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Tuesday, May 2, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, May 2, 2006

The Senate met at 2 p.m., the Speaker in the chair.

• (1410)

Prayers.

[Translation]

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE
DUNCAN JAMES JESSIMAN, Q.C.

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10) of the *Rules of the Senate*, the Leader of the Government has requested that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Duncan James Jessiman, former senator, whose death occurred on April 19, 2006.

I remind honourable senators that, pursuant to the *Rules of the Senate*, each senator will be allowed three minutes to speak once only and the time for senators' statements shall not exceed 15 minutes.

Hon. Terry Stratton: Honourable senators, I rise today to pay tribute to the late Honourable Duncan James Jessiman. Senator Jessiman began his service to Canada when, at the age of 18, he joined the Royal Canadian Navy as a midshipman. In that capacity he served in the coastal forces in Canada, the United Kingdom and France. He served with the 29th Canadian Motor Torpedo Boat Flotilla and participated in the Allied liberation of Europe on D-Day — June 6, 1944 — and other in operations on the French, Belgian and Dutch coasts. After surviving the destruction of his flotilla off the coast of the France, he always considered himself one of the luckiest and most blessed individuals.

[Translation]

Upon returning to Canada, Senator Jessiman pursued his education and earned his LL.B., then began to practice in 1948. He was appointed Queen's Counsel in 1959.

[English]

He was a lifelong member of the Progressive Conservative Party of Canada and became a senator in 1993. He took great pride in his work in the Senate, where he served on numerous committees.

In his community, Senator Jessiman participated in the Rotary Club of Winnipeg, eventually becoming president; in the University of Winnipeg, where he became chairperson of the board; and in the Victoria General Hospital Research and Services Inc., of which he was a founding member, chairperson of the board and executive committee member. He also served as a director of Air Canada.

He was always proud of his irreproachable honesty and his careful attention to detail in complex matters.

He was a witty man known for his powers of concentration. He was able to direct all of his attention to the matter at hand, usually for the benefit of others.

His great determination was legendary, and people could always count on him. Everyone admired his strength, his energy and his good spirits. He will certainly be missed.

[English]

In closing, I would like to add a little personal note about Duncan's sense of humour. The priest at St. George's Anglican Church where the funeral was held last Tuesday gave sermons every Sunday and on Wednesday mornings. The priest soon realized that Duncan attended both the Sunday service and the Wednesday service.. After seven weeks, the priest approached Duncan and asked him why he felt it necessary to attend both services. Duncan's response, and I want you to pay attention to this, honourable senators, was, "I am cramming for my final exam."

[Translation]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, the Honourable Duncan James Jessiman was a man of great distinction. He always served his community, this institution and our country with devotion and loyalty. I am honoured to pay tribute to him by recalling some of the highlights of his public and private career.

Senator Jessiman enlisted in the Canadian Navy at the age of 18 and participated in the Allied liberation of Europe in 1944. With the late Senator Gigantès and former Senator Phillips, he was among the last three of our colleagues to have fought in the Second World War.

[English]

He was appointed to the Senate in 1993 by Prime Minister Brian Mulroney and brought to our chamber the leadership, knowledge and experience he acquired, while serving as an officer in the navy, a lawyer, a university lecturer and a volunteer in his community.

As a member of the Subcommittee on Veterans Affairs, he pushed for better medical care for veterans and helped in the development of common ground, consensus and agreement regarding the new war museum.

As a member of the Standing Senate Committee on Legal and Constitutional Affairs and numerous others, he used his skills as a jurist and negotiator to raise, explain and defend legitimate concerns about various issues on legislation.

On his retirement from the Senate, he was variously described as an “ornament to this house,” “a great friend and gentleman filled with energy, enthusiasm and brilliance” and “possessed of an uncanny ability to dissect legislation.”

Senator Jessiman retired from the chamber amid the glowing praise of his colleagues and I know his passing leaves all of us who knew him with a sense of loss. On behalf of my colleagues on this side, I wish to extend my condolences to his wife Alix, his children and his grandchildren.

• (1415)

Hon. David Tkachuk: Honourable senators, on June 4, 1998, I paid tribute to Senator Jessiman on his retirement from the Senate. I wished him a long and healthy retirement. It has been eight years, and there is no doubt he packed a long and healthy retirement into those eight years.

Born in 1923, Dunc belonged to what Tom Brokaw called “the greatest generation.” He came of age during the Depression and at 18 joined the Canadian Navy. He served during the Second World War, seeing action on the French, Belgian and Dutch coasts as part of the 29th Canadian Motor Torpedo. On June 6, 1944, he participated in D-Day; and the year following, he was one of the few to survive the destruction of his squadron at Ostend. These days, people of 18 go looking for adventure. In Dunc Jessiman’s time, adventure found them. He and his peers rose to meet challenges that we today can hardly imagine.

He was born in hardscrabble times. His mother died when he was only nine; and he lived to see both his father and two brothers pass away before him.

