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**Wednesday, April 26, 2006**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Wednesday, April 26, 2006

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

Prayers.

**THE LATE CORPORAL MATTHEW DINNING  
THE LATE BOMBARDIER MYLES MANSELL  
THE LATE LIEUTENANT WILLIAM TURNER  
THE LATE CORPORAL RANDY PAYNE**

### SILENT TRIBUTE

**The Hon. the Speaker:** I would ask honourable senators to rise and observe one minute of silence in memory of Corporal Matthew Dinning, Bombardier Myles Mansell, Lieutenant William Turner and Corporal Randy Payne, whose tragic deaths occurred this past weekend while serving their country in Afghanistan.

*Honourable senators then stood in silent tribute.*

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** I draw the attention of honourable senators to the presence in the gallery of a group of students from Upper Canada College. They are accompanied by faculty members Tim Meikle and Roger Marino.

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

As well, I draw the attention of honourable senators to the presence in the gallery of Mr. David Smith and his wife, Darlene. They are guests of the Honourable Senator Hubley. On behalf of all honourable senators, I welcome you to the Senate of Canada.

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• (1340)

[English]

## SENATORS' STATEMENTS

### WORLD INTELLECTUAL PROPERTY DAY

**Hon. Joseph A. Day:** Honourable senators, I would like to begin my statement today with a question: What do Yousuf Karsh, Bill Gates, Walt Disney and Oscar Peterson have in common? The answer is: an appreciation for the value of intellectual property.

Today, honourable senators, is World Intellectual Property Day. Intellectual property is that nonphysical, intangible right that one has for his or her creativity, for inventions. We often take

for granted the value of new ideas and life-saving technologies, the pleasure that we derive from music and designs, and the labour-saving inventions that flow from the ideas of others.

Honourable senators, the importance of intellectual property was displayed in the World Trade Organization Uruguay Round of discussions with respect to trade-related intellectual property matters called TRIPS. In Canada, we have the Canadian Intellectual Property Office, where inventors or creators go to obtain and perfect their rights. In addition, there is a professional organization known as the Intellectual Property Institute of Canada, which, this year, is celebrating its eightieth anniversary. Honourable senators are invited to a reception this afternoon from 5 p.m. to 7 p.m. in room 256-S to help celebrate this anniversary, to learn more about intellectual property and to meet with some of the senior officials from the Canadian Intellectual Property Office, as well as professionals who work in the field.

### THE LATE HONOURABLE IAN SINCLAIR, O.C., Q.C.

**Hon. Anne C. Cools:** Honourable senators, I would like to pay tribute today on behalf of the Conservative caucus to the late Honourable Senator Ian Sinclair, who passed away on April 7 at the age of 93. I was thinking about Senator Sinclair just a few weeks ago, and I worried that perhaps he passed away and I had not been informed.

I shared a distinct honour with Senator Sinclair in that, though he was appointed to the Senate a few weeks ahead of me, we were sworn in on the same day in January 1984, as were Senator Grafstein and other senators. At that time, I remarked to myself that a great corporate baron was being sworn in at the same time I was. Interestingly enough, he was born a mere thirty years before I was. At the time, I found that strangely amusing.

Honourable senators, Senator Sinclair was a mighty man. My service on a committee with him was an amazing cognitive experience. I had the opportunity to serve with him during the privatization of Air Canada when he was the Chairman of the Senate Banking Committee. For me, the experience was stupendous in that this man, as chairman, was one of the foremost authorities on transportation in the country. It brought much comfort and knowledge to me that he, this knowledgeable corporate titan, was serving as chairman of the committee. I borrowed the term "titan" from *The Globe and Mail*, which once described him as the "last of the railway titans."

Honourable senators, I should like to close by saying that Senator Sinclair was the embodiment of a type that seems to have passed. He was many things. He was trained as a lawyer, trained in economics and was a veteran of the war. On many occasions I had the wonderful experience to listen to this former President and CEO of Canadian Pacific Railway speak about many different questions here in this chamber.

When a man passes on at age 93, it is a somewhat different event. In honour of this mighty man, this man who served with us here in the Senate for approximately four years, who may have been one of the highest paid corporate executives in the country, on behalf of all Conservative senators, I will read from Revelations, chapter 21, verses 3 and 4:

3 And I heard a great voice out of the Heaven, saying, Behold, the tabernacle of God *is* with men, and he will dwell with them, and they shall be his people, and God himself shall be with them, *and be* their God.

4 And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there be any more pain: for the former things are passed away.

Honourable senators, Ian Sinclair's earthly journey is over. His pilgrimage is done. He has run his course. Yet again, we see that another colleague has gone.

Having said that, honourable senators, I send my condolences and warmest wishes to his family and friends still remaining.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I, too, would like to rise in tribute to the late Ian Sinclair. He had been appointed just before I arrived in the Senate, and we were sworn in at the same time. We should not look back too far, but in those days, this chamber was populated with premiers from every region. Outstanding academics, outstanding legal and medical experts were here. None was greater in this chamber than Ian Sinclair, who was able to become a master of many disciplines. He was a master lawyer, a master when it came to regulations and administration, a master when it came to economics and a master of business. Above all, we saw him in the Senate as a master senator.

Shortly after I was appointed, Ian called me to his office. His office was spotless and his desk was clean. He had two piles on his desk. I was quite curious, first of all, curious to be invited to his office, although we were friends, and became closer friends while we were here. I was also curious about these two piles. One pile was bills from the House of Commons and the other pile was bills that were in progress in the Senate. I could see that the bill in front of him had been marked up.

Ian sat behind this massive desk, and he was a massive man himself. He looked up and said, "We have one problem in the Senate." I said, "Ian, what would that be?" He said, "Senators do not read. The House of Commons is bad, but we are equally bad. We do not read. We do not read our legislation. We are called upon to vote, but many times, when we have a debate, either in committee or in the chamber, it is obvious that many senators have not read their material." He said, "My one word of advice to you as a senator is to read. If you do read that legislation, you will be surprised about what is in that legislation, and you will be surprised about the mistakes that the other place has overlooked." I felt that was good and thoughtful advice. This advice was passed on to me, and I pass it on to new senators.

One final word about Ian. He was a man among men. He was a great titan of business. He was a superb lawyer. He was a great Canadian, and his talents, which were truly multi-faceted, will be sorely missed. To his children and to his grandchildren who proudly bear his name, our hearts go out to him. We hope to see his talents again, but I am doubtful. Nothing has been so combined in one man as these many talents and his great humility and love of this country. He will be missed.

## CHERNOBYL NUCLEAR POWER PLANT EXPLOSION

### TWENTIETH ANNIVERSARY

**Hon. A. Raynell Andreychuk:** Honourable senators, exactly 20 years ago today, in the early morning of April 26, 1986, a safety test error at the Chernobyl nuclear power plant in Pripjat, Ukraine, caused reactor No. 4 to explode. The resulting fire raged out of control for 10 days, sending a thick plume of radiation across Ukraine, Belarus and northern Europe. Traces of radioactivity eventually spread throughout the northern hemisphere, changing the lives of millions of people forever, yet the Minister of Power for the Ukraine Soviet Socialist Republic had stated in February 1986:

The odds of a meltdown are one in ten thousand years. The plants have safe and reliable controls that are protected from any breakdown with three safety systems.

Yet, it happened on April 26, 1986. Immediately, firefighters and others sacrificed their lives to put out the fire, to clean up the contaminated soil and to pour a concrete sarcophagus over the damaged reactor. Chernobyl and its neighbouring settlements were evacuated and a permanent 30-kilometre exclusion zone was established around the plant.

• (1350)

Over the ensuing years, the number of illnesses and deaths attributed to Chernobyl has been estimated at reaching or exceeding one million. The Soviet authorities at first denied this disaster, and we will never know the untold harm created by this silence and the lack of concern for citizens above political expediency.

When I think of Chernobyl, I think of children, children who have been orphaned as a result of this tragedy or children who suffer health issues yet to be fully understood. What is known is that many children suffered and continue to suffer from radiation fallout, especially cancer of the thyroid.

It is troublesome to note that the risks still exist, that the hastily constructed sarcophagus could collapse, releasing further radioactive dust into the atmosphere.

Honourable senators, while Ukraine and its neighbours suffered the brunt of this disaster, it is a world responsibility to ensure that we continue to raise awareness about the Chernobyl disaster, that we continue to support the direct victims of the disaster and that we ensure that the world does not suffer another Chernobyl.

Ukraine, as it struggles to create a full and vibrant democracy, requires Canada's attention and involvement. I honour those Canadians who have responded by dedicating their resources, homes and compassion for the children of Chernobyl, as I laud also the Canadian government's commitment of \$8 million, bringing the total commitment for Chernobyl-related projects to \$66.2 million.

Therefore, honourable senators, I urge you to be present this evening on Parliament Hill, at six o'clock, to participate in the commemorative program for the twentieth anniversary of Chernobyl undertaken by various organizations that continue to work with dedication with the children of Chernobyl and the citizens of the Ukraine and that also work to ensure that the Chernobyl disaster does not repeat.

#### MR. DAVID SMITH, O.C.

**Hon. Elizabeth Hubley:** Honourable senators, it is my great pleasure and honour to bring to your attention the life achievements and contributions of a truly remarkable Canadian. In this world, there are both takers and givers — those who pursue their own career goals and aspirations with little involvement in the larger community around them and those who see beyond their own circumstances, the people who reach out to others in an effort to make their neighbourhoods and communities stronger and healthier places.

