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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, February 21, 2007

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

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 21st, 2007

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 21st day of February, 2007, at 11:05 a.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General of Canada

The Honourable
The Speaker of the Senate
Ottawa

Bills assented to Wednesday, February 21, 2007:

A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 (*Bill C-28, Chapter 2, 2007*).

An Act respecting Scouts Canada (*Bill S-1001*).

• (1335)

[English]

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE JACK AUSTIN, P.C.

The Hon. the Speaker: Honourable senators, I have today received a notice from the Leader of the Opposition in the Senate, who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Jack Austin, who will retire from the Senate on March 2, 2007.

I would remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once and that the time for tributes shall not exceed 15 minutes; however, this 15 minutes does not include the time allotted to the response of the senator to whom tribute is paid.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is with fondness and a bit of sadness that I pay tribute to the Honourable Jack Austin, one of the most distinguished members of this chamber, who will be retiring in a few days.

He arrived in Ottawa in 1962 as the executive assistant to the Minister of Indian Affairs, Arthur Laing. Once a law professor, Senator Austin would become a prominent Canadian public figure for over 40 years.

He worked as a policy adviser, deputy minister of energy, and principal secretary to Prime Minister Pierre Trudeau before becoming a senator and then a minister. In each of his functions, he stood apart for his intelligence, his work ethic and his dedication to public life.

I had the privilege of appreciating his qualities when Senator Austin and I co-chaired the policy committee for the 1980 Liberal convention and when we were colleagues in Prime Minister Trudeau's cabinet. Not only did we share a deep respect and great admiration for Mr. Trudeau, but we were also on the same wavelength on a number of political and economic issues.

I would like to say in passing that we were at one time among the few Liberals who supported the free trade policy.

[English]

On the international scene, Senator Austin distinguished himself, in particular, by helping to develop stronger relations with Asian countries, most notably as the founding Co-chair of the Canada-China Legislative Association and as national Co-chair of the Council for Security Cooperation in the Asia Pacific. As well, he played a leading role in promoting closer ties between Canada and Mexico, helping found the North America Institute in 1988, and serving as first chairman of the organization's Canadian section.

I must add that Senator Austin invited me to be part of that group.

Among Senator Austin's countless achievements in the Senate, I must underline his key role as a member of the 1980-81 Special Joint Committee on the Constitution, which helped draft the patriation resolution. However, no tribute to him would be complete without mentioning his outstanding contribution to the Nisga'a Final Agreement legislation in 2001 and 2002. It was both as committee chair and spokesman that Senator Austin helped steer that historic land settlement and self-government bill through our chamber.

[Translation]

For over 30 years, Senator Austin dedicated his talent, energy and eloquence to serving this institution. He earned the respect and admiration of all those who knew him.

On behalf of our colleagues, I wish him all the best for the future, which will be a time not of retirement but of fruitful endeavour, not only for the better interests of all Canadians, but also for those of his family.

I would like to close by saying that this is just “until next time.” He will always be welcome here to advise and help us. I hope that what we say to him today will not offend his modesty but rather be a balm unto the sadness of leaving us.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, today we are saying goodbye to one of our colleagues, Senator Jack Austin. As all honourable senators know, he is the dean of the Senate, having represented British Columbia in this chamber for over 31 years.

• (1340)

Before coming to the Senate of Canada, Jack Austin made a name for himself as a lawyer, as the Deputy Minister of Energy, Mines and Resources, and as Principal Secretary to Prime Minister Pierre Elliott Trudeau. In August 1975, he was appointed to the Senate of Canada, representing the senatorial division of Vancouver South.

During his time here, Senator Austin served in the cabinets of two Prime Ministers. In 1981, Prime Minister Trudeau appointed him Minister of State. In 1982, he was named Minister of State for Social Development and Minister Responsible for the Canada Development Investment Corporation. Two decades later, in 2003, Prime Minister Martin appointed Jack Austin Leader of the Government in the Senate. Senator Austin was also named regional minister for British Columbia.

In addition to his ministerial duties, Senator Austin has served as a member of numerous Senate standing committees and chaired the Standing Committee on Privileges, Standing Rules and Orders, the Standing Senate Committee on Rules, Procedures and the Rights of Parliament and the Standing Senate Committee on Aboriginal Peoples. He has also been a member of special committees, most notably the Special Senate Committee on the Anti-terrorism Act and the recent Special Senate Committee on Senate Reform.

Honourable senators, it would not surprise you to hear that in our time here together, it is likely that Senator Austin and I held very different viewpoints on just about every matter that came before the chamber. However, despite our differences of opinion, I do respect Senator Austin's firm dedication to his beliefs and to his political party. There is nothing wrong with being loyal to your political party.

Certainly, within the last year, I have come to fully appreciate the amount of time and effort that he had put into his work as Leader of the Government in the Senate. I remember, after I was named to this position, going over to see Jack Austin in the office that I now occupy and having no idea what I was about to face.

I do appreciate his counsel. Most important, I am sure we would both agree that it is a great privilege to be called to this chamber and to work here on behalf of our fellow Canadians.

Senator Austin may be about to take his leave of the Senate of Canada, but it is impossible to imagine him fully retiring from public life. I am certain that will not be the case and that Senator Austin will continue to be actively involved in Canadian politics for a long, long time to come.

On behalf of all Conservative senators, I would like to extend to him our very best wishes for a happy retirement — although I do not think the word “retirement” is appropriate for Senator Austin.

[Translation]

Hon. Daniel Hays: Honourable senators, it is a privilege for me to pay tribute to a good friend, our distinguished colleague, the Honourable Jack Austin, an exceptional senator who will be remembered as one of the best.

[English]

Senator Austin was born in Calgary, and though he has become a true British Columbian and Vancouverite, his Calgary roots are indelibly woven into his character. In my opinion, few native Calgarians better exemplify the qualities of confidence, courage and optimism, for which residents of that great city are so well known, than does Jack Austin. We will miss you, Jack.

After graduating from Crescent Heights High School in Calgary and the University of British Columbia, he went on to win scholarships at Harvard and the University of California, Berkeley before teaching law. I think it is worth repeating that he became Art Laing's executive assistant in 1962, Deputy Minister of Energy in 1970 and Principal Secretary to Mr. Trudeau in 1974, and was summoned to the Senate in 1975.

A lawyer's lawyer, with the manners of a gentleman and the heart and soul of a liberal visionary and reformer, Jack Austin has been a key player in the Canadian corridors of power and policy development for nearly 50 years.

Jack Austin's legacy is nothing short of outstanding. Whether it was developing policies to stimulate the economic development of Canada's North or framing our country's energy policies, whether it was the patriation of our Constitution or helping Aboriginal peoples achieve greater self-government, whether it was creating solid ties with Asia-Pacific countries or simply working for the betterment of his beloved British Columbia, he has played a crucial role as a member of the Trudeau and Martin governments, as has been observed, and in this Parliament.

As for his place in the Senate, it has been said that few Canadians understand so well the subtleties of our chamber, or its role and purpose, as does Jack Austin. Note his long support for reform, as evidenced by his 1983 testimony before the MacDonald Commission, arguing for improved Western representation in the Senate; and, more recently, by the motion he co-sponsored with Senator Murray on the same topic, all of which testify to his great understanding of this country and of the need for its institutions to evolve.

• (1345)

[Translation]

Senator Austin made an outstanding contribution to public life in this country and to the work of this house. I know that all honourable senators will join me in expressing our heartfelt admiration and gratitude.

[English]

It has been a privilege to work with you, Jack. I wish you well and it is a pleasure to have had an opportunity to pay tribute in the presence of Natalie and your extended family.

Hon. Lowell Murray: Honourable senators, 26 years ago last month, on the evening of Friday, January 31, 1981, to be exact, Senator Austin and I were at a meeting in Room 200, West Block, of the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada. The committee had been sitting for many weeks under the chairmanship of the late Senator Harry Hays and Mr. Serge Joyal, MP, as he then was, debating the initial patriation resolution of the Trudeau government and the draft Charter. That evening the committee reached agreement on an Aboriginal rights clause. It was, said Senator Austin, "... an incredible accomplishment we are seeing in this Committee."

He spoke of the unanimity among the three political parties and the representatives of the various Aboriginal groups. Then, on a more personal note, he recalled his first exposure to Aboriginal issues, 18 years earlier in 1963 when he came to work for the first time in Ottawa under the Minister of Northern Affairs and Natural Resources, the Honourable Arthur Laing of Vancouver. He said to me, "I was first introduced to all of these issues in 1963, and I really took them to heart."

That night, as he looked back 18 years, if he had been able to look ahead 19 years, he would have seen himself standing in the Senate in the year 2000 to sponsor the Nisga'a bill, which gave treaty status to their self-government and land claims agreements and entrenched them in the Constitution. If he had been able to see 25 years into the future, he would have seen himself in the year 2006 debating with Senator St. Germain and others an indictment by the Standing Senate Committee on Aboriginal Peoples of the unconscionable delays in the specific claims process.

