is not the first language for many people. If you watched Mark Kelley on *The National* the other night in Prince Rupert, you would have seen the problems that some students have with fetal alcohol syndrome and other problems. Those difficulties require special attention. It is not just "repair" of the system.

We have people who have gone through the system and somehow have fallen between the cracks through no fault of their own. We should give them that opportunity because education is an investment. If you have an educated workforce, with people who know how to read and write, and labour leaders and tradesmen who can read their books and their instructions, and people who can read signs, you have people who can reach their economic potential. That is what we should be aiming for: reaching the economic potential of people.

There was a cut in federal funds. The rationale that we have been given is that will not change much and money is still available. How do you apply for that money? Who applies for that money? The reality is that although money is there, there is gas for the tank but the engine is flawed. The carburetor is not working. The vehicle's engine is not working properly because the vehicles that were in place to help the networks that were in place are impacted and are no longer there for use.

We have learned that the collaboration among literacy organizations and other non-literacy frontline agencies are critical for the initial literacy experiences of many adults. That is the problem. The problem is that many of these networks are now no longer functional or able to help the partners.

The literacy community in Newfoundland and Labrador has developed the approach of establishing partnerships between literacy groups and other frontline organizations. They refer people to the appropriate learning opportunities. With funding

and encouragement from the federal National Literacy Secretariat, a literacy network ad hoc group was established in the Province of Newfoundland and Labrador. Its members included individuals from across the Newfoundland and Labrador literacy community, such as the former Literacy Development Council; the Laubach Literacy Council; the Labrador Literacy Information and Action Network; Teachers on Wheels; Partners in Learning; the Sheshatshiu Innu First Nation; the Newfoundland and Labrador Association for Adult Education; and Memorial University.

They went across the province holding informal consultations, face-to-face forums, brown-bag lunches, provincial teleconferences, online discussions and, finally, a provincial literacy conference. The purpose was to identify, at a grassroots level, with the people on the front lines on this issue what would best advance literacy in this province.

The coalition was formed, but the difficulty is that it now faces the prospect that it will never get off the ground because it was depending on that federal money to fund the network.

That is the difficulty that we have. I want to put on the record some quotations from people in my area because I want them to speak for themselves. I want to put them on the record so that senators will understand the difficulty that people are experiencing in the rural areas of Newfoundland and Labrador.

Janet Skinner is the Executive Director of the Labrador Literacy Information and Action Network, a central organization for literacy programming in Labrador. She has commented on the potential impact of these cuts on Labrador as follows:

Partners in Learning is the community-based literacy organization serving the Straits ...

That is the Strait of Belle Isle between Newfoundland and Labrador.

— the Battle Harbour Literacy Council, Labrador White Bear Literacy Council, Eagle River Literacy Council ...

There is a series of them, including the Sheshatshiu Innu Band Council. These Aboriginal family centres and others are now not possible. Ms. Skinner continues:

This is particularly frustrating since these collaborative initiatives develop the capacity of organizations to assist those who come to them for other reasons ...

In other words, it is a network; they help each other; it is a collaborative effort. The individual projects in the community get help from the network and from the organization to put their projects together and to apply for them. As Ms. Skinner says:

These are often people for whom the school system is not the answer.

From Barbara Marshall, Partners in Learning of the Labrador Straits:

Partners in Learning operates *community* literacy programs that begin from the premise that literacy practices are embedded in our lives as workers, parents

and community members. In their community of the Labrador Straits, they have succeeded in engaging 80 per cent of residents to use the learning centre for their learning needs. ... They have also succeeded in engaging community partners... This experience has since been replicated and demonstrated across the country and internationally.

Her comments on the potential impact of the announced cuts are as follows:

The impact in our area as a result of these cuts will be the elimination of Partners in Learning as a leader in the Labrador Straits for community-based learning. It will see the closing of the community learning centre in West St. Modeste; the elimination of adult tutoring services; the elimination of coordination and facilitation of the Roots of Empathy Program, the PRINTS Program; the elimination of key learning initiatives developed with social and economic development groups; elimination of advocacy and support for adults; and the elimination of community and learner input into learning and literacy programs in the region.

From the Port Hope Simpson Learning Centre, I quote as follows:

We are devastated with the federal government cuts to social programs, in particular, literacy! Our community-based organization will have to close its doors to our many residents whom we have provided assistance to in the past. Lack of literacy skills affects all aspects of life, health, employment, economic development, just to name a few. What will be the repercussions? Will government be accountable?

The next quotation is from Brenda Nuke, who is Apprentice-Coordinator of the Sheshatshiu Collaborative Workplace Literacy Project. This is a First Nation about 20 miles from Goose Bay in Labrador. She says the following:

Literacy is an especially important issue in my community. It affects both the adults and youth. Many people in my community need help with English as a second language. They need help with their reading and writing. In the workplace, people need extra help to do their jobs well. For example, when I worked with the 'workplace literacy' project, I was able to show a 50-year-old man how to use his e-mail. This meant a lot to him because it gave him a skill and improved his confidence. The same thing happens when you can help a person write a business letter or read a memo; it builds their confidence and self-esteem. That is really important to keep in mind when you consider the amount of hopelessness people feel when they can't do these things. If we lose access to the LLIAN and the types of literacy projects they have helped us to develop, then I fear we will let many people down.

• (1930)

Those, honourable senators, are the impacts of the cancellation of funds from the federal government for literacy.

From Sherry Turner in Happy Valley, Goose Bay:

I was extremely disappointed to hear about the cutbacks in federal funding to community-based literacy programming. While I coordinated the Youth Linkages project, we found the services of the Labrador Literacy Information & Action Network (LLIAN) and their clear career-planning tools very important to our program. We have called on LLIAN every year to assist us in using those clear, graphic tools, and the evaluations from our clients has always been excellent.

