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**Wednesday, February 7, 2007**



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

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## THE SENATE

Wednesday, February 7, 2007

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

Prayers.

### SENATORS' STATEMENTS

#### HEART MONTH

**Hon. Wilbert J. Keon:** Honourable senators, it is appropriate that February has been designated as Heart Month. While many view this month as a time for chocolates and flowers, I would suggest that the best way to show our loved ones that we care is to ensure that our heart is in good shape.

Here are some sobering facts. Cardiovascular disease, which includes heart disease and stroke, is the leading cause of death in Canada. Aside from childbirth, cardiovascular disease is the leading cause of hospitalization for men and women. Cardiovascular disease is also the main contributor to direct and indirect health costs of our already overburdened health care system.

Finally, but of crucial importance to those suffering from heart disease, is that cardiovascular disease can severely limit the quality of life of people who suffer. Many endure chronic pain and are restricted in the level of activity they can enjoy. Some are also forced into unemployment because of the disease.

The good news is that most types of heart disease are preventable. I am sure that we are all familiar with the risk factors associated with the disease, which include smoking, a lack of physical activity, high blood pressure, high cholesterol, obesity and diabetes.

Five risk factors are not controllable; however, nine are. The controllable risk factors are largely as a result of lifestyle choices. Unfortunately, people are not always making the best choices. Eight out of ten Canadians have at least one of these risk factors.

• (1335)

Honourable senators, to celebrate Heart Month, I urge you to do what you can to ensure that you have a healthy heart. Make the necessary changes in your life and minimize your risk factors.

For cardiovascular health, if we were able to control nine risk factors in the population, we would prevent 90 per cent of premature heart attacks.

Honourable senators, control your risk factors, and encourage your family, friends and fellow citizens to do the same.

#### 2007 WINTER UNIVERSITY GAMES

**Hon. Catherine S. Callbeck:** Honourable senators, last week marked the end of the 2007 Winter University Games in Turin, Italy. This 10-day event saw approximately 3,000 student athletes

from 52 countries come together to compete in the world's second largest event for winter sports. All participants are between 17 and 28 years of age, and are enrolled as full-time students in post-secondary institutions.

During this outstanding event, our men's hockey team did Canada proud, winning this country's third gold medal ever, the first one in 16 years. The team went undefeated in the tournament, scoring a total of 34 goals and allowing only four goals in six games.

I am especially pleased to note that this stellar team was comprised exclusively of all-stars from universities in Atlantic Canada, including University of Prince Edward Island goalie Paul Drew. In fact, the team's assistant coach, Gardiner MacDougall, is head coach of the UNB Varsity Reds, a former Atlantic University Sport Coach of the Year, and last, but certainly not least, a native of my home area of Bedeque, Prince Edward Island.

All told, the Canadian delegation consisted of more than 100 athletes competing in 11 sports, as well as 42 team officials. Our athletes took home three other medals: gold in women's curling, silver in snow boarding and bronze in short track speed skating.

These World University Games, summer and winter, provide a wonderful opportunity for post-secondary student athletes from around the world to come together in the spirit of friendship and fair play.

Honourable senators, please join with me in congratulating all of Canada's athletes for representing their home country so well at this international event.

#### MANITOBA

##### DEATHS OF FIREFIGHTERS CAPTAIN HAROLD LESSARD AND CAPTAIN THOMAS NICHOLS

**Hon. Sharon Carstairs:** Honourable senators, "There is no greater love than to give one's life for a friend." Those who serve in our Armed Forces and our police forces in this country are often called upon to give to their friends, their colleagues and their countrymen the ultimate sacrifice. In recent days in Manitoba, we have been reminded that firefighters are also asked to make the ultimate sacrifice.

Captain Harold Lessard and Captain Thomas Nichols were killed in a house fire when a fireball caused an explosion. In addition, firefighter Ed Wiebe received burns to 70 per cent of his body, but has now been removed from intensive care and his prognosis is favourable. Firefighter Lionel Crowther was also injured, but is in satisfactory condition.

Honourable senators, men and women put their lives on the line for us daily, and we need to remember and honour their service. Both Captains Lessard and Nichols had served over 30 years and were highly respected members of the Winnipeg Fire Department.

Perhaps it was best said by Mr. Jay Murray, a nephew of the late Tom Nichols:

I truly believe it is imperative to recognize the sacrifices and risks firefighters make everyday. Whether it is running into an inferno, making a water/ice rescue, or attending the scene of an accident — these heroic individuals put their lives in true jeopardy to ensure the safety and well-being of others.

What happened on February 4th, 2007, was harsh and a stark reminder of the challenges you and your brave men encounter. There were absolutely no hesitations as your firefighters took on the task of establishing the safety of the victims affected by the fire. As this tragic and unfortunate situation comes to an end, the outcome has once again re-established the common thoughts of many; we are all truly grateful and proud of our bold firefighters.

Honourable senators, I think we, as a Senate chamber, want to offer our condolences to the families affected and our best wishes to those who are still struggling to maintain their health.

• (1340)

## INTERNATIONAL SOCIAL SERVICE CANADA

### BUDGET CUTS

**Hon. Roméo Antonius Dallaire:** Honourable senators, I rise this afternoon because I am deeply concerned. A non-profit organization that is part of the committee that I chair against the commercial exploitation of children will close its doors on March 31, 2007, as a result of the \$17.7 million budget cuts announced last October by the present government.

The organization is called the International Social Service, or ISS. It was formed in Geneva in 1924 and is active in 140 countries. It has been incorporated in Canada since 1979. ISS helps to restore the links between children and families who are separated between countries as a result of war, migration between countries, humanitarian crises or natural disasters. Through the expertise of its social workers, ISS Canada works for inter- and cross-country reunification of families and for the restoration of social services for children and families in countries affected by conflict, war or natural disasters. In doing so, it connects social welfare agencies in Canada with their network partners overseas.

The main beneficiaries of ISS are children, in Canada and abroad, who are in difficult circumstances because they have been abducted, trafficked, sexually abused or exploited. In 2005-06, ISS Canada dealt with 435 inter-country cases in 65 countries. Of the many countries with which ISS Canada cooperates, the United States is a major partner. ISS has worked on 90 cases with the U.S. alone. As of January 2005, ISS Canada has 197 open cases, 90 per cent of which relate to children.

[Translation]

International Social Service Canada needs \$150,000 per year for its operating budget. The Department of Foreign Affairs having reduced its funding in recent years, ISS has only received \$80,000 a year for the past two years, plus \$2,000 per case when DFAIT refers cases to ISS.

[ Senator Carstairs ]

I cannot believe that for \$80,000, the government is prepared to deny countries the ability to reunite and protect these children who were separated because of circumstances beyond their control.

As a member of the Standing Senate Committee on Human Rights, I find it deplorable that a service like this one is to become a victim of budget cuts. Canada has always been a leader in children's rights. We were proud to sign the Convention on the Rights of the Child and set up programs to protect children's rights.

At a time when international migration is increasing considerably for reasons we all know, at a time when we are deploying our armed forces and other resources abroad to mitigate difficult situations, organizations like International Social Service Canada are essential to resolving social and family legal issues between different countries.

I hope that other honourable senators will rise to denounce this mean-spirited and miserly budget cut.

[English]

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### TWELFTH REPORT OF COMMITTEE PRESENTED

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

Wednesday, February 7, 2007

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

#### TWELFTH REPORT

On March 7, 2005, the Senate adopted the Fourth Report of the Committee which approved the creation of a special fund, subject to a review after one year, to help senators meet exceptional funding needs or special circumstances.

The Committee now recommends that the special fund be eliminated and that the remaining amount in the fund be distributed to the Research and Office Expenses Budgets of those senators who did not receive an allocation from the special fund.

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

• (1345)

## CRIMINAL CODE

### BILL TO AMEND—FIRST READING

**The Hon. the Speaker *pro tempore*** informed the Senate that a message had been received from the House of Commons with Bill C-26, to amend the Criminal Code (criminal interest rate).

Bill read first time.

**The Hon. the Speaker *pro tempore*:** When shall this bill be read the second time?

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION, SEPTEMBER 27-29, 2006  
AND SESSION OF PARLIAMENTARY ASSEMBLY  
OF COUNCIL OF EUROPE, OCTOBER 2-6, 2006—  
REPORT TABLED

**Hon. Lorna Milne:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its parliamentary mission to the country that will hold the next European Union presidency held in Berlin, Germany, September 27 to 29, 2006, and its participation in the fourth part of the 2006 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, October 2 to 6, 2006.

[Translation]

## QUESTION PERIOD

### FINANCES

#### BALANCING BUDGET CUTS AND FISCAL IMBALANCE

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, my question today is for the Leader of the Government.

It has become very clear that the Conservatives do not respect the state. In their election platform the Conservatives boasted about wanting to save \$3.6 billion in their first budget. In their 2006 budget, which will come to an end this March, they have already cut \$1 billion by eliminating programs that are vital to underprivileged Canadians, women, artists, children, Aboriginals, and others.

To meet the goal of cutting nearly \$2.6 billion between now and the end of March, can the Leader of the Government tell me what

her Prime Minister plans to do to reduce the fiscal imbalance and keep his promise to cut government expenditures?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, last year the federal government tabled a budget that was very well received and which we were able to implement with a great deal of success. Through a savings review process conducted in the summer of 2006, the government found some savings. Many of the savings flowed from administrative issues and the government put those savings into direct services for the citizens of Canada.

In answer to the honourable senator's specific question, Minister Flaherty is presently conducting a consultation process. Today, he announced a public consultation process on the Internet, which is a first.

I would encourage the Leader of the Opposition to await the end of these consultation processes and the Minister of Finance's budget.

[Translation]

#### REDUCTION OF STUDENT DEBT

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, I must say that I did not expect to be told that these were administrative expenditures when we are talking about programs for women, artists, children and Aboriginal peoples. I do not consider these administrative expenditures, but program expenditures.