Honourable senators, Mr. David Smith is a giver. Known affectionately as "Mr. Ottawa," his entire life is a testament to humanitarianism, social activism and great personal commitment to others.

David's "can-do" attitude and innovative solutions to difficult social problems is legendary, especially in the areas of addictions and education. One of his proudest achievements is the establishment of the David Smith Centre, a youth, drug and alcoholic treatment facility in Ottawa, the first of its kind in the capital region to address the treatment and rehabilitation of young people between the ages of 13 and 18. David was also one of the first private individuals to publicly address the hopelessness and sense of defeat facing the young people of Davis Inlet, with the establishment of a drug-alcohol treatment program in that northern community. In addition, he conceptualized and launched SONG, Save Our Native Grandchildren, a national fundraising initiative to build a \$2.2 million multi-purpose sports facility for Davis Inlet.

Closer to home, he pioneered a life skills and jobs training program for youth that has been adapted by other countries — South Africa and Afghanistan, for example. Through his immense energy and public dedication, David Smith has helped raise an estimated \$100 million for volunteer organizations in Canada and elsewhere.

Honourable senators, I first met this great Canadian four years ago, when he offered to help with the catering to our inaugural Senators Against Landmines fundraising dinner. True to character, David recognized a worthwhile humanitarian mission and pitched in enthusiastically.

[ Senator Andreychuk ]

Honourable senators, there is much more that could be said about this distinguished businessman and philanthropist. Certainly, the David Smith story is an ongoing one. However, I know that you will join with me in recognizing and paying tribute to his selfless work on behalf of others — Mr. Ottawa, larger than life, generous of spirit, a man who has demonstrated the power of individual action and social commitment.

**Hon. Senators:** Hear, hear!

## ROUTINE PROCEEDINGS

### AGRICULTURE AND FORESTRY

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Joyce Fairbairn:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry, a report that deals with the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(For text of report, see today's Journals of the Senate, p. 53.)

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Tommy Banks:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources, a report that deals with the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(For text of report, see today's Journals of the Senate, p. 54.)

[Translation]

### THE ESTIMATES, 2006-07

#### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, later this day, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2007, with the exception of Parliament vote 10.

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CANADIAN ENVIRONMENTAL PROTECTION ACT

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to undertake a review of the *Canadian Environmental Protection Act* (1999, c. 33) pursuant to Section 343(1) of the said Act; and

That the committee submit its final report no later than October 2, 2006.

[English]

## INCOME TAX ACT

### BILL TO AMEND—FIRST READING

**Hon. Jack Austin** presented Bill S-212, to amend the Income Tax Act (tax relief).

**Some Hon. Senators:** Hear, hear!

Bill read first time.

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

**An Hon. Senator:** Now.

**Senator Austin:** With leave, tomorrow.

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

**Some Hon. Senators:** No!

**The Hon. the Speaker:** Honourable Senator Austin, leave is not granted.

• (1400)

**Senator Austin:** Honourable senators, given that the budget address has now been scheduled for May 2, I believe it would be in the public interest for the Minister of Finance to hear the arguments to continue the income tax reductions that were introduced by a ways and means motion last fall. I would ask honourable senators to consider that that is in the interest of public policy.

If the Minister of Finance would take into account the provisions of this bill in his budget address, I would be pleased to withdraw it.

**The Hon. the Speaker:** Honourable senators, leave was requested and denied, as heard by the chair. Therefore, I will put the question.

When shall this bill be read the second time?

**Senator Austin:** Honourable senators, given that the government side does not see the value of my presentation, I move that the bill be placed on the Orders of the Day for consideration tomorrow.

**The Hon. the Speaker:** Honourable senators, that also requires unanimous consent. The rules provide that bills are placed on the Order Paper for second reading consideration two days hence. Therefore, unless the chair hears a motion, having asked when the bill shall be read a second time, I will take it that it is not to be read a second time. I need to hear a motion.

**Senator Austin:** In view of the comments of the Honourable Speaker, I will withdraw my motion. Is there unanimous consent for that?

**The Hon. the Speaker:** The motion is withdrawn.

**Senator Austin:** I move that the bill be placed on the Orders of the Day for second reading two days hence.

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

**Hon. Senators:** Agreed.

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

## CRIMINAL CODE

### BILL TO AMEND—FIRST READING

**Hon. John G. Bryden** presented Bill S-213, an act to amend the Criminal Code (cruelty to animals).

Bill read first time.

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

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

### PARLIAMENTARY MISSION AND FOURTH PART OF 2005 ORDINARY SESSION OF PARLIAMENTARY ASSEMBLY OF COUNCIL OF EUROPE, SEPTEMBER 29 TO OCTOBER 7, 2005—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 23(6) I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the Parliamentary Mission to the Country that will hold the next European Union

Presidency held in Vienna, Austria from September 29 to 30, 2005 and to the Fourth Part of the 2005 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France from October 3 to 7, 2005.

MEETING OF POLITICAL AFFAIRS COMMITTEE  
OF PARLIAMENTARY ASSEMBLY OF COUNCIL  
OF EUROPE, OCTOBER 23-26, 2005—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 23(6) I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the Meeting of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe held in Ottawa, Canada from October 23 to 26, 2005.

ECONOMIC AFFAIRS AND DEVELOPMENT  
COMMITTEE MEETING AND FIRST PART OF 2006  
ORDINARY SESSION OF PARLIAMENTARY ASSEMBLY,  
JANUARY 19-27, 2006—REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 23(6) I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the meeting of the Committee on Economic Affairs and Development held in London, United Kingdom from January 19 to 20, 2006 and to the First Part of the 2006 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France from January 23 to 27, 2006.

**AGRICULTURE AND FORESTRY**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO CONTINUE STUDY ON PRESENT STATE AND  
FUTURE OF AGRICULTURE AND FORESTRY

**Hon. Joyce Fairbairn:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I give notice that later this day, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada.

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

That the Committee submit its final report to the Senate no later than March 31, 2007.

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

**Hon. Senators:** Agreed.

On motion of Senator Fairbairn, motion placed on the Orders of the Day for consideration later this day.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO ENGAGE SERVICES

**Hon. Joyce Fairbairn:** Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Agriculture and Forestry have the power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Joyce Fairbairn:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

**ENERGY, THE ENVIRONMENT  
AND NATURAL RESOURCES**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Tommy Banks:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO ENGAGE SERVICES

**Hon. Tommy Banks:** Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.



## QUESTION PERIOD

### HOUSE OF COMMONS

#### COMMENTS BY MEMBER FOR SASKATOON-WANUSKEWIN

**Hon. Lillian Eva Dyck:** Honourable senators, my question is directed to the Leader of the Government in the Senate. In a press release last week, Mr. Maurice Vellacott, MP for Saskatoon—Wanuskewin, said that he was appointed chair of Aboriginal Affairs and Northern Development Committee by the Prime Minister. Mr. Vellacott is well known in Saskatoon and probably throughout Canada for his far right-wing views. What is most disturbing to many is his refusal to acknowledge that some members of the Saskatoon Police Force had been dropping off inebriated Aboriginals on the outskirts of the city, even in the dead of winter at temperatures below minus 20. Sadly, several Aboriginal men were found frozen to death in the same area on the outskirts of town.

• (1410)

In an interview reported in *The Globe and Mail* on April 18, Mr. Vellacott now claims that the practice of natives gathering to drink in a shack outside of town was likely the main reason people were being found on the outskirts of Saskatoon. This latest claim once again reveals Mr. Vellacott's lack of understanding of Aboriginal issues and, like his previous claim, that these men were being asked to be dropped off rather than the police dropping them off, is offensive.

Has the Prime Minister been made aware of Mr. Vellacott's history with respect to his views on the freezing deaths of Aboriginal men and the Saskatoon police?

**Hon. Marjory LeBreton (Leader of the Government):** In answer to the honourable senator's question, for which I thank her, I have no way of knowing if someone explicitly made the Prime Minister aware of the comments of an individual member of Parliament. However, I certainly was aware of some of them from reading the news. Beyond that, I have no further comment to make on any comments made by an individual member of Parliament.

**Senator Dyck:** Honourable senators, the objection from the Saskatoon community to the possibility of Mr. Vellacott being made the chair of the Aboriginal Affairs and Northern Development Committee is exemplified by the headline in the local paper in Saskatoon, "Hard to imagine worse choice than Vellacott." Furthermore, the public outcry has resulted in an on-line petition, which, by yesterday at 12 noon, had received 1,216 signatures.

My question to the Leader of the Government in the Senate is whether the Prime Minister would be open to re-evaluating his presumed nomination of Mr. Vellacott as chair of the Aboriginal Affairs Committee, and will he instead name someone else as his preferred choice?

**Senator LeBreton:** I thank the honourable senator for that question. The direct answer is that the Prime Minister did not name Mr. Vellacott as the chair. The chair of the committee will be elected in the committee by members of the committee.

**Senator Dyck:** Honourable senators, it is interesting. When reading the newspapers — and this is Mr. Vellacott's history of issuing releases — it seems clear that he says he was appointed and later it says no, he was not appointed, but he was encouraged to run. What is the real story here?

**Senator LeBreton:** Far be it from me to say anything about the media, but I tend to believe only 5 per cent of what I read and 100 per cent of what I see.

### NATIONAL DEFENCE

#### MEDIA ACCESS TO REPATRIATION CEREMONIES OF SOLDIERS KILLED AT WAR

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, the government has altered past practice by barring the media and thereby other Canadians from the ceremony at CFB Trenton, repatriating the remains of Canadian soldiers killed in action on April 24 of this year in Afghanistan.