The "institutional memory" is often spoken of as one of the gifts that the Senate offers to our parliamentary democracy. This is especially significant on matters such as Aboriginal rights where the phrase "the honour of the Crown" is of real import. If we, who sit in the Crown's parliamentary chamber, do not respect the "honour of the Crown" and insist on it, who will? For more than 31 years, Senator Austin has been pre-eminent among colleagues we could look to for leadership on these issues, and whom the Aboriginal people knew they could count on.

It is, as we know, not just a matter of longevity. It is the quality of a person's commitment and of his service that matters, and in Senator Austin's case, it is also its variety. He has been a ministerial and prime ministerial assistant, a deputy minister, a minister of the Crown, committee chairman and government

leader here. He has been in law and business and a leader in Canada-China commercial relations. He, and we his colleagues, have learned from all of this experience, and from his mistakes, which in an effort to be helpful, I have always been glad to draw to his attention and to that of anyone within earshot.

Since we first met in the 1960s, our paths have crossed from time to time in our respective various capacities. He leaves here with my warm goodwill and respect. We need more Jack Austins. I am sure there are more like him in British Columbia, and if honourable senators will please approve the constitutional resolution that he and I have co-sponsored, their number will increase and multiply.

Hon. Bill Rompkey: When I arrived on Parliament Hill in 1972, Jack was already here and had already had several careers. He had been a ministerial assistant, a senior bureaucrat and went on to become Principal Secretary to Prime Minister Trudeau. That was already enough careers for one man, but he and I were to serve in the Trudeau cabinet of 1980. I will never forget that 1980 election and campaigning in Labrador in February. As a Liberal I came to have a high regard for Bob Stanfield, particularly his long underwear.

• (1350)

Although we won the Atlantic, we were wiped out in the West, and Jack entered the cabinet representing B.C., but with many more responsibilities. We were thrown together again when he became Leader of the Government in the Senate and I was honoured to be his deputy leader. Perhaps it was our shared past, or our coastal origins, but we got along well together. Wacky Bennett and Joey Smallwood used to call themselves "the bookends of Canada." Jack was far from whacky and I was no Joey, but the chemistry was good and it worked well, in part because Jack knew so much about policy, tactics and law. Senators will remember his rather lengthy answers in Question Period that used to drive Senator Stratton wild, while I sat whispering to Jack to keep it up and use up more time. His knowledge came from such a wealth of experience. I used to quote to him from Goldsmith's *Village Schoolmaster*:

... words of learned length and thund'ring sound
Amazed the gazing rustics rang'd around;
And still they gaz'd, and still the wonder grew,
That one small head could carry all he knew.

Jack had a canny political savvy, too. He knew that politics is the art of the possible. Like Kenny Rogers, he knew when to hold 'em and when to fold 'em. When we were really stymied, we would fall back on our two favourite philosophers, Dr. Seuss and Yogi Berra. When Jack would ask me how things were going, I would remind him of Yogi's dictum: Predictions are very difficult to make, particularly when they are about the future. Jack would fold his arms, sit back in his seat with a smile of acceptance, and repeat the words of his granddaughter, who used to say to him, "Grampa, stuff happens."

Jack was a prodigious worker and many the weekend he spent away from his family and at his desk preparing for the next week's tasks assigned to him by the Prime Minister. I know how much families sacrifice for politicians, and I salute Natalie and the family for sharing Jack with us.

[Senator Hays]

One of our strength's in this chamber is corporate memory and acquired knowledge and experience. You cannot elect that and you cannot buy it; it is either there or it is not. With Jack's departure, we are losing one of our greatest assets. His retirement will leave a deep gouge in the bedrock of our competence as a chamber of sober second thought. However, I do not think for a minute he will truly retire. He will have many more careers and we wish him well in all of them.

Jack, I offer you a marine toast: Long may your big jib draw.

Hon. Mobina S. B. Jaffer: Honourable senators, today I stand to pay tribute to a man who is known as "Mr. British Columbia" — Senator Jack Austin. As a young lawyer, I used to hear many stories of Senator Austin from Chief Justice Nathan Nemetz and my law partner, Thomas Dohm. They spoke very warmly of Senator Austin as a lawyer, then when working with Mr. Trudeau and, finally, as a senator. I learned much about this illustrious senator from British Columbia.

Before I became a senator, I observed the varied career of Senator Austin, from working with Mr. Trudeau to doing extensive work in China at a time when there was not much interest in China or in the Pacific Gateway. In many ways, Senator Austin helped the Chinese to understand us and we to understand them. I know he will continue with his work in China, and he will keep educating all of us on our relationship with China and how we can work to make it even better and more beneficial.

On a personal level, when I was Canada's envoy to the Sudan, Senator Austin was a great supporter. He gave me the benefit of his years of experience and showed me ways that I could get the resources to continue my work. Among the things about Senator Austin that I admire the most are his ability to keep well-informed on a wide variety of issues and to make sure that he knows what is going on in all parts of the party.

He truly is an institution in this chamber, and in my city, and I am sure you will all agree. More than that, he is a British Columbia institution. We will all miss his presence here, but I am consoled by the fact that he will always be close by when we need him. Jack, we need your private phone number because there may be many things about which we will need to consult with you. You have an institutional memory that we will need to tap from time to time.

Thank you, Natalie, and Senator Austin for the 30 years of public service.

• (1355)

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I, too, would like to add my words of tribute to those our colleague has received today.

[English]

Dear Senator Austin, I want to begin by thanking you. During my term as Government Whip, I had the privilege of being a member of your leadership team, also known as "The Troika." During what turned out to be a busy and demanding

parliamentary session, your vast experience and knowledge enriched my days and my work. Thanks in great part to you, our team — that Troika — was able to deliver the goods.

I am particularly grateful for the constant respect you showed me, confirming your well-deserved reputation as both a true gentleman and a political mentor.

On a lighter side, I confess to being repeatedly impressed by your unusual ability to quickly find the right piece of paper amidst that mountain range of documents that covered your desk. Perhaps your knowledge of the Rockies gives you that certain alpine edge.

I have learned much with you, Senator Austin, for which I shall always be grateful. I do hope, however, that I was able to repay that debt by teaching you a few French words.

[Translation]

Dear Jack, although it makes me sad to say goodbye to you, I am delighted to express my hope that you will take full advantage of your retirement, whatever you decide to do. Enjoy catching up on all those books you have been meaning to read, enjoy golfing and skiing, enjoy good times with your family, and may you laugh out loud every single day.

Congratulations on your splendid political career, and remember: some say there is life after politics.

[English]

Hon. David P. Smith: Fellow senators, at the risk of sounding old, perhaps even ancient, I too got to know Jack in the Pearson days, in the 1960s. In the 1960s, if anyone talked about the 1920s, one would think they were Neanderthal, yet it does not seem that long ago. Time does fly.

I have such vivid memories. I started on the Hill in 1964 as Keith Davey's right-hand guy, then Walter Gordon's executive assistant and John Turner's EA. Everywhere one went, Jack was there with Arthur Laing, "Mr. Liberal B.C.," the senior minister. They have a bridge named after him. One cannot go to the Vancouver airport without going over it, and I am sure Jack had much to do with that.

When Jack was young, he was a guru; he was a whiz. He was a Berkeley man, back in the Haight-Ashbury days, then a Harvard man, and it would be fair to say that he was wise when he was young. As time went by, he moved into that Solomon-like phase. He is even wiser now. We need a few people like that, and there are not very many of them. I had the good fortune to work with him in the Trudeau days as well.

Jack has always brought experience, political savvy and political instincts. One has to be born with it. It is like an ear for music; it does not come just from hanging around. He always brought a real understanding of the West, particularly B.C. and Alberta, and he has lived in both. That is reflected in the bill that he and Senator Murray have brought, and at the risk of throwing a few noses out of joint, I actually support that bill. I do agree with him; I think it is good legislation.

I do not want to overwork the word “legacy,” but Jack, you truly will be leaving a legacy and a lot of friends and admirers who will miss you. I am one of them, and I hope our paths will cross often.

• (1400)

Hon. Jack Austin: Honourable senators, there is something sad and something very exciting about leaving. There is a big world out there and it is full of fun things to do. When your time comes, I will guide you in those exiting new challenges.

I have always spent my life enjoying transitions. You enjoy them because they happen to you. Things change, life is dynamic, and it is exciting to prepare for new challenges. I am looking forward to what will take place, whatever it will be, in the time ahead, but I want to make very clear to you that I leave with a tremendous sense of the value of this place and of the importance of the people here.

Time goes by so quickly when we are engaged in something we enjoy and believe to be meaningful. I have to ask you — and you know the answer: What greater challenge is there than public life? For over four decades. I have seen more aspects of human affairs and conduct than could be experienced in any other way. People with expertise from the public service, academic life, business and labour, the Aboriginal community, international and financial affairs and every other combination of human endeavour have come to us to tell us their stories, give us their views and share their knowledge with us. What an extraordinary gift to us and what a significant responsibility comes with it.