Speaking of programs, before the election, the Conservatives were consistently opposed to benefits for university students when the Canada Millennium Scholarship Foundation was set up. Can the Leader of the Government tell us how her government plans to reduce student debt and help train a skilled workforce in a prosperous economy when today's young people have to get into debt for the next 10 to 15 years in order to obtain a university education?

• (1350)

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for her question. I saw the demonstration; as a matter of fact, I got held up in traffic this morning in front of Carleton University by the students who were bringing this issue to the forefront.

The government's long-term economic plan that was released last fall, called "Advantage Canada," clearly stated our government's recognition that investments in education, training and research are critical to our economy and to our future. In Budget 2006, the government helped the provinces and territories provide high quality post-secondary education with a \$1-billion investment for colleges and universities through the Post-Secondary Education Infrastructure Trust.

In addition, the government provides \$5.4 billion in support to students through grants and loans, tax measures and funding of research. We are helping students through a new textbook tax credit for the cost of textbooks, as well as those studying as

apprentices through the apprentice job creation tax credit and the apprentice incentives grant to help them get jobs. There is also a \$500 deduction for the cost of their tools.

I am proud to say — and this is something that Senator Atkins has spoken on many times in this chamber — there is a full tax exemption for scholarships and bursary income, something we supported for a long time. Students, who receive a financial award based on academic excellence, are no longer penalized for their success in obtaining these scholarships.

## THE ENVIRONMENT

### POLICY ON CLIMATE CHANGE

**Hon. Grant Mitchell:** Honourable senators, two areas have been very consistent in the Prime Minister's position on climate change. He has always denied its existence and he has actively and aggressively worked to thwart the Liberal government's efforts over the last 13 years to ratify, let alone implement, the Kyoto accord. Now, the rhetoric seems to have changed. However, one has to wonder whether the commitment is anything more than simply convenience.

First, Prime Minister Harper continues his diversionary tactic of blaming the previous government for issues on which he is not taking action. Second, he failed to show up last week even for the vote on the Kyoto initiative; and third, his government has not given any answer on whether it will support the new UN body on climate change.

Could the Leader of the Government in the Senate please give some reassurance to Canadians that this government is committed to climate change policies that will work and that are driven and focused? Could she reassure us that the government will do so not out of some form of convenience, but out of a profound commitment by saying they were wrong to thwart Kyoto initiatives, they were wrong to cancel the Liberal Kyoto climate change programs, and that they have been wrong to delay for a year before they have even begun to consider doing something about climate change?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I answered some of these questions yesterday. The Prime Minister, quite rightly, has pointed out the significant challenge the government faces in dealing with the issue of not only greenhouse gas emissions, but also the air pollution problems.

The honourable senator keeps referring to the budget of the previous government and how much it was focused on Kyoto. In fact, Steven Guilbeault of Greenpeace raised concerns on February 24, 2005, that Kyoto was not even mentioned in the budget. That was reported in *La Presse* in February 2005.

• (1355)

Anne Warburton, of the Ecology Action Centre, questioned the further delay by the Liberals. In February 2005, in the *Halifax Daily News*, she said:

[ Senator LeBreton ]

I would suspect another year has more to do with back-room deals and successful lobbying from the auto industry than a real need for consultation.

In February 2005, David Anderson, former Minister of the Environment, said:

There was a substantial amount on climate change with the curious omission of the word Kyoto in everything Mr. Goodale said.

That was when Mr. Goodale presented his budget.

Glen Murray, a former Mayor of Winnipeg and a former Liberal candidate, as well as Chair of the National Round Table on the Environment and the Economy, said earlier this month, on February 2:

We're sort of in this Kyoto box . . . . I think we should just end that conversation. I think we have to get as far down the road toward [greenhouse-gas] reduction as possible, but we should be doing that being mindful of tackling the bigger problem.

Even the Liberal-appointed head of the national round table on the environment feels that it is time now to do what we are doing, not talking about the issue but in fact addressing the issue. Certainly, it is the intention of the Prime Minister, the government and the Minister of the Environment. Canadians are engaged and do know there is a significant problem for not only this government but for governments all around the world.

**Senator Mitchell:** Honourable senators, the amount of time this government spends talking about the past is unbelievably frustrating. If leadership is defined by anything, it is a focus on the future.

How is it that this leader can stand and talk over and over about the past and what went wrong, and use that as a defence for doing nothing, when they have the power right now under the Environmental Protection Act to bring in standards, targets and initiatives that will confront climate change and establish Canada as a leader in the world? Why can the leader not do that instead of talking about the past?

**Senator LeBreton:** As I said yesterday in answer to these questions, the fact that the opposition now seems to be putting all of their eggs in the basket of the Environmental Protection Act is interesting. Indeed, if we could resolve all of our problems this way — and I hate to bring up the past — you would have done so yourself by using the EPA.

Honourable senators, the fact is that the government has tabled Bill C-30, the proposed clean air act, in the House of Commons. It represents a better way to fight climate change and pollution. The bill is at committee stage in the other place, and we are working hard as a government to consult with members of all parties. I believe it is incumbent upon us all to work together. The environment is an important issue not only for the government but for all Canadians, no matter their political stripe. I would urge the honourable senator to in turn urge his colleagues in the other place to work with the government and with the other parties, such as the NDP, to strengthen Bill C-30 and get it back before Parliament.

**Senator Mitchell:** The minister should probably propose that it be called the “delay real action on climate change act” instead of the clean air act.

Has the government relinquished its commitment — and I use the term loosely — to intensity-based targeting, which clearly will not assist in reducing greenhouse gas emissions whatsoever, or will they continue to use this intensity-based targeting idea as something to hide behind so they will not feel they have to do something real and concerted to reduce greenhouse gases in this country?

**Senator LeBreton:** What the honourable senator describes as our new policy actually is a reflection on his own inaction in this regard. In fact, we are working very hard with industry, with the Canadian public and with environmentalists. We even received a compliment about our efforts from former Vice-President Al Gore, which was read in the other place yesterday.

• (1400)

For the first time, as the Prime Minister said yesterday and as Minister Baird has said, we will be bringing in regulations. They will be mandatory targets, not voluntary, as in the past. This government is very much focused on this particular issue.

Announcements have been made over the past month, and over the next few weeks there will be many more from the Minister of the Environment on how we will deal with this serious issue.

**Hon. Sharon Carstairs:** Honourable senators, I listened with interest to the responses to my honourable friend's questions. Historically, perhaps the most overt example of conversion was that of St. Paul on the road to Damascus. He went from being a centurion to being a strong advocate on behalf of Christianity. Why is the Leader of the Government in the Senate not willing to convince her leader to make the same kind of conversion so we can have out-and-out advocacy of the Kyoto accord?

**Senator Rompkey:** Repent. Salvation is at hand.

**Senator LeBreton:** I can think back to more spectacular conversions, such as the Liberals on the GST and free trade.

**Senator Tkachuk:** Right up there with St. Paul.

#### WORK BACKGROUND OF ENERGY AUDITOR

**Hon. Lorna Milne:** Honourable senators, the February 3 edition of the *Ottawa Citizen* states that on Thursday an energy auditor from Green Home Inspections will give a free talk on what is involved in a home energy audit, the benefits of improving your home's energy efficiency and how to recoup renovation costs under the new ecoenergy program to be launched April 1.

I would not be surprised if the person conducting the seminar is a qualified energy auditor who is trained and has experience based on the no-longer-existing EnerGuide program. Was this person fired by Environment Canada only to be re-hired on a more expensive personal services contract in order to help this government save face when it realized EnerGuide was an

effective program that was designed and was working to help Canadians and the environment?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, as I have pointed out many times, there were many administrative costs to the EnerGuide program. We will be coming forward with programs that will affect and directly assist homeowners to make their homes more energy efficient. We have to engage the public not only on the issue of making our homes more energy efficient but in other things that they may do to make their carbon footprint a little smaller.

I will not speculate on what this person may say in the seminar, nor will I speculate on what the minister will say when he makes his announcement.

#### COST OF REHIRING ENERGY AUDITORS FROM ENERGUIDE PROGRAM

**Hon. Lorna Milne:** Honourable senators, I believe the Leader of the Government in the Senate when she says this government is committed to engaging the public, I believe was the term, in finding viable solutions to Canada's environmental problems. In fact, I see they are not only born again on the road to Damascus, but they are using a three-R approach. They have seen the light and are no longer “reducing” Canada's commitment to the environment. This is done by “reusing” ideas first implemented by the previous government. Due to their year-long mismanagement of this file, perhaps Canadians should consider “recycling” them back to the opposition benches.

• (1405)

The decision to bring back the EnerGuide program is laudable, and I thank this government for its wisdom in reviving it.

Can the Leader of the Government in the Senate inform this chamber of the estimated cost of hiring back the dozens of energy auditors and advisers who previously worked for the EnerGuide program?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I will simply have to take Senator Milne's question as notice and obtain the information that she has requested. I do not know the cost of this program or when we might expect to receive the costs associated with it. The program, as we all know, has not been announced.

#### FOREIGN AFFAIRS

##### INTERNATIONAL SOCIAL SERVICE CANADA— BUDGET CUTS

**Hon. Jim Munson:** My question is for the Leader of the Government in the Senate and concerns another example of the Conservative government's cut-and-slash budgeting style that has come to light.

Moments ago, the esteemed Senator Dallaire rose to speak on the axing of federal funding to International Social Service Canada, an organization that dedicates itself to the lives of children, adults and families affected by humanitarian crisis.

Last year, in their haste to be fiscally responsible or prudent, the government scrapped the Canadian Unity Council, threatening a program that introduced Canadian youth to our Parliament. Then they cut our International Youth Internship Program. In this case, children fleeing war and strife do not provide the all-important "value for money."

Honourable senators, we are talking about a budget of \$150,000 a year for a 50-year-old organization that provides invaluable service. I will quote the Deputy Minister for the Ministry of Children's Services, Government of Alberta:

Alberta is very pleased with the services received through . . . ISS Canada. ISS Canada has provided valuable assistance in situations of child abuse and neglect, child abduction, deportation, repatriation, service of documents and mediation.