I must say I felt honoured to stand with other senators in this chamber as we paid respect to them earlier in the sitting. We are all, I know, anxious to accord those who serve in our military in the name of Canada our support in their missions; all the more so should they become casualties.

Denying the media access at the gate of CFB Trenton, causing the use of telephoto lenses, pictures through the wire, as well as confrontations between the military and journalists, was not dignified. I believe it is fair to say that respect was shown by the media when they were given access under the practices of the previous government.

Is this matter now under review? Will the government consider reinstating the practice of the previous government?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the Leader of the Opposition for the question.

This is a very sad and tragic situation and no one in this country wants to, in any way, take advantage, for whatever reason, of the terrible situation faced by the families of those victims. What the Minister of National Defence has tried to do, is doing and is intending to continue to do — and no, we will not retract what we are doing — is to establish some protocol, respect and order.

When the soldiers were killed in Afghanistan, there was full media knowledge and coverage of the horrific deaths; there was full coverage of the ramp ceremony when they left Afghanistan, and when they were repatriated, when they came back to Trenton. The Minister of National Defence is trying to establish some sense of order for the families. Some families do not mind the media and some families do, so Minister O'Connor is trying to establish a system whereby there is a send-off ceremony, and there is a very private, personal ceremony when they arrive in Trenton with the military, with National Defence and with their families. If the families so decide, they have the right to invite the media to attend the funeral and any memorial, for which they will have the full support of the Department of National Defence.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** My supplementary question is on this matter and it is for the Leader of the Government in the Senate.

We all share the desire to handle these tragic occurrences with the greatest possible dignity and respect for the soldiers who have done more for Canada than any of us ever will. However, I will quote the father of a soldier who was killed in Afghanistan four years ago, who said that having the media present when his son's body was brought home helped his family. He said:

We need to have the Canadian people see the consequences and the cost of lives of our soldiers. It is the ultimate sacrifice. They need to see it and they need to understand.

Members of other families have said the same thing in recent days.

I will take the Leader of the Government at her word when she says that this policy was designed with good intentions, but it does not seem to be having the desired effect. Therefore, I would ask her: Will she return to her colleagues and ask them to reconsider this policy so that, in a dignified manner and not with cameras pointing through wire fences, all Canadians may have a chance to share in what is, after all, a public ceremony when these brave men are brought home?

• (1420)

**Senator LeBreton:** I thank the honourable senator for her question, in which she quoted a father who lost his son a few years ago. This is an emotional issue about which people on both sides feel strongly. Some family members have expressed the desire that the media not be involved because they want a private ceremony for them, their military comrades and their families. Obviously, they do not approach the media to say that they do not want the media present.

The minister is simply trying to establish a protocol that provides full access only when they initially leave the theatre. That allows the families to decide, once their loved ones have returned to home base in Canada, whether they want the media present for the memorial service or burial. If the families decide that they want the media present, then National Defence will fully support and assist them.

In the first instance, when all of these families are gathered to receive their loved ones home, the Minister of Defence is trying to protect the families' privacy, including those families who do not want the media present on that occasion. In so doing, there is still ample opportunity for Canadians to grieve at the send-off ceremony or at the home base funerals, should the families so desire. Minister O'Connor is trying to establish a protocol that respects the wishes of all.

**Senator Hays:** Honourable senators, I have a final supplementary question. This issue will play out in our free and open society. We have no way of fully realizing some of the things the government leader has described in terms of the privacy of families. I would ask the government leader to communicate to

the government that the matter is easily revisited, should the media persist in pursuing the issue. Past practice achieved virtually all the concerns the Leader of the Government in the Senate described in respect of the government, the media and the families.

**Senator LeBreton:** Certainly, I shall take the concerns of senators opposite back to my colleagues.

The honourable senator spoke to past practices. Let me remind the honourable senator that many Canadian peacekeepers were killed in Bosnia and were brought back to Canada with no notice, no ceremony, no flags and no thanks — nothing. To hold out past practices might not be the answer. That is precisely why the Minister of National Defence is trying to establish a protocol respecting the death of an individual in service to his or her country. The protocol will ensure that those families who want private moments, without the glare of the media, will be able to greet their loved ones privately, whereas those families who are not opposed to media attention will have the option of having the media present when the soldier has been returned to home base for a memorial or funeral service.

**Hon. Marcel Prud'homme:** Honourable senators, I am the only person here who went through the entire flag debate and voted in favour. Thus, when an argument develops around the flag, it is an important issue for me, because I know where the argument could lead — the flag should be up, the flag should be down. We should handle this situation carefully.

I am also an ex-officer of the military police in Shilo, Manitoba. When an argument touches any facet of the military or veterans, it touches me. Although I was not well, I insisted on staying in Shilo, Manitoba, which is not the nicest place for a 20-year old to spend three long years.

There is no doubt in my mind that the politicization of this issue will serve neither the interests of Canadians nor the military. The Senate, as honourable senators know well, is a place of reflection and second thought. As such, senators can surely envisage this debate developing into an atrocious and moronic one.

I would, therefore, ask the honourable leader to take the following suggestion back to the government — that is, to bring together a group of well-versed people who are not afraid to show emotion, from the Senate, the House of Commons and the Canadian Forces, to determine the best way to proceed.

It is important to understand families' reactions to media presence, whether pro or con. We want to honour both those who have lost their lives in service to their country and their families in the best manner possible.

Certainly, there are those who are better versed in military matters than I am. I should like to know whether it is possible to have silence on this issue until we come up with an idea. If my proposal makes sense, then proceed. If my proposal does not make sense, then forget I rose to speak to the issue.

I deem this to be a bad debate at the wrong time. If we could do this in a different way, I believe everyone will be pleased with the outcome of the discussion.

**Senator LeBreton:** Honourable senators, I thank Senator Prud'homme. I could not agree more.

The honourable senator spoke to the issue of the flag. It is interesting to note that Canada's military bodies — the army, the navy, the air force — as well as the Royal Canadian Legion support the decision to not lower the flag. Soldiers overseas fight to keep the flag held high. In fact, as senators arrive at work each day, we see the Peace Tower, which is a memorial to our soldiers who fought in the past.

Hence, the honourable senator's suggestion to examine the entire protocol in terms of when the flag should be lowered is a good one. I appreciate the words of the honourable senator.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, the subject is an extremely emotional one and of prime importance because our fellow citizens have made the ultimate sacrifice of their lives to carry out vital missions assigned to them by the Canadian government.

A country such as ours must be proud and ready to pay the ultimate price not only in sweat and tears but also, potentially, in the blood of its young people. A level of decorum, dignity and respect for this sacrifice must therefore be maintained.

In this context, we have changed hugely since the start of all these operations, since the Gulf War, where we treated our people unconscionably afterwards.

• (1430)

When I was a commanding officer and troops were lost in operations, there were times when the people of Canada were to be kept in ignorance of the ultimate cost of missions, which were often debated.

In the years that followed, however, under the Chrétien and Martin governments, the scenario changed significantly and transparency was the watchword. We Canadians wanted to know the cost. In fact, the government of the day was open to people knowing the full cost. The aim was not to establish that the price was too high, but, rather, to encourage and support the families affected.

In this context, the media served to inform Canadians with dignity. They treated the emotions involved in moving occasions, such as the arrival of a casket from overseas, with respect. We gave the media considerable leeway so that people could know.

This policy was established only in 1994, because, previously, our people were buried overseas. Now, we bring them home so the memorials may be held here.

There will be other missions. There will be other lives lost and sacrifices made. I think it is wrong to see the media as thieves at the gates of a camp as they try to get a long shot through the barbed wire and end up revealing their sometimes negative paparazzi side.

Of course, we must accept the media. We must establish a structure to ensure they do not get too close to family and friends. While they have to be there, they must not become the enemy of the military.

My question is perhaps repetitive, but it has a point. Is the government prepared to consider the media the voice of the people? Will the government allow them to report these events in a dignified and appropriate manner vis-à-vis families in distress?

[English]

**Senator LeBreton:** I thank Senator Dallaire for his question. He was making some of the points that I was trying to make.

The point is that the media has full access to cover these horrific events, and let us hope that there are fewer and fewer of them.

The problem is that when bodies are returned to Canada, to Trenton, that is the first opportunity that their families and the National Defence officials have to greet those bodies. Out of respect for the families, I do not think the media has a right to go in and see some family members who view this as a very private and personal matter. How many more pictures should be taken, and what purpose is served by having pictures taken of some family member who has lost her husband or a loved one —

**Senator Milne:** Let the family members decide!

**Senator LeBreton:** — crying over her husband's coffin?

**Senator Bacon:** That was hidden.

**Senator LeBreton:** That was not hidden. It was very much in the media. I saw it myself.

The problem is that we need to have one set of conditions for everyone. Some families want media attention; some do not. There is ample opportunity for media attention when the body leaves Afghanistan. There is an opportunity, if those families so desire, to have the media and the Canadian public included in the ceremony to bury their loved ones, but there must be a limit for those families who do not want the media there. Even if the media are, as the honourable senator says, looking through a barbed-wire fence, they must have respect for the families who do not want the media involved. This policy will ensure that for one major part of the arrival home of these bodies, the media will not intrude on those families who do not want the media involved.

