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Wednesday, February 28, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, February 28, 2007

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

Prayers.

SENATORS' STATEMENTS

UNIVERSITY OF MANITOBA

ONE HUNDRED THIRTIETH ANNIVERSARY

Hon. Sharon Carstairs: Honourable senators, I invite you to join with me in congratulating the University of Manitoba, which celebrates its one hundred and thirtieth anniversary today.

Established in 1877 as Western Canada's first university, it has produced 170,000 graduates to date, including 86 Rhodes Scholars. Built in Fort Garry in Winnipeg's south end on a large land mass, the campus, due primarily to its agricultural component, features even today large green spaces unlike many other urban universities in our country.

The university has a large undergraduate component and has professional schools in medicine, law and dentistry. Although I am not a graduate, I knew in the late 1950s of its fine human ecology — then home economics — department and its particular focus on interior design.

At present, the university serves more than 35,000 students, including 2,661 international students. Of particular importance to me is the Access program — a program dedicated to accessibility and academic success, particularly focused on Aboriginal students. This program helps Aboriginal students meet their financial, academic and personal challenges.

Please join with me in congratulating a fine university with our best wishes for their continuing success.

[*Later*]

Hon. Mira Spivak: For a time in the 1950s, Canada's dollar bill bore the signatures of two men who graduated from the University of Manitoba, became Rhodes scholars and returned to Ottawa to serve their country with intelligence and conviction. One was Robert Beattie, Senior Deputy Governor of the Bank of Canada and the other was James Coyne, governor of the bank from 1955 to 1961. It is one of the little known stories of graduates of the university that today marks its one hundred and thirtieth anniversary.

Stories of the accomplishments of other graduates abound. Many of them are familiar names to all of us: Mitchell Sharp, Edward Schreyer, Lloyd Axworthy, Brian Dickson, Bernard Ostry, Marshall McLuhan, Israel Asper, John Hirsch, Monty Hall and Phil Fontaine. This remarkable, rather small university on the Prairies gave them an intellectual and moral grounding that helped them shape the political, legal, artistic, commercial and intellectual fabric of our country for generations. The University of Manitoba is also my alma mater, and the alma mater of others in this Senate.

Today the university serves more than 35,000 students in degree and continuing education programs. It is also home to a renowned program aimed at assisting students from Aboriginal and other backgrounds who face financial, academic or personal challenges in adjusting to the university experience. Without a doubt it is helping to forge the character of young people who will shape our country in the years to come.

On behalf of the Senate, I extend our thanks to the university for its former graduates. To the current faculty, administration and student body, I add our congratulations on your celebration of 130 years of service, and of course I extend our best wishes for many successful years to come.

ABSTINENCE-BASED RESIDENTIAL DRUG TREATMENT PROGRAMS

Hon. Gerry St. Germain: Honourable senators, the crime, disorder and illness associated with substance abuse is gripping the people of Vancouver with a horrible sense of despair, anger, confusion and doubt. The people of Vancouver are in search of solutions. No one doubts the complexity of the problem. The addicted are people whose human dignity has been erased. Many suffer as well from mental illness and from other effects of society's abuse.

Our response to date has failed them. It has been inadequate, unfocused and lacking in compassion. A city as prosperous, modern and beautiful as Vancouver can no longer turn its back on the victims of substance abuse. No longer can we write off an entire neighbourhood, warehousing people in one district with the hope that the problem will be invisible to most. A new strategy is needed urgently.

The federal government can play a new role in implementing a strategy that not only addresses Vancouver's problem but one that is consistent in its approach to the problem across the country. A strategy must have its ultimate goal: a society living free of the harm associated with substance abuse. Achieving that goal must involve a complex, multi-faceted approach.

In recent years, some have advocated a four-pillars approach, combining harm reduction with more traditional strategies of prevention, treatment and enforcement. I will not argue the merits of each of those four pillars. Suffice it to say that the ultimate goal is successful treatment of an addict, where, at full recovery, abstinence from substance abuse enhances the lifestyle of the abuser and eliminates the human toll associated with the illness.

Given this kind of logic and practical thinking, honourable senators, how could one support a drug strategy that embraces legal drug substitution as a so-called treatment for drug addiction? The "Inner Change" proposed response to Vancouver's widespread drug problem is at worst, ill-conceived, founded on unsound research and, at the least, a risky proposition. This drug substitution program further advances a drug culture, reinforcing the notion of socially acceptable drug use. The program also fails to demonstrate compassion for those suffering from the addiction illness by dismissing abstinence-based treatment as the preferred medical option.

The "Inner Change" proposal is one further step in an insidious campaign to change cultural attitudes and to label those afflicted with substance abuse disease as somehow permanently disabled and incapable of ever making lifestyle changes. Such a policy direction offers no compassion, little hope and huge risk.

Honourable senators, I urge the Minister of Health and the federal government to adopt the national drug strategy that includes increased federal support for abstinence-based residential treatment programs in Vancouver and elsewhere — a strategy that is founded on hope.

• (1335)

[*Translation*]

INTERNATIONAL WOMEN'S DAY

Hon. Pierrette Ringuette: Honourable senators, March 8 marks International Women's Day and this year's theme is "Ending Violence Against Women: Action for Real Results".

Often, when we reflect on violence against women, as Canadians we tend to think about the situation facing women in developing countries — which is completely justified, given their plight of constant poverty, often under totalitarian, dictatorial, military or religious rule.

It is certainly easier to talk about places around the world where violence against women is so much more apparent and given so much media coverage. However, when we take a closer look at violence against women right here in Canada — yes, in our own backyard — we must admit that thousands of Canadian women of all ages are victims here at home. They are victims not only of physical violence, but also other forms of violence committed by their male counterparts.

The systematic discrimination within our government policies has led to a kind of social violence. Positive hiring practices, child care programs, literacy programs and even the employment insurance system have not always helped women improve their situation. Economic discrimination against certain women also constitutes a form of violence.

In our so-called "wealthy and developed" country, pay inequity remains a problem for Canadian women, in both the public and private sectors.

• (1340)

For older Canadian women, our fiscal policies and Canada Pension Plan are archaic in their design and delivery. In fact, women seniors must be separated from their spouses in order to benefit from the economic justice of these programs. In Canada, 15 per cent of our children and their mothers live in poverty.

In the order of 51 per cent of women in Canada were victims of an act of physical or sexual violence after turning 16 years old. In other words, almost 8 million Canadian women have been victimized. You will agree that this statistic is alarming and deserves particular attention. Canadians are right to call for proactive programs to eliminate all forms of violence.

Let us restore the Canadian Council on the Status of Women to keep women's issues a federal responsibility.

Let us restore funding for literacy programs to equip thousands of Canadian women for a better future.

Let us establish a truly universal child care system so that our young mothers can reach their full potential and contribute to the Canadian economy with peace of mind.

Let us review our employment insurance program to enable women working in our seasonal economy to leave the quagmire of poverty.

Let us increase funding for shelters for women who are victims of violence.

All this is now possible because the federal government has a surplus. On March 19, the Harper government will table a budget. Will our Prime Minister move towards social and economic justice, or will he continue to lean hard to the right, leaving individuals to their own devices?

More than 52 per cent of the voters in this country are women, Mr. Harper; take action at last, for real results!

Hon. Maria Chaput: Honourable senators, March 8, 2007, is the thirtieth anniversary of International Women's Day.

This important day gives us an opportunity to celebrate progress achieved in promoting women's rights and to take a close look at the difficulties women are still facing.

• (1345)

Let us celebrate Canadian women of yesterday and today and the essential role they have played and continue to play in making this country one of the best in the world.

This is a celebration of ordinary women who have shaped and are shaping history. Women on every continent, regardless of their ethnic, linguistic, cultural, economic and political differences, are united in celebrating this day.

"Ending Violence Against Women: Action for Real Results" is Canada's theme for International Women's Day 2007.

We all know someone, a woman who has experienced violence. All Canadians want to make a difference in the lives of women who are forced to face such challenges.

Let us hope that, together, we can take the necessary measures to end this violence so that women and girls the world over can live peacefully and safely and participate fully in their societies.

On a more personal note, I would like to express my admiration and friendship to all of the women I have met in my life, to those who were there to help me when I needed it and to those who have understood and supported me throughout my life.

Hats off to all women, and especially to my Senate colleagues today.

[*English*]

INTERNATIONAL CRIMINAL COURT

Hon. A. Raynell Andreychuk: Honourable senators, Parliamentarians for Global Action, a coalition of approximately 1,300 parliamentarians from democratically elected parliaments, have taken on the campaign for the ratification and implementation of the International Criminal Court, the Rome Statute.

As convenor of the International Law and Human Rights program of Parliamentarians for Global Action, I welcome two important developments that occurred yesterday for the effectiveness and universality of the International Criminal Court. In The Hague, Prosecutor Luis Moreno-Ocampo submitted evidence to the pre-trial chamber on atrocities allegedly committed by the Deputy Minister for the Interior of Sudan and a chief of the Janjaweed militia in relation to 51 counts of alleged crimes against humanity and war crimes, including persecution, torture, murder and rape committed in Darfur in 2003 and 2004.

In Tokyo, in another important development and milestone in connection with the ICC, the Government of Japan tabled its bill to Parliament for accession to the Rome Statute of the ICC.

Senator T. Inuzuka, deputy convenor of the PGA International Law and Human Rights program, who visited Darfur in August of 2006, stressed the importance of the prosecutor's submission to the pre-trial chamber, and stated that:

> . . . at a time in which the Government of Japan decided to fulfill its promise to join the Rome Statute of the ICC by submitting the relevant Bill for Accession to the Legislation Committee of the National Diet of Japan. Members of the international community have a collective responsibility to protect the undefended population of Darfur and must now support the judicial action of the Court.