Will the minister reverse this decision?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for the question regarding cuts to programs such as the Canadian Unity Council. He is quite incorrect in saying we cut the Encounters with Canada program for young people. We did no such thing. In fact, I made a number of phone calls to various people on the CUC and made it clear that we were not cutting the Encounters with Canada program for young people. We did not cut that program.

I noted Senator Dallaire's statement with regard to International Social Service Canada, and I will inquire as to the background on whether this program is in fact a part of other work the department is completing.

I will take the question on ISS as notice.

**Senator Munson:** I appreciate that, and I hope the Leader of the Government will act on this issue.

I will leave the leader with a few other quotes. The Children's Aid Society of Toronto states the following:

ISS provides a vital service to children, especially in Canada's immigration capital of Toronto . . . for many children, ISS is a bridge to an opportunity for a better life.

From Yvonne Gomez, a concerned citizen, we have this quote:

Canada is a nation built on immigration and because of this families are diverse and complex. If Canada wants to continue to be a global leader then it needs to recommit to its citizens by supporting ISS Canada.

The President of Asian Heritage Month states the following, "Just last year alone, it served 534 inter-country cases involving Canada and 58 other countries."

Many countries have made representations. For the record, Agnes Casselman, the executive director of International Social Service Canada stated the following:

ISS Canada has lost its federal funding support from the Consular Affairs Bureau after March 31, 2007, and we are in jeopardy of closing unless a new source of federal funding can be secured immediately.

I want to tell the Leader of the Government in the Senate that I appreciate her answer on the first question, and I hope that action will take place.

**Senator LeBreton:** We are proud of our government's work in the world community, especially for children. After all, it was former Prime Minister Mulroney who co-chaired the 1990 UN World Summit for Children and sought the services of former Senator Pearson while he was Prime Minister.

With respect to International Social Service Canada, the honourable senator mentioned a figure of \$150,000. I thought that was an odd figure. I am quite certain that the Department of Foreign Affairs and CIDA spend many millions of dollars on humanitarian work for children and underprivileged people around the world. I will ask on what the \$150,000 was being spent.

• (1410)

As I said earlier in response to Senator Munson, I will get an answer as quickly as possible.

[Translation]

## HUMAN RESOURCES AND DEVELOPMENT

### POSSIBLE BUDGET CUTS TO NEW HORIZONS PROGRAM FOR SENIORS

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate, in her capacity as Secretary of State for Seniors. A number of programs have been eliminated in the past year, which is seriously impeding the development and advancement of our communities across Canada.

There is a rumour that the government is considering slashing and eliminating the New Horizons program for Seniors. As we are all aware, seniors across Canada very much appreciate this program. The program funding does not represent a great deal of money, but this program is very important to seniors.

Can the Leader of the Government in the Senate tell us whether it is true that the government intends to eliminate the New Horizons program?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I have been spending much time lately meeting with seniors' groups. They are expressing concerns in areas on which we naturally agree — income security, personal security and health issues.

I will not respond to rumours or speculation. The seniors' groups with which I have met are extremely happy with the decision of the government on pension income splitting, the increase in personal exemptions and the increase in financial portfolios in the last budget.



I have neither heard nor read the rumour of which Senator Chaput speaks. None of the seniors' groups with which I have met have raised it with me. I will make inquiries as to the source of this rumour and will get back to the senator.

[Translation]

**Senator Chaput:** Honourable senators, if memory serves, in recent months, what was rumour became reality, and then it was too late to react. Can the Leader of the Government in the Senate assure us that the government does not intend to eliminate the New Horizons program?

[English]

**Senator LeBreton:** Honourable senators, as I have said, I will not respond to a rumour or hypothetical question. I am working very hard with seniors' groups, the Minister of Health, the Minister of Human Resources and the Minister of Finance to develop programs that will give our seniors the assistance they deserve. Having worked hard all their lives, paid taxes and raised families, they have every right to expect to live their later years in as much comfort and security as possible.

[Translation]

## SECRETARY OF STATE FOR SENIORS

### DISCUSSIONS WITH SENIORS GROUPS ON NEW HORIZONS PROGRAM FOR SENIORS

**Hon. Maria Chaput:** Honourable senators, I wish to inform the Leader of the Government in the Senate that I have not yet received an answer to my question. Has the New Horizons program ever been raised in discussion with seniors' associations and groups?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** No, it has not been raised with me.

• (1415)

[Translation]

## POINT OF ORDER

### SPEAKER'S RULING

**The Hon. the Speaker pro tempore:** I am ready to rule on the point of order raised yesterday by Senator Comeau when adjournment of Bill S-222 was proposed.

[English]

At the end of the initial speeches on the bill, Senator Moore moved that further debate be adjourned to the next sitting and that the item stand in the name of Senator Jaffer.

[Translation]

Senator Comeau rose on a point of order to argue that, since Senator Jaffer did not appear to be present at the time, the item should not be adjourned in her name. This led to a discussion of

the practice of adjourning an item under Orders of the Day in the name of a particular Senator. During this discussion some senators asserted that items have often been adjourned in the name of another Senator, while others considered this a questionable practice.

[English]

After discussion on the point of order, the item was adjourned by Senator Moore, seconded by Senator Robichaud, as indicated in yesterday's *Journals of the Senate*, at page 1016. Given the different views that had been expressed, I indicated that I would address the matter in a ruling. Senator Fraser then rose on another point of order to express concerns about a recent tendency to refer to absent senators and to encourage senators to avoid this in the future, a point that Senator Comeau noted reinforced his position on the original point of order. I indicated that I would also address this issue in the same ruling.

[Translation]

Let me begin by reading rule 49 in its entirety:

49.(1) A motion to adjourn a debate on an item, other than an item of government business, shall be deemed to be a motion to postpone that debate to the day specified in the motion, or, if no day is specified, to the next sitting day. In either case, the said item shall stand on the *Order Paper* in the name of the Senator who moved the adjournment, or another Senator, if so indicated.

[English]

(2) A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

This rule is key in dealing with adjournment of debate in a senator's name, and it leads to conclusions of relevance, depending on whether the item is government business or not.

[Translation]

With respect to government business, under rule 49(2) items are adjourned to the next sitting of the Senate and do not stand in the name of any particular senator. In practice, a senator's name will sometimes be specified when the motion for the adjournment of an item of government business is proposed, but this is of no procedural weight and the name does not appear on the Order Paper. Instead, it is an indication that a particular senator is interested in speaking to the matter.

[English]

In the case of an item of other business, rule 49(1) is clear that, when adjourned, it will stand either in the name of the senator who adjourned debate or in the name of another senator, if so specified. Accordingly, it is acceptable to move a motion to adjourn debate in another senator's name. The rules allow this, and practice confirms it. Indeed even substantive motions, which can trigger debate, are sometimes moved by one senator on behalf of another, as in the case with motion 131 currently on the

*Order Paper*, which was moved by Senator Tkachuk for Senator Segal. Similarly, rule 56(3) allows for notice by one senator for another senator not then present.

[Translation]

The adjournment by one senator in the name of another will most frequently occur if the senator in whose name the item is adjourned happens to be away from the chamber. A senator who expects to be absent, but who wishes to speak to an item, may ask a colleague to adjourn debate in the absent senator's name.

• (1420)

This does not mean that the senator in whose name an item is adjourned has a monopoly on speaking to it next and can therefore hold up debate. This matter was addressed in a ruling by Speaker Molgat on December 10, 1996, which appears at pages 744 and 745 of the *Journals*. This ruling noted that, although an item of other business may be adjourned in a particular senator's name, this

... does not give that Senator alone the right to decide if that item will be proceeded with, though it has sometimes appeared that way because of the courtesy usually extended by the Senate towards the Senator who adjourned the item.

The ruling goes on to note that:

Should the Senate decide to debate the item, the Senator who had adjourned it will usually be accorded the opportunity to speak first; otherwise any other Senator will be recognized to speak.

Therefore, a senator in whose name an item is adjourned has the right to speak first when it is next debated. If, however, another senator is ready to speak and the senator in whose name the item stands is not, the senator who is ready to speak has every right to do so.

[English]

As to the matter of referring to senators who may or may not be present, *House of Commons Procedure and Practice* by Marleau and Montpetit is clear, at page 188, that "the Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because 'there are many places that Members have to be in order to carry out all of the obligations that go with their office'." This is just as much the case for senators. Similarly, *Beauchesne's*, at page 141, citation 481(c) of the sixth edition, prohibits reference to the presence or absence of specific members. This general caution applies most clearly to debate, and I should note that the very wording of rule 49(1) does provide the basis for an exception when dealing with motions to adjourn debate, as I outlined earlier. In other cases, where our rules require the recognition of a senator's absence, such as rule 11 under which the clerk must inform the Senate of the Speaker's unavoidable absence before the Speaker *pro tempore* takes the chair at the beginning of a sitting, reference to this absence is entirely appropriate, indeed required. Moreover, information about attendance is readily available in the *Journals* and the Attendance Registry — in fact, the Senate has a comprehensive regime for tracking senators' work. Nonetheless, senators should be cautious in referring to the absence of members in debate.

[ The Hon. the Speaker ]

[Translation]

In conclusion, I find that the proposal to adjourn debate on Bill S-222 in the name of another senator was in order.

[English]

## ORDERS OF THE DAY

### NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

#### BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Nolin, for the third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act;

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Pélipin, that Bill S-3 be not now read a third time but that it be amended as follows:

In clause 4,

(a) on page 14, by adding after line 24 the following:

“(1.1) If the Chief of the Defence Staff is considering making a determination, he or she shall notify the Minister before making the determination.

(1.2) The Chief of the Defence Staff may make a determination only if he or she is of the opinion that the operational reasons are of such an exigent nature as to outweigh the public interest in applying the provisions of this Act that would, but for the determination, be applicable in the circumstances.”; and

(b) on page 16,

(i) by adding after line 3 the following:

“(6) The Chief of the Defence Staff shall, every 15 days after making a determination under this section, consider whether the operational reasons continue to apply and, if they do not, shall revise the date on which the operational reasons cease to apply accordingly.