## NATIONAL CHILD CARE

### PROPOSED GOVERNMENT PROGRAM

**Hon. Art Eggleton:** Honourable senators, my question is for the Leader of the Government in the Senate.

The Prime Minister may not have noticed, but he leads a minority government. In the January election, 63 per cent of Canadians did not vote for his party, but voted for a party that supports a national system of early learning and child care.

Canadians have spoken, and this government simply does not have a mandate to cancel the agreements with the provinces that form the foundation of a program that is needed by the people of this country.

Will the government respect the limits of its mandate by keeping the agreements with the provinces in place or, if it is determined to cancel them, negotiate with the provinces on an alternate plan that will accomplish similar aims of developing early childhood education and quality child care spaces in Canada?

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

I was rather amazed at the honourable senator's logic. Since we are into a multi-party system in this country, he is suggesting that the Chrétien and Martin governments were not legitimate because they did not have the support of the majority of the electorate for many of their policies.

**An Honourable Senator:** Three majorities!

**Senator LeBreton:** As the honourable senator is well aware, the Conservatives' child care plan is twofold. The first part of the plan is to provide \$1,200 per year to parents for each child under the age of six. The next part of the plan is to work with business and communities to create 125,000 child care spaces, which, I might add, are 125,000 more spaces than the previous government ever delivered on.

**Senator Mercer:** When is the official opening? We would like to know that.

**Senator Eggleton:** On a supplementary question, I think the government is missing the real problem. The final suggestion of the honourable senator is one that Mike Harris tried a number of years ago, and it did not work at all. The truth is that this \$1,200 per year, or \$100 per month, subject to tax, will do nothing to create new spaces or to meet the real costs of providing quality child care.

Furthermore, according to a report released today by the Caledon Institute, the Conservative government is planning to eliminate a portion of the Canada Child Tax Benefit which helps the poorest of our society.

**Senator Carstairs:** Tell me it is not so!

**Senator Eggleton:** I ask the Leader of the Government: Is this the way that the Conservative government plans to operate, to take from the poor to give to the rich, a reverse Robin Hood process?

**Senator LeBreton:** Honourable senators, Senator Eggleton must really stop reading the headlines in *The Globe and Mail*.

**Senator Rompkey:** What papers do you want us to read?

**Senator LeBreton:** The Caledon Institute came out today with a story based on many assumptions. They obviously have a crystal ball that the rest of us do not. To the honourable senator and to the Caledon Institute, which has based its article on assumptions, I will say that we will simply wait until Tuesday, May 2 for the budget.

[ Senator Eggleton ]

**Senator Mercer:** Hear, hear. Mark that down.

• (1440)

#### PROPOSED GOVERNMENT PROGRAM— CALEDON INSTITUTE ESTIMATE ON BENEFITS

**Hon. Marilyn Trenholme Counsell:** Honourable senators, my question is also about children and *The Globe and Mail* article today. I wish to ask a very direct question of the Honourable Leader of the Government in the Senate. Does our new government agree or not agree with the Caledon Institute's calculations that families who make more than \$200,000 a year with one parent at home will keep \$1,076 out of the \$1200 annually and that families of two working parents with a combined income of \$30,000 will keep just \$199 annually of the new payments?

**Senator Mercer:** Shocking!

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for that question. I saw the Caledon Institute story. Unfortunately, I commit the same sin as Senator Eggleton in reading *The Globe and Mail*. I should know better. In any event, I cannot comment on that because I do not know upon what they are basing their assumptions. We will just have to wait for the budget.

**Senator Bacon:** That is easy!

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[Translation]

## ORDERS OF THE DAY

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-ninth Parliament.—(3rd day of resuming debate)

**Hon. Lise Bacon:** Honourable senators, in all fairness I must first congratulate the government on presenting a throne speech that reflects the priorities it campaigned on. This speech is notable for its clarity and brevity, but we live in an increasingly complex, interdependent world. The challenges it presents require us to look at issues from every angle.

The modern art of governing is to strike a balance between the need for a competitive approach, economically speaking, and the presence of principles of solidarity and social justice. Canada's main strength, and probably its greatest success, is

creating the best of both worlds. We take the North American economic dynamism and add a European sense of social solidarity and equal opportunity. It is what makes us proud and sets us apart from our neighbours to the south and from Europe.

During the election campaign, the current government identified five priorities. Once in power, it stayed on course, and we commend it for that. That being said, the government is failing to address other equally urgent issues such as protecting our environment and issues surrounding the Aboriginal peoples of Canada, as we point out in our amendment.

Upon reading the Speech from the Throne, we must make the following observation: what is seriously lacking in this speech is a global approach to the problems we are currently facing. The five priorities identified by the Prime Minister are easy to understand, but the world in which we live is much more complex.

No one is against virtue and we all agree that some measures for enhancing governmental accountability are appropriate. The emphasis the Conservative Party has put on ethics played a key role during the election campaign. Accordingly, we expect the Conservatives to scrupulously respect their plan of action on this issue.

[English]

The Conservatives' promise to implement the Information Commissioner's recommendations is designed to facilitate the use of the Access to Information Act. Faced with the protests these measures provoked, the government backtracked on a key element of its electoral platform, because it is now content with submitting an important part of the commissioner's recommendations to a parliamentary committee. This means it does not have to amend the Access to Information Act as it had promised.

[Translation]

On tax reduction, let me say that reducing taxes can be beneficial if the tax cut produces real economic gains.

Experts agree that reducing the GST by one point will have a limited impact on the Canadian economy, although it may promote consumer spending. But consumption of goods is not the only measure of economic health. There are other indicators as well.

Increased productivity is one such indicator. To boost productivity, tax measures such as savings incentives and assistance for companies that want to invest in training or infrastructure can be useful. It seems as though the government's tax reduction program has only one component: cut the GST.

[English]

A number of economists agree that income tax cuts are more advantageous for middle class and low income taxpayers than a reduction in the GST. Cutting taxes is not a bad initiative as long as we do not lose sight of the fact that it has to be combined with economic and social development.

[Translation]

The Throne Speech contains a few paragraphs explaining the government's program to tackle crime. The crux of the problem is summed up in just a few words, however: "provide hope and opportunity for our youth." The speech goes into detail about how important it is to restore law and order, stating that communities are increasingly under threat of gun violence. However, according to Statistics Canada, Canada's crime rate has dropped by 12 per cent in the past 10 years. The tone and the words used imply that we have a serious crime problem, but this is just an illusion.

The government wants to impose tougher, mandatory minimum sentences for gun crimes. Traditionally, in our legal system, judges have exercised their discretion in sentencing rather than imposing minimum sentences. There is a reason for this. By giving judges greater latitude, we let them judge each case on its own merits and use common sense as warranted. Introducing the proposed minimum sentences could swell the prison population and bring about a corresponding increase in prison system costs. Do we really want overcrowded prisons, as in the United States?

It seems equally clear that the new government has opted for a penal solution to this social issue, which is rather disappointing.

The new government confirmed its intention to do away with the gun registry, not in the Speech from the Throne but to the Canadian Professional Police Association. Although representatives from the association, particularly its president, Mr. Cannavino, have requested that the registry be maintained, the government appears determined to go ahead with its plans to scrap the project. Police authorities argue that the registry is an important tool for them, which they use to conduct some 5,000 checks daily. However, the government does not seem to hear their argument.

[English]

On the topic of balancing work and home and daycare, we all accept that young couples are faced with demanding professional obligations while wishing to be good parents to their children. Given the cost of living today, it is certainly unrealistic to think that a family will be able to make ends meet with an additional \$100 a month before tax for their children's care.

[Translation]

Quebec has developed an impressive network of \$7 a day child care centres with highly competent, specialized educators. This success in Quebec is what inspired the previous government to establish a national child care program. Agreements were signed with the provinces, and now they are all being cancelled in favour of sending cheques for less than \$100 a month to parents. This shows carelessness and a lack of seriousness.

The Speech from the Throne indicates that the government will encourage the creation of new daycare spaces. Nowhere does it mention the 125,000 spaces promised by the Conservative Party platform. The minister responsible for the file, Diane Finley, recently stated that, no matter what action was taken for daycare centres, it would not equal the five-year agreement in principle that the previous government had reached with the provinces in order to provide them with adequate funding.

In this matter, the government opposes Quebec and several provinces. It has opted for a simplistic measure — receiving a cheque at home makes you feel good — in order to make parents believe that it supports them. However, experience has shown — and Quebec experience first and foremost — that establishing a structured and well-organized network of government-supported child care facilities is the measure that will result in sustainable, quality daycare in Canada.

• (1450)

[English]

Since we are in the Senate, I cannot allow the government's promise to elect senators to pass without comment.

In the Speech from the Throne, the election of senators is not mentioned directly. Instead, the speech talks of means to ensure that the Senate better reflects the democratic values of Canada. This corresponds more or less to the election promise to elect senators without, however, first amending the Constitution.

[Translation]

In our opinion, the government is mistaken on two counts. First, it is impossible to elect senators without undertaking constitutional reform. If the government goes ahead by sidestepping a constitutional debate, it may cause serious harm to our institution by creating two categories of senators — the elected and the unelected. If these two types of senators were to cohabit in the Senate, it would consequently be dysfunctional and probably paralyzed. Elected senators could claim a certain level of authority over their colleagues by way of the legitimacy resulting from their election by the public. We have strong reservations about the viability of this formula for an institution such as the Senate.

Second, in our British-based parliamentary system, the election of senators would completely change the current dynamic. It would seem wise for a thorough examination of the powers and functions of the Senate to accompany a change in the means of choosing senators, especially if it were to have them elected.