I make the point again; the effect of the cuts is to kill the network. There may be gas there, but the vehicle has been impacted. The vehicle will not work and does not run. You can have all the gas you like.

From Louisa Lucy, a teacher in Hopedale:

It is very wrong, not just for the north coast but for the whole province to suffer this loss of literacy services. It is particularly difficult for the north coast communities because we are already disadvantaged when it comes to library services and good Aboriginal language materials.

They seem to say that it did not —

The Hon. the Speaker *pro tempore*: Senator Rompkey, are you asking for more time?

Senator Rompkey: I wish to conclude, if I may.

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

Senator Rompkey: I want to close by informing honourable senators about what the provincial government has done, in spite of the fact that it is already putting 40 per cent of its budget into education: \$1.2 million has been allocated to improve access to adult learning and literacy by increasing the number of Adult Basic Education programs offered at the College of the North Atlantic.

A news release from the Government of Newfoundland and Labrador stated:

Government will provide \$230,000 to continue funding previously provided by the federal government for its share of Adult Basic Education Level 1 pilot program. This funding is in addition to the \$300,000 currently allocated to support adult literacy programs. "Funding of Adult Basic Education and literacy initiatives contributes to the social and economic development of our province," said the minister. "The inter-generational benefits of literacy are well established. Higher literacy levels of parents have a positive impact on the achievement of their children."

That is the story, honourable senators, in a province that needs this help. Both Aboriginal and non-Aboriginal people have fallen through the cracks in the system. They want to reach their potential and the government should give them the means, but the funding is no longer there.

Honourable senators, I call upon the government again to review this situation and to give Canadians in all parts of the country the opportunity not just for good health, but for good education.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I could not help but note that Senator Rompkey speaks about automobiles as still having carburetors.

Senator Rompkey: Only you guys in Ontario have the new cars.

Senator LeBreton: We actually have fuel injection in our cars.

Senator Rompkey: If you increase equalization, we could have some new ones, too.

On motion of Senator LeBreton, debate adjourned.

ANTI-TERRORISM ACT

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE OF FINAL REPORT AND TO MEET DURING ADJOURNMENT OF THE SENATE— DEBATE ADJOURNED

Hon. Serge Joyal, for Senator Smith, pursuant to notice of December 7, 2006, moved:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, and on Wednesday, September 27, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from December 22, 2006, to March 31, 2007; and

That the Committee be empowered, in accordance with rule 95(3), to meet on weekdays in January 2007, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this motion has not been explained. No explanation has been given as to the rationale behind the requested extension. We need more information so that we can properly contemplate the motion.

Senator Joyal: With pleasure, honourable senators.

The Special Committee on the Anti-terrorism Act sat on many occasions in the last month. The committee has come to the point where it has a final draft in one language and has agreed generally with the substance of that draft. However, there was a consensus in the committee that the draft — the report so far is about 120 pages in length and is very comprehensive — should not only be translated but should be offered in French. In other words, there should be a capacity to edit the French version so it reflects not only the substance of but the quality of a real French version.

To achieve that result, consultations have led us to conclude that we would need at least two or three weeks of work by a qualified translator to come forward with a report that would be of equal quality in both English and French.

That being said, we are under the order of this chamber to report by December 22, which of course will not give us the time to develop the quality French version of the report that we have agreed we should offer Canadians. The substance of this report will, no doubt, be of interest not only to senators but also to a large number of the public, considering the importance of the subject. It is, essentially, a revision of the anti-terrorist legislation adopted by this chamber four years ago, the text of which, we will remember, was developed in a short period of time.

• (1940)

The committee has identified many proposals on how the anti-terrorist legislation should be adapted following the first report of the commission on the Arar inquiry and the decisions of the Canadian courts that have occurred in the meantime.

The members of the committee are aware that the second report of the commission on the Arar inquiry will be released soon. I read an article in the *Ottawa Citizen* today that contained some of the elements of that second report. There is no doubt that the members of the committee will want an opportunity to consider the second report as soon as possible, to reflect upon that report and to decide accordingly about the recommendations that the committee would like to propose to the house. That is one reason that the committee would like to have the authority to sit in January.

Honourable senators, members of the committee are no more diligent than other senators. The committee would sit, if possible, at the end of January, perhaps one week before the Senate resumes, to provide an opportunity to conclude its study and share with the house and with the Canadian public its findings on the anti-terrorist legislation. The committee was mandated to review the anti-terrorist legislation under a statutory obligation of the Senate. The other place met with a similar obligation but I would not want to qualify its report, which is a couple of pages long and addresses only two specific issues, and not the overall complexity of legislation dealing with anti-terrorism. The Senate has taken its responsibility seriously at the committee level and members on both sides have participated thoroughly in that exercise. The motion before the chamber this evening is the result of a consensus reached by members of the committee and reflects the good work achieved by the committee on a consensual basis. I see His Honour the Speaker in the chair, who has taken part in our committee deliberations. Other senators who were not official members participated as well in the work of the committee.

The motion is not a delaying tactic, as I mentioned. The committee has prepared a second draft of 120 pages containing many recommendations. It is essential to ensure that the committee is able to offer senators and the public the quality of work that they deserve.

Senator Comeau: Being aware of December 22, 2006, this will be kept in mind.

I move adjournment of the debate.

The Hon. the Speaker: Senator Andreychuk was about to rise. Would the honourable senator like to hold his adjournment motion?

Hon. Marcel Prud'homme: Senator Andreychuk agreed with Senator Comeau.

Hon. A. Raynell Andreychuk: Honourable senators, I wanted to put a question to Senator Joyal, but I can do it by way of contributing to debate after the adjournment.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Tuesday, December 12, 2006, at 2 p.m.

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