Sudan is not yet a party to the Rome Statute of the ICC, although they signed that treaty on September 8, 2000, thus agreeing to the principle of refraining to defeat the object and purpose of the treaty, as envisaged in the Vienna Convention on the Law of Treaties. I trust that these measures will go some way to halting the violence and fighting impunity in Darfur.

• (1350)

VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, the federal government should need no reminder of its responsibility for the well-being of those who fought for our freedom and for those who supported our veterans here at home. The federal government should ensure that no one is neglected. The debt we owe to our veterans and their loved ones is beyond measure.

As you will recall, I initiated an inquiry in this house on inequities in the Veterans Independence Program, VIP, and, specifically, eligibility of spouses for survivor benefits. I was pleased when, on December 7, 2004, the former Minister of Veterans Affairs announced that the VIP had been expanded, and that this particular inequity had been corrected.

Unfortunately, there are still those who are unable to benefit from the VIP and who are equally deserving of these benefits — the surviving spouses of veterans who would have been eligible but did not participate in the VIP themselves. These veterans had never applied, perhaps because of pride or an unwillingness to accept government help. Perhaps the couple worked on the chores together or the spouse was healthy enough to perform the work alone. Now, despite a desperate need for help with housekeeping and grounds maintenance after a veteran has passed away, these survivors are not eligible for assistance.

During the election campaign, the Prime Minister committed to extending the Veterans Independence Program to the spouses of all veterans of the Second World War and Korean War, regardless of when the veteran died. That commitment was more than one year ago and widows and widowers across the country are still waiting.

Honourable senators, we hear so much about the benefits to seniors of staying in their homes, close to the support of family, friends and loved ones. In the long run, it makes more financial sense to expand a program such as the VIP. The cost of assisting people to live on their own is far lower than the cost of taking care of them in a residential nursing home. We must do whatever we can to assist these women and men to remain in their own homes for as long possible.

The bottom line is that today's surviving spouses have dealt with the impact of their partners' war experience for their entire lives. They were left waiting at home while their loved ones went off to war. They stood by our veterans and cared for them in their later years. They have surely paid a service to Canada and to Canada's war effort. I urge the Conservative government to honour its election commitment and extend the Veterans Independence Program as it had promised during the election campaign.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE PRESENTED

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

Wednesday, February 28, 2007

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

THIRTEENTH REPORT

Your Committee has approved the Senate Estimates for the fiscal year 2007-2008 and recommends their adoption. Your Committee notes that the proposed total budget is $87,030,000.

An overview of the 2007-2008 budget will be forwarded to every Senator's office.

Respectfully submitted,

GEORGE FUREY
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix p. 1134*.)

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

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

[*Translation*]

BILL TO AMEND THE LAW GOVERNING FINANCIAL INSTITUTIONS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-37, to amend the law governing financial institutions and to provide for related and consequential amendments.

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.

• (1355)

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC AFFAIRS AND DEVELOPMENT COMMITTEE MEETING AND SESSION OF PARLIAMENTARY ASSEMBLY, JANUARY 18-26, 2007—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association, regarding its meeting of the Committee on Economic Affairs and Development held in London, United Kingdom, from January 18 to 19, 2007, and its participation in the First Part of the 2007 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France from January 22 to 26, 2007.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

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

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

> That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to sit on Tuesday, March 13, 2007, and Wednesday, March 14, 2007, even though the Senate may then be adjourned for a period exceeding one week.

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY GOVERNMENT CHANGES TO CONSULTATIVE COMMITTEES RECOMMENDING CANDIDATES FOR JUDICIAL APPOINTMENT

Hon. Serge Joyal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

> That the Standing Senate Committee on Legal and Constitutional affairs be empowered to review the changes introduced by the Government in the composition and mandate of the consultative committees recommending candidates for judicial appointment, in order to determine the impact on judicial independence and impartiality, and the manner in which this constitutional principle should be protected in the appointment process; and
>
> That the committee submit a report on this matter to the Senate no later than October 30, 2007.

[*Translation*]

QUESTION PERIOD

JUSTICE

ANTI-TERRORISM ACT— REVIEW OF RECOMMENDATIONS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In the wake of the review of the renewal of the controversial sections of the Anti-Terrorism Act and the ensuing negative vote in the other place, and in the wake of the two reports published by the two chambers, calling for a number of measures that would not only guarantee Canadians' rights, but ensure the public is protected, can the Leader of the Government tell us whether this government will promise to study those measures responsibly and thoughtfully in light of the recommendations and, in particular, the principles of balance

cited by the judges of the Supreme Court of Canada in a unanimous judgment handed down on February 23? Can she also tell us whether this government will refrain from manipulating public opinion by using emotional appeals from victims of attacks?

[*English*]

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

The government has made it clear, in view of the decision of the Supreme Court and in view of the activities of yesterday, that it will be looking into all matters in this crucial and important file, including taking into consideration the serious and good recommendations of the Special Senate Committee on the Anti-terrorism Act, chaired by Senator Smith. The government will act judiciously and responsibly in the interests of Canadians and their safety.

I take offence to the honourable senator's comments about manipulating public opinion, when in fact the Deputy Leader of the Opposition in the other place spoke of the victims of 9/11 as just a sideshow. The Liberals' newly acquired member, Garth Turner, called them "props," and I can tell honourable senators that I do not think victims should ever be described as "props" or "sideshows."

• (1400)

[*Translation*]

PRIME MINISTER

AIR INDIA INQUIRY—COMMENTS REGARDING FATHER-IN-LAW OF MEMBER FOR MISSISSAUGA—BRAMPTON SOUTH—REQUEST FOR APOLOGY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, speaking of this important issue, can the Leader of the Government in the Senate make her government stop attacking the reputation of parliamentarians with insidious, fallacious personal allusions and such allusions to their families?

Will her government also recommend to the Prime Minister that he apologize for all these actions that tarnish the reputation of our parliamentary institutions?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have answered these questions before. The comments that the honourable senator is making are in reference to an article that appeared in the *Vancouver Sun* newspaper by an expert on the matter of the Air India inquiry, Kim Bolan. As has been noted and has been suggested, if people have difficulty with this particular article, they should take the issue up with the *Vancouver Sun*.

FINANCE

BANKRUPTCY AND INSOLVENCY LAW—INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, my question is addressed to the Leader of the Government. We all recall that, in the dying days of the last session, a bill was introduced, namely Bill C-55, dealing with bankruptcy, insolvency and amendments to that statute that were not properly amended in that specific period of time. Honourable senators will also recall that we agreed to pass that bill, subject to the understanding that the government would undertake not to promulgate it unless and until the Banking Committee of this institution had had the opportunity to deal with it and to make appropriate amendments.

We have been waiting for some period of time for an amending statute. Sometime in October, I asked the Leader of the Government in the Senate when the statute would be introduced. She responded privately that she hoped and expected it would be introduced before the end of the year. Indeed, true to her word, a ways and means motion was presented in the other place, but it was never tabled because the government was unable to obtain the unanimous consent of the other parties.

There are hundreds of thousands of stakeholders, hundreds of thousands of individuals who go into bankruptcy each year. Thousands of businesses across Canada are being restructured and thousands of employees are losing their jobs and do not have the benefit of the wage protection provisions contained in Bill C-55. It is urgent for this legislation to be presented. It exists; I have a copy of it. There is absolutely no reason for it not to be dealt with by the other place and then brought before this chamber so that it can be dealt with on behalf of all Canadians. It is admittedly not as sexy as the other legislation that the government prefers to introduce, but it is of grave importance for hundreds of thousands of Canadians.

My question is this: When will this legislation be put before the lower House and then brought here?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. He is absolutely right. He spoke to me many times about this matter in the fall. I am regularly reminded of it by my colleague, Senator Angus, who spoke of it to me as late as yesterday.

The motion was tabled in the other place, and as the honourable senator has pointed out, there was no agreement. It is a matter that I continue to raise, but it is rather like trying to unscramble an egg. It is a difficult piece of legislation. We even had various people from the private sector suggest that perhaps we should scrap the whole thing and start over.

I hope the honourable senator will accept my remarks as an indication that I am taking his question very seriously. I know his concern, as does my colleague, Senator Angus. I know of the commitment to have the bill come back before the Standing Senate Committee on Banking, Trade and Commerce. All I can promise the honourable senator is, like the little spider in the waterspout, I will try, try again.

• (1405)

Senator Goldstein: Honourable senators, my question was, when will the bill be introduced? Unanimous consent is not needed for that bill. The government chose to try to find it and did not, but the bill does not require unanimous consent.

My question is, and remains, when will the bill be introduced?

Senator LeBreton: Honourable senators, that question is serious and direct, and one I take seriously. I know my colleague, Senator Angus, is also urging a response as to when. I will once again go back and try to answer that specific and direct question.

Senator Goldstein: On the same question, can the Leader of the Government in the Senate take the question as notice and come back to us when we resume sitting in the middle of March with a particular date and time when the bill will be introduced?

Senator LeBreton: Honourable senators, I will take the question as notice, while ignoring the senator's exact wording. I do not and cannot take it as notice and then say I will definitely and positively have the date. I would hope to. I will take the question as notice and make every effort to have a response when we return in the week of March 19.