I very much appreciate the comments made about my family. I owe my family greatly for their undoubted support and even encouragement in the tasks of public office. My wife, Natalie, has been my biggest fan and critic, with better insights than most whom I have known in public life. My daughters, Edith, Sharon and Barbara, have somehow succeeded in building wonderful families and careers in spite of my absences, or perhaps because of them. Natalie's son, Richard, his wife, Cathy, and their children and her daughter, Jody, have been equally a part of my family life for 30 years. My sisters, Eva and Josie, and their families have remained close to me and shared my story from chapter to chapter. It will not be a surprise to anyone to hear me say that I owe them more than I can say or pay, and whatever good I have done by being here is equally to their credit.

There is another family, of course, to which much is owed, and that is the great family of the Senate. First, my thanks to all for the kind words that have been spoken here today. The Senate is always generous in its welcome to new senators and in its farewell to those who are departing. As we are not angels, there are times in between when passions run hot and words may be spoken that were hasty and unfair. If any here believe that there has been such behaviour on my part, I truly apologize.

It has been my good fortune to serve in Parliament with extraordinary people. My first political mentor and teacher was the Honourable Arthur Laing, who, in April 1963, became Minister of Northern Affairs and National Resources. In 1972, he was elevated to the Senate, with the designation Vancouver South, the same designation I adopted when I came here. His knowledge of British Columbia went back to the beginning of the 20th century. In April 1963, I became his executive assistant and

at the same time one of two legal advisers to the Honourable Paul Martin, Secretary of State for External Affairs, in connection with the Canada-United States negotiation to conclude the Columbia River Treaty. Paul Martin treated me with respect and consideration well beyond what my years called for. As all know, he later became Leader of the Government here in the Senate.

I have been guided and supported in the Senate by so many, both here now and over the past 31 years. From British Columbia, I want to mention Senators John Nichol, the late George van Roggen and Ray Perrault, who gave me remarkable insight and support as I started here. Senator Perrault was Leader of the Government in the Senate when I arrived. He was a great friend and later a cabinet colleague in Prime Minister Trudeau's last government.

Also from British Columbia, Senator Ross Fitzpatrick, who started at the same time as me, in April 1963, as Executive Assistant to the Honourable Jack Nicholson of British Columbia; and today, Senator Mobina Jaffer and Senator Larry Campbell bring strong service on behalf of British Columbia to this chamber. You have a lot of work to do.

Senator Michael Pitfield deserves more thanks from me than I know how to give. I am delighted he is here. We met in a massive quarrel over departmental reorganization and became fast friends as a result. He was then in the PCO as Assistant Secretary to the Cabinet for Strategic Planning, and he was creating a new ministry, the Department of the Environment. I was not opposed to a Department of the Environment, but as Deputy Minister of Energy, Mines and Resources I did not want to lose the water branch of my department, which represented a third of my entire personnel. I lost it, but Michael Pitfield impressed me with his analysis, reasoning and plain good judgment. He later became Clerk of the Privy Council when I was Principal Secretary to Prime Minister Trudeau, and we worked closely together. When he agreed to come to the Senate in 1982, I was overjoyed to have the chance to work closely with him again and in the belief that he would do much to enhance the Senate and its capabilities. I have considered Senator Pitfield among my closest friends and a great public servant.

In the days when I was Principal Secretary to Prime Minister Trudeau, we had a very high-quality team in the Prime Minister's office. The evidence of that is here in the Senate. Senator Joyce Fairbairn was Legislative Assistant. Senator Colin Kenny was Director of Operations. Our recently retired colleague, former Senator Mike Kirby, was Assistant Principal Secretary for Policy and Planning.

Senator Segal: There appears to be a pattern. It may not strike anybody on the other side as relevant, but we notice it here.

Senator Austin: I am trying to be helpful.

I want to tell you that there is no doubt in my mind that their background in public and political affairs has served the public interest and the Senate at a most senior level of achievement.

During my political career in Mr. Trudeau's cabinet, I had the opportunity to serve with distinguished people, some of whom are here in the Senate: Senator Pierre De Bané, Senator Francis Fox, our Leader of the Opposition, Senator

Céline Hervieux-Payette — and I thank Senator Hervieux-Payette for her comments — Senator Serge Joyal, Senator Bill Rompkey and Senator David Smith, who recalled our service together. Again, their background in public and political affairs has served the public interest and the Senate in countless ways of significance.

I want to mention also my work with and respect for several long-serving senators with whom I have worked here for over 20 years. First, I want to mention Senator Charlie Watt, whom I met first in 1963 in a place called Fort Chimo, Quebec, where he served as a translator for his community. Honourable senators will indulge me if I tell a small story. I was accompanying Minister Arthur Laing on his first visit to Northern Quebec, and we met the elders of the community in Fort Chimo. Senator Watt was the translator. I discovered that, while Mr. Laing might speak for five, six, seven or eight minutes, Charlie would speak for one minute in translation. I asked him afterwards: “What were you telling them Mr. Laing was saying?” He said — and I apologize for this word if it is offensive — “It is all bullshit. It is all bullshit.”

Thank you, Charlie. You and I have had a wonderful relationship since then.

My public life has been intertwined with Senator Pat Carney and Senator Gerry St. Germain of British Columbia, Senator Dan Hays of Alberta, who served us so well as a distinguished Speaker of the Senate, Senator Norm Atkins of Ontario and Senator Lowell Murray of Ontario, who was a very impressive Leader of the Government in Prime Minister Mulroney's era — and I thought, Senator Murray, you gave us more trouble than you should have done.

I want to mention also Senator Jerry Grafstein, Senator Anne Cools and Senator Peter Stollery of Ontario, Senator Eymard Corbin of New Brunswick, Senator Lucie Pépin of Quebec, Senator Catherine Callbeck of Prince Edward Island and Senator George Baker of Newfoundland and Labrador. Again, I tell you, I have served with these people in public life for more than 20 years. My point is that this chamber is composed of the finest political and public policy talent. They have experience, historic memory and a deep knowledge and commitment to Canada. Everyone here is a person with invaluable talents to devote to the well-being of Canadians. So far as I am concerned, the system works, and it works better than most Canadians have been allowed to understand.

• (1410)

Honourable senators, there are two very long-serving colleagues for whom I have reserved special mention. My relationship with Senator Marcel Prud'homme goes back 44 of the 45 years of his parliamentary career. I thank him for his unreserved love of Canada and his commitment to the federal system. He has fought many battles for his convictions. I might add, Senator Prud'homme, you and I travelled when we were very young to small communities in British Columbia, and you made a difference.

Then there is my old friend Senator Willie Adams, whom I met in 1964. He knows the old ways of the North and the new ways of the North, where he remains a very successful businessman. For some time past, as colleagues know, the longest-serving senator has been entitled “the dean of the Senate.” This designation was

handed to me by Senator Herb Sparrow and today I transfer it to Senator Willie Adams with all the rights, titles and emoluments, if any, that go with it. Frankly, Herb Sparrow must have mislaid them.

No appreciation from me for old Senate colleagues could fail to recognize Senator Allan MacEachen, who was a great parliamentary teacher and the leading parliamentarian of his times.

Holding the responsibility of Senate government leader and Senate opposition leader is not an easy task. When I was government leader, I saw in my mind a picture of the rider with one foot on one horse and the other on a second horse running side by side. One horse is the institution of the Senate and its constitutional role; the other is partisan politics and party loyalty. Woe betide any leader whose horses run in opposite directions. My best wishes to Senator Marjory LeBreton and Senator Céline Hervieux-Payette as they ride their respective Senate horses.

I want to give heartfelt thanks to the staff of the Senate, headed by our clerk, Paul Bélisle, for a devoted and professional performance in backing up the Senate and the work of senators. If ever I had a reason to complain, it does not come to me now.

The Usher of the Black Rod, and his team, the pages, the committee and debates staff and the support of the parliamentary library are what make this institution the effective body I believe it to be.

Far from last is my thanks and appreciation to Len Kuchar, my Chief of Staff when I served as Leader of the Government and everyone who worked with him to serve me and the Senate; and of course, my Administrative Assistant, an all-round general of my office for 16 years, Sheila McCann. She had to put up with me, a workaholic, and survived and even thrived.

To Senator Bill Rompkey, Senator Rose-Marie Losier-Cool, and Senator Joan Cook, who were the leadership team with me in the Martin government days, my thanks for a job so very well done.

To Senator Noël Kinsella, now our Speaker, but then opposite me as Leader of the Opposition, my thanks for your understanding of this institution and your cooperation whenever your caucus permitted it.