(7) Subsection (6) applies until the date that is provided in the notice under subsection (4) as the date on which the operational reasons cease to apply, unless a revision is made under subsection (6).

(8) If a revision is made under subsection (6),

(a) the Chief of the Defence Staff shall, without delay, notify the Provost Marshal of the revision;

(b) the Provost Marshal shall, without delay, notify the person who is the subject of the determination of the revision;

(c) in the case of a determination made under paragraph (1)(b) or (c), the Provost Marshal shall, without delay, notify the persons referred to in paragraph (5)(a) or (b) of the revision and of the revised date on which the suspension of the time limit or proceeding ceases to apply; and

(d) a person who registers information for the Provost Marshal shall revise the date that was registered under paragraph 8.2(7)(a) of the *Sex Offender Information Registration Act* as the date on which the suspension of the time limit, proceeding or obligation ceases to apply.”; and

(ii) by adding after line 31 the following:

“**227.171** (1) The Chief of the Defence Staff shall, within 30 days after the end of each year, submit a report to the Minister on the operation of sections 227.15 and 227.16 for that year that includes

(a) the number of determinations that were made under each of paragraphs 227.15(1)(a) to (d) and the duration of the suspension of the time limit, proceeding or obligation resulting from each determination; and

(b) the number of determinations that were made under subsection 227.16(1) and the number of persons who were exempted under subsection 227.16(4) as a result of each determination.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.”.

**Hon. George Baker:** Honourable senators, it will just take a couple of minutes to make my observation on this bill at third reading, and it is perhaps the best reason I can think of today to not support term limits in the Senate.

**An Hon. Senator:** You have the wrong bill.

**Senator Baker:** It is not the wrong bill.

This bill before us today is an excellent example —

**Senator Comeau:** Point of order. Are we on Bill S-3 or Bill S-4?

**The Hon. the Speaker *pro tempore*:** We are on Bill S-3. Senator Baker wishes to speak to Bill S-3.

**Senator Baker:** I am on Bill S-3.

I began my remarks that way, honourable senators, because this bill is not directed toward us for sober second thought. This is “sober first thought.” I cannot think of any other occasion in our history where we have had legislation changing the Criminal Code, the National Defence Act and the Criminal Records Act introduced in the Senate, which is to then go to the House of Commons. I do not think it has ever happened before. We are making history.

As one senator said, the bill is not *functus officio*. It is within the jurisdiction of the Senate to proceed in this manner and it is to the advantage of the government. I congratulate the government. However, in so doing, there is clear recognition that there should not be term limits in the Senate.

Before I go on, I want to congratulate Senator Oliver for the great job he did in chairing the committee that studied Bill S-3. I wish to thank Senator Di Nino for his work on the committee, as well as Senator Nolin, Senator Andreychuk and Senator Stratton. I want to thank Senator Joyal, who has moved an amendment to the bill. Senators Milne, Fraser and Ringuette also worked very hard in committee on this bill. They are good examples of why there should not be term limits for senators.

Honourable senators, Bill S-3 will go back to the House of Commons as a major piece of legislation involving the Criminal Code, the National Defence Act, the Criminal Records Act and the Sex Offender Information Registration Act. When the bill came to the Senate, no matter if it had come to this place first or second for sober second thought, the first thing that struck certain members of this committee, especially on the other side, the government side, was that they could remember not eight years ago, which is the limit prescribed, but nine years ago, when the original bill came before the House of Commons and the Senate. It was to give the courts martial the right to try cases under the Criminal Code. Prior to 1998, if a soldier was charged with an indictable offence under the Criminal Code, they would be tried in a civilian court. However, nine years ago, we gave the courts martial the right to try criminal offences under the Criminal Code.

This is the first bill that has now come forward relating to that permission. Honourable senators, when something major like that is done, there is a provision in the legislation for a five-year review. That five-year review was done by the former Chief Justice Lamer. We are talking about institutional memory when we talk about this bill.

In other words, what were the main elements of this piece of legislation? You can think of it when you look at the amendment of Senator Joyal. I ask all senators to support this particular amendment.

The amendment, fellow senators, has to do with the evidence given before the committee. Under the Sex Offender Information Registration Act, when somebody is registered under normal circumstances, the registry is immediate and automatic. In some cases, in the military tribunal, that determination was not carried through immediately. In other words, for operation reasons, for reasons of urgency or placement, the registration was delayed. This amendment narrows that time period and it says, as Senator Joyal said, "in exigent circumstances." "Exigent circumstances" is a term you see in a lot of legislation to permit police officers, for example, to conduct an arrest without a warrant. Under this legislation, if there are exigent circumstances, an explanation must be given.

• (1430)

We passed this legislation in 1998, not knowing what the ramifications would be to have people tried in a court martial for a criminal offence. Chief Justice Lamer passed judgment on it five years later and commented that we had to be very careful because the military tribunal judges serve five-year appointments. At the end of that period, they are reappointed on the recommendation of their superiors. Chief Justice Lamer made the argument that the tribunal might not be impartial under the sections of the Charter of Rights and Freedoms that deal with legal rights.

Chief Justice Lamer also pointed out that the military tribunal process is different. There is no such thing as a jury. A person charged in a civilian court has a right to make a choice between a jury or a judge, except if the charge is first degree murder, in which case the person does not have a choice. I could never understand that. A person has a choice in a civilian court, but a soldier does not have that choice in the military. The soldier must face a military tribunal. The Crown prosecutor makes the choice. The opinion was passed that it was perhaps a violation of the Charter that the Crown prosecutor would make a determination not between jury and judge alone but between judge alone and a panel of judges.

The committee looked at the Lamer report, at what happened nine years ago with the legislation, and at the case law. The committee discovered that under the case law there were many cases of recent vintage in which the judges declared that there were clear violations of the Charter for the very reasons that Justice Lamer had signified in his five-year review.

Honourable senators will see the observations sent from the Senate to the House of Commons, and will have the benefit of the observations and of the institutional memory of the Senate and of a legitimate amendment given on the evidence at the committee hearing. You might say, honourable senators, that this is perhaps a first in that it is a sober first look, an opportunity for the Senate to show the institutional knowledge that it has that dates back nine years, and not eight years, and it allows those people in the other place to have a look at it and to hopefully approve the amendment that Senator Joyal has put forward.

On motion of Senator Cowan, debate adjourned.

## CONSTITUTION ACT, 1867

### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

**Hon. Elaine McCoy:** Honourable senators, I am very pleased to be back in this house. I am delighted to stand here today as an Albertan to speak to Bill S-4. I was a cabinet minister in Alberta in 1989, when we were the first in Canada to institute the modern democratic process of a Senate selection race. I want to speak to you from my experience and share some of the expectations at least of some Canadians who have been long and deeply committed to Senate reform.

While I was trying to think how I would convey to you the depth of our feelings and the strength of our passion on that subject, I tried to think how I could get you to share, even if only for a few moments, what it feels like and what it means to us to have true Senate reform. I started thinking back to what might be a common experience to many of us in this room, and that was the very first federal election that I was eligible to vote in, which was in 1968. Some of you might be too young to remember that, but in that year Pierre Elliott Trudeau came forward as the leader of the Liberals. What a breath of fresh air he seemed to us. I know I was truly excited about the Just Society that he brought forward. It seemed to many of us that here was our very own JFK; here was a chance for our next great leap forward as Canadians. The future was bright, it was exciting, and we all rallied behind him.

In Alberta, at just about the same time, we had a similar experience, because in 1967, Peter Lougheed emerged on the political scene and by 1971 formed the new government. Suddenly we were taken out from under the yoke of the old Prairie Bible Institute and the old Sunday school lectures and had this energetic, young, Harvard-trained lawyer to lead us into the future. How exciting it was. Senator Hays remembers that. Mr. Lougheed almost shimmered. Here we had another leap forward as Albertans, and we were enthusiastic and we followed him eagerly. We did that all through the 1970s and 1980s.

One of the first things Peter Lougheed did, which surprised and delighted us, was to say that all these natural resources that we own are for the people. The public interest in those resources was so great that we wanted, and he got, a bigger share. He wanted a bigger share of our oil and gas industry for the purpose of dedicating those revenues to the public interest. He succeeded and we had new schools, roads and airports. We had new university help for students like me. We were creating a bright new future for ourselves.

At the same time, we were Canadians. We felt that the public interest in our resources went beyond our borders. This is not something that we perhaps communicated very well to the rest of Canada, but we did invest in Canada. We invested in projects in British Columbia. We invested in projects in the East. We lent

money to provinces at low or no interest. We reached out to Canadians because we believed, as Albertans, that we had an important role to play in this country and that we wanted to play a sustaining role in Canada, as good Canadians.

• (1440)

We were growing, and I am sure we were getting a bit cocky by this time, but what happened next? In 1980, the National Energy Program was suddenly dropped on our heads. I cannot tell honourable senators, but I can try to convey the sense: it was like a stab in the heart. It hit us in our collective pride; it was like a betrayal. We were angry and we were shocked, so Premier Peter Lougheed went to battle with Ottawa on Alberta's behalf. He did so in ways that we understood — even though we regretted at times some of those ways — to try to change the NEP and make it a bit fairer. We agreed to share with Canadians, but we wanted it to be a little fairer.

Please understand, I am not whining about the National Energy Program but, rather, I am trying to share with honourable senators how we felt about the situation. We realize that there was an economic depression at the time, but with the NEP, the shock to Alberta's economic system was so deep. I remember door-knocking with Peter Lougheed, our MLA at the time, in a fairly new subdivision close to where I lived then and still live today. As we went from door to door we heard mostly from young people. We asked how it was for them. They said that they were scared they might lose their jobs, be unable to pay their mortgages and, therefore, lose their homes. They were scared for their children and what they might have to face. We were scared, and underneath all our anger and shock was that fear.