Hon. Jerahmiel S. Grafstein: I have a supplementary question. As the Leader of the Government in the Senate will recall, when we were on the government side we were pressed to bring in this legislation. When it came to our committee in the dying days of the last Parliament, your committee, on a unanimous basis, felt that the bill needed serious renovation. Rather than deal with the renovation, which we could not do in the time period given to us, we received what I consider to be a solemn undertaking by our side, when we were the government, and also on the opposition side. The undertaking was to reintroduce this legislation, as amended, for consideration by Parliament on or before, I believe, the end of June, the proclamation date.

I hope that the Leader of the Government keeps in mind what Senator Goldstein has said and what our Banking Committee has felt. This legislation is non-partisan. We felt this important piece of legislation goes to the effectiveness and the productivity of our economy, as well as to the question of equity and fairness in our economy for those experiencing the problems of insolvency.

Having said that, this piece of economic legislation is as important as one will find. As Senator Goldstein so aptly said, it is invisible in the sense that it falls below the radar screen. It is not sexy, but it is important.

Having in mind the commitment that was given on the leader's side when she was in opposition, to bring it forward, echoed by us when we were on the government side, will the leader please bring that matter to the attention of the ministry and tell them they are holding up an important piece of legislation, when there is no longer any excuse for delay?

Senator LeBreton: I thank the honourable senator for his question. I will not debate what pieces of legislation are sexy and what pieces are not. However, the honourable senator's concerns are valid. Of course, when he was on the government side, I remember the piece of legislation well. I remember the position we took in opposition. What the honourable senator stated is true and serious. I will make the department aware of his strong views.

As I said to Senator Goldstein, trying to unscramble an egg is frustrating, but this complex piece of legislation requires a serious second look. That is not to say that there is any particular reason why it should not proceed.

• (1410)

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE ON MARKETING OF BARLEY

Hon. Lorna Milne: Honourable senators, on many occasions I have asked the Leader of the Government in the Senate questions about the ongoing barley marketing plebiscite in Western Canada. I have asked about the curious wording used in the plebiscite, and we have discussed the delay caused by a mistake made by the government in asking farmers to list both the tonnage and acreage of barley sold over the last five years in order to validate their ballots.

Now I pose a simple and more serious question to the leader: Why is a secret ballot not being used in this plebiscite?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The balloting in this plebiscite is being conducted independently by the very reputable firm of KPMG. No one in this country who has had dealings with KPMG would question the integrity of their work. Far be it from me, or anyone else, to question the methods of KPMG. All confidentiality provisions will obviously be followed by them, and we will know the results only when the balloting is complete.

Senator Milne: Honourable senators, I thank the leader for her response, in which I am quite sure she is sincere. However, has the leader heard about the latest western protest group? It is a newly-formed organization of western grain farmers called Real Voice for Choice. It is a non-partisan farm group developed in response to the Conservative government's determination to undermine the Canadian Wheat Board.

I ask the leader again: What possible explanation is there for identification numbers on the ballots other than to enable this government to track down those farmers who, in the opinion of the government, vote correctly or those who vote incorrectly?

Can the leader explain to senators any possible purpose for having the ballots numbered to correspond to the number that identifies each producer receiving a ballot in this plebiscite?

Farmers who do not trust this government's intentions are purposely choosing not to vote for fear of retribution, such as a delay in their agricultural income stabilization payments next year if they vote against the government's intended result.

Canadians should never be afraid to voice their opinion. Canadians should never have to fear retribution by their own government. Yet, the barley producers in Western Canada are afraid to be honest on the ballot because they fear what the government intends to do as a result.

Does the leader not feel any shame?

Senator LeBreton: Honourable senators, it is quite something for anyone to question a reputable firm like KPMG. It is a secret ballot, and no one from the government will see the ballots or have access to the information that KPMG is using to conduct the balloting.

As I have said before, the honourable senator undermines people in the agricultural sector by saying that they are afraid. I do not believe that description applies to people in the agricultural community. They are smart people. They understand the questions clearly. They know that a reputable firm such as KPMG would not divulge private information.

• (1415)

I was unaware of the newly-organized protest group that was mentioned, but I did read in some publication that one such group had been organized, and is headed up by one, David Orchard.

Senator Oliver: Good response.

Hon. Tommy Banks: Honourable senators, I do not know anything about agriculture, but I am wondering if the leader has seen the ballot. I happen to have seen the ballot. It has a number on it and then it has a name right beside the number. How can that be a secret ballot? Has the leader actually seen and examined such a ballot? It is demonstrably not a secret ballot. There is a number and, on the part that is retained, there is a number with a name beside it. That does not sound like a secret ballot.

Senator LeBreton: I have not seen the ballot. I know what the questions are because I had to find out what they were in order to answer a question from Senator Milne in the past.

I have not seen the ballot. If the honourable senator has seen a ballot, obviously a barley producer has shown it to him. I have not seen the ballot; I have no interest in seeing the ballot. KPMG is conducting this ballot independently and I, for one, do not intend to question the integrity of a reputable firm such as KPMG.

Every time we vote in an election, we are on a numbered voter's list. We are handed a ballot when we go in to vote. We have a number and a name and there is information, otherwise we would not be able to vote.

However, I do not believe the information that KPMG is using to identify eligible voters — information that they will hold themselves — in any way undermines the privacy of the individual barley producers. I am absolutely certain that the government's only interest in this process is the results, and no matter who would ask, KPMG would never divulge information or material that they have used to properly distribute ballots to eligible voters. I cannot imagine how anyone could question a firm such as KPMG, which has a very solid reputation. I will not in any way entertain the impression that, somehow or other, they are suspect.

Senator Banks: Canadians do not put their trust in KPMG; they put their trust in the Government of Canada and the election process. Unless I am mistaken, I think the significant difference is that when I tear off the ballot in an election and put it in the ballot box, there is no longer a number on it. There is a number on the ballot that I am handed, and I hand it back to the returning officer and he checks my name off the list. The piece of paper I put in the ballot box does not have a number on it, so that that vote cannot be traced to me or to anybody else.

I think it would be useful, since the leader is being asked questions about the secret ballot aspect of this referendum, to make it her business to look at the ballot form.

Senator LeBreton: The honourable senator is right. Canadians trust the government to conduct a fair voting process. It is clear that our position on this procedure was marketing choice, but once KPMG took over the process of conducting the vote, the honourable senators would be the first people on their feet if the government were to ask KPMG to divulge private, secret information that the employees of KPMG themselves require in order to conduct the balloting.

I believe Canadians trust the government to run a fair process and the government has turned over this process to KPMG. The government trusts KPMG, and I think the public does as well.

• (1420)

Senator Milne: I have a further supplementary question, if I may. I would like to know if KPMG also designed the questions on this ballot. Not only is the ballot itself not secret, but if KPMG are so reputable, how on earth did they manage to design such absolutely slanted questions?

Senator LeBreton: That is the honourable senator's point of view. I have read the questions. They are very clear and very fair. KPMG have been given the responsibility for conducting this vote.

As to the honourable senator's specific question about the precise body that designed the questions, I will take it as notice. I think we have been through this subject before. Barley producers will, at the end of the day, vote their choice.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

NATIONAL HOMELESSNESS INITIATIVE— UNDER-SPENDING OF BUDGET

Hon. Sharon Carstairs: My question is to the Leader of the Government in the Senate. Honourable senators, day after day in our major cities in this country, we walk or drive by homeless persons. These individuals, many of whom suffer from mental illness, others with drug-related problems and others who simply have not been able to fit into our society, wander the streets. They lack food and, all too often, accommodation and they have inappropriate or a complete lack of medical services.

Can the Leader of the Government in the Senate explain why, with this tragedy unfolding daily before our eyes, the homeless initiative of the federal government will under-spend its budget by some $70 million?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I will take the question as notice.

Senator Carstairs: The Leader of the Government in the Senate may also add the following: How many meals for the hungry; how many nights in appropriate accommodation and how many medical interventions could have been met with the expenditure of this $70 million?

Senator LeBreton: I will add that to the question.

PUBLIC SAFETY

BORDER SERVICES AGENCY—ARMING OF GUARDS

Hon. Daniel Hays: My question is to the Leader of the Government in the Senate. In the last few days, namely on February 22 and February 27, I have noticed stories in the *Ottawa Sun* concerning the arming of border guards. If I read these articles correctly, the government is committing $1 billion to the arming of 5,000 border guards.

The articles point out that between 25 and 30 per cent of the border guards do not even want to carry firearms on the job. Further, the cost of arming is one thing but because all of the guards will be armed, it will preclude the hiring of students during the summer months, which was a welcome opportunity for those students and of benefit to Canadians through the lowering of costs.

Can the Leader of the Government in the Senate advise whether this decision to arm all 5,000 border guards at a cost of $1 billion is final, or whether —according to these articles — that decision is being reconsidered in terms of either not proceeding or else proceeding with arming only some of the guards, so that this horrendous cost can be reduced or minimized in some way?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. The decision to arm border guards was made and announced last August. It was made after considerable consultation with people who work along the borders.

• (1425)

I can remember seven or eight years ago being part of a committee where border guards appeared as witnesses. They asked then to be armed because of the situation at the borders with smuggling and people coming across with firearms.

Up to 100 officers will be trained by August 2007. With regard to the question about student summer jobs, the situation with regard to available jobs for our young people is quite good. We have a labour shortage all over the country. With respect to the summer student placement program, there are areas in the country where we do not have enough students.

Therefore, I do not think summer students will be without jobs as a result of this decision to arm our border guards.

Senator Hays: I do not think that the 1,300 summer students they normally hire will welcome that comment.