A last word about this place. I have had thousands of conversations about the Senate. Boiled down to its essence, people recognize the value of a chamber of sober second thought. They like its present relationship to the House of Commons and to the provinces. They value the legislative and policy work we do and recognize there are people of talent, experience and integrity in this place at a level that might not be replicated by election. They do not want to change any of this, but they want the Senate to be elected. The democratic principle, in their view, requires it. That is the paradox I leave you. Good luck with it.

A last word about public life. It was never my intention to spend so much of my life in public service and politics. When Pierre Trudeau appointed me at age 37 to be Deputy Minister of Energy, Mines and Resources, I said I would go back to Vancouver after a five-year term. When that term ended, he invited me to go to the Senate. I said I would stay as long as

he remained Prime Minister. Six years after I came to the Senate, I was invited to Mr. Trudeau's cabinet. Then John Turner needed help after the 1984 election. When I next looked around, John Chrétien had become Prime Minister and assigned to me the task of rebuilding the Canada-China relationship. Then it was Paul Martin and back into the cabinet as Senate leader. Obviously, I am a guy who just cannot say no to public life and its challenges.

Finally, when people mention the horrible word "retirement," I tell them I am a lawyer, and like all other lawyers, having completed one file, I will go looking for other files. That is what lawyers do.

Thanks, everyone, for the memories, and bless you all.

Hon. Larry W. Campbell: I would like to add my two cents to what has been said about Senator Austin. One has to live in the great province of British Columbia to realize how important Jack Austin is to the province, where his vision and fingerprints are seen everywhere. From fisheries to Aboriginal affairs, Pacific trade and Senate reform, Senator Austin has served on every one of the committees and more.

I was not aware that he had attended school in Berkeley, but I now understand the source of his practical insight for drug policy. I can only hope that I can attain some of his wisdom, gain some of his knowledge, address some of his concerns and hopefully have some of his vision.

In British Columbia, a person like Jack Austin is described as "skookum," which is the First Nations word for "big," and Jack Austin fits that description perfectly.

All the best, Senator Austin.

[Translation]

ROUTINE PROCEEDINGS

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act.

Bill read first time.

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

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

[Senator Austin]

• (1420)

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m., Tuesday, February 27, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

QUESTION PERIOD

THE SENATE

CHANGES TO COMMITTEE LEADERSHIP— INDEPENDENCE OF SENATORS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, we have recently received two reports that reflect the seriousness with which senators on both sides of this chamber approach their work.

The first report, by the Standing Senate Committee on National Security and Defence, is up to that committee's usual high standards of quality, taking a look at the situation in Afghanistan and making specific recommendations to improve the chances for success of the Canadian Forces' mission.

The second report, by the Standing Senate Committee on Foreign Affairs and International Trade, makes pertinent observations and specific recommendations so that Canada and the international community can have a lasting, positive impact on the development of sub-Saharan Africa.

These two Senate reports have been hailed by the media and the general public. However, we are disappointed to learn that, in the middle of this session of Parliament, the government has decided to change the chair of one of these committees and the members of the other.

In light of the strange announcement that the chair of one these committees has resigned, can the Leader of the Government assure us that she will no longer give in to pressure from the Prime Minister's Office, that she will not allow the committees to become a forum for the Prime Minister's ideological message and, most important, that she will respect the tradition of independence of the senators who sit on Senate committees?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Hervieux-Payette for the question. Actually, this question is a bit beyond the scope of my responsibilities as government leader answering for the government in the Senate.

The fact is that when the new Parliament was established we negotiated certain chairs and deputy chairs and the makeup of committees. There were certain circumstances, which I will be happy to share with her personally, that caused us to require some changes. This decision was made by me in consultation with my leadership. It had nothing whatsoever to do with the Prime Minister or the cabinet.

I agree with her that the publication of these reports was well received. I am quite certain that the cabinet ministers who will be dealing with responding to those reports will take them very seriously.

[Translation]

Senator Hervieux-Payette: The Prime Minister began his term by choosing the media to which he would speak. He even insisted that his ministers and members of Parliament, as well as the presidents of Crown corporations, including the president of the Canadian Wheat Board, not speak publicly.

Can the Leader of the Government in the Senate assure us, in response to my question, that she intends to maintain the independence of the chairs of the standing committees?

[English]

Senator LeBreton: The premise of the question is absolutely false. Not one minister in our government is “muzzled.” With regard to the changes that we will make or suggest be made to Senate committees, they relate simply to internal Senate government caucus matters. I would not for one moment question the right of opposition senators to change chairs, deputy chairs or the membership of Senate committees.

I am surprised that anyone would question our motives when we were simply making changes within our own caucus to address certain issues within caucus. The problem with a small caucus is, once a change is made for a particular reason, it creates a domino effect and results in the need for other changes. However, it was in no way a reflection on the Senate or its committees. We simply acted in good faith.

Honourable senators, I wrote to Senator Hervieux-Payette advising her of these changes. I simply thought this change would be something that we could do, as could Senator Hervieux-Payette with her own committee members. There is precedent for it. I am surprised that this has become an issue, when we were merely acting in good faith based on the decision of our leadership to make a few changes, one of which resulted in another. It was as simple as that. There was no ulterior motive.

[Translation]

Senator Hervieux-Payette: I am sorry, but when a new session begins, negotiations take place; there is a process and a tradition concerning the selection of committee members. Each party does its share in the process.

In contrast, it is entirely unusual to proceed in this way in the middle of a session, once work has already begun and studies are underway. This is not how things are done traditionally.

I did receive the letter from the Leader of the Government in the Senate. However, there is a process in place concerning the selection of committee members and that process does not involve sending me such a letter. Instead, we should meet and negotiate concerning the future of these committees. Thus far, I have not received any invitations to meet for that purpose. I am simply asking the Leader of the Government in the Senate to limit herself to the customary procedures for the beginning of a session.

[English]

Senator LeBreton: In the letter, I stated that I would be very happy to further discuss this matter with the Leader of the Opposition if it was her wish. Obviously it was not her wish because I did not hear back from her.

The fact is that at the beginning of this Parliament we negotiated certain chairs and deputy chairs, and an agreement was reached between the leaderships. I would never suggest to the opposite side who they might appoint as chair or deputy chair of a particular committee. That is their prerogative, and I would expect that our wish to make these changes would be respected.

Honourable senators, I am respecting the procedure in the Senate. There are all kinds of precedents for committees to change their membership and, in fact, the chairs and deputy chairs. Our desire to make minor changes is based on decisions by our leadership after consultation with our caucus and after informing the various people involved. With all of the issues that are urgent and pressing in this country, I am quite surprised that the Leader of the Opposition would think that this is a matter of great public concern to be raised on the floor of the Senate.

Hon. Larry W. Campbell: Honourable senators, I have a supplementary question. Could the Leader of the Government tell us if the so-called minor changes — the resignation of Senator Segal as Chair of the Foreign Affairs Committee and the removal of Senator Cools as Deputy Chair of the National Finance Committee — were also as a result of caucus decisions?

• (1430)

Senator LeBreton: I thank the honourable senator for that question, but I will not answer it as this is an internal caucus matter. As Leader of the Government in the Senate and with the help of my colleagues on the leadership team, we came to a decision, and I will not put myself in a situation where I am discussing private decisions and matters of our caucus on the floor of the chamber.

COMMITTEE REPORTS—
EXPRESSION OF MINORITY VIEWS

Hon. Marcel Prud'homme: Honourable senators, today is February 21 and I will ask Senator Segal a question as if he were still chair of the Standing Senate Committee on Foreign Affairs and International Trade. He is the chair until 4 o'clock this afternoon. After that time, he will no longer be chair and perhaps he will not answer my question. If not, I will make a comment to the leadership.

As chair of the House of Commons Foreign Affairs and National Defence Committee, I established the practice of allowing minority views in a report. The committee published a good report on Africa, but nowhere did the press mention the two strong dissenting views of Senator Andreychuk and Senator De Bané. Their views were not allowed to be published in the report.

Would it not be wise for any future chairman to allow minority views to appear in reports? Would it not be wise especially since we are waiting for an extensive report on Lebanon? In the old days, I followed the Supreme Court procedure and allowed minority views to be expressed in reports. Often minority views become majority views.

This procedure was accepted in the House of Commons many years ago and after much debate. I commend the procedure and suggest that it be followed, particularly concerning the report on Lebanon.

I ask the question of the ex-chair and the leadership, that minority views be published so we can have a more complete picture of the study, especially on Lebanon.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I could not agree more with those comments.

I think when a minority opinion is expressed in any committee, when the committee reports on its deliberations, the chairman and members owe it to those who have expressed a minority view to not only report the majority view but also draw attention to the dissenting view. I absolutely agree with Senator Prud'homme.

CHANGES TO COMMITTEE LEADERSHIP

Hon. Sharon Carstairs: I have a supplementary question for the Leader of the Government in the Senate. She has repeatedly said two things that I must call into question: first, that this was an internal party matter, a caucus matter and, second, that there is a great number of precedents.