The government must do its homework properly and put forward a comprehensive Senate reform proposal instead of imposing changes piecemeal to score political points.

In terms of opening up to Quebec, we must — without becoming too partisan — recognize the efforts of the new government. We think that the vast majority of Quebecers, including francophones, are retaining both facets of their identity, their dual loyalties to both Quebec and Canada.

Quebecers are proud of the progress Canada has made in terms of bilingualism since the Royal Commission on Bilingualism and Biculturalism and the Official Languages Act. They realize that the existence of two official languages alone does not accurately reflect all of our country's complexity and history.

[English]

Sooner or later, any serious openness to Quebec will have to look at formal recognition of Quebec as a distinct society within Canada. The only concrete form for that is constitutional recognition as a distinct society. It is our opinion that the very concept of a distinct society predates Confederation.

**Senator Corbin:** Order! Order!

[Translation]

The Quebec Act of 1774 guaranteed free exercise of the Roman Catholic religion, recognized the seigneurial system and provided that civil suits would be heard under French law. A number of historians have claimed that, collectively, the Royal Proclamation, as enforced by the first British governors, the Quebec Act of 1774 and the Constitutional Act, 1791, provided in a formal sense for the legal recognition of the distinctive nature of Quebec.

Historian Ramsay Cook has written regarding Quebec that “the very act of creating that province in 1867 was, implicitly, a recognition of distinctiveness”. The British North America Act also included several explicit recognitions of that fact. Section 94 recognized the civil law of Quebec as distinct. Section 133 was in the same vein, making French an official language in Canada.

From the very outset, Quebec was never quite like the other provinces, because its history made certain constitutional variables desirable. The vast majority of experts, both in Quebec and in other parts of the country, agree that the concept of a distinct society is simply the formal recognition of an established and historical fact. Quebec is effectively different because of its laws, its language and its culture.

In conclusion, let us do as the government has done with its famous five priorities and draw up our own list of the five most obvious priorities that have been left out. This is actually quite an interesting exercise. Nowhere does the government mention the importance of investing in research and development and increasing provincial transfer payments to support post-secondary education. This particular challenge is no doubt the most important one in ensuring the future of our young people and the competitiveness of our businesses.

Second, the speech completely ignored the challenge that emerging markets in India and China are creating for the Canadian economy. The previous government recognized this new and inescapable reality.

Third, the plan to achieve the objectives set out in the Kyoto Protocol is not a priority for this government, which considers Kyoto too ambitious to begin with. We are talking about the future of our children and the future quality of life for all Canadians. The stakes for the environment are too high not to make this a priority.

Fourth, we must address the future of Aboriginal peoples. The Kelowna accord was a truly comprehensive, long-term strategy to improve the socio-economic conditions of Aboriginals. In spite of their protests, the new government is refusing to allocate the \$5 billion necessary to implement the principles of the accord.

Fifth, there is also no mention of culture. The Canada Council's budget will not be doubled by 2008, as the former government had promised. Government support for cultural development is needed in Canada, given the pull that American culture exerts on us. Moreover, new technologies such as the iPod and the Internet will change our cultural industries forever. Conventional

television in Canada is facing an unprecedented crisis caused by audience fragmentation, as viewers turn increasingly to the new media for entertainment. The government must address these issues because we cannot hide our heads in the sand much longer. Sooner or later, these issues will catch up with the government.

Even though it is wise to give the new government a chance after an election, it is important to draw attention to the gaps and omissions in the government's action plan. Let us hope that the government takes note of our comments and works quickly to close these gaps.

[English]

**Hon. Marilyn Trenholme Counsell:** Honourable senators, it is a privilege to speak in response to the Speech from the Throne of the Thirty-ninth Parliament in a nation where democracy is cherished and freedom of speech is guaranteed under our Charter of Rights and Freedoms.

It is with humility that I have chosen to stand today in this beautiful chamber surrounded by fellow senators who represent a diversity of achievement as well as the aspirations of their fellow citizens throughout our provinces and territories. Ours is an awesome responsibility. It is in this spirit that I have prepared my remarks, words that I trust will reflect the views of many Canadians. Specifically, I shall limit my remarks to the section of the Speech from the Throne entitled "Providing Child Care Choice and Support."

I quote from the speech:

Strong families ensure a bright future for Canada. The most important investment we can make as a country is to help families raise their children.

...The Government will help Canadian parents, as they seek to balance work and family life, by supporting their child care choices through direct financial support.

...it will also encourage the creation of new child care spaces.

These are noble words. I believe the intention is good, yet I fail to find, in everything that I have heard and read from our new government, anything that reassures me that Canadian families will receive from this government leadership and a national vision for children. I fail to find any words that reflect our current knowledge of early childhood development. It almost seems to me that our new government, at least in the other place, stopped reading and listening a decade ago.

However, honourable senators, I have some good news. At a dinner in Halifax last Friday, an esteemed physician turned to me and said, "I've been reading the biographies of senators. There's certainly a lot of gray matter — not gray hair, gray matter — in the Senate." Honourable senators no doubt appreciate my passing on that compliment.

• (1500)

With regard to quality child care and early childhood development, nowhere in the Speech from the Throne do I find any reference to all the research, evidence and

conclusions from the work over the last decades to give Canada's children the best possible start in life and to give parents the best possible support and advice on how to raise their children. I have yet to hear our new government offer one word of praise or one word of hope for all the young Canadians who have decided to study early childhood development and early childhood education. These young Canadians love children, and they want to help parents be the best possible parents they can be, whether or not these parents choose to have their children in childcare for part of the day. These young Canadians believe that they, too, can help each child reach his or her own potential, and they want to work with parents to accomplish that end.

I have yet to hear from our new government any suggestion that these same families must be the beneficiaries of all the research, best practices and knowledge that is ours today in this 21st century about the development of a child's brain, about learning disabilities, fetal alcohol syndrome, nutrition and nurturing.

There is a failure to give any encouragement to the child care workers and early childhood educators of this nation. Our new government is ignoring all those who are dedicating their lives to a greater understanding of early childhood development and dedicating their careers to passing on all that they have learned to parents, so that these parents can be the best possible parents for their children.

Scholars, scientists and physicians work with their colleagues to unravel the mysteries of an infant's brain, analyze the very nature of learning disabilities, and appreciate the nurturing of a baby day by day and month by month so that they can advise parents who want to do the very best for the little boy or girl in their arms.

I believe I can say with assurance that not one of these scientists, scholars or physicians would ever downplay the central role of parents in raising children; they would never presume to take their place. Yet together, these scientists, scholars and physicians hope to offer to parents, families and society knowledge that will give a greater hope and a greater possibility to each and every child.

Honourable senators, spring is here. Many of us will plant seeds; we will watch them grow. Sometimes, we will worry that something is amiss. From time to time, we will turn to gardening books — like those written by the late Honourable Lois Hole, a beautiful person and a great friend — or we will call upon specialists in horticulture to answer our questions, to reassure us that our little seeds will yet blossom.

Every time a baby is born, it is spring time. There is joy and hope, there is devotion to parenting, and from time to time there is anxiety. There are questions to be asked; there is help to be sought.

There is a growing body of expertise in this most formidable of challenges — that of raising a child, that of raising the children of a nation.

Why, then, has our new government turned its back on all those who are devoting their lives to early childhood development and early childhood education? Does this send the right message to Canada's parents? Does this tell other nations that Canada values early childhood education and is prepared to make it a national priority? I think not.

Canada's new Minister of Human Resources and Social Development said the following, in the House of Commons on April 7, 2006:

... the government's strong commitment to the well-being of children and families...

... will give parents more choice in child care...

... not by government, which tells us what works best, but by parents who know what works best....

Canadian parents are true experts in child care. They do not need to be told how to raise their children, especially not by the government.

My experience has been quite different from that of the honourable minister. As a physician, rarely a day passed without a parent seeking advice on behalf of his or her child. Neither of us — parent nor family doctor — claimed to be an expert.

As Minister of State for Family and Community Services in New Brunswick, I heard repeatedly that parents were looking for support in raising their children — not just money, but quality advice and care from professionals who were experienced in the domain of early childhood development.

I would never debate that a mother or a father is the real expert on her or his child; any good parent knows her or his child better than any professional. However, does this translate to the proclamation of the Honourable Minister of Human Resources and Social Development that "Canadian parents are true experts on child care"? Are we the experts on gardening, on automobile maintenance, on investments?

This question is at the heart of the debate between our new government and many Canadians. It is a debate that must not and will not be silenced. There is too much at stake.

Honourable senators, I wish to refer to a May 2003 speech made by Mr. David Dodge, Governor of the Bank of Canada, entitled "Human Capital, Early Childhood Development, and Economic Growth: An Economist's Perspective." He said:

Since the mid-1960s, the economic literature on both the theoretical and empirical aspects of human capital development have evolved greatly....

While parents, along with some psychologists, sociologists and public health experts, have long intuitively understood the importance of early childhood development, it is really only over the last quarter century or so that scientists, physicians and social scientists have come to recognize the crucial role played by early childhood development. And it is only recently that early childhood development has taken its place in the economic literature...

Mr. Dodge continued:

Various factors...interact multiplicatively to produce "success", as measured by readiness to learn, when entering primary school....Investments to improve pre- and post-conception health of the future mother are a crucial input of early childhood development. Effective parenting during the first two years of life is the next crucial step....Support of all types to improve parenting during this period is crucial.