I have a further question arising out of the articles. It seems the main reason for arming the border guards is the potential threat to them if someone approaches the border that may be armed. The article indicates that on 44 occasions last year the guards abandoned their post altogether, claiming that without guns they were forced to work in dangerous conditions contrary to the labour code.

Subsequent investigations were carried out and none of those occasions posed any danger to the guards at that time.

Can the leader confirm that is the case?

Senator LeBreton: Obviously, if border guards abandoned their positions, even though it was later found that there was no reason to do so, they must have thought there was reason at the time.

Again, I go back to the original intent, which was to secure our borders and to keep drugs and firearms from coming across our borders. It was something that the border guards had requested for a considerable time.

Regarding summer students, there might have been a time when jobs like border guards were the only option for them. Now students have many options other than working along the border.

Senator Hays: The article points out that the border guard union has been concerned about the summer students and anxious that they not be hired.

My final supplementary question deals with the same two articles. The articles refer to an internal briefing memo to Minister Stockwell Day. If border officers are provided with side arms, other law enforcement officers, 450 park wardens, 6,800 correctional officers and 1,700 parole officers, will seek side arms. That is another 10,000 people with side arms, which will cost another $2 billion. Can the leader confirm whether these expenditures are planned?

Senator LeBreton: With regard to the article, it was a column written by a columnist in the Sun newspaper chain. Columnists are entitled to their opinions. That is why they are columnists. The columns are not necessarily based on fact. Often they are based on rumours. Therefore, I will not get into a debate over that particular columnist and whether his opinions are accurate.

• (1430)

Going back to the question of students being employed along the borders and if there is any particular plan for students this year, I will seek further clarification and see if there are any other plans in place for students who wish to work on the border.

[*Translation*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Eyton, seconded by the Honourable Senator Meighen, for the second reading of Bill C-26, to amend the Criminal Code (criminal interest rate).

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, in a past life, having sat for a number of years on the Standing Senate Committee on Banking, Trade and Commerce, I had the opportunity to conduct with a former colleague, Senator Plamondon, an in-depth examination of the possible problems encountered by Canadians with financial difficulties as a result of criminal interest rates.

As we know, the Senate passed Bill S-9 on June 28, 2005. This bill focused directly on section 347 of the Criminal Code on the issue of criminal interest rates. We conducted an in-depth examination of the bill and heard many witnesses, including representatives from financial institutions and consumer groups as well as individual consumers.

The Standing Senate Committee on Banking, Trade and Commerce will have to reconcile the work done previously with what has been done on Bill C-26.

The government's Bill C-26 would allow a 60 per cent interest rate, which I consider to be not right at all. This bill is so thin, it will not prevent the abuse of the less fortunate who, for reasons of basic survival, have to borrow small amounts of money for which the interest rates and related charges can amount to as much as 150 per cent.

The definition of the term "interest rate", the meaning of protection, and reconciling consideration of Bill C-26 with the work of our committee will require a lot of work before the consumer is protected from this infamous 60 per cent interest rate.

Honourable senators, the Province of Quebec has passed a bill to limit the interest rate to 35 per cent, which, although still very high, is not considered usurious. Unfortunately, the other provinces have not legislated in this area, and this bill does urge the provinces to do so.

I find it interesting, and at the same time, discouraging, that Canadians will not be protected in the same way in every province. For example, people living in poverty in other provinces that do not have this legislation will not be protected from the abuses of these institutions, which make a great deal of money on the backs of the less fortunate.

I would therefore like to remind honourable senators of the important work already done by the Standing Senate Committee on Banking, Trade and Commerce, which will examine this bill today. After hearing dozens of hours of witness testimony during consideration of Bill S-19, I wanted to ensure that we could reconcile these matters and, above all, protect those less fortunate.

The Hon. the Speaker *pro tempore***:** Honourable senators, it is moved that the bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

THE ESTIMATES, 2007-08

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of February 27, 2007, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10.

Motion agreed to.

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of February 27, 2007, moved:

> That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2008; and
>
> That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

CRIMINAL CODE

MOTION PURSUANT TO SUBSECTION 83.32(1)— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Di Nino:

1. That pursuant to subsection 83.32(1) of the Criminal Code, the application of sections 83.28, 83.29 and 83.3 of that Act be extended for a period of three years from the first day on which this resolution is passed by both Houses of Parliament.

2. That this Resolution come into force on the day on which it has been passed by both Houses of Parliament.

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

[*English*]

Hon. Lowell Murray: Honourable senators, my curiosity gets the better of me and there is, I think, a procedural point here. Am I correct in stating that this is the very resolution that was defeated in the other place yesterday, or the day before yesterday? What is the status of this resolution? It is not possible, as I understand it, to amend the resolution. The form of the resolution is prescribed by the statute and it has been defeated in the House of Commons. Is the government asking for leave to withdraw it for the Senate Order Paper?

Senator Comeau: Yes, this is the motion that was defeated in the House yesterday, which would make it such that if we move on it in this house, it is actually quite new. Having said that, it is an interesting motion to have on the books and we might wish to give it some thought as to whether we might want to come back to it for consideration in the future.

I suggest we leave the motion there and eventually we might have some discussions on it.

Senator Murray: Is there not a date, a deadline after which it does become obsolete? It is dead by tomorrow, is it not?

Senator Comeau: It is tomorrow, so we still have until tomorrow to deal with it. Let us deal with it tomorrow.

On motion of Senator Carstairs, debate adjourned.

• (1440)

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Comeau*)

Hon. Serge Joyal: Honourable senators, I have already spoken on this motion. It is under the name of Senator Comeau for the fourteenth day, and I wonder whether the honourable senator would agree to reset the clock.

This issue relates to a motion that appears later on the Order Paper, number 104 on page 10, under Senator Andreychuk. The two issues are linked and I will speak in support of the motion of Senator Andreychuk later this afternoon. I wanted to ensure the bill is not dropped because time lapses.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I appreciate that. I should have had a star beside the fourteenth day. I discussed this matter with Senator Andreychuk. Given the importance of this bill, we do not wish to see it fall off the Order Paper.

Having said that, I know Senator Andreychuk wishes to speak on it later. I will adjourn it, therefore, in name of Senator Andreychuk and we will be able to deal with this important issue.

The Hon. the Speaker: To ensure that the chair has understood, we have had an address by Senator Comeau on this item, and it has been moved that the item now be adjourned in the name of Senator Andreychuk.

Given that Senator Andreychuk is in the chamber, it would be appropriate for the senator in the chamber to make the motion.

On motion of Senator Andreychuk, debate adjourned.

[*Translation*]

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have discussed this bill with my colleagues opposite. The adjournment of this bill is in Senator Tkachuk's name. Rule 37(3) of the *Rules of the Senate* provides that the second speaker shall be permitted 45 minutes. However, Senator Tkachuk is not ready to give his speech today. Given that Senator Spivak wants to give her speech today, we would not want to delay her right to do so. I would ask honourable senators for leave to postpone Senator Tkachuk's 45 minutes.

[*English*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): We agree that if a senator wishes to speak today that they not be considered the second speaker, pursuant to rule 37(3) of the *Rules of the Senate*.

The Hon. the Speaker: Is it the agreement of the house that the second speaker is Senator Tkachuk? He reserves his 45 minutes, and I understand another honourable senator would like to speak now.

Hon. Senators: Agreed.

Hon. Mira Spivak: I want to thank the Deputy Leader of the Government and the Deputy Leader of the Opposition. I may not be back for a while so I would like to speak today.

Honourable senators, the ground has shifted under our feet. Except in certain benighted precincts — for example, the Fraser Institute — not many people are wasting their energy now trying to deny the science of global warming. Rather the arguments now, couched in language that sometimes beggars the imagination, is against the Kyoto Protocol.

Not only are the targets unrealistic, the argument goes, but to meet them would be catastrophic to the Canadian economy. The Kyoto treaty is described as a fantasy akin to believing in the Tooth Fairy — and it is political suicide and folly.

It has even been suggested that Kyoto is a socialist plot, despite the inconvenient truth that the leaders who brought Canada into the climate change convention have little credibility in socialist circles. I speak of Jean Charest and Brian Mulroney.

It is useful to note who the opponents of Kyoto are. First, some are industry leaders — in the oil industry, but not all leaders in the oil industry, by any means. Even Exxon has accepted the reality of climate change after spending millions of dollars for years to deny it.

Some leaders are members of Parliament, but one can hardly blame them. The turnaround has been fast. Then, the media, suddenly alerted to the issue, are relying on Coles Notes to understand the file.

There has been a well-orchestrated, well-funded campaign by Friends of Science, a coalition of anonymous donors and oil industry public relations professionals, through the Alberta-based Science Education Fund, to support the anti-Kyoto cause — not that there is anything wrong with that, as Seinfeld said, but we should keep those ties in mind. This is a democracy.

Until recently, the campaign succeeded in influencing public opinion and Canadian policy on climate change and the Kyoto Protocol. Had the campaign failed, Bill C-288 would not have been necessary. I do not think it was necessary anyway — or, as my colleague here may argue, it may not even be constitutional.

The Government of Canada had no option but to meet our Kyoto obligations, one way or another. Canada is legally bound by Kyoto and faces penalties for non-compliance. Canada also has a moral obligation, as do other industrialized nations, to address global climate change, and Kyoto is the only international instrument, at the moment, to deal with what is truly a global crisis.

When we pass this bill, the government will be required each year to lay out a plan for achieving the Kyoto commitment. The plan must set out emission limits and performance standards, it must describe market-based mechanisms adopted, et cetera.

If the government fails, the Kyoto Protocol will add 30 per cent to our shortfall and make it all the much harder to reach the next goal in the post-2012 period. This situation may not be fair but that is what it is.