First, this is not an internal caucus matter. This is a Senate matter. It may come as a surprise to the honourable leader that chairs of committees are chosen by the membership of the particular committee. It may have been determined beforehand that those chairs will be this person or that person, but the actual election of that individual takes place in the committee. That makes it Senate business.

Second, I have been here for 12 years. I have not been here during the whole history of the Senate, but I cannot give a single example of when two chairs of two committees, let alone deputy chairs of committees, have been removed at the same time.

[Senator LeBreton]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am well aware of the procedures. It is true that, technically, the chairs and deputy chairs are always chosen within the committee by agreement beforehand. That exchange happened with the former Leader of the Opposition.

There were circumstances within our own caucus that required some changes. Unfortunately, when you make one change, it results in another change, as the honourable senator well understands.

• (1435)

That is all I will say about it. This matter was decided by me and the leadership in our caucus because I have a responsibility for my caucus here in the Senate. My decision was taken after consultation with the leadership, and it was not something I did without speaking to the individuals involved. Frankly, that is all I will say about the matter.

Hon. Tommy Banks: Honourable senators, I would like to direct a matter of clarification to the leader. Perhaps I misheard, but earlier in one of her answers to the Leader of the Opposition she said that the changes to which we are referring were not her decisions. Later she said they were her decisions. Is the latter one correct, the most recent one, that these were her decisions? I thought I heard her say earlier they were not her decisions.

Senator LeBreton: I think the honourable senator did not hear correctly because I said this was a decision made by me, as Leader of the Government in the Senate, after consultation with the leadership, that had nothing to do with anyone else. I made it after consultation within my own leadership and caucus. The individuals who were involved in this matter were also contacted and consulted.

Frankly, this is just making the point again about how this Senate views itself. I think that I am actually within my right. People can challenge my leadership if they wish; that is their choice. However, I made this decision in consultation with the leadership of our caucus and after discussing the matter with the individuals involved.

[Translation]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL HEALING FOUNDATION—
SHORTFALL IN FUNDING

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to continue the debate on the reason why the chair of the Standing Senate Committee on Foreign Affairs and International Trade had to resign from his position. However, I would like to draw your attention to another topic that I also consider very important.

[English]

I am not sure if the honourable leader is familiar with the Aboriginal Healing Foundation. It is a federal foundation for the healing of victims and people intergenerationally impacted by the Indian residential school legacy of physical, sexual, cultural and psychological trauma and abuse.

This foundation funds 144 projects across the country and involves tens of thousands of Aboriginal people. The foundation will run out of funds on March 31, 2007. I understand that \$125 million has been committed to the Aboriginal Healing Foundation, but it is not available until the end of 2007 because it is being held up in Treasury Board.

A very fine gentleman, Minister Jim Prentice — a good, honest and transparent man — committed himself publicly to finding a solution to this funding gap. These shops will have to be closed down on March 31 until the new money comes in at the end of 2007. We are talking about \$125 million. He even said:

As you know, the healing foundation . . . is an important part of the settlement. It's therefore structured into the settlement . . . and if a decision is not announced immediately, I will deal with it.

Honourable senators, why is this allocation of money hung up in Treasury Board, when we literally will throw into the street tens of thousands of Aboriginals and all those who have been working for nearly nine years assisting them?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for that question. In his preamble, when he addressed the issue of the report on Africa, the fact of the matter is that the decisions made were made by me and within the leadership of this caucus before I was even aware of the report or the content of the report on Africa, so the report had absolutely nothing to do with the decision.

• (1440)

With regard to the question on the healing centres, I will take that question as notice and get a speedy answer for the senator.

Senator Dallaire: Honourable senators, on a supplementary question, the whole healing process was built on a fund of about \$350 million. It costs about \$40 million a year to run it and it has been going for nearly 10 years.

It is interesting that we put a time limit on the Aboriginal people who lived these traumas. We say that they have suffered and we will help them; but although they are psychologically affected, our help will last for only 10 years, possibly a couple more, with the new solution. Our treatment of veterans, who suffer the trauma of war and conflict is much different; we commit ourselves to a lifelong process of assisting them and their families through their traumas.

Why do the Aboriginal people, with their traumas that we White people created, have such a short timeline? Is it because they are smarter and able to react to treatment more quickly, or is it because we are too mean as to not consider the lifelong impact on them and their families?

Senator LeBreton: Honourable senators, as in many cases, we should not be sending alarmist signals. Minister Prentice made a commitment to resolve this issue. He has been absolutely stellar in

his performance as the Minister of Indian Affairs. If he made a commitment to address this issue, I have every confidence he will do so.

However, as I said in my earlier answer, I will certainly ensure that the senator's concerns are expedited and that an answer is given to him as quickly as possible.

FOREIGN AFFAIRS

RUSSIA—OFFER OF ICE-BREAKING SERVICE TO CHURCHILL, MANITOBA

Hon. Mira Spivak: Honourable senators, the Government of Russia has offered to help Canada extend the shipping season at our northernmost port, the Port of Churchill. The benefits to both countries are obvious; the Churchill-Murmansk route cuts four days off the sailing time up the St. Lawrence Seaway to Thunder Bay for Russian ships. It has the potential to make Churchill a thriving port, with all the attendant economic benefits to Manitobans in the North and the South.

Russia offered to use ice-breaking ships based in Murmansk to break up the ice around Churchill. This is a generous offer, given the fact that our Coast Guard could not respond to an ice-breaking request last November, and given what the Auditor General had to say about the Coast Guard's fleet maintenance — in particular, the icebreaker *Louis S. St. Laurent*.

As the government continues to invest \$250,000 a year to market the Port of Churchill, my question for the Leader of the Government in the Senate is simple. Is it viewing this offer favourably, and will it work with the parties to see the shipping season extended?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The Port of Churchill is a very important port. Certainly, the Minister of Agriculture, who is from the West, has heard a great many representations on expanding and using that port.

In terms of the offer from Russia, I will take that as notice. It will be, obviously, a matter for the Foreign Affairs Department. I am sure they are dealing with it and I will take the question as notice.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—EFFECT OF CHANGE TO MANDATE ON CHURCHILL, MANITOBA

Hon. Mira Spivak: Honourable senators, on a supplementary question, the Churchill Gateway Development Corporation that received federal funds favours this solution. At the same time, it is concerned about the long-term viability of its major user, the Canadian Wheat Board, which last year passed some 500,000 tonnes of grain through the port. Should the mandate of the Wheat Board change it will affect the corporation. The Canadian Wheat Board is obligated to use the least costly route, but private companies, if producers sell outside the board, will be prone to use their elevators and facilities in Thunder Bay or wherever they can maximize their profits.

Has the government considered the unfavourable impact on the Port of Churchill and the Manitoba economy of its policy on changing the mandate of the Canadian Wheat Board?

• (1445)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The issue, in terms of wheat and barley production, has been one of marketing choice. It has never been the government's intention to close the Wheat Board. The Wheat Board is one of the choices that producers will have. Obviously the Wheat Board will still play a major role, and I would expect that they would still move much of the product through the Port of Churchill.

The honourable senator raised a concern about other marketing choices and that people may use other means to ship wheat. I would like to have a little more faith in the people of Churchill and the Wheat Board to continue shipping through the port.

The specific question as to whether there has been an impact study of the potential gains or losses for the Port of Churchill under a new marketing regime is a valid one. If impact studies have been done, I would be happy to provide them to the senator.

Senator Spivak: If there are changes to the Wheat Board, there will definitely be a change in the amount of shipping. Many of the northern communities are concerned that the railroad line that runs between Winnipeg and Churchill may close. A great many of these communities met recently to discuss this issue, and I would hope the Leader of the Government in the Senate would communicate their concern to her colleagues.

Senator LeBreton: When there is a change of policy, especially if the producers do decide to choose the marketing option, obviously there are impacts on many areas. It is possible that an impact study was done with regard to the potential for the rail line, and I will certainly add that to the other questions.

ATTORNEY GENERAL

AIR INDIA INQUIRY— PUBLICATION OF LIST OF WITNESSES

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. In 2001, I know that the honourable leader heard my anguish regarding the anti-terrorism bill, Bill C-36. The week that I should have had as the best week in my life, I was very distraught that my husband was called a terrorist. At that time, I was told that is just life, things are tough, just put up with it.

I am very saddened that today in the *Vancouver Sun* the father-in-law of the Member for Mississauga—Brampton South in the other place was named as being on the RCMP's potential list of witnesses at investigative hearings designed to advance the Air India criminal probe. As the honourable leader knows, applications for investigative hearings must be approved by the Attorney General. Why are these names, part of a potential list of witnesses, being leaked to the media? Is this the government's attempt to politicize this issue?