However, the situation started to improve. Then, in 1982, we were taken aback again with the great repatriation, which we supported, but I was amazed that it could go forward without Quebec. I should mention that all through the 1970s and 1980s, Quebec was our strongest ally. If we had aspirations and expectations in Alberta, who understood them first and foremost? Quebec understood. Who was as energetic, as well-prepared and, sometimes, as cocky as Albertans? The Quebec contingent was. Alberta bonded with Quebec. All through our various growth patterns, we were best friends with Quebec. When repatriation happened, it stunned us to learn that it would go forward without Quebec.

Things settled down a bit after that and actually began to get better. Peter Lougheed was a long-term thinker, as honourable senators will recall, and in 1983 he started thinking ahead about all of this. We were Canadians, we wanted to be in Canada, and we weathered this storm. Surely there were some federal institutions designed to prevent what happened in Alberta from happening again. Of course there is such an institution; it is the Senate of Canada.

We looked at the Senate and recognized that its whole purpose is to protect regional and minority interests. However, what went wrong in 1980, for example? Our perception was that there was a power failure. We started to consider what caused this power failure in the Senate.

The design of the Senate is based on a very age-old tradition which is strong in both the francophone stream of philosophy and the anglophone, leading one to think of Alexis de Tocqueville and John Stuart Mill. I quote de Tocqueville:

I consider unjust and ungodly the maxim that, in matters of government, a majority of the people have the right to impose their will.

They were the ones who coined the phrase “tyranny of the majority.” All free societies reach out for ways that will protect us from the tyranny of the majority. The majority is a good way to go for the other place, and we support that. However, in a democratic and free society, we need something to mitigate the tyranny of the majority and, in Canada, that is the Senate.

What to do about the Senate? In 1983, the Alberta legislature, under the leadership of Peter Lougheed, convened the Select Committee on Senate Reform. The committee travelled across the province and across the country. The first priority of the committee, having in mind Alberta's good allies, including Quebec, was equality of the provinces. The second priority was effectiveness. The third priority was the conundrum: how to make it effective and how to help the institution stiffen its resolve, as one witness put it last September, in speaking for the regions and for minorities. That was the biggest puzzle of all.

Our observation, in part, was that party discipline occurred in the Senate. One of the institutionalized forces that militates against the ability of individual senators to stand or band together around regional and minority interests is party discipline. I have observed that in the Senate as well. The Prime Minister selects the Speaker. When there is a change in leadership in either the Prime Minister's Office or the Office of the Leader of the Opposition, a change in leadership happens in the Senate. The seats that senators are assigned depend on the agreement between the two parties. The rules are primarily focused on the two-party system. With all the best will and intention, there is an institutional pull toward banding around party discipline and toeing the party line.

Perhaps what shocked me most is that MPs and senators caucus together. If any one thing can lead to that banding around party loyalty, it is the caucus system. Believe me, because I was part of it, I know. It is like a family, and I thoroughly endorse it for the other place and, certainly, for the legislature. That is responsible government. However, what does it do to the essential fabric and constitutional function of the Senate? Honourable senators, do not get me wrong; I do not believe it should be abandoned entirely. However, we observed in Alberta, and I observe it today, that that can militate against the Senate's constitutional function. It is good for responsible government, but sometimes very bad for regions and minorities.

Our first preference to mitigate that natural trend was to say that senators should be nominated by the premier or the provincial legislature, because that would keep the provincial loyalties stronger. Well, the idea did not fly. Peter Lougheed spoke to the issue many times before various groups around the province and elsewhere, and Albertans simply were not buying it. It was also difficult for people to identify with the reality of the party discipline system and difficult for a first minister — prime minister or premier — to talk too much against it because they rely upon it, and thereby use it all the time in their respective experiences. Elections resonated, so in 1985, when our committee reported, we went with elections. However, even when we were passing that first Senate selections act, we kept saying it must be provincial elections because we need to bind the hearts and minds of our senators and keep them close to home.

• (1450)

We went into Meech Lake under Don Getty because we believed in the equality of provinces and because we wanted Senate reform. In 1987 Meech Lake was signed. It included a three-year waiting period to give all jurisdictions, provinces and the federal government, time to ratify. We fully anticipated it would be ratified. Meech Lake, especially in its last and improved version, spoke about a commitment to Senate reform and the fact that senators should be elected. In 1989, we moved to put a provincial selection process together to get ready for Meech Lake's implementation. That was the understanding Don Getty and others, Jim Horsman included, put forward, which was understood generally to be what we were thinking: equality of provinces, an effective body and a provincial selection process.

We were so disappointed when, late in the process, Elijah Harper raised a feather in Manitoba and the accord did not pass. It had to pass unanimously, so it was dead. Where were we then? We were definitely without a paddle — and you know which creek we were up. All our hopes and expectations for a reformed Senate, so that we could play a sustaining role in Canada as Albertans, went down the tube.

One of our worst fears was that, in keeping the debate alive, people would grab on to this simplistic solution of elections and forget the fundamental reforms of equality, effectiveness, and some legitimate way of selecting senators that would not be in the hands of the federal party system which led so strongly to control by prime ministers and leaders of the opposition.

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

**Senator McCoy:** Yes. May I have more time?

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

**Senator McCoy:** Meech Lake was dead, very dead. We felt that all we had asked for was some true Senate reform. What did we get instead? We got the Reform Party. Look where that has got us now.

Without further ado, let me fast-forward to today. I am sorry to say this, but we are facing the worst of our fears: Bill S-4 and Bill C-43, which are to be taken in conjunction. As one of the witnesses in committee said, in the right combination of details — and we can never take one detail without all the fabric and dynamic of whatever is being done to this great institution, the Senate — Bill S-4 would be a power grab. We have gone from a power failure to a power grab, where the Prime Minister would have the ability to make many appointments and to make people dance upon his or her attendance in trying to be reappointed. Bill C-43 sets up a federal election, or consultation process, that is heavily weighted in favour of federal political parties. It is really a companion piece to the Canada Elections Act. Once again, the initiative is not a provincial one in choosing and nominating senators.

Where, in the proposals put forward to date by this government, is attention to the real, true reform that we wanted? Where is the equality? That must come before all else.

An old law professor of mine used to say that “text out of context is pretext.” I will say that acts out of context are pretexts as well.

Honourable senators, I cannot support Bill S-4. I cannot support anything that does not address the fundamental and true reforms that we in Alberta have looked forward to.

I am happy and proud to be a senator. I am happy and proud to be a participating member in forwarding this debate, and I am proud to be a Canadian. I want to see us move forward with all the imagination and brilliance we can muster. As we do so, we must listen to the voices of people like Senator Watt, who, all through the committee, spoke so strongly for a significant minority; and Senator Hubley, who spoke so eloquently for one of our smallest regions; and Senators Murray and Austin, who I congratulate for bringing forward the real issue — I would prefer to see equality, but there is a reality as well — and that is the path we must follow. I would be pleased to follow it with you.

**Hon. Tommy Banks:** Honourable senators, I am not supposed to speak now. I apologize for butting in, but I am moved to speak by Senator McCoy's eloquence and the accuracy and the passion with which she has described how we from Alberta have sometimes come to this place.

She left one blank about the other two people who invented the concept of the “tyranny of the majority.” One was John Stuart Mill, who distilled it into one sentence in which he said:

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he the power, would be justified in silencing mankind.

**The Hon. the Speaker *pro tempore*:** Honourable Senator Banks, I am informed that you spoke to this issue on June 2.

**Senator Cools:** He can ask a question.

**The Hon. the Speaker *pro tempore*:** Are you asking a question, or are you participating in the debate?

**Senator Banks:** I will put it in the form of a question. I apologize. I was unaware that I had spoken before.

**Senator Rompkey:** Let Alberta be heard.

**The Hon. the Speaker *pro tempore*:** Honourable senators, I regret to inform you that Senator McCoy's time has expired.

**Hon. Lorna Milne:** I move adjournment of the debate, honourable senators.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

[ Senator McCoy ]

**The Hon. the Speaker *pro tempore*:** All those in favour of the motion to adjourn will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion to adjourn will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “yeas” have it.

**An Hon. Senator:** On division.

On motion of Senator Milne, debate adjourned, on division.

• (1500)

## STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS

### REPORT OF ABORIGINAL PEOPLES COMMITTEE AND MOTION TO REQUEST GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, that the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled *Negotiation or Confrontation: it's Canada's Choice*, tabled in the Senate on December 12, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Indian Affairs and the Minister of Justice being identified as Ministers responsible for responding to the report. —(Honourable Senator Tardif)

**Hon. Nick G. Sibbeston:** Honourable senators, I wish to say a few words regarding the study and report that the Standing Senate Committee on Aboriginal Peoples provided. It is an absolutely wonderful report and I encourage all honourable senators to read it. It is current and concerns an issue vital to our country — the matter of dealing with the outstanding claims of First Nations people. This is a very important matter because, if we do not resolve these problems, our country will again be faced with incidents like Ipperwash and Oka. As a country, we need to deal with these land claims.

Our committee has done excellent work. We reviewed the matter. We heard many witnesses, did some travelling, and issued an excellent report that I hope the government will take seriously.

I will read a little bit of the foreword, which encapsulates the seriousness of the problem and why it needs rectifying. Why are there so many problems?

Canada's failure to address and resolve the legitimate claims of First Nations.

Imagine your new neighbour comes into your backyard and fences off half of it. Then he sells it to someone down the street. This new neighbour tells you he got a good deal but he won't say how much he got. Then, he says that he'll take care of the cash — on your behalf, of course.

Maybe he even spends a little on himself.

You complain. He denies he did anything wrong.

What would you do?

Go to the proper authorities? Turns out that the authorities and their agencies work for him.

Sue him? He tells you that none of the lawyers can work for you — he's got every one in town working for him. When he finally lets a lawyer work for you — it turns out that he can afford five of them for every one you can afford.