The question is, What do we need to implement Kyoto or attempt to implement it? The first thing we need is leadership, there is no question — the kind of leadership Tony Blair has demonstrated on this file. Industry is asking for the Canadian government to lead. A surprising number of CEOs and CFOs, in a recent survey by *The Globe and Mail*, did not view the clean air act as a replacement of the Kyoto accord. That is, it might be good but it is not a plan to combat climate change.

Business leaders appear to be at a tipping point, where they realize that the economic up-side is in getting on with this environmental program, not fighting it. Donald Lang, CEO of CCL Industrial, says customers are demanding it — customers such as Proctor & Gamble and Unilever — because they do not want to be tarnished by suppliers but executives are waiting for governments to set targets, give them direction and give them what business needs — certainty.

The U.K. has already achieved a 15-per-cent reduction and expects to double its Kyoto commitment by 2010. In large part, that reduction is due to Tony Blair's leadership.

A draft government climate change plan based on the principle of reducing the intensity of greenhouse gas emissions will permit, according to the figures presented in that document, greenhouse gas emissions from all oil and gas production to rise by 46 per cent between 2000 and 2010. Emissions from oil sands producers will be 179 per cent higher in absolute numbers, although the emissions intensity reduction per unit will be 15 per cent. This is because of the forecast for increased production from the oil sands, a conservative estimate suggest some critics. Emissions from increased production could soar without limit as long as the emissions per unit of production are lowered.

• (1450)

Take, for example, Suncor Energy, an oil sands producer that has reduced emissions per barrel of oil by more than one third since 1990. Suncor Energy CEO Rick George made this admission in the company's 2006 report on climate change:

> Despite the success we've had over the past 15 years in reducing the intensity of greenhouse gas emissions, the fact that we are growing as a company means our absolute emissions are increasing.

In fact, Canada's 27 per cent increase in emissions since 1990 is also a 43 per cent improvement in emissions intensity. We will end the decade with perhaps emissions of 40 per cent higher, according to Jeffrey Rubin, CIBC World Markets' Chief Economist. Yet at the same time, emissions per unit of GDP will have fallen by 20 per cent. The intensity strategy will not meet the Kyoto commitment.

To implement this bill, we need fairness. Emissions are rising most rapidly in heavy industry that accounts for almost one half of Canada's emissions. We need stringent caps for those sectors, in particular electricity generation and upstream oil and gas where emissions have increased by 35 per cent and 58 per cent respectively since 1990. However, this does not let the consumer off the hook. We could follow Australia's example and ban the use of all incandescent light bulbs in our homes and businesses. We could have more energy-efficient cars and do many other things because the consumer has to play a role in this scenario as well.

Representatives of the Pembina Institute appeared before a House of Commons committee last week and set out absolute emissions targets of 6 per cent below 1990 levels for each of these sectors and for the energy-consuming sectors. They said that these heavy industries could reach the Kyoto targets by reducing emissions on site or by buying credits from domestic or international projects that have lower-cost solutions. The cost would be about $1 per barrel of oil. This would give us time to get to the technology because that is where the answer will be.

Economist Jeffrey Rubin, a new convert to the cap-and-trade logic, this week lauded the success it has had in the U.S. in reducing sulphur dioxide emissions. They have fallen 40 per cent below 1980 levels. In the last few weeks, we have seen figures bandied about that suggest that meeting our Kyoto commitment will cost some $25 billion to buy foreign credits. We are told that this bill will cause an economic collapse in Canada on the scale that Russia and Ukraine experienced.

It never hurts to be armed with the facts, and here are some to consider: In 2002, Marc Jaccard, co-author of *The Cost of Climate Policy*, estimated the direct costs to Canada of meeting the Kyoto target. Even at a cost range of $45 to $60 billion, it would have a relatively minor negative impact on family incomes, co-benefits that improve quality of life and allow for more sustainable communities, and limited lifestyle impacts.

As for the economy as a whole, Mr. Jaccard predicted a cumulative loss of GDP of 3 per cent by 2010. This would mean that an economy expected to grow by 30 per cent would instead grow by 27 per cent. I am not sure whether the cost of inaction might not make these figures totally out of line.

In addition to Canadian solutions, we would also need to purchase credits through the Clean Development Mechanism — a mechanism with *bona fides*, not costly hot air. The Canadian Manufacturers and Exporters lobby group has argued that the cost would be about $20 billion. In truth, it could be about one half of that amount, according to those closer to the data — the International Institute for Sustainable Development and the International Emissions Trading Association.

Whether industry can respond in time is another concern. Consider these facts: Canada's pulp and paper industry has already reduced its greenhouse gas emissions by 43 percent since 1990. By 2000, the chemical producers had also achieved a 43 per cent reduction in emissions, and they anticipate a 56 per cent reduction by 2010. Alcan has reduced its emissions by 30 per cent since 1990, while increasing production by 50 per cent. Du Pont has decreased its emissions by 80 per cent, and in that time frame has earned $3 billion more.

Amory Lovins, founder of the Rocky Mountain Institute and an energy conservation guru, recently commented on how the current political discussion is all about cost, burden and sacrifice. He explained that climate protection is not costly because energy efficiency is cheaper than fuel. It costs less to save fuel than to buy it. Years ago, Michael Porter of the Harvard Institute said the same thing.

Mr. Lovins counts as his clients the Pentagon, Coca-Cola and Wal-Mart. Consider Wal-Mart, in particular, whose sales of U.S. $312 billion last year were in the order of one quarter of Canada's GDP.

Some two years ago, the Wal-Mart CEO, Lee Scott, announced a plan to reduce its greenhouse gas emissions by 20 per cent by 2012. Last April, a Wal-Mart vice-president was before the U.S. Congress urging legislators to impose mandatory caps on carbon emissions. Can it be that Wal-Mart has bad economic information? The companies alongside Wal-Mart — Shell Oil, General Electric and Duke Energy — were also asking for those mandatory caps that could lead to emissions trading, similar to programs developed under Kyoto, in California and the U.S. Northeast.

General Electric is doubling its R&D budget for research into clean technologies from $700 million to $1.5 billion by 2010. This is not driven by altruism. CEO Jeff Immelt has listened to marketplace demands for these technologies and is responding to them; and he will make money that way.

A few years ago, General Electric put 500 energy conservation projects in place, reduced CO2 emissions by one quarter of a million tons and saved $14 million per year in energy costs — scarcely an economic disaster.

Darryl King, head of Direct Energy, one of North America's biggest gas and electricity marketing firm, has called for an end to subsidies to electricity, oil and gas because, he says, it is the wrong economic signal for conservation. He feels that the money could be better spent subsidizing high-energy furnaces and so forth.

I acknowledge that some credible analysts have described this bill as "Mission Impossible." Without it, however, we will have business as usual and ever-increasing emissions. Canada needs regulations that allow our corporations to plan and to act. We need to do some tax shifting — away from incomes and property and towards waste, pollution and greenhouse gas emissions.

Reducing greenhouse gases can have a happy side effect. Through technologies to reduce greenhouse gases, money can be saved on energy bills and wasted reserve, according to Eric Lloyd, head of Petroleum Technology Alliance, whose members include most of the big names in the oil patch.

There is a saying in Israel —

The Hon. the Speaker: I am afraid the honourable senator's time has expired.

The honourable senator asks for an extension of five minutes. Is it agreed?

Hon. Senators: Agreed.

• (1500)

Senator Spivak: In Israel there is a saying: Ain brera, which means "no option." The Israelis have developed this attitude in order to survive. They have made the deserts bloom where nothing grew before. In Canada, we do not have an option. We must grasp the indomitable and unbelievable opportunities that confront us and act.

On motion of Senator Tkachuk, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON
COMBATING ANTI-SEMITISM
AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,

2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;

4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;

5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;

6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;

7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;

8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;

9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);

10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;

11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;

12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;

13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;

14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;

15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;

16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands. —(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I rise today on the motion put forward by Senator Grafstein regarding the Resolution on Combating Anti-Semitism and other forms of intolerance adopted by the OSCE Parliamentary Association.

Let me quote from the Oxford English dictionary:

> Semite: [noun] A member of a group of Semitic-speaking peoples of the Near East and northern Africa, including the Arabs, Arameans, Babylonians, Carthaginians, Ethiopians, Hebrews and Phoenicians.

The official definition of Semite reminds us all that the term itself refers to a vast group of Semitic-speaking peoples that happens to include, amongst others, both Arabs and Jews. This resolution emphasizes that fact, and although anti-Semitism is more often than not perceived as hatred and bigotry toward Jews per se, we must not lose sight of the broader definition. The term also refers, of course, to Arabs. In our current global social climate, we must not allow one bigotry to be replaced by another. Combating anti-Semitism must include combating hatred and bigotry toward Arabs as well.

On November 22, the Nobel Laureate and Holocaust survivor Elie Wiesel spoke at Queen's University to more than 1200 people. The most touching and resonating moment of his speech was his reminder to everyone in the hall that "to remain silent and indifferent is the greatest sin of all." He went on to say, "a person who is indifferent to the suffering of others is complicit in the crime."

The resolution before us, adopted unanimously by the OSCE Parliamentary Assembly, calls to action all of its member states to speak up and shake off indifference by studying, legislating against, reporting on and, most important, acting on combating intolerance.

Personally, to my knowledge, I have never been the target of anti-Semitism. However, is that not precisely the point? Bigotry, racism and discrimination are rarely overt, or at least they never were in the past. Of course, they existed, but most people were far too correct to give audible voice to their biases or bigotries. If my religious affiliation was ever a problem for anyone else, I doubt that he or she would have been made those feelings public.