This support includes development of parenting skills, social support, employer and government support to increase the amount of time parents can spend with their children and, in some cases, direct income support....Some minimum level of income support is important (and is now being delivered through the National Childhood Benefit).

However, it must be remembered that in Canada about half of "children at risk" come from households in the top three income quintiles. The real challenge is not delivering bigger cheques to poor families, it is how to reach all parents in their communities....

In the final period of early childhood development — roughly ages three through five — the research demonstrates clearly that some form of early childhood development outside the home makes a very important contribution to the development of the child. This form of intervention, in combination with effective parenting, would appear to significantly increase the chances of a child being "ready to learn" when he or she enters primary school....

Mr. Dodge concluded:

... more should be done to convince politicians of the value of investment in early childhood development —

— but —

— unless methods are developed to engage parents and very local communities in this process, it will not be possible to optimize investment in early childhood development....with a goal of increasing Canada's economic growth and standard of living.

I earlier spoke about spring and the planting of seeds. In 1999, Dr. Fraser Mustard, Canada's leading authority on early childhood development, was saluted as the "master gardener" at a tribute organized by the Institute for Work & Health, Toronto. A master gardener, one who understands better than most the wiring of the brain, said — and I quote:

... there is now substantial evidence that early interventions that enhance the quality of stimulation for children in difficult circumstances can substantially reduce the behavioural problems when these children enter the school system and enhance their learning capacity, coping skills and competence....a quality form of preschool education....for every dollar this intervention program costs, the return after more than 20 years is at least seven dollars...



Dr. Mustard concluded:

Good affordable day care (mainly good support for parents, particularly mothers and their children) or early childhood education for all sectors of society is key for a future learning society.

Honourable senators, in 2006, we have a mountain of information about early childhood development, about parenting and nurturing, about quality child care versus daycare spaces where underpaid and undereducated staff do their best under circumstances that do not reflect best practices.

It was all of this — and so much more — that led Canadians to demand and government to offer a quality child care system based on early childhood development principles. In 2005, it was a system in its embryonic stages. Yet, from that embryo something very valuable for Canada's children and their parents was beginning to take shape. There was vision; there was hope.

Parents want to make the very best decisions for their children. They want to become experts. They cannot undertake the challenge alone with a very few more dollars in their pockets. Society has an obligation to our youngest citizens. Government has a responsibility to lead. Leaders must listen and learn if they are to take a nation into a future that recognizes the accumulated knowledge and wisdom of all who comprise that nation. The most humble gardener has much to share with the most exalted scholar.

• (1510)

These voices are important in a democracy from the smallest unit — the family — to the highest elected office — that of the Prime Minister. No voice should be silenced. All should be heard and respected in a true democratic nation.

I have spoken today as a citizen — a woman, a mother, a physician and a dedicated parliamentarian. I hope that those who are making decisions in our new government will listen and be open to all the knowledge available today about early childhood development.

Parenting is life's greatest responsibility. It can give life's greatest joy, or pain, that lasts for a lifetime. Much of this pain can be prevented if we put our knowledge to full use for every child, for every parent. During the years before my husband's death and after, I was the breadwinner. I sought help in the care of our two children. I looked for quality from persons with a deep understanding of early childhood development. There was nothing easy about all of this. From my experience, I know that the parents of Canada and their children deserve nothing less than the best we as a society and a government can offer them. We must not fail.

Colleagues, I call upon our new government to embrace early childhood educators as well as parents, and to do its utmost to create quality child care wherever and whenever parents choose it.

I thank honourable senators for their attention.

On motion of Senator Keon, debate adjourned.

[Translation]

#### ADDRESS IN REPLY—TERMINATION OF DEBATE ON EIGHTH SITTING DAY—MOTION ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice given April 25, 2006, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded on the eighth sitting day on which the order is debated.

Motion agreed to.

#### THE ESTIMATES, 2006-07

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice given April 26, 2006, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2007, with the exception of Parliament vote 10.

Motion agreed to.

[English]

#### STATUTES REPEAL BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Tommy Banks** moved second reading of Bill S-202, to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Banks*).

He said: Honourable senators, I see that many of those present have heard me speak about a similar bill to this before, so I will be brief when I talk about its provenance.

The situation which gave rise to this bill did not come from my assiduousness, my insight or my well known, brilliant perception of parliamentary history and procedure. Rather, it was thrust upon me by a letter from a constituent, which was sent to a colleague of ours in the other place in the year 2000. The constituent was a lady in Alberta who had followed, with great personal interest, the progress of a piece of legislation called the Canadian Heritage Languages Institute Act. The bill, which had been introduced in the House of Commons by the then government, went through the process of being passed in that House, was sent to this place, examined, debated and voted upon here, passed in the Senate and given Royal Assent in 1991, and nothing had happened.

How can this be? It had gone through the Commons, it had gone through the Senate, it received Royal Assent in 1991, and in 2000 no effect had been seen from that act of Parliament. I thought something was amiss, until someone older, wiser and more knowledgeable than I said, "Senator, you have to read the entire bill, including the bits down at the end." That is when I first discovered an innocuous looking paragraph, which exists near the end of all legislation, called "coming into force". In the case of the Canadian Heritage Languages Institute Act, that paragraph says:

This Act shall come into force on a day to be fixed by order of the Governor in Council.

This act was passed by both Houses of Parliament and received Royal Assent in 1991. That is the *raison d'être* of this bill. In 1991 the Parliament of Canada expressed its will, took a carefully considered position and action, debated, studied and voted. The bill was given Royal Assent and it became an act. Parliament passed this legislation, which was the expression of its collective will.

The bill that was passed included the coming-into-force section, which determined when the act would come into effect. It is a discretion to determine when to bring the act of Parliament into force. The government decided not to bring that act of Parliament into force in 1991, 1992, 1993, 1994, 1995, 1996 1997, or since. That act of Parliament has never been brought into force.

Government after government have decided not to bring this act of Parliament into force. In fact, they have decided not to bring this act of Parliament into force. However, the coming-into-force provision does not say that this act "may" come into force on a day to be fixed. It does not say that it "might" come into force on a day to be fixed. It says that this act "shall" come into force, and "shall" is quite a different thing. It is not a mere lexicographical nicety, and it is not a slip of the pen. Shall means shall. When Parliament expresses its will in an act of Parliament, it is not the place of the government of the day, or any successive government to frustrate that will or to ignore it or, worse, to defy it. That is not why the coming-into-force provisions are included in acts of Parliament.

Sometimes there are good — reasons for including the coming-into-force provision in an act. Sometimes the act or sections of it have to be conditional upon other things happening, such as modifications of other legislation, intergovernmental agreements, treaties and the like, or for other good reasons. When Parliament grants this discretion to the government, it is with the clear intention and expectation that the government will bring the act into force.

• (1520)

Parliament does not enact legislation with the intent to provide the government and successive governments with a veto or with the unlimited discretion to decide not to bring the legislation into force. The point of the present bill is based upon that because Parliament is not a function of the government or of the ministry but, rather, it is the other way around. When Parliament expresses its will it is a form of instruction, if anything, to the ministry, to say what it wants the ministry to do and it is the business of the executive to do it.

The point of the present bill is to say that no government is given by Parliament the discretion not to bring into force an act of Parliament year after year; that no Parliament intends that year after year its expressed will should be ignored by government after government. This question has been referred, in more than one similar case, to the highest of parliamentary authorities. The Law Lord Browne-Wilkinson said that to hold that the executive has an absolute and unfettered discretion whether or not to bring a section of an act into effect,

... would lead to the conclusion that both Houses of Parliament had passed the Bill through all its stages and the Act received the Royal Assent merely to confer an enabling power on the Executive to decide at will whether or not to make the Parliamentary provisions a part of the law. Such a Conclusion...is not only constitutionally dangerous, but flies in the face of common sense. It would be most surprising if, at the present day, prerogative powers could be validly exercised by the executive so as to frustrate the will of Parliament expressed in a statute and, to an extent, to preempt the will of Parliament.

Lord Birkenhead, commenting on another similar case, said:

Parliament enacts legislation in the expectation that it will come into operation. This is so, even when Parliament does not itself fix the date on which that shall happen.

Lord Lloyd of Berwick said on another similar issue:

It is, after all, the normal function of the executive to carry out laws which Parliament has passed, just as it is the normal function of the judiciary to say what those laws mean.

Speaking of the legislation then in question, he said:

I read s.171 as providing that ss.108 to 117 shall come into force when the Home Secretary chooses, and not that they may come into force if he chooses. In other words, s.171 confers a power to say when, but not whether.

That, honourable senators, is the point — shall come into force but not may come into force; when it will come into force, but not whether it will come into force. Parliament is not a function of the executive because it is the other way around.

For what length of time is it reasonable for Parliament to grant this discretion to the government? At what point does a piece of legislation become stale-dated, so to speak? Legislation devised years ago that was drafted in circumstances entirely different from the present might be inappropriate. It certainly might be out-of-date and it could be dangerous. How long should such acts of Parliament gather dust in the attic before they simply disappear, before they should just cease to exist, or before they should be repealed?

In Bill S-202, I propose that the answer to that question is 10 years. If a government and successive governments fail to bring an act of Parliament into force within 10 years of its receiving Royal Assent, then the government should be obliged to come back to Parliament to show why that legislation should not be repealed. If it does not do so, then the legislation should be

repealed as a matter of course. I mentioned the Canadian Languages Institute Act of 1991 and I could mention the Motor Vehicle Fuel Consumption Standards Act [Not in Force], R.S., 1985, which means that it is older than 1985. It deals with motor vehicle fuel consumption and was devised 21 years ago. It could be brought into force tomorrow afternoon but the situation to which it applies is entirely different from the situation that obtained 21 years ago. How many acts or sections of acts are sitting in the attic?