Finally he says: Okay, I'm willing to discuss it. But first you have to prove I did something wrong. Oh, and I get to be the judge of whether you've proved it. And, if you do prove it, I get to set the rules about how we'll negotiate. I'll decide when we've reached a deal and I'll even get to determine how I'll pay the settlement out to you. Oh, and I hope you're in no rush because this is going to take about twenty or thirty years to settle.

This little story exemplifies the difficulty of First Nations in dealing with past grievances. We used such a simple story to make the point that First Nations have many problems dealing with their past grievances.

First Nations have the onus of identifying the problem, and then they have to go to Indian Affairs. Indian Affairs has to decide whether the grievance is just and should be dealt with. Eventually, it goes to the Department of Justice, and it can stay there for years and years waiting for their opinion.

Eventually, it comes out of the Department of Justice. If there is a basis to the claim, then negotiations occur; but they are with the Department of Indian Affairs, with whom you have the grievance in the first place. It is all in-house.

The federal government is the judge and jury in this matter. First Nations are up against a very difficult system that is in place to deal with our grievances. This is why, throughout the country, we have had instances where grievances have caused sparks and clashes.

The clash that we have at the moment at Caledonia is an example of a long historical grievance that has never been settled. It comes up in a flash and our society is left to resolve a difficult problem.

Coming from the North, I was initially not aware of the problem of specific claims, because we only have one small reserve and not many specific claims have arisen. We are fortunate in the North that we have land claims that have been settled in the last 20 years. Most of the claims and concerns of Aboriginal people have been dealt with in a satisfactory manner. We have what are called modern treaties, modern settlements that have been made with the First Nations, with the Inuit and, in some cases, with the Metis people. We in the North are fortunate in this matter.

Specific claims are abundant in Southern Canada, where Canada's relations with the First Nations have gone on for many hundreds of years. There has been a process of putting aside lands for native people. Over the course of many years, things have happened. Some of the lands have been reduced; lands have been taken back by the federal government for roads and other development. Out of this long historical process, the First Nations have many grievances that they are attempting to have resolved.

Primarily, I have learned through this process of dealing with specific claims that the federal government has in place a frustrating process. I do know that if this program were in place for ordinary Canadians, they would not be very tolerant and it would not take long for them to say that it does not work. Something would be done about it. Perhaps because First Nations are not as influential and strong as the rest of society, it has been left for them to deal with in a frustrating manner.

I know that people see the images of confrontation at Oka, Ipperwash or Caledonia and wonder why Aboriginal peoples are mad — what do they want? The answer is simply that they want justice. When an incident like that occurs, it is really because of a long-simmering, agonizing frustration that the normal system has not dealt with. They turn to violence in an attempt to get attention and have the matter resolved.

• (1510)

The First Nations have generally been patient, but sometimes patience runs out. Oftentimes the grievances do not take a minor five, 10 or 15 years to resolve. Sometimes they go back 50, 70 or 100 years.

One must also remember that until about the 1960s, it was not possible for First Nations or Aboriginal people to hire lawyers to help them deal with these cases.

Almost any time you see a First Nation occupy land or block a road, there is a specific claim somewhere in the background. Specific claims arose when Canada failed to live up to its agreements with First Nations. In some cases, they did not grant land as promised in the treaties. In some cases, First Nations obtained land only to have it taken away in a manner that violated Canada's own rules. In other cases, federal employees improperly took Indian money and other assets.

Many of these cases date back decades and some date back centuries. For years, First Nations were prohibited by law from pursuing these claims. Even now, it can take 15 or 20 years for claims to be settled, and often the settlement is limited and grudging. "Take it or leave it" seems to be the prevalent attitude.

More than 25 years of efforts have settled nearly 300 claims. In every case, those settlements have made a positive economic difference, both for the First Nations and the non-Aboriginal communities that surround them.

However, nearly 900 claims are backlogged, and that number grows every year. There are many problems with the specific claims process, but it comes down to two main issues: resources allocated to the process and the process itself.

Canada needs to put more money and staff toward adjusting the time it takes for the resolution of claims. It needs to set aside a lot more money for the payment of claims when they are resolved.

We have heard testimony from government officials recognizing that the Department of Indian Affairs, for example, does not have sufficient money and that there is great staff turnover. With respect to the Department of Justice, it takes them a long time to deal with the legal aspects of claims as they, in turn, do not have enough staff and they as well turn over frequently. That adds to the problem of delay in the system.

Canada must recognize that specific claims are not just a program. Rather, they are a contingent liability, an actual debt that Canada owes First Nations. The Leader of the Assembly of First Nations, Phil Fontaine, has stated this.

At the moment, we deal with the problem like we do a government program, but it is more than that. It is a debt of our country that ultimately needs to be cleared up. The money for dealing with this should be seen accordingly.

This problem runs deeper than just money. Canada is in an inherent conflict of interest when it comes to specific claims. Canada was responsible for the acts that led to these claims being made, and Canada is also responsible for trying to resolve them. Canada acts as both defender and prosecutor, not to mention judge, jury and executioner.

The claims are dealt with by a section of the Department of Indian Affairs and Northern Development. We all feel, and all the witnesses who came before us have stated, that we need an arm's-length independent body apart from Indian Affairs that can judge these claims and render an independent judgment.

The federal government in the late 1980s and 1990s set up a joint task force comprised of Aboriginal people and department officials in an attempt to come up with a solution. It was a compromise solution for both Canada and the First Nations, and Bill C-6 was an eventual result of that work. However, that bill fell short. It was not quite what the Aboriginal people had wanted and requested. When we dealt with Bill C-6, we thought it was a small step forward and believed we could make incremental increases and improvements to that process. Therefore, we passed it.

Since that time, the federal government has not proclaimed the act because of resistance by Aboriginal peoples throughout the country. The bill sits there doing nothing, and the Aboriginal people of our country are still looking for a solution.

The committee's report recommended an allocation of more resources to make the existing process work faster and more fairly. It also recommended that there be consultation with First Nations to design a better process, ultimately an arm's-length organization.

The alternative to finding solutions to this problem is that I think our country will face more conflict with First Nations.

The Minister of Indian Affairs and Northern Development, Mr. Jim Prentice, appeared before our committee. For 10 years he served as Commissioner of the Indian Specific Claims Commission of Canada, so he is experienced and very



knowledgeable about this issue. As a minister, he seems interested in seeing the matter resolved. He wants to do something.

Senator St. Germain has been an excellent chairman of our committee. All committee members have worked in a non-partisan way to find answers. We have said, and we believe that if ever there was a chance in government to have reports such as this accepted by the government and acted upon, it is now. Mr. Prentice, who is fairly high up in government, can respond to the problem and act on the recommendations we made in our report. I feel that Mr. Prentice understands the problem.

I urge honourable senators to read the report. It is good reading and provides a solution to a real problem that exists in our society. When it comes to honourable senators voting to support and adopt the report, I hope they will urge the federal government to adopt it as well and do something concrete.

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

**Hon. Senators:** Question!

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

Motion agreed to and report adopted.

• (1520)

[Translation]

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, for the Honourable Senator Segal, seconded by the Honourable Senator Stratton:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.—(*Honourable Senator Corbin*)

**Hon. Eymard G. Corbin:** Honourable senators, I announced yesterday that I would be presenting an amendment to Senator Segal's motion.

I feel it is important to clearly indicate the committee's intentions from the outset when it begins examining any topic.

In the past, for this type of motion, there was usually some indication as to whether the committee planned to travel, either within Canada or abroad. For reasons unknown to me, this requirement was reduced to an administrative issue and it is now being suggested that permission be requested when a budget is presented.

In my humble opinion, before passing a motion, honourable senators have the right to know whether the committee plans to travel.

Last week, when Senator Tkachuk moved the motion, speaking on behalf of Senator Segal, he said — and perhaps he was simply mistaken, since he seemed to be speaking on behalf of Senator Segal without the benefit of any notes — that the committee would not travel and would incur only modest expenses.

When he spoke yesterday, Senator Segal said:

[English]

Our budgetary requirements, when that matter is discussed, will be modest and we are not contemplating excessive travel.

[Translation]

Nevertheless there is a difference between “no travel” and “excessive travel.”

## MOTION IN AMENDMENT

**Hon. Eymard G. Corbin:** Honourable senators, for the purposes of clarification, I move, seconded by the Honourable Senator Day:

That the motion be amended by deleting at the end of the first paragraph the word “and”, and by adding after the first paragraph the words:

“That the Committee be authorized to travel outside Canada for the purpose of its study; and”

On motion of Senator Comeau, debate adjourned.

[English]

## STATE OF LITERACY

### INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Grant Mitchell:** Honourable senators, it is my pleasure today to speak on the inquiry of my colleague Senator Fairbairn calling the attention of the Senate to the state of literacy in Canada.

[Translation]

As Senator Fairbairn noted, the low literacy rate is a national disgrace and too little has been done about this problem.

The \$17.7 million budget over 12 years recently announced by the Conservatives for regional and local literacy programs gives credence to that statement.

[English]

This is just one more example of a government that caters to a narrow sector of the electorate with tax cuts and other short-sighted solutions while ignoring those who are marginalized and have no lobby groups like the National Citizens' Coalition to speak for them.

In addition to the devastating social impact of these cuts, it is also evidence of the economic short-sightedness of this government's ideological agenda and highly ironic that this government, which would promote itself, as so many Conservative governments do, as being good for an economy, cannot see how literacy programs are an essential element of a strong economy.

All major studies show that literacy is linked to productivity, international competitiveness, and ultimately gross domestic product growth. In fact, according to Statistics Canada, a 1 per cent increase in literacy rates correlates to a 2.5 per cent increase in GDP. That means that if Canada increased literacy by 10 per cent over a decade, our GDP would increase by \$118 billion, or by 15 per cent. This is the kind of return on investment that the Conservative government literally calls "wasteful spending."

Every penny invested in literacy has a multiplier effect on the economy. The Conservative government claims that the programs they are cutting are not the responsibility of the federal government. In fact, the federal government is in a position to provide the most cost-effective funding because it can provide information and programming to local agents while avoiding duplication.