[*Translation*]

Today, however, in this post-9/11 era, it has become acceptable in some quarters to lump together one billion of our fellow human beings. Muslims, or in fact all Arabs no matter what their religion, are labelled in the same way. And this labelling is at the very heart of discrimination — the espousal of preconceived ideas about all individuals of the same race, religion or culture. The words and gestures are no longer subtle. Attributing the opinions or actions of a few mad extremists to all members of the same religion or the same culture is the very basis for racism and bigotry.

[*English*]

I want to take the time to quote from a speech given on September 11, 2006, at the Canadian Club in Montreal by Tony Comper, Chief Executive Officer of the Bank of Montreal, who, along with his wife, founded the organization, Fighting Anti-Semitism Together, FAST.

> We believe, the majority of Canadians do — that the time has long passed for polite silence in the face of anti-Semitism and other forms of hatred, bigotry and racism. What we hope to help create, both with FAST itself and with our *Choose Your Voice* educational program, is a nation of non-bystanders, Canadians of all heritages who simply no longer permit the anti-Semites and their like-minded kin to spread their poison unscathed. We hope to embolden and encourage those with still-open hearts and minds to stand up and speak out against discrimination, wherever and however it rears its ugly head, and marginalize the anti-Semites and bullies and bigots and take away their power to intimidate.

The Resolution on Combating Anti-Semitism and other forms of intolerance, adopted by the OSCE, urges, requests and resolves that all participating states, including Canada, act on the issue. The notion that many countries, many leaders and many cultures unite to contest this insidious problem is a good thing.

[*Translation*]

The planet has shrunk. Individual countries shaped by their culture and their heritage no longer operate independently. This community, which is now a global one, as well as the ease of travel and mobility have made immigration, integration and assimilation the new norm. Tolerance is now required of everyone and is the fruit of education and occasionally legislation. Canada is not indifferent. Diefenbaker's Canadian Bill of Rights set out, for the first time, that no Canadian was to be discriminated against on the basis of gender, religion, race, colour or language. It was the precursor to the Canadian Charter of Rights and Freedoms.

[*English*]

In this day and age, knowing the tragic history resulting from one form of anti-Semitism in the early 20th century, and remembering the words of Elie Wiesel, "because of indifference, one dies before one dies," Canada's history of tolerance should be publicly celebrated in a written report, as requested by the OSCE Parliamentary Assembly.

I support the motion that this resolution be referred to the Standing Senate Committee on Human Rights for consideration. In keeping with Canada's agreement in Brussels in July of last year, we should prepare a report for presentation at the 2007 session of the OSCE Parliamentary Association.

Let it be known to the association that all of us in this chamber agree with the Right Honourable John Diefenbaker when he said, July 1, 1960:

> I am a Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think right, free to oppose what I believe wrong, or free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

Honourable senators, the British and French parliaments have acted and done remarkable work on this resolution. I commend to all honourable senators on both sides the proposition that this body, as an integral part of the Parliament of Canada, engage and discharge this important duty to our colleague nations in the OSCE.

• (1510)

Hon. Jerahmiel S. Grafstein: Question!

Hon. Anne C. Cools: I would like to speak on this debate.

Senator Grafstein: This resolution has been on the Order Paper for five years. All senators have had an opportunity to consider it. I move the adoption of this resolution.

The Hon. the Speaker: The motion before the house is clear. It was moved by the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook. It is this motion that is now before the house for debate. We have had the intervention of Senator Segal. Is there further debate? I recognize Senator Cools.

Senator Cools: I am very interested, honourable senators, in speaking in this debate. I have been waiting for many months to listen to Senator Segal who, as we know, is one of the towering intellects in this place.

Hon. Senators: Hear, hear!

Senator Cools: Senator Segal can attest to the fact that I was here a few minutes ago. I left and I said that I was returning to hear his speech.

On motion of Senator Cools, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO REFER ISSUE OF DEVELOPING SYSTEMATIC PROCESS FOR APPLICATION OF THE *CHARTER OF RIGHTS AND FREEDOMS* AS IT APPLIES TO THE SENATE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk:
>
> That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I have moved this motion, which was seconded by the Honourable Senator Joyal, P.C., as I believe it is time that the Senate approach the issue of the application of the Charter of Rights and Freedoms to ensure a systematic process for the application of the Charter and other consequent rights legislation in this chamber.

It has been 25 years since the Charter of Rights and Freedoms came into effect and we would be remiss if we did not assess the practices and procedures in the Senate with a view to maximizing the Charter of Rights and Freedoms to all those who have dealings with the Senate and to all employees.

While I commend both the Senate and individual senators for their knowledge of the Charter and the work they have done, I think it is incumbent upon us to look at the various practices, procedures and policies that we have in place in order to assure ourselves that we are fully aware of our processes for the application of the Charter of Rights and Freedoms and that they are, in fact, in line with today's attitudes and court decisions.

In fact, Parliament is not above the law but bound by it. Even when parliamentary privilege applies, it is incumbent on us in this chamber to put a process in place for the comprehensive application of the Charter. Only if we do this will we be able to assure the citizens of Canada of our complete support of the Charter of Rights and Freedoms and that we have taken all the necessary steps to comply with it.

We have the recent *Vaid* decision of the Supreme Court of Canada of May 20, 2005, outlining the issues of parliamentary privilege in Canada and its consequent effect on the application of the Charter of Rights and Freedoms as it applies to the House of Commons. Honourable senators will remember that that case involved a chauffeur to the Speaker of the House of Commons who was informed that because of reorganization, his former position would be surplus. The chauffeur instead complained to the Canadian Human Rights Commission, invoking the Canadian Human Rights Act. In summary, the Speaker and the House of Commons invoked parliamentary privilege in a broad privilege of "management of employees," covering with immunity all dealings with all employees, without exception, who worked for the Legislative Branch of the Government.

While the judgment is extensive and no doubt has application to the Senate, a few points need to be noted. The Supreme Court stated that:

> Legislative bodies created by the Constitution Act, 1867 do not constitute enclaves shielded from the ordinary law of the land.
>
> In the majority view, an allegation of discrimination contrary to the Charter or the Canadian Human Rights Act was not immunized by parliamentary privilege because such discriminatory conduct, if proven, would actually diminish the integrity and dignity of the House, without improving its ability to fulfill constitutional mandate.

They further noted that:

> Parliamentary privilege in the Canadian context is the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions.

In another part of their judgment they stated:

> However, if the existence of the scope of the privilege has not been authoritatively established, the court will be required to test the claim against the doctrine of necessity — the foundation of all parliamentary privilege. In such a case, in order to sustain a claim of privilege, the assembly or member seeking this immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the assembly or its members of their functions as a legislative and deliberative body, including the assembly's work in holding the government to account, that outside interference would

> undermine the level of autonomy required to enable the assembly and its members to do their legislative work with dignity and efficiency. Once a claim to privilege is made out, the court will not inquire into the merits of its exercise in any particular instance.

The court held that the wide-ranging privilege asserted by the appellants has not been authoritatively established in the courts of Canada or the United Kingdom and is not supported as a matter of principle by the necessity test. The court commented on the British Joint Committee report that stated:

> The dividing line between privileged and non-privileged activities of each House is not easy to define. Perhaps the nearest approach to a definition is that the areas in which the court ought not to intervene extend beyond proceedings in parliament, but the privileged areas must be so closely and directly connected with proceedings in parliament that intervention by the court would be inconsistent with parliament's sovereignty as a legislative and deliberative assembly.

The Supreme Court supported this position when they stated:

> The proper focus, in my view, is not the grounds on which a particular privilege is exercised, but the prior question of the existence and scope of the privilege asserted by the parliament in the first place.

They further underscored that:

> It is a wise principle that the courts and Parliament strives to respect each other's role in the conduct of public affairs.

To do this in the Senate, I believe, requires that we fully assess the outcome of the *Vaid* case as it applies to the Senate of Canada and, second, that we ensure the maximization of rights while maintaining the proper balance with parliamentary privilege. To do so in a systematic way could be an adequate defence to any incursions in the future into Senate activities and would give a measure of comfort and understanding to those who come in contact with the Senate, either by way of dealings or by employment, that we respect and enforce the Charter of Rights and Freedoms.

I, personally, did not choose to intervene in the *Vaid* case as I believed that to do so would be entering into House of Commons affairs, and I wanted to ensure that any differences would be maintained and that no judgment would blanket all of us who work in the legislative field in Canada. My esteemed colleague and seconder of this motion, the Honourable Senator Joyal, chose to intervene, and I believe he has already explained his position and will continue to do so in this honourable chamber.

• (1520)

However, I believe that both of us agree that the Rules Committee could be seized with looking into the various aspects of this situation and the *Vaid* case, and I believe it would be timely for the Rules Committee to complete its work to ensure that we are charter compliant. To not do so could leave us open to valid criticism that we do not accept full adherence to the Charter of Rights and Freedoms and other legislation, yet we demand it of others. For consistency, and pursuant to our commitment to the Charter of Rights and Freedoms, it is important that we look at the *Vaid* case and the Charter and how we should apply them.

It has been noted by Senator Joyal that there are varying categories of employees. Some work for senators; some are within the bounds of parliamentary privilege and others are not. Senator Joyal has introduced Bill S-219, which I think is a companion and complement to this assessment. We should look seriously at that piece of legislation in order to incorporate any shortcomings we may have in our applications and adherence to the Charter of Rights and Freedoms.