Honourable senators, this list contains 56 such pieces of legislation — acts of Parliament or sections of acts of Parliament — that successive governments have declined or refused, for whatever reason, to bring into force. There are 56 instances in which the will of Parliament has been ignored, flouted or challenged.

In its present form, the bill is slightly different in its mechanics, but not in its intent, from the one that I introduced under the previous Parliament. This change will allow the government a slightly better opportunity to make its case and to show a little more flexibility than was the case in the previous iteration with which some members may be familiar.

I would ask that this list be circulated to honourable senators so that all are aware of the 56 pieces of legislation. The first such list to be presented according to the bill by the Minister of Justice would be fairly long. I imagine that it would include most of these items. Subsequent lists in subsequent years would be shorter. Honourable senators, I would ask that this bill be sent with alacrity to committee for further consideration, and I thank you for your kind attention.

**Hon. David Tkachuk:** Would the honourable senator take a question?

**Senator Banks:** Certainly.

**Senator Tkachuk:** The honourable senator's speech was very good. I enjoyed his comments and reasons for bringing this bill forward. Has the fact that this legislation was never promulgated hurt the public good?

**Senator Banks:** No, but that could happen. There are several acts and sections of acts, I would suggest, that would act against the public good should they be brought into force tomorrow afternoon. I do not think there is any instance in which harm has been done to the public good. However, there has been an absence of public good in the sense that 21 years ago Parliament enacted the MVFCS Act, which I mentioned before, to set limits on the nature of the kinds of fuels to be sold for public consumption in motor vehicles in Canada. That would have had a salutary effect on many things, including the economy and the issue of greenhouse gas emissions; but the government decided not to do what Parliament had decided to do. That was a harm to the public interest. The Canadian Heritage Languages Institute Act would have been a good thing for us to have in this country, but the government refused, declined or determined, for whatever reason, not to bring into effect a good piece of legislation that Parliament had debated and passed in all three of its parts, the

House of Commons, the Senate and Royal Assent. In the larger, constitutional sense and in the sense of law-making and the place of the Parliament of Canada, then the answer is yes, great harm has been done to the public because the will of Parliament has been ignored by successive governments.

**Senator Tkachuk:** I did not mean to say that harm has not been done. Rather, I wonder how many more bills might have benefitted from the fact of not coming into force. In other words, were all these bills necessary? Has the public good or the country been damaged? I am not saying that this should happen but, perhaps, the proposed 10 years in the bill might be too long. The honourable senator mentioned earlier that a number of bills have become irrelevant over time. Perhaps the time should be shorter.

**Senator Banks:** I thank the honourable senator for the question. In previous debates on earlier versions of the bill, many expressed the opinion that 10 years is too long.

• (1530)

The length of time is immaterial to me. This is mainly a question of cleaning out the attic of pieces of existing legislation that could be pulled out of the back pocket by any successive government at any time and put into place in situations in which they would not properly pertain.

The length of time is almost immaterial. When Senator Beaudoin was examining this bill, he suggested that it ought to, in fact, be five years, and he was prepared to make an amendment to that effect. I have arbitrarily selected 10 in order to give the government the greatest possible flexibility to look at this pile of legislation that is sitting in the attic and to decide how to deal with it.

In fact, one of the other things I have done with the present version of this bill respects the coming into force of the proposed legislation, that is, that it will not come into force for two years after the bill has received Royal Assent, in order to afford the government the utmost of flexibility to indicate to Parliament why it still needs a particular piece of legislation — a particular arrow in its quiver. As I said, from time to time, there are legitimate reasons that coming into force needs to be deferred. It is a cleaning out of the attic. The length of time, the honourable senator is quite right, is immaterial. It could be two years or it could be 12 years.

**Hon. George Baker:** Honourable senators, I wish to inquire whether the honourable senator received any sensible explanation from the government regarding some of these particular acts. I have had a glance at them, and I notice that one or two of them are dependent upon provincial-government negotiation and approval.

For example, prior to the government being defeated, the House of Commons had two bills before it concerning drugs. One of them dealt with a lessening of the punishment of persons who had possession of a small or moderate amount of marijuana, for example. Under that proposed legislation, the punishment would be reduced to what is comparable today to a traffic ticket penalty.

Five provinces signed on to the Contraventions Act — thereby removing any conflict with the Criminal Code. A ticket for the possession of a small or moderate amount of marijuana would be issued, taking it out of the hands of the Criminal Code, where the punishment is today, and would be in the case of more than small or moderate amounts.

What would happen in Newfoundland and Labrador, and four other provinces in Canada is that the accused person would still appear before a judge of a provincial court — the accused person would still then go through the entire procedure under the Criminal Code, and, if found guilty, receive a maximum fine of \$100, all because we were not signatories to the Contraventions Act.

Five provinces signed on to the Contraventions Act, five provinces did not, but there was another problem. We had not passed the Contraventions Act. Consequently, there we were, dealing with proposed legislation, which should have awaited, as Senator Nolin can attest, the passing of the Contraventions Act, which is still in a similar situation to what the honourable senator sees today.

I ask the honourable senator: Did he receive any explanation that made any sense to justify such laxness on the part of the government?

**Senator Banks:** Attempts were made. The short answer is yes. As I said earlier when I was speaking about this bill, there are legitimate contingencies — conditions, if you like — that have to be met before certain parts of certain legislation can be brought into force and effect. Many of the sections of acts that are contained in this list are in force in some parts of Canada, in some provinces, and not in others. There are legitimate reasons.

I must say, partly in answer to the honourable senator's question, that, by and large, when I first took this bill to the previous government, the ministry was entirely in favour of it. The House leader of the government in the other place had it vetted all around and was prepared to proceed with it.

The push back on this bill came mainly from the bureaucracy — because this bill creates a lot of trouble for the bureaucracy. The bureaucracy likes to have arrows in its quivers, arrows that they can pull out from time to time to use in situations that are analogous to but not precisely the one for which they may first have been intended. That is part of the corollary danger to which I was referring earlier.

Yes, there are some circumstances in which I suspect the government of whatever day could come to Parliament and say, "With respect to this particular section of this particular act of Parliament, it is not in force for the following good and valuable reason, and we request that that be removed from the list and not, as a matter of course, be repealed. Parliament would be, I am sure, amenable to a reasonable argument being made in that case.

My point is that, if it has been 10 years, it is time for the government to return to us and say, "Here is why this has not happened. Here is why we have not done what you have said, and here is why we need to continue to keep this in our back pocket."

**Hon. Pierre Claude Nolin:** Some of us are quite supportive of what the Honourable Senator Banks is attempting to do. Since our last discussion in the Legal and Constitutional Affairs Committee of the Senate, PCO had been instructed by the committee to look into the record and to give us an official list of what was not in force at a specific date.

Has an answer to that question ever been received?

**Senator Banks:** I thank the honourable senator for his questions. To my knowledge, no, that official list has not been received — and I have been in my office as recently as this morning.

The only list that I have ever been able to get is the one that I believe the honourable senator has, which I obtained through the good offices of the Library of Parliament. I suspect that it is probably correct. This has been going on for approximately five years now, but I do not recall having ever seen a list from the Department of Justice.

I must say that the Department of Justice has been assiduous to some degree in continuing to meet with me and urging upon me to effect certain modifications to this bill — which would assuage some of their concerns. I have listened very carefully to them, and some of what they have said has been contributory to the differences that exist in the present bill as opposed to the previous one.

I have resisted many of their suggestions, however, because they would have the effect of virtually gutting the bill and rendering it useless — if one could, in effect, simply strike something off a list. That would not require the administration, the executive, the bureaucracy or the government to come back to Parliament, after 10 years, or 5, or 12, and say, "Here is why we need to have this again."

I do not ever recall having received a list from the Department of Justice that would set out those acts to which I refer any better than the present list.

• (1540)

**Senator Nolin:** Senator Banks may recall that there was a gentleman from PCO who, in good faith, told us that we do not know the exact situation of which bills are not in force. That, too, is part of the problem because — and the honourable senator may answer yes or no, and I want to share that with colleagues who were not privy to the discussions that we had on the committee — they think that there is a problem but they cannot isolate the problem because there are too many. That is the problem. To say "yes" to such a valuable bill, they would have to go back into all the files and check what is not in force. For them, that is too cumbersome, I think. That is why I was asking if the honourable senator has received a reply. Yes or no? The answer is probably no.

**Senator Banks:** No, I have not received a reply. It is too bad that it would be a significant amount of trouble for the government to have to tell us what legislation Parliament has passed that they and their predecessors have failed to bring into force. I am very sorry that it would take time and that someone would have to go back and look into all those dusty records and check out the attic and find out if the list is even

longer than this one. However, the fact that it would be troublesome is not, in my view, an argument against cleaning out that attic.

I thank the honourable senator for that question because he is quite correct; there was an undertaking made that I do not recall having been met.

**Hon. Anne C. Cools:** Honourable senators, I think Senator Forrestall is eager to speak. We have to adjourn by four o'clock so I will move the adjournment on Senator Banks' bill. I would like to thank him for all his work and for all his endeavours. It is a very worthy cause.

On motion of Senator Cools, debate adjourned.