The National Literacy Secretariat, in fact, provides vital infrastructure to all the literacy programs across the country, fewer now than there were before the Conservative government got started. Without the resources and central coordination role of the National Literacy Secretariat, programs across the country have lost an important resource for curriculum development, learning materials and professional development for educators.

The impact of these cuts, therefore, will be multiplied by the loss of pooled resources and national partnership. The catalyst that the National Literacy Secretariat is will be lost, as will the energy and drive that it has provided literacy programs across the country.

The government claims that these cuts are aimed at the elimination of local and regional programs because these would be better funded by other levels of government. Of course, they have not gone to the trouble of ensuring that other levels of government would actually fund them. Cutting these programs for the sheer ideological purpose of downloading responsibilities to lower levels of government is already having a negative impact. In Alberta, for instance, half of the funding to Literacy Alberta has been cut. This will seriously compromise the Literacy Helpline, one of the most effective outreach tools to those at risk.

However, this government is not concerned about those adults already at risk. The minister said that the money would be better spent on children's programming. Would it be that they actually spend the money on children's programming. This government has already given up on the 42 per cent of adult Canadians who have difficulties with literacy. The government must believe that it is too late for the 9 million Canadians between 16 and 65 who would have trouble performing basic daily functions at work and at home because they have trouble reading and writing. The government says it wants to focus on children instead, but they ignore the fact that there is a direct correlation between the education levels of parents and the literacy skills of children.

There is an even greater direct relationship specifically between the education level of women and the education level of their children. Often, literacy concerns can affect women, in particular immigrant women, who are often trapped in their homes because they cannot speak and are not literate in their second language, English.

There is a cost to the economy as well.

• (1530)

At a time of acute labour shortage in parts of the country, the Conservative government ignores the fact that adults with low literacy skills are twice as likely to be unemployed. Last year, the World Economic Forum in Geneva downgraded Canada's global competitiveness ranking from thirteenth to sixteenth.

At the same time, there is evidence that up to 45 per cent of new jobs created in Canada will require at least 16 years of education, all this while four out of 10 Canadians have literacy levels below Grade 9. It is not hard to see that there is a serious disconnect.

[Translation]

Honourable senators, in addition to the obvious repercussions for Canada's competitiveness, failure to take action has a significant economic impact on the health system.

[English]

Statistics show that health care costs of those with low literacy levels are significantly higher than the average. Low literacy skills lead to more workplace injuries and deaths, mainly because individuals are not able to properly read and understand safety directions. Those who cannot properly read the instructions on their prescription medication have greater incidence of hospitalization and long-term health effects.

Literacy skills are integral to quality of life. In addition to employment prospects and family income levels, literacy has an impact on individual dignity and independence. Low literacy skills can make individuals more vulnerable. For instance, for women who face domestic violence, difficulty with reading and writing can be an impediment to seeking help.

Literacy skills are lower amongst new immigrants and Aboriginal populations, groups already economically and socially marginalized. Low literacy skills have a direct impact on the factors that also lead to high crime rates, including poverty, unemployment and social isolation.

For a party whose rhetoric is so often to “get tough on crime,” because that sells so well politically, the Conservatives have failed to grasp the obvious link between literacy and crime prevention. Anything that takes a jump or a link seems to escape the Conservatives and this is a classic case. Adult offenders are three times as likely to have literacy problems, and, once again, to put it in economic terms, the American-based Rand Corporation found that 1 million spent on incarceration of prisoners might prevent 60 crimes a year, while 1 million spent on incentives to graduate from high school prevents 258 crimes per year; yet this government is planning to put more people in prison for longer amounts of time while cutting literacy programs. I will bet they do not have literacy programs in prison.

Before I conclude, honourable senators, I would like to remark on the role that literacy programs play in enhancing democracy. A truly democratic and accountable government relies on an informed and engaged citizenry. People who cannot read and write at a functional level cannot participate in civil society; they cannot defend their human rights, access government services or hold governments accountable. In effect, they are disenfranchised. I find it sad that instead of trying to empower these individuals this government prefers to ignore them.

These literacy cutbacks are one further indication of an overwhelming, defining characteristic of this government and most Conservative governments but particularly characteristic of right-wing, mean-minded Conservative governments. These governments often reward the rich, as they have done with tax cuts, and they usually penalize the poor by cutting programs. The irony in this case is that even Conservatives, with their purported capitalistic perspective, should be able to see that these programs have economic benefits and essential imperatives. That is particularly so in an economy like Alberta's where we do not have a sufficient labour force and where there are many young people and, in particular, Aboriginal people, who have the capability, ultimately, to participate fully and contribute socially and economically but cannot because they do not have adequate literacy skills.

This government, for all the short-sighted things it has done in its short single year in government, will be remembered for this kind of characteristic initiative to cut literacy programs to the detriment of the economy and, even more important, to the detriment of many less fortunate Canadians. Rewarding the rich, penalizing the poor, penalizing the less advantaged and taking advantage of the vulnerable will characterize the history of this government.

On motion of Senator LeBreton, debate adjourned.

## WORLD WAR I

### CONTRIBUTIONS OF ARAB PEOPLES TO ALLIED VICTORY—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- (a) Remembrance Day, November 11, 2006, the 88th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and
- (b) the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders, engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and
- (c) the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Hussein bin Ali, the Emir of Mecca, the Holy City, and his four sons the Emirs, Ali, Abdullah, Feisal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and
- (d) the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors, from the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejh, Dara and Damascus from the Ottoman Turks; and
- (e) other Arab leaders, including the Emir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Emir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and

- (f) the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our freedom from domination, possible. Lest we forget, we shall remember them.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Jack Austin:** Honourable senators, shortly before Remembrance Day last fall, Senator Cools launched an inquiry to call the attention of this chamber to the eighty-eighth anniversary of the end of the First World War and to remember those who fought and those who fell in the cause of the British and Allied victory over Germany, Austria-Hungary and the Ottoman Turkish Empire.

Senator Cools focused in particular on the contributions of the Arab people of the Arabian Peninsula in bringing about the end of the Ottoman Turkish rule over them. This contribution was indeed of value to the Allies as it was to the creation of a number of Arab states, but we would be remiss if we did not also note in this chamber the contribution of another people to that watershed event of modern history. I am speaking of the contribution of the Jewish people to that Allied victory.

The Jewish people have been in what is now Israel, Palestine and elsewhere in the Middle East since Biblical times. According to contemporary historical accounts, the Romans, during the terrible decades from AD 70, when the second temple in Jerusalem was destroyed, to AD 135, slaughtered as many as 600,000 Jews and took another 300,000 away as slaves. That period triggered the Jewish Diaspora, the 2,000 years when Jews, looking for safety, migrated across Europe, North Africa and the rest of the Middle East and later to the Americas. Yet, throughout this time, there have been Jews in the land now known as Israel. I will quote from Howard Sachar, a leading historian:

Yet even in the wake of this monumental dispersion, a few thousand Jews somehow remained on in the country. Heavily taxed, denied the right to visit their ancient capital, the survivors made their home in Galilee where they farmed their land and plied their trade. In late Roman era, this decimated Jewish community actually managed something of a revival. For three centuries, its towns, villages and farms extended as far as the coastal plain and were reasonably affluent. Its culture showed signs of a certain uneven vitality. During this period, for example, the Palestinian Talmud was compiled. Moreover, the Jewish population sustained its growth well beyond the Arab conquest in the seventh century and, even under the Seljuk Turks, ultimately reached 300,000 inhabitants by the year 1000.

The population of the community grew over the centuries to absorb, for example, thousands of Jews expelled from Spain and Portugal during the inquisition, but it waned in the face of brutality and oppression by those in power. Yet, in spite of the terrible difficulties, there was always a Jewish presence.

With the outbreak of World War I and with Turkey joining on the side of Germany, the Jewish community was in a terrible situation: Side with the Turks, oppressive rulers but nonetheless the ones in power, or with the British and risk the wrath of the Turks? The brutality of the Ottoman regime was well-known.

- (1540)

We are very familiar here with the Armenian experience in that respect. For example, on December 17, 1914, Beha-a-Din, the Turkish Governor of Jaffa, who has been described as “irredeemably hostile to the non-Turkish minorities”, ordered the immediate expulsion of 6,000 Jews living in Jaffa. That day, the police began their work rounding up 700 Jews and forcing them onto a steamer to Egypt. You can imagine the terror of the entire community. Within a month, more than 7,000 had fled or remained paralyzed in uncertainty as to their future.

Beha-a-Din ordered the Anglo-Palestinian Bank, Jewish newspapers, schools and political offices all shut down. All public activities were banned. Jewish land titles were called into question and Arabs were encouraged to pillage Jewish villages. Those leaders, including David Ben-Gurion, who protested these measures were summarily exiled. Hundreds of young Jewish men were marched off in chains to prisons in Damascus, others exiled to Constantinople and others sentenced to a living death in the granite pits of Tarsus.

By March 15, 1915, some 10,000 Palestinian Jews had found asylum in Egypt; some 5,000 were in refugee camps maintained by Jewish communal funds. It was here that the first efforts were launched to establish a Jewish legion that would join with Britain and the allies to fight the Turks in Palestine. The founders were Vladimir Jabotinsky, a Russian Jewish journalist and Joseph Trumpeldor. Trumpeldor was an unusual man. A former volunteer officer in the Russian army, he lost an arm and was decorated for heroism in the Russo-Japanese War. He then went to Palestine where he worked as a farmer pioneer.

The idea of a Jewish force allied with the British was endorsed on March 22, 1915, by the Palestine Refugees Committee and within a few days 500 men enlisted and training began. Thus was born the Zion Mule Corps. Their assignment was the now famous Dardanelles campaign. A British officer, Lieutenant-Colonel John Henry Patterson was placed in charge.

The Zion Mule Corps disembarked at Gallipoli where the men led the supply mules to the front trenches through heavy fire. Eight of the troops were killed, 55 others wounded including Trumpeldor. Another 150 young Jewish men from Egypt immediately volunteered as replacements. When the Allied troops were evacuated from Gallipoli in the winter of 1915, the Zion Mule Corps was amongst the last of the units withdrawn and its reputation had spread among the whole Zionist world.