Hon. Serge Joyal: Honourable senators, Senator Andreychuk has defined the parameters of the question much better than I could myself. I commend honourable senators to the motion that precedes Senator Andreychuk's motion on the Order Paper today, Motion No. 21, wherein Senator Segal calls the attention of the Senate to the impact of the Charter 24 years after its implementation, and the impact on the Charter on the prerogative of the Parliament of Canada. The two motions meet at some point. As Senator Andreychuk has stated, the point that she raises is a complement to a bill that I introduced earlier in the session dealing with one aspect of the issues. Senator Andreychuk's motion deals with the other aspect of the issues.

Honourable senators, let me briefly remind you of the situation in which employees of Parliament find themselves. When I say "employees of Parliament," I do not mean only employees of the Senate. I also means employees of the other place and employees who serve both places, such as the Library of Parliament, an institution that serves both houses.

How does the Charter apply to employees of the Parliament of Canada? According to the decision of the Supreme Court, on May 20, 2005, almost two years ago, the Supreme Court decided, first, that the Canadian Human Rights Act applied to everybody, including all the employees of Parliament. The problem stemmed from the fact that when there is a complaint of discrimination, the system that deals with the complaint is at least three-fold. An employee of Parliament — whether an employee of the Senate, the other place, or the library — must first define if he or she is covered by the Parliamentary Employment Staff Relations Act. If that person is a member of one of the units covered by the Parliamentary Employment Staff Relations Act, that person must go through the arbitration board established by the Labour Relation Act of Parliament.

If that person is not a member of one of those units, then they must ask themselves whether or not they occupy a privileged position. If the person does not occupy a privileged position, they then must go to the human rights tribunal. However, if they occupy a privileged position, then they have no recourse except to directly address one of the two houses.

Who are those persons who occupy privileged positions? That is the question that the Supreme Court had to resolve in the *Vaid* case. The court mused about those persons and concluded that the table officers are privileged. Why? Because they are directly connected to the legislative, deliberative functions of this place. The Black Rod is also privileged. Those officers were mentioned in the court's decision. If any of those people have a claim of discrimination, they must address themselves to this place — to the house.

Suppose one officer at the table — and I am not looking at any one of them presently — has a complaint based on discrimination, for instance on race. Where would that person find recourse? Not in the courts, because the precincts of this house are protected from court intervention. That person would have to address himself or herself to us. The point raised by Senator Andreychuk deals with the condition of those persons and the persons not covered by the Public Employment Staff Relations Act.

Honourable senators, it seems complex, but it is time — now two years after the decision of the court — that we try to put this house in order. There is no better committee than the Standing Committee on Rules, Procedures, and the Rights of Parliament to address this issue and to report to this place. Most likely the Rules Committee will want to consider the opportunity to propose amendments to the Rules of the Senate in order to establish a procedure. This procedure would govern any case of alleged discrimination involving an employee of this place, or an employee who is not covered by the Parliamentary Employee Staff Relations Act.

Honourable senators, I invite you to support this motion, because I think it is an issue that all of us have on our minds. As Senator Andreychuk stated, if there is an institution that should be above reproach in terms of implementing the substance and spirit of the Charter of Rights and Freedoms, it is this house of Parliament. Many senators have stated publicly, on many occasions, that we are a house to protect minorities. It should at least appear that our own employees are covered and have a system of redress, if they feel they should seek such redress, and that their concerns are arbitrated impartially and in a way that satisfies the nature of our constitutional obligations. I invite all honourable senators to support this motion.

[*Translation*]

Hon. Pierre Claude Nolin: Would Senator Joyal agree to answer a question or two?

Senator Joyal: Honourable senators, within the time I have remaining.

Senator Nolin: Senator Joyal, do the gentleman usher and the clerk of this chamber occupy privileged positions even though they are here by order of the Governor-in-Council?

Senator Joyal: Yes, in *Vaid*, the Supreme Court referred directly to these employees because their work is so closely connected with the legislative and deliberative functions of this house that it could not function if they were not here. Even though their status is confirmed by order of the Governor-in-Council, this does not change the nature of the responsibility and the essential role they play in the Senate's ability to assume its deliberative functions.

In other words, the Senate would not function without these employees. That is the criterion used by the Supreme Court to determine that the employees that you just identified are covered by the parliamentary privilege, just like you and me, as well as all the other honourable senators and, of course, His Honour, the Speaker. That is why the court defined very specific parameters to determine which employees should benefit from the parliamentary privilege.

In the case of Mr. Vaid, who was the chauffeur for the Speaker in the other place, the House of Commons argued that he was covered by the parliamentary privilege. However, the court ruled that this individual's function was indeed important but not essential to the deliberative and legislative function of the House, even though the chauffeur is in regular contact with the Honourable Speaker in the other place, or in this place.

• (1530)

[*English*]

Hon. Anne C. Cools: Does the Honourable Senator Joyal intend to close the debate because I would like to speak in this debate if possible. Could I move the adjournment?

Senator Joyal: Honourable senators, I have spoken in support of that motion and refer that motion to the Standing Senate Committee on Rules, Procedures and Rights of Parliament Committee to study that motion and come back with the appropriate recommendations.

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

It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk that the Senate refer to the Standing Committee on Rules, Procedures and Rights of Parliament, the issue of developing a systematic process for the application of the Canadian Charter of Rights and Freedoms as it applies to the Senate of Canada.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT AND COMMUNICATIONS COMMITTEE REPORT— INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Fraser calling the attention of the Senate to the Government response to the second report of the Standing Senate Committee on Transport and Communications entitled: *Final Report on the Canadian News Media*. —(*Honourable Senator Banks*)

Hon. Jim Munson: It has been my privilege to sit on the Senate Standing Committee on Transport and Communications and I am proud of the work we undertook to look at the Canadian news media. The final report this committee produced was comprehensive and included 40 recommendations. It was a serious piece of work. In it, the Senate committee outlined, among other things, worrisome developments in media concentration that are contrary to the public interest.

This concentration effectively silences the diversity of voices available to Canadians through the media. Recommendations included a call for a public review mechanism on issues of cross-ownership and concentration of ownership.

Of course we had other concerns. We also recommended an increased role for the CRTC to monitor and review cross-media mergers and ensure that a diversity of news and information programming is available through community television and radio.

In addition, we looked at the Competition Act, and asked the obvious question: If bank mergers can be reviewed for their impact on the public interest why are media mergers not subject to the same consideration and scrutiny?

How disappointing it was to read the response of the Government of Canada to this report. In a nutshell, the Government's response to our report is this: Do not worry. Be happy.

The government's response does not acknowledge market trends that limit the source of information to a few large organizations that are only becoming more powerful, thanks to a regulatory environment that allows it.

I do not have to tell you that Canada is a huge country with many different regions and a diverse population. To allow large communications giants to expand their control over the message is to fail in our duty to protect the public interest. In two of our largest cities, Montreal and Vancouver, news media are intensely concentrated. Canwest Global not only controls television and newspapers, but is now buying up community newspapers. In my home province of New Brunswick, the Irving group of companies owns nearly all the newspapers.

Huge deals take place to merge media giants and make them even bigger, and no one, no government body, says hang on, let us look at this.

The Senate report heard from many witnesses, and it is clear that when it comes to media, and a vigorous and free press, bigger is not necessarily better.

[*Translation*]

The government missed the boat in its response to our report. While it recognizes that Canadians get their news from a variety of media sources such as blogs, podcasting, the Internet, radio and television, it does not recognize diversity in the delivery of the message, and it does not guarantee diversity in the message. The reality is that blogs, podcasting, the Internet, radio programs and other sources of information report the same news, perhaps with some differences, but it is nevertheless the same news.

The government's response seems to confuse the diversity of platforms with the diversity of sources and voices.

[*English*]

Our Senate committee believes that the interests of our country and Canadians are best served by a strong and vibrant news media. With our 40 recommendations, we make it clear that the status quo is not okay.

The status quo does not serve well the interests of Canadians today, and certainly not into the future.

Our Senate committee also looked at the role of the Canadian Broadcasting Corporation to see how its governance could be improved. Once again, it was no go.

This experience has been frustrating for our committee and I am sure, for Senator Tkachuk who sat with me in the committee and went across the country as we bonded in a non-partisan way and came to these conclusions. We looked at every issue. I am sure that Senator Tkachuk must be sitting here, concerned and worried that there has not much of a response from his own government on this issue. I look forward to Senator Tkachuk speaking to this issue one day, because I am sure we all agree with the 40 recommendations, and he has read Minister Oda's response to it.

I find this situation frustrating on two levels. First, as a terminal news junky with childhood memories of listening to the news on the radio at a young age, and as a former reporter, I have a passion for the news and I have a passion for the profession of journalism. Worrisome trends in this country are affecting the practice of journalism. Independent thought, different perspectives, the foundation of a strong and healthy democracy, depend on many media sources, not only the biggest and most profitable ones. In Canada, we need to take action to ensure we hear many voices and see many points of view.

The second aspect of this issue that concerns me is the Government of Canada's response to the comprehensive work undertaken by the Standing Senate Committee on Transport and Communications. The Senate has a role to play in our democracy. We have a job to do and we do it well. For the Government to dismiss the concerns and recommendations of a standing Senate committee, is worrisome. The government's response is to say the government believes that the balance contained in the current legislative, regulatory and policy framework, supported by various government programs, has served Canadians well.

This Senate committee studied some serious issues, raised serious concerns and made some serious recommendations. I am troubled that our work was dismissed with such a trivial response.

Hon. Senators: Hear, hear!