[Senator Spivak]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what my honourable friend is talking about. I have not read the article. I do not know which member of Parliament she is referring to. However, the issue is whether the media has information that has been leaked. I do not know the story she is referring to, nor do I know the source of the information or whether, in fact, it is actually true. If the honourable senator can provide me a copy of the newspaper article, I will be happy to make inquiries.

• (1450)

Senator Jaffer: Honourable senators, my supplementary question is for the honourable leader. It arises from an article in today's *Quorum*, at page 21, where it says, "Liberal MP's in-law interviewed in Air India case:"

I respect that the honourable leader is not familiar with the issue so I humbly ask that she read it and let the house know what is happening and why names are being leaked to the media.

Senator LeBreton: Honourable senators, I thank Senator Jaffer for that question. No one in public life, whether in government or other walks of life, can be completely responsible for stories that journalists write. I have not had an opportunity to read today's *Quorum* but I will make a point of doing so today to learn whether there is mention that it was the source of a leak.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE FOR BARLEY PRODUCERS

Hon. Daniel Hays: Honourable senators, my question is to the Leader of the Government in the Senate. It has come to public attention that the 2001 Western Canada Barley Plebiscite ballot has identified by number the person who is eligible to vote and the same number without the name appears on the ballot. The Leader of the Government will surely agree that this is unacceptable in that it allows the identification of those who have voted and the possible misuse of information on how they voted.

Can the Leader of the Government advise the house whether anything is being done to prevent this possible misuse and, as well, what could be a potentially embarrassing and unacceptable situation for the government and the people involved in the plebiscite?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable Senator Hays for that question. I understand that the voting is being conducted by KPMG, which is a reputable accounting firm. I would assume that the vote is being conducted by secret ballot. Therefore, I will take the honourable senator's question as notice to determine whether that is the case.

[Translation]

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved third reading of Bill C-16, to amend the Canada Elections Act.

He said: Honourable senators, I am pleased to open the debate at the third reading stage of Bill C-16, to amend the Canada Elections Act, which will establish a fixed date for general elections.

The evidence heard by the committee indicates that almost all stakeholders support this bill. Its provisions have been deemed constitutional and its underlying objectives have generally been undisputed.

In my brief remarks, I will highlight once again the reasons why this bill was put forward.

[English]

Bill C-16, which was passed in the other place with all-party support, would establish a firm expectation about the timing of general elections, which will curtail the ability of the prime minister of the day to call an election whenever he or she deems it politically expedient. Greater predictability of election dates will provide for more fairness in election campaigns, giving all parties an equal opportunity to prepare in advance. Fixed date elections will also provide for improved administration of the electoral machinery of Elections Canada.

Parliamentary committees and Parliament as a whole will be able to plan their agendas in advance with greater certainty, allowing legislators to do the people's business in a more efficient manner. Elections will be held in October, except in cases when a government loses the confidence of the House of Commons. Fixed date elections may result in higher voter turnout. Weather will generally be favourable, fewer people will be transient, and citizens will be able to plan to be available to participate in this essential exercise in democracy.

Indeed, the experience of British Columbia's first fixed date elections in 2005 witnessed a higher voter turnout. This first increase in five elections was admittedly small but was especially noted among young voters, according to B.C.'s Deputy Chief Electoral Officer, Linda Johnson.

Finally, fixed date elections will encourage more qualified candidates for office to step forward. Greater predictability in election dates will make it easier for those who wish to enter into public life to plan ahead to make that important commitment.

Speaking in support of Bill C-16, Professor Henry Milner best captured the spirit of the bill. He said:

It may seem rather a simple point to make, but it is useful to make among people who spend their time inside the walls

of Parliament that elections are really for people, for voters, for citizens, and only secondarily for politicians.

He went on to say:

If you are a citizen you would like to know when the next election will take place. It is as simple as that.

[Translation]

Honourable senators, the bill presented to us was carefully drafted to respect the principles of responsible government.

These principles include the government's obligation to retain the confidence of the House of Commons and to respect the constitutional power of the Governor General to dissolve Parliament.

Bill C-16 explicitly states that the powers of the Governor General are preserved.

[English]

During the Senate committee hearings on Bill C-16, there was some discussion on the bill's constitutionality. Among other questions, it was asked whether Bill C-16 constitutes an amendment to section 50 of the Constitution Act, 1867, or to section 4 of the Canadian Charter of Rights and Freedoms. A range of experts was heard from, and there was general agreement that this was not the case. Two of our country's eminent constitutional legal experts, Professors Peter Hogg and Patrick Monahan, both argued convincingly that those provisions are designed to ensure that the government submits itself to an election within a reasonable period. That, colleagues, is exactly what Bill C-16 is designed to do.

It creates a statutory expectation that political actors and administrative officials will commit to having elections on a fixed date every four years. This is all within the framework of the Constitution and the rules and conventions of parliamentary and responsible government. This was a proposition with which the constitutional experts who appeared before the committee took no issue.

[Translation]

Honourable senators, allow me to now describe what the bill does. It is relatively simple but important.

Bill C-16 provides that the next general election will be held on Monday, October 19, 2009, provided, of course, that the government is able to retain the confidence of the House of Commons until then.

Otherwise, a general election will be held according to the usual practice. The following election will be held on the third Monday of October in the fourth calendar year following the preceding elections.

The third Monday of October was chosen for several reasons: it was the date most likely to result in the largest voter turnout and the least likely to conflict with a day of cultural or religious significance or elections of other jurisdictions.

• (1500)

[English]

In the event that the stipulated polling date is not suitable for that purpose, including by reason of its being on the same day as a day of cultural or religious significance, or an election in another jurisdiction, there is a provision addressing such a potential conflict. If the Chief Electoral Officer is of the opinion that the Monday polling day is not suitable for that purpose, he or she shall recommend an alternative polling date to the Governor-in-Council, who then may make an order to that effect. The alternative day will be either the Tuesday or the Monday following the Monday that would otherwise be polling day.

Honourable senators, an Ipsos Reid poll from June showed that 78 per cent of Canadians support the establishment of fixed-date elections. They are already in place in British Columbia, Ontario and Newfoundland and Labrador.

I invite honourable senators to support the passage of Bill C-16 to deliver this long-overdue reform.

On motion of Senator Joyal, debate adjourned.

STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Employment Equity in the Federal Public Service — Not There Yet*, tabled in the Senate on February 20, 2007.—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk: Honourable senators, yesterday, the Standing Senate Committee on Human Rights tabled its report entitled *Employment Equity in the Federal Public Service — Not There Yet*. Since November 2004, the members of the Standing Senate Committee on Human Rights have been examining issues of alleged discrimination in the hiring and promotion practices of the federal public service and studying the extent to which targets to achieve employment equity for minority groups are being met.

The committee wishes to thank the researchers, the members of the committee — both those who were there at the start of the study and the present members — and all those witnesses who appeared before us to assist us in this study.

The Employment Equity Act first came into force 20 years ago and was designed to overcome impediments in hiring women, Aboriginals, persons with disabilities and visible minorities in the federal public service.

In the course of our study, the committee has learned that the public service has reached some of its goals for hiring women, Aboriginal peoples and persons with disabilities. These groups are

now represented within the federal public service at a rate that is higher than their workforce availability.

However, the public service has still not yet met its goals for hiring visible minorities, who continue to be represented at less than their workforce availability.

The government set a target through the Embracing Change initiative to hire one in five visible minorities by 2003 and set a one-in-five benchmark by 2005 for executive hiring. The plan also dealt with issues such as promotion and the career development of visible minorities, as well as measures for developing a more inclusive and supportive culture in the federal workplace.

Yet, according to witnesses who appeared before the committee, in 2006, representation of visible minorities in the public service was 2.3 percentage points lower than their workforce availability — 8.1 per cent of the federal public service compared to 10.4 per cent of their workforce availability. Furthermore, from 2000 to 2005, while applications from visible minorities averaged over 25 per cent, this group received only 10 per cent of appointments.

In addition, people from all four of the designated groups continue to be underrepresented in the executive ranks. According to the Public Service Human Resources Management Agency, in 2004-05, only 5.1 per cent of the executives within the federal public service were visible minorities; 5.5 per cent were persons with disabilities; and 3 per cent were Aboriginals. As of March 2006, women held only 38.7 per cent of executive positions. These numbers make it clear that while progress is being made, there is still much work to be done.

Based on our study of the issue, the committee members believe that the one-in-five employment target for visible minorities is appropriate and should not be lowered. The committee did not hear any testimony from witnesses that the targets set by the public service were not achievable.

The public service has demonstrated that it could reach and indeed exceed targets for the other three designated groups — women, Aboriginals and persons with disabilities. Given the committee's ongoing mandate, we will be following up on these issues with the relevant officials in the near future.

The committee recognizes that the government has put initiatives in place that are going in the right direction, but they are not doing it effectively enough or fast enough.

In our report, the committee makes three recommendations to tighten the process of hiring visible minorities in the public service and to promote more people from designated groups into the executive ranks.