General Ian Hamilton, commander of the Gallipoli expeditionary force, wrote to Jabotinsky on November 17, 1915:

The men have done extremely well, working their mules calmly under heavy shell and rifle fire and thus showing a more difficult type of bravery than the men in the front line who had the excitement of combat to keep them going.

The year 1916 had seen the terrible killing of vast numbers of Armenians at the hands of the Ottoman Turks. There was a great concern that if it were known that the Jews abroad were mobilizing to liberate Palestine they would suffer the same fate.

Notwithstanding the risk, Dr. Chiam Weizmann led an appeal to British leaders, including Lloyd George, Winston Churchill and Lord Robert Cecil, to organize a Jewish regiment to fight to free the Turkish province of Palestine from Ottoman rule. Weizmann had performed a critical service for the British admiralty. He was a chemistry instructor at the University of Manchester and in March 1916 he was summoned to London to help solve the shortage of acetone, an ingredient in the naval explosive cordite. He devised a special fermentation process which rescued the British navy from a severe shortage of ammunition.

On August 23, 1917, a time when the British government was preparing the famous Balfour Declaration, declaring its support for "the establishment in Palestine of a national home for the Jewish people," the formation of a Jewish regiment was formally announced in the *London Gazette*. Sixty-five hundred men enlisted. About half the battalion were British born or naturalized, while the other half included members of the former Zion Mule Corps, a large number of Russian Jews and Palestinian Jewish exiles living in several allied and neutral countries, including Canada. There is a further Canadian connection, honourable senators. Some of the basic training for these men took place here, including that of Ben-Gurion.

On February 2, 1918, the first Jewish regiment, the 38th Royal Fusiliers, marched through the City of London with fixed bayonets, a special privilege granted by the Lord Mayor. The next day they set out for Egypt where basic training continued. They were joined in April by the second Jewish regiment, the 39th Royal Fusiliers, and a third Jewish regiment, the 40th Royal Fusiliers, was also formed under the command of Colonel M.F. Scott. This one included more than a thousand Jewish volunteers still living in Palestine. Most were Ottoman subjects, who would have been hanged if captured by the Turks.

By the spring of 1918 these three regiments were in action in Palestine. The report of their activities stated:

On September 19, the 38th battalion and two companies of Margolin's 39th Battalion were assigned the task of capturing both sides of the Umm Shart ford across the Jordan River and advancing east beyond the Jordan. After the first attempt to gain the ford failed, Jabotinsky's company "was ordered to make the second attempt . . . and achieve the purpose at all costs." The operation was successful. General Chaytor, commander of Allenby's right-wing wrote:

By forcing the Jordan fords, you helped, in no small measure, to win the victory gained at Damascus.

General Sir Edmund Allenby was the British commander who led the British forces into Palestine and defeated the Ottoman Turks.

The scholar, Howard Sachar, wrote about the contribution of the Jewish legion:

In the spring of 1918, the Jewish units initially were assigned to patrol the Jordan Valley against a threatened Turkish counterattack. Later, after repeated appeals by Patterson, the Legion was permitted to join Allenby's climatic autumn offensive. At this point, its ranks numbered 5,000, a sixth of the British army of occupation, and half the size of Feisal's Arab irregulars at their median strength in 1918. It was distinctly more than a token or symbolic force. In truth, its role in the conquest of Palestine eventually signified as much as the ordeal of the early Zionist pioneers, and hardly less than the Balfour Declaration itself, in reinforcing the Jews' claims to the national home. Once achieved under British patronage and the flag of liberation, that armed, self-proclaimed, and militant Jewish bridgehead, would not easily be foreclosed.

There is one other contribution by the Palestinian Jews to the British war effort against the Ottoman Turks that I would like to mention. Aaron Aaronson was a Palestinian Jewish agronomist. In 1906 he won international claim for his discovery of a weather resistant primeval wheat.

In the autumn of 1916, Aaronson received information that the Turks were concentrating large numbers of troops in preparation for a second invasion attempt against the Suez Canal. As you might imagine, it was not easy to pass the information to the British. Aaronson first had to persuade Djemal Pasha to allow him to leave for Germany, saying it was to carry out research "on a variety of sesame rich in oil." Once in Germany, he travelled to neutral Copenhagen and set sail to the United States. By prearrangement, a British destroyer intercepted the ship, "arrested" Aaronson as an Ottoman citizen and brought him to England. Within hours he was presenting his information to Sir Basil Thomson, Chief of Scotland Yard.

The information was of critical importance. Captain Raymond Savage, Allenby's deputy military secretary wrote:

It was very largely the daring work of the young spies . . . which enabled the brilliant Field-Marshal to accomplish his undertaking so effectively.

Honourable senators, these men and women and many others like them devoted their lives; in many cases sacrificing their lives, so the Jewish people would have a stake in their homeland. They succeeded against all odds. On May 14, 1948, the State of Israel was officially established. It has never been an easy history. Created by the United Nations, the state was immediately plunged into a war with its neighbours, who declared their intention to drive the Jewish state and people into the sea. The troubles have continued with only relatively brief periods of intermittent peace. Today, some say that the country is facing its darkest time. Amos Oz has written with sadness about the irony that when his father was growing up in Europe he saw signs that said "Jews go home to Palestine" but that when he was growing up in Palestine, the signs said "Jews get out of Palestine."

• (1550)

Honourable senators, I can tell you that sadness and irony are never far below the surface of the Jewish people, but I take comfort in another equally profound characteristic — hope. It is no accident that when the founders of the new State of Israel decided to establish a national anthem, they turned to a Hebrew poem called *Hatikva*, which means "the hope." I believe it is that

hope for a better world, for peace and for an end to injustice that drove these men and women who fought and worked to help the Allied cause in the First World War and then in the Second World War and, finally, to bring about the State of Israel and keep it alive. It has many troubles, but Israel is now a reality, a sovereign state created and recognized by the United Nations and entitled, like all other states, to international respect and acceptance.

I attended the annual dinner of the Canadian Jewish Congress yesterday evening here in Ottawa, as did many senators. I want to report that the leaders of the four national parties in the House of Commons spoke well and affirmatively about peace in the Middle East, peace between Israel and the Palestinians, and the two-state policy, the end of terrorism, and that democracy should prevail.

On motion of Senator Comeau, debate adjourned.

[Translation]

## FIRST NATIONS INVOLVEMENT IN NATIONAL AND INTERNATIONAL AFFAIRS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gill, calling the attention of the Senate to the Government of Canada's position on the First Peoples on the national and international level.—(*Honourable Senator Watt*)

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, given the importance of this inquiry on the Government of Canada's position regarding the First Peoples on the national and international level and knowing that several other senators wish to participate in this debate, I move adjournment.

On motion of Senator Tardif, debate adjourned.

[English]

## THE SENATE

### MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE ADJOURNED

**Hon. Consiglio Di Nino**, pursuant to notice of February 1, 2007, moved:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

[ Senator Austin ]

He said: Honourable senators, I and others have spoken extensively about this issue on a number of occasions. Please allow me to add a few brief remarks, which I hope all of my colleagues in this chamber will support.

Tibet's civilization has a rich history stretching back over 2,000 years, but the last 57 have been long, sad and tragic. They need not have been so, particularly the last few years when it seems to many of us that a solution exists. His Holiness the Dalai Lama has rejected independence. He has been unequivocal, in spite of the great hardships endured by the Tibetan people under China's rule, in spite of the opinions of Tibetans and others that this is their right under international law, and in spite of the yearnings of many Tibetans. His Holiness is proposing real autonomy for Tibet within China's own constitutional framework and respecting China's territorial integrity. This would guarantee not just on paper but also in practice, the right of Tibet and all Tibetans to freely practice and enjoy their distinct religion, culture and language.

The advent of the Beijing Olympics in 2008, while the world is watching, presents the Government of the People's Republic of China a great opportunity to meet His Holiness halfway and to grant Tibet this kind of status. In doing so, it would demonstrate to its citizens, and, indeed to the entire world, that China is a fair and responsible member of the community of nations. This status cannot be achieved solely with the pomp and pageantry of the games.

Honourable senators, this motion is part of a worldwide initiative. Its contents will be taken up by parliamentarians from numerous countries with a view to joining together and speaking with unified resolve. As parliamentarians, we can speak on the issue with a unique voice. In the days to come, I invite honourable senators to add their support as well. Together, we can encourage a real and meaningful dialogue between the two sides with the earnest objective of arriving at a final and just conclusion to the issue of Tibet.

On motion of Senator Munson, debate adjourned.

## TRANSPORT AND COMMUNICATIONS

### MOTION TO AUTHORIZE COMMITTEE TO STUDY CANADIAN TELEVISION FUND—DEBATE ADJOURNED

**Hon. Lise Bacon**, pursuant to notice of February 6, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the objectives, operation and governance of the Canadian Television Fund; and

That the Committee submit its final report no later than June 30, 2007.

She said: Honourable senators, the Canadian Television Fund was created in 1996 as a public-private partnership to support the production and broadcast of distinctively Canadian television programs. It is financed by contributions from the Government of Canada, Canadian cable and direct-to-home satellite industries and Telefilm Canada. By 2006, the CTF was responsible for over \$250 million going to independent Canadian television producers.

In 2005, the Auditor General examined support for culture industries. The report described the governance of the Canadian Television Fund as complex and the administration of its programs as cumbersome. Recently, two private sector broadcast distributors announced their intention to stop contributing to the CTF, citing dissatisfaction with the governance and operation of the fund.

There are legal issues over whether the distributors can cease contributions that are mandated in the broadcasting distribution

regulations, but these announcements and the 2005 report of the Auditor General indicate that it is time for an examination of the objectives, operation and governance of the Canadian Television Fund. The Standing Senate Committee on Transport and Communications proposes to undertake this examination.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Thursday, February 8, 2007, at 1:30 p.m.

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