Hon. Francis William Mahovlich: I was wondering about the many Canadians who have owned media and have gone to England and America, and purchased other newspapers. Do other countries have rules or regulations governing their newspapers?

Senator Munson: I thank the honourable senator for the question.

The United States of America has rules and regulations on what they can own and what they cannot own in each individual marketplace.

There are regulations as to whether they can own a newspaper or their own radio or television so there are rules around the world, in the United States and U.K. and in many other countries. I think this country could follow or learn lessons from some of those examples.

• (1540)

Senator Mahovlich: Was it not Conrad Black who owned with Hollinger, I believe, the *Chicago Tribune*, and he was allowed to purchase a large newspaper company. I am sure that every country has an open invitation for anyone who wants to buy a certain newspaper.

Was it not the Thomson family who went to Scotland and bought a newspaper in Edinburgh?

Senator Munson: They have, and I have no complaint against families or companies buying newspapers. Our concern is with cross-media ownership, and moving into a marketplace where there are no checks and balances.

We do have foreign regulation rules in this country. You can only buy so much of a newspaper in this country if you are a foreign owner.

In our report, in dealing with this issue of newspapers, we were seeking to have a threshold, perhaps at 33 per cent, of owning radio, television, and newspapers in a city such as Vancouver. At some point there has to be a mechanism that kicks into place under the Competition Act where, in a very public forum, a transparent forum, we say: Is this good for our democracy? Are we getting the diverse views? The little guy, so to speak, is being pushed to the sidelines. Our worry was that one voice in one market is not good in the very vibrant democracy in which we live.

On motion of Senator Banks, debate adjourned.

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled *Moving Forward on Early Learning and Child Care*, as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the Northwest Territories and Nunavut.—(*Honourable Senator Cordy*)

Hon. Jane Cordy: Honourable senators, I am very pleased to continue the debate on the inquiry of Senator Trenholme Counsell on early learning and child care, and more specifically on the agreements in principle signed by the Government of Canada and provincial governments between April 29, 2005 and November 25, 2005. I congratulate her on her initiative and the hard work that she has done.

The process to reach the child care agreements of 2005 involved every province and every territory. It engaged hundreds of parents and stakeholders to whom Minister Dryden listened. The consensus reached during these consultations was that we needed a child care system in Canada.

I believe that early learning and child care should be front and centre of any political agenda. In fact, a recent Environics poll showed that 76 per cent of Canadian voters view the lack of affordable child care as a serious or very serious problem, and that 82 per cent of Canadian voters believe that governments should play an important role in the area of child care. A majority of Canadians, 76 per cent, agree with the national child care plan initiated by the previous Liberal government under the direction of Minister Ken Dryden. This should not be a surprise to anyone.

The early learning and child care plan was a result of consultation between the provinces and territories and the federal government. It is not often that negotiations are so successful, but across the country there was a realization that something had to be done. As a former grade primary teacher, I know that the early years of life are critically important.

To quote the early learning and child care agreement between the government of Nova Scotia and of Canada:

> Research demonstrates that high quality learning and child care play an important role in promoting social, emotional and cognitive development of young children. Promotion of learning and development in early childhood supports the participation of parents in employment and education and supports parents in their primary responsibility for the care and nurturing of their children by improving early learning and child care for families with young children. . . Nova Scotia's vision is to ensure all Nova Scotian children enjoy a good start in life and be nurtured and supported by caring families and communities.

Dr. John Hamm, who was premier at the time of the signing of the agreement in principle, stated:

> Our future belongs to our children and this agreement in principle will help us better support them in years to come.

However, we now have a new premier in Nova Scotia, Rodney MacDonald, and what does he say about child care? He is on record as calling on the new — well, not so new — Conservative government to honour the five-year deal made with Minister Dryden and he would also like the $1,200 before tax allowance which is sent out to the parents of children under six. He refers to it as the blended approach and as a premier, of course, he would want both. He recognizes the need for more child care spaces in Nova Scotia. I do not always agree with Premier MacDonald, but in this case I do.

In Nova Scotia, we need more high quality child care spaces. The Liberal program signed by Premier Hamm and Prime Minister Martin would have created 7,167 child care spaces by the end of the five-year deal. That investment in our young children would have allowed Nova Scotia to build on its strengths and to provide more developmental programs and more early learning and child care opportunities for children under six.

Honourable senators, the majority of Canadian families have both parents in the work place. This is different from when most of us were growing up, but it is today's reality. Child care is a

necessity for parents who are to work, to train, or to re-educate. Child care is also a necessity for those families struggling to escape poverty and welfare by finding and keeping jobs.

The Conservative government's child care allowance is the focus of this government's child care policy. This child care allowance of $100 a month before taxes is not a child care program. It is a family allowance check or a baby bonus cheque, a policy repealed by the government of Brian Mulroney. It does not create child care spaces. You do not find quality child care in the mailbox. The Conservatives say that the $100 a month provides choices in child care. Honourable senators, choices are pretty limited for $3.50 a day, before taxes.

In his reply to the Speech from the Throne, Senator John Bryden gave us an excellent analysis of the true value of the $1,200 child care allowance. He went into great detail of how the payments would trigger reductions in income-tested benefits and increases in taxes. Most Canadian families will end up with considerably less than $1,200.

When Canadians fill out their tax returns this spring, they will discover that they must claim the $1,200. On top of this, Prime Minister Harper cancelled the young child's supplement last year, which amounts to $400 million taken away from families. Honourable senators, I would agree with Senator Bryden, who stated that this was an unfair policy because poor and modest income families will receive smaller benefits than middle and upper income families. To quote Senator Bryden: This is wrong. This is bad public policy.

The Conservative government's plan is a tax incentive for businesses and community groups to supposedly create 125,000 new child care spaces. This plan amounts to a one-time credit of $10,000 to create each space, but 85 per cent of the costs of child care spaces are operational costs. The Conservative plan offers nothing to keep that space open. It also offers nothing to ensure the quality of the space. This tax incentive approach was tried previously by Premier Mike Harris in Ontario. Honourable senators, this plan was an absolute failure: not a single new space was created. Yes, that is correct, not a single new space.

• (1550)

Response for the Conservative government's plan from the business community has not been enthusiastic, to say the least. Catherine Swift, the head of the Canadian Federation of Independent Business, stated:

> It's just not practical, 75 per cent of businesses in this country have fewer than five employees.

Several provincial ministers have dismissed tax incentives as ineffective. In fact, a briefing book prepared for former Minister Finlay said that tax incentives have had limited success in the past and had, indeed, an extremely low take-up rate.

The plan is also open to community and non-profit groups, although how they will qualify for tax credits when they pay no tax is unclear. Child care spaces in the workplace may certainly be part of an overall plan, but as a substitute for a national, well-planned, child care initiative, I think not.

On September 5, 2006, the previous Minister of Human Resources and Social Development, Minister Diane Finlay, announced the creation of a ministerial advisory committee to advise her on the design of the child care spaces initiative. The committee, chaired by Dr. Gordon Chong of Toronto, was made up of nine members who were to report to the minister last fall. My understanding is that this report is now in the hands of the current minister, Monty Solberg. The media release by the minister in September states that the report will be available to the general public by HRDSC. I am hopeful that this will happen shortly so that we may examine in more detail the design of the child care spaces initiative put forward by this Conservative government.

Honourable senators, the Conservative government and Prime Minister Stephen Harper have received a failing grade by child care advocates. The national early learning and child care program was scrapped. It was replaced by a $100 a month, before-tax baby bonus and a child care space initiative, which has, to date, created no new child care spaces. Child care is a serious issue for thousands of families in Canada and it should be a serious issue for this government.

Once again, I would like to thank Senator Trenholme Counsell for initiating this inquiry, and to the other senators who have spoken on a subject that is so important to Canadian families.

Hon. Elizabeth Hubley: I am wondering whether Senator Cordy would take a question.

First, I would like to commend her on her thorough report on the child care spaces that are required. Governments have many areas where they can make funding available to address many of our social challenges today. You mentioned literacy and poverty. I would also like to bring in high school dropouts and the challenges that are facing single parent families.

How important is it for governments to take this issue very seriously, as an intervention that will be well worth their while down the road in addressing some of the concerns that she expressed today? Perhaps she might have some examples of child care spaces that have done exactly that.

Senator Cordy: Thank you for the question. I think it is very important for governments to step in and take responsibility. As I said earlier, being a primary grade teacher for many years, I know the early years of life are so important. In fact, there is a book, *All I Really Need to Know I Learned in Kindergarten*.

For about 10 years, I taught in a community just outside of Dartmouth, which is where I live. The community was East Preston, which was a Black community. There was an East Preston daycare centre that was supported by the provincial and federal governments. However, it was more than a daycare centre. It was really the centre for the community. I can remember teaching in the school in that community and meeting, on many occasions, with the people who ran the daycare centre and talking to them about what they did and how they better prepared the children to start school. What it really was, more than a daycare centre, was a head start program. Even the children whose parents were stay-at-home parents were picked up by bus in the community and taken to the daycare centre.

Everyone in the community knew about the centre. It was open to everyone to walk in and see what was going on. It was a focal point of the community and it was very successful. In fact, Joyce Ross, who started the daycare centre, has received much

recognition by different levels of government for the work that she did in initiating this program.

That is just one major example. That is just a daycare centre that goes above and beyond what we think of as a stereotypical child care centre.

On motion of Senator Tardif for Senator Mercer, debate adjourned.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn, pursuant to notice of February 27, 2007, moved:

> That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit between Monday, March 5, 2007 and Friday, March 9, 2007, inclusive, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Senators: Question!

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

Motion agreed to.

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

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