## AGRICULTURE AND FORESTRY

### COMMITTEE AUTHORIZED TO CONTINUE STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

**Hon. Joyce Fairbairn** moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament be referred to the committee; and

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

She said: Honourable senators, I wish to say a few words about why we are moving this motion today. While the committee expects to have a specific order of reference to focus its efforts on a particular aspect, this more general mandate is equally important to help the committee in its work to support farmers and rural communities across Canada.

For example, in recent years the agricultural sector has faced many unexpected events that affected Canada's economy and society: the potato wart in Prince Edward Island; the devastating droughts in different parts of Canada; the avian flu outbreaks in British Columbia; and the bovine spongiform encephalopathy, otherwise known as the BSE crisis. This proposed order of reference allows the committee to hear witnesses when these kinds of events occur and when it is important that the Senate understands the issue and can contribute to the solution.

BSE hit the country while the committee was mandated to do a very important study on value-added agriculture. As a result of that strict mandate, the committee did not have the flexibility to listen instantly to farmers who were directly affected by the cattle crisis. The Senate, however, agreed to a broader order of reference which then allowed the committee to quickly undertake a study on the BSE issue and to table a report that influenced the government strategy to reposition the livestock industry.

That broad order of reference also allowed the committee to be part of the ongoing work to champion Canada's agriculture and forestry sectors abroad. Last year, under the same order of reference, the committee was able to travel to Washington and discuss with U.S. stakeholders the various ongoing issues that affect our agriculture and forestry sectors, including the closure of the U.S. border to live cattle, the anti-dumping duty on Canadian hogs, the country of origin labelling regulations that could add an unnecessary burden to our agri-food industry and, of course, the softwood lumber trade issue.

As the mandate is general, it gives the Standing Senate Committee on Agriculture and Forestry the flexibility to respond quickly to unexpected events in agriculture and to listen to farmers and rural communities that are directly affected. This flexibility will place the committee in a good position to reinforce the Senate's active interest in the important economic area and the social well-being of our agriculture communities and the farmers and their families who support those communities and are the base of our food industry throughout this country.

It is for that reason, honourable senators, that I wish to move the motion that I read at the beginning of these comments.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, would the Honourable Senator Fairbairn accept a question?

**Senator Fairbairn:** Certainly.

**Senator Fraser:** The motion sounds wonderful. Obviously, we should be looking into things like BSE — heaven forbid that there should be many of them. However, I am interested in the way budgeting for such a broad mandate is undertaken.

As I understood Senator Fairbairn, one of the main purposes is to be able to examine questions that arise that we were unaware were going to arise. If that involves travelling or other significant expenditures, how does that work? Will the honourable senator go to Internal Economy with a special budget every time this arises? Does she have any concept at all of what tends to be involved in terms of cost when one of these special events arises? I repeat that I think this motion sounds like a good thing; I am just trying to understand what is involved.

• (1550)

**Senator Fairbairn:** Honourable senators, Senator Gustafson and I went to the Standing Committee on Internal Economy, Budgets and Administration when we were travelling to Washington. We would do so in other cases.

Agriculture is an unpredictable industry. One of the good things about the Senate is that it is able to step in and have hearings that are perhaps more extended and probing than in the other place. This has been proved time and time again. When we did not have the larger mandate motion, we came into what could have been a very difficult situation because, out of nowhere, BSE struck our country. For that reason, members of the committee do not wish us to be in that situation again should other emergencies arise. Emergencies are totally unpredictable in this particular part of our economy.

Indeed, as Senator Segal has already indicated in this chamber, there is a huge concern across Canada about the constant attacks that have been taking place, as well as world trade decisions and issues that are very detrimental to our Canadian agricultural community.

We are very concerned about the state of the farmers themselves. They are the ones who support us. We are concerned about the tremendous economic and other pressures on farmers. There is a need to be able to examine issues like these, as we have done throughout the years that I have been on this committee. We are able to do that if we have a broader mandate that will allow us to respond before things get out of control and the lives of many Canadians are affected. As consumers of this sector of our economy, our lives are affected.

**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.

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### COMMITTEE AUTHORIZED TO STUDY MATTERS RELATING TO MANDATE

**Hon. Tommy Banks,** pursuant to notice of April 5, 2006, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and,

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

That the Committee report to the Senate from time to time, no later than June 30, 2007, and that the Committee retain until September 1, 2007, all powers necessary to publicize its findings.

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

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I wonder if Senator Banks would accept a question.

**Senator Banks:** Of course.

**Senator Fraser:** As a general rule, it would be nice to have an explanation of what is involved here, why the committee is doing this and, in general, the nature of this study.

**Senator Banks:** The nature of this study is to be determined by the committee that has authorized this order of reference, which is identical to the order of reference that it has had for the last two Parliaments.

The answer is fairly exhaustive because the mandate that is given in the *Rules of the Senate* to this committee is very broad. This motion narrows the mandate somewhat and makes it rather more focussed. Notwithstanding that focus, you will appreciate that matters having to do with energy, the environment and natural resources these days in this country are a very wide and deep pool of interest.

I can give the honourable senator a partial list of the things with which the committee has in the past been seized and continues in some respects with which to deal. Aside from legislation, one such matter is the continuation of our study of matters having to do with water in Canada. We have issued four reports in the last year and a half, the last of which had to do with water in the West. We will now continue and do a peripheral study on water in Central Canada, followed by a study of water in Eastern Canada. When I say "west," "central" and "Eastern," we have always included the northern reaches of those three geographical areas.

There are also questions of nuclear safety and, in particular, questions of the disposal of spent nuclear waste. There are questions of the extent to which nuclear generating concerns in Canada are obliged to carry the kind of insurance that covers them against untoward events, which in Canada is so minimal as to be laughable by comparison with what is carried elsewhere in the world. One of the questions we will be asking in our pursuit of that study is whether there is any point, since the Government of Canada is on the hook once the insured amount runs out anyway. As those amounts will be so astronomical if 100 gallons of highly radioactive heavy water gets into Lake Ontario, why should we bother paying all those premiums which have to be laid off on so many different insurance companies, most of them outside Canada because Canadian insurance companies cannot handle them?

There are matters having to do with GHG emissions. We are at a crossroads now in this country. We are looking at how the new government will deal with that question. This government has said it will deal with greenhouse gases differently than the previous government. Several of our reports had to do with that question.

There is also the overall question of sustainability and the balance between sustainable development and industrial development and continuing to do good business so that we do not put ourselves out of business by becoming a bunch of tree huggers. That is a partial list of the things with which our committee deals over a period of time.

I will give the honourable senator an example of how effective and efficient we are. We piggyback and ensure that when we go to some place to examine one question we also examine other questions with which we are dealing at the same time.

Senator Fairbairn was asked about travel, and sometimes we are obliged to travel. When looking at questions of nuclear liability, for example, one must go to Vienna. There are worse things than going to Vienna, but one must go to Vienna because that is where the International Atomic Energy Agency is.

**Senator Murray:** One has been there, has one not?

**Senator Banks:** One has been there, yes. It is quite delightful. I have the name of a couple of good restaurants that I am able to share with members.

In the course of that business, we met with a number of other people having to do with a number of our other concerns. We are very efficient in those respects.

I have just given Senator Fraser a partial list. The name of the committee is the best indication of what we will be looking at.

**Senator Fraser:** Does the honourable senator have any idea what would be the first priority?

**Senator Banks:** I would be proposing to the committee at its meeting tomorrow morning at nine o'clock, when it will begin to discuss its work plan between now and next December, a continuation of the water policy. That will be our first study. Our most recent report, which was released just before the end of the last Parliament, dealt with water in the West. We now want to look at water in Central Canada. That will have to do with matters having to do with the Boundaries Waters Act, the international joint commission, et cetera. That is what I will propose to the committee. The committee has not yet determined which of the many things that it has already dealt with under this order of reference it wishes to pursue, but that will be my proposal to the committee for the first thing to do.

**Hon. Terry Stratton:** I have a brief question. Does the committee ever intend to finish this study?

• (1600)

The scope is quite wide. I do not know how the committee could possibly finish. How old is the honourable senator?

**Senator Banks:** Not old enough. The short answer to the question of Senator Stratton is no.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, Motion No. 8, which the Honourable Senator Banks has just moved, is the motion for which he gave notice last week, is it not? This motion does not come from the committee, is that right?

[English]

**Senator Banks:** I thank the honourable senator for his question. However, he is not correct. The motion has come directly from the committee. I gave notice of this motion some time ago in anticipation of being able to save the day that it would otherwise take were I to introduce it now, so that the committee could begin tomorrow's meeting by dealing with its work plan. I gambled.

However, at the organizational meeting of the committee last night, I presented this proposed order of reference to the committee, and committee members reiterated that this is what they wish to be presented to the Senate, so I did not have to amend the motion today.

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

**Hon. Senators:** Question!

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

Motion agreed to.

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Colin Kenny,** pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

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

Motion agreed to.

### COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

**Hon. Colin Kenny,** pursuant to notice of April 25, 2006, moved:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

He said: Honourable senators, this is the same order of reference that the committee has had in previous years and that has been adopted by the committee. It is intention of the committee to deal with volume 2 of the defence review, volume 3 of the defence review, the 1966 security guide and a review of first responders. That would comprise the work of the committee, and they have gone through a work plan and figured out the timing for it.

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

Motion agreed to.

[*Translation*]

The Senate adjourned until Thursday, April 27, 2006, at 1:30 p.m.

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