The first recommendation is that as a next step toward strengthening leadership and enhancing management and executive accountability, the bonuses of deputy ministers be tied to performance assessments in terms of progress on diversity and employment equity goals.

The second is that the federal public service develop more concrete means to implement its action plans to ensure equal access to executive positions and all occupational categories for each of the designated groups.

[Senator Di Nino]

• (1510)

The third recommendation is that the federal public service adopt policies to remove systemic barriers that exist within hiring and staffing processes. This plan should include the following: a communication strategy geared toward reaching out to different populations across Canada; enhanced strategies to acquire and maintain external candidates, including enhanced outreach efforts to help such candidates understand the federal public service hiring process, research and analysis into the underlying causes of drop-off rates, and increased emphasis on recruitment programs such as the Post-Secondary Recruitment Program; support for official language training, particularly within immigrant communities; and minimizing the use of temporary contracts.

When referring to systemic barriers, our committee relied on the definition of systemic discrimination adopted in the Supreme Court of Canada's 1987 decision, *CNR v. Canada (Human Rights Commission)*. Citing the Abella Report on equality in employment, the Supreme Court defines systemic discrimination in an employment context as follows:

... discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, none of which is necessarily designed to promote discrimination.

Such procedures may apply equally to all but may, nevertheless, have a negative effect on a particular group.

The federal public service has demonstrated that it can reach its targets. This is no time to lower the bar. The public service needs to continue working on fostering a culture of respect and on transforming corporate culture.

The committee was not at this time preoccupied with new laws. We were preoccupied with implementation. As the largest employer in the country, the federal public service should be representative of the public it serves and should be providing leadership for businesses in other sectors.

Honourable senators, I trust that this report will be taken into account by the government.

On motion of Senator Tardif, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY STATE OF EARLY LEARNING AND CHILD CARE

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Munson:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report "*Starting Strong II*", released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy

for the early education and care of young children in Canada is still in its initial stages ... and coverage is low compared to other OECD countries;" and

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."—(*Honourable Senator Comeau*)

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

Motion agreed to.

IMPACT OF CHARTER OF RIGHTS AND FREEDOMS ON RIGHTS OF CANADIANS AND PREROGATIVES OF PARLIAMENT

INQUIRY—DEBATE ADJOURNED

Hon. Hugh Segal rose pursuant to notice of November 29, 2006:

That he will call the attention of the Senate to the impact that the *Charter of Rights and Freedoms* has had these past 24 years on the rights of Canadians and the prerogatives of the Parliament of Canada.

He said: Honourable senators, this year will mark the silver anniversary of the patriation of the Canadian Constitution when the Constitution Act was signed by her Majesty in April of 1982, but I daresay that celebrations may focus less on the "bringing home" of the Constitution and more on the Charter of Rights and Freedoms.

Public perception has distorted history, and many Canadians today believe that the Charter itself was the central thematic or core motivation of the patriation process and that we had no rights and freedoms before the Charter itself was brought in. In truth, however, the Charter discussions actually came later to the constitutional negotiating table. The fact is that the Charter exists because of constitutional patriation. Patriation, however, might well have been possible without the Charter.

As we prepare to celebrate 25 years of patriation, I believe it is also an opportunity for us to reflect on the Charter of Rights and Freedoms, to ask ourselves some tough questions and determine whether legislators have used the Charter in the public interest advantageously, or whether legislators, perhaps at all levels, abrogated their responsibilities and used the Charter as an excuse to delay difficult or controversial discussions.

I am a supporter of the Charter of Rights and Freedoms, and as a member of the then Ontario constitutional negotiating team, I saw the merits of its inclusion in the patriation process from the beginning, but the Charter was not a vacuum-filler. Canada was definitely not bereft of rights and freedoms prior to 1982. The Canadian Bill of Rights passed in 1960 by the government of John Diefenbaker, while not a constitutional provision, provided a

basis for interpretation of legal and legislative issues in the courts for more than 20 years before the Charter. Canadian courts and legislators had for decades attempted to uphold the rights of freedom of expression, religion and association based on British and Magna Carta principles of *habeas corpus* and natural law.

With the advent of the Charter, however, the role and responsibilities of Canadian courts changed dramatically. They were no longer simply arbiters of conflict but entered into an arena previously considered political — the interpretation and constitutionality of the provisions of the Charter.

Critics of the Charter often use this as an example of the Charter's negative influence on legislative jurisdictional authority and are critical of the so-called activist, unelected courts. Is this really fair? Courts only answer questions that they are asked. We should ask whether, conversely, legislators unwittingly or sometimes wittingly use Charter provisions to avoid or delay difficult discussions on politically sensitive issues. Has the process of governance at the legislative level, provincially and federally, included a backing away from difficult decisions because of Charter implications and, more directly, because of the resistance to using the notwithstanding clause in section 33 of the Charter, without which there would have been no Charter and no patriation at all?

• (1520)

The notwithstanding clause was advanced in the negotiations by Saskatchewan and Newfoundland during the final part of the negotiation process. Its express purpose at the time was to allow governments to target social programs — to provide, for example, as Premier Blakeney said, specific programs for Aboriginal youth without being found guilty of discrimination.

Failure to use the notwithstanding clause has made it an unwelcome part of the political process. The notwithstanding clause was never about diminishing rights; it was about keeping parliamentary sovereignty in the game, blending the British system of parliamentary supremacy with the French Napoleonic system in order to compete with the Americanization effect of the Charter itself. Without this bridging provision between unelected courts and Parliaments there would not have been a Charter. The public scepticism of the use of the notwithstanding clause may have been born because parliamentarians have not effectively respected some of the values of the Charter. In a wonderful piece of research by Janet Hiebert of Queen's University entitled *Wrestling with Rights: Judges, Parliament and the Making of Social Policy*, she states:

Scepticism of the notwithstanding clause may be well-founded if Parliament does not pay due regard to the values of the Charter when developing legislation. If however, legislative decisions are based on careful and sensitive consideration of how best to balance conflicting rights and values, and these decisions are nevertheless, invalidated by the judiciary, the override might have greater acceptance.

Today's reality sees Canadians more trusting of the Charter and the courts than they are of legislatures and politicians. Parliamentarians need to get back into the narrative and debate on rights and not shy away from difficult or controversial debates. The Charter is not a screen to hide behind when considering new legislation.

One of the most glaring deficiencies on the part of lawmakers is the complete lack, Canada-wide, in this chamber and in legislatures across the country, of formal Charter committees to pass judgment on legislation before it is passed on back to the executive branch. We do not in any formal way consider Charter issues when laws are introduced and subsequently passed.

Senior law officers of the Crown give advice to the Attorney General, to cabinet and to various other ministers, but they do not give formal advice to committees of this place or the other place with respect to the Charter acceptability or viability of any piece of legislation that might be considered here. There is no formal mechanism for ministers or Attorneys General to formally advise Parliament or legislatures about Charter acceptability, and there is no formal body undertaking a review of Charter acceptability at any level. The absence of these legislative parliamentary committees has the unwitting effect of increasing the courts' work. When judgments are reached, we are quick, or some are at least, to criticize the decisions, although the responsibility to ensure acceptability was actually that of the lawmaker *ab initio*. Legislators are paid to put forward acceptable legislation, yet judges are being forced to do some of the work.

In this chamber, we review potential legislation with a mandate to scrutinize and improve where possible. Twenty-five years later, and with the criticism still abounding regarding the role of the judiciary, perhaps consideration might be given on this twenty-fifth anniversary to establishing a Charter committee in this chamber. As the chamber of sober second thought and with a mandate to review pending legislation, could this body not also provide an opinion, and might I add an informed, professional one, regarding the Charter acceptability of pending legislation? In a parliamentary democracy, Parliament should be making well-informed decisions long before the courts are called on to remedy laws gone bad.

I ask honourable senators to consider how the Charter has worked, the good and the bad, and contribute to the discussion of what we now know in hindsight and where we should be headed in the future. I also hope that we find a chance as a chamber to reflect on how to improve the dynamics and the nature of the relationship between the individual, the constitution, Parliament and the judiciary.

This year, we are celebrating a quarter of a century of formal Canadian constitutional sovereignty, which of course formalized the Statute of Westminster in 1931, which conveyed the actual instruments of sovereignty. We are celebrating under a Conservative Prime Minister, I point out, just as a matter of history. We are celebrating the twenty-fifth birthday of the Charter of Rights and Freedoms.

The Constitution Act, 1982, enabled the Charter to become a reality and not the other way around. As the other place considers legislation, as we will soon, with respect to matters related to the protection of society from terrorism, let us reflect upon how the notwithstanding clause might have made the anti-terrorism legislation more clearly defined. That anti-terrorism legislation was brought in by the previous administration and had they used the notwithstanding clause they might have more clearly defined it as an exception to the principles of freedom and presumption of innocence and how much easier that would make our debate on that matter in this place today.

Hon. Joan Fraser: I thank the honourable senator for launching this inquiry. I can hardly think of a more suitable subject in which this chamber should become engaged. I do not know whether Senator Segal has had a chance to go back and look at the transcripts of the hearings of the first committees of this place that looked at the anti-terrorism legislation when it was being brought in.

What I say now has nothing to do with the merits or otherwise of preventive arrest and investigative hearings. It was my understanding at the time as a member of the committees that did that examination that we were told by the relevant ministers, and particularly the then Minister of Justice, that of course they could have used the notwithstanding clause, but they did not want to do that. They wanted to subject the whole bill to the Charter. They did not want to suspend any part of it from the application of the Charter. I just wonder whether the honourable senator had been aware of and considered that information.

Senator Segal: I did read the transcripts. In fact, in my private life, when I was working in the research business in Montreal, I had occasion to talk with senior law officers of the Crown around that time. I asked whether this would not be an outstanding opportunity to use the notwithstanding clause so everyone understood that any dilution of freedom implicit in the legislation was reflective of a very specific and defined circumstance. Their response was quite consistent with the response that the Senate committee was given, namely, that they believed they could craft legislation that was utterly Charter-proof. We found out in the courts that that was not quite as precise as they had hoped; although I am sure their intention was quite positive.

The proposition I am suggesting for colleagues to reflect upon is whether or not we should have a Charter committee that looks at legislation specifically from the point of view of the Charter, which is not to suggest that standing committees do not now look at legislation from that perspective, as well as others. A committee could be focussed utterly on this and develop the legal expertise, or acquire any necessary outside counsel, or perhaps from internal resources. One of the functions the Senate could play in the constructive legislative process would be to point out where we think there may be Charter snafus that have not been addressed prior to a law being proclaimed and put into effect. That is the substantial nature of the proposal.

Hon. Serge Joyal: I congratulate the honourable senator for his intervention today. It is most opportune. Earlier, in our Order Paper there was a motion from Senator Andreychuk calling upon this chamber to implement the substance of the Charter of Rights and Freedoms. I believe it is part of the same general objective that this house should have in mind.

I would like to bring to the honourable senator's attention, in the book that we published in the Senate with the help of Senator Murray and Senator Pitfield, page 123 and the words of Professor Rémillard under the heading "Ensure Compliance with the Canadian Charter of Rights and Freedoms."

• (1530)

Likewise, the advent of the *Canadian Charter of Rights and Freedoms* in 1982 also had an impact on the Senate legislative work. When a bill becomes the subject of concern

in Senate committees, it is very often because that bill involves the Charter. In a number of cases, the Senate has made amendments to remedy perceived Charter problems, and the House of Commons has passed them. Examples of these include the *Act to amend the Judges Act* (1999), the *Act to amend the Canada Evidence Act*, and the *Canadian Human Rights Act* (1998). In the fall of 2001, the Senate formed a special committee to study the new anti-terrorist measures contained in Bill C-36. Its concerns about the protection of individual rights induced the government to rethink certain measures.

In 2001, the Senate established a Standing Committee on Human Rights, confirming its new role as a Charter watchdog. This role is particularly well suited to the Senate and should occupy it increasingly, given the tendency of various governments to legislate on very delicate matters such as privacy. The bioethics sector is another field which should be the subject of special studies in the Senate since it will be the focal point of our social debates in the coming years.

The problem we encounter, honourable senators, in the Standing Senate Committee on Legal and Constitutional Affairs — and I have been a member of that committee for the last 10 years — derives essentially from the privileged relations between the Minister of Justice and his advisers. According to the Department of Justice Act, the Minister of Justice must certify that a bill is Charter-proof. Once we receive a bill, there is a presumption that it is Charter-proof.

Representatives of the Department of Justice appeared as witnesses before the Standing Senate Committee on Legal and Constitutional Affairs and we tried to understand the reasoning behind their conclusion that a particular bill is Charter-proof. The answer we received is that it is information protected by solicitor-client privilege, and we were left to speculate.

Sometimes we call upon experts from outside to help us make our minds up, but to me that is where there is a major gap in the system because we do not have access to the reasoning or to the legal analysis that brought the government to the conclusion that the bill is Charter-proof.

I have had multiple experiences in this chamber concerning bills that we adopted for which I warned my colleagues that there were Charter problems. I will give an example: the Canada Elections Act and the status of small parties, which was struck down by the court. Another example is the Youth Criminal Justice Act in regard to sentencing and the presumption of guilt at par with an adult system; the rights of the child, in other words.

We had the extradition bill. Former Justice Lamer, in an interview he gave last week, said the Rafay-Burns case, which dealt with extradition to countries that imposed the death penalty, was the most compelling case he had ever heard. Those are his words, and he sat on the bench for 20 years.

I remember well that we had a debate in this chamber for three months. Almost every day a senator stood up and called the attention of other senators to the importance of a bill in relation to the Charter. However, in the end, this house passed the bill, on division of course, following a standing vote.

I wish to bring to the attention of honourable senators the fact that it is not that this house does not have the will to implement the Charter.

Another example is Bill C-23, the bill where we established a prior condition or system for common-law spouses of whichever sex. When that bill came to us, we warned other senators to be attentive, because if we were to accept this bill, there might be consequences in regard to the definition of marriage.

We were all convinced that that would flow from the principle enshrined in the bill. We were set. We were told by the Department of Justice at that time not to worry, that the definition of marriage will stand the test of the court.

Honourable senators know what happened. Ten courts in this country struck down the definition of marriage in the years following the adoption of that bill.

It is not because there is no conscience in this place that the Charter should not be tested in relation to a bill. The problem lies with the fact that when we raise that question, we have to rebut the presumption of the Department of Justice that the bill is Charter-proof, even though individually, in our soul and conscience, it is a question of moral issues such as death, the right to life, the right of the fetus, and all the other questions we might think of that call upon moral values. We had a long debate in this place when the issue of the definition of marriage was raised.

Honourable senators, we are compelled to analyse a bill through our own means. We do not have the assistance of legal experts to test the bill where any one of us would have a Charter question. If there is any review of the role and function of this place, it is in reference to the Charter.

I think one of the most important items on the Order Paper is the motion of Senator Andreychuk. Even in this place we do not know how we implement the Charter, and we are supposed to be the guardians of the Constitution. We are here to advise the Crown on the constitutionality of bills.

We have to question how we can best serve the objectives of the Charter. Why? Because the net effect is that when we do not assume our court is a legislator, we shift the problem to the court level. When the problem is shifted to the court level, we cross our arms and say that the court is activist.

I had a major problem with a bill, and a high-ranking politician — whom I will not name, as I do not want to politicize the debate — told me, in a public place: Well, if the bill is not Charter kosher, the court will tell us, so be quiet. To me, that is fundamentally questioning the role of this place. This is, first and foremost, the role of this place. However, as has been said, we do not yet have a system. The professors who wrote on this issue in the book entitled *Protecting Canadian Democracy* arrived at my honourable friend's conclusion, namely, that at this

point in time we have to find a system through which we will test the bills. What could my honourable friend propose to us today whereby we could improve our method of studying and debating legislation to achieve that end?

The Hon. the Speaker: I must remind the house that we have gone beyond Senator Segal's 15 minutes. Is there consent that Senator Segal be given time to answer that question?

Hon. Senators: Agreed.

Senator Segal: Senator Joyal's question, as I understand it, is what am I recommending in terms of an approach. He focused on the problem in a more precise way than I did in my presentation. When I referred to law officers of the Crown who do not have any formal obligation to advise us, the honourable senator stated that in the context of fact, they give their advice in confidence to their ministers and we do not have access to the basis upon which they have made that determination.

In the rather crude thought that I put forward with respect to a Charter committee, I was hoping to find a vehicle — and I defer to others in the leadership and with greater constitutional experience than I, who may find a way of improving on that — so that we would gain access to some aspect of that advice and counsel and senators could consider this on its merits in the context of legislation.

It occurred to me that our only option — because someone will claim Royal Prerogative and privilege with respect to advisers to the Crown not also being advisers to the Senate — is that we have a formally structured committee that would have its own advisers who would have every bit as much expertise. Such a committee may even involve retired advisers from the other place who served with great distinction and who could now give us the benefit of their counsel going forward. I am looking for an instrument that allows us to discharge what Professor Rémillard stated. He went on to serve as a distinguished Attorney General in subsequent Charlottetown negotiations on behalf of Quebec. I am looking for something to enrich the nature of our contribution, as Professor Rémillard anticipated the Charter would in fact produce. That is what I was trying to accomplish.

On motion of Senator Andreychuk, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 18, I must exercise my duty of reminding the house that even if a BlackBerry is in this place in the off position, it still is receiving signals that interfere with our sound system. The ruling that we issued some time ago was that no electrical device is to be brought into the chamber. The chair serves as your servant.

The Senate adjourned until Thursday, February 22, 2007, at 1:30 p.m.

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