In 1948, he graduated from the faculty of law at the University of Manitoba and soon after established himself in the legal profession in Manitoba. He had a stellar career as a lawyer and as a member and volunteer of the Progressive Conservative Party in Manitoba and the Progressive Conservative Party of Canada, before landing here in the Senate the same year I did.

The Senate is where I came to know and admire Senator Jessiman. We served, along with Senator LeBreton, the late Senator Finlay MacDonald and Senator John Lynch-Staunton on the Pearson Airport inquiry. Senator Jessiman had thorough work habits and an astonishing propensity for hard work. He had boundless energy and was highly embarrassed at the blue language that Senator Finlay MacDonald and I would use sometimes. He was even more shocked that Senator LeBreton would listen to it.

I was gratified to see that in one of the obituaries that I read, the Senate seemed to mean as much to Dunc as he did to the Senate. The article quoted his son, who said:

My father loved the Senate....he thought it was one of the greatest things he had gotten involved in.

That is no small praise coming from a man who had done so much in his life. I think it is fair to say that, for us sitting here in this chamber, it was one of the greatest things that he did, getting involved with us and our caucus and this institution.

God bless you, Dunc.

Hon. Sharon Carstairs: Honourable senators, I rise today in sadness to pay tribute to the late Duncan Jessiman, Q.C.

Duncan and I not only had five years together in this chamber, we also lived for a number of years in the same small condo project in Winnipeg. Indeed, I think I was the first to arrive at his home, just four doors away from mine, with a bottle of champagne when he was appointed to the chamber.

He dearly wanted to be here. I think that was very clear in discussions I had with him before that actual appointment. In fact, he used to tell me that the former prime minister, Brian Mulroney, used to call him “senator” long before he was appointed to this place.

As Senator Tkachuk said, he truly loved this place. He worked very hard here, but he also kept an open mind on issues. We witnessed this particularly on the special committee on drugs, when he went from a hard-line position to an understanding that our present drug laws were not working and that changes were necessary.

Our colleague Senator Massicotte asked me to say the following — sentiments with which I completely concur. I quote from a letter that Senator Massicotte has written to the family:

Duncan was a model of an intelligent, very active but caring person, with a high integrity in business. He was impressive to all who met him. He was very special and even had an important role-model influence in my own early business life. I was very respectful and fond of him, which even led to our own friendship. He generously gave and brought a lot to many people.

He was, indeed, a very special man who touched many and he will be missed. My condolences to Alix, his children and his grandchildren, of whom he was so very proud.

Hon. Anne C. Cools: Honourable senators, I, too, would like to pay tribute to dear Senator Duncan Jessiman. I join all honourable colleagues in this role.

I must say that in listening to Senator Stratton’s remarks about Duncan, and about his visits to church, I was reminded of 2 Timothy 4:7, where it says:

I have fought a good fight, I have finished my course, I have kept the faith.

About Duncan Jessiman, we can truly say that at all times he kept the faith.

• (1420)

Duncan Jessiman was a very special and wonderful human being. He was a very nice and kind man. He told me on one occasion that even though he had served as a veteran, he only really appreciated the sacrifice and the duty he had shown after coming to the Senate. He told me once that coming to the Senate helped him understand many things that he had not given sufficient thought to.

As we know, he was a veteran of World War II. He served with me on the Subcommittee on Veterans Affairs when, as honourable senators will recall, we fought hard for the war museum.

To my mind, Senator Jessiman's greatest contribution as a senator was around the questions of divorce, child support and child custody. I am sure that all here will recall back in 1996 to 1997, when Senator Jessiman and I spearheaded the movement in this chamber to amend a particular divorce bill to reinstate the entitlement of children to the financial support of both parents, mothers and fathers.

Senator Jessiman and I proposed that a special joint committee on custody and access after divorce be constituted. Senator Jessiman shared with me a sincere and strenuous commitment to the notion that, after divorce, children should have meaningful involvement with both parents and the financial and emotional support of both parents. That seemed so obvious to me, but to many in certain ideological quarter of this country, that view is not widely held.

This is a final testament, in a way, to this very nice and wonderful man. Many senators have come here and they have served. When leaving here, I heard Senator Jessiman identify his staff by name and thank them in personal ways. I remember being touched by that.

I would like to read a poem by William Ernest Henley that has meant a lot to me in my life on different occasions. Senator Jessiman was a man who fought for many causes. The older honourable senators here would know the poem called *Invictus*. Senator Jessiman touched me in a certain way, and when he retired, I read this poem into the record. I would like to read it again:

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud,
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the horror of the shade,
And yet the menace of the years
Finds, and shall find me, unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate:
I am the captain of my soul.

Honourable senators in closing, I would like to say Senator Jessiman was a good man, a good husband, a good father, a good grandfather, a good friend, a good senator and a good veteran.

Hon. W. David Angus: Honourable senators, I wish to add my personal reflections on the passing of the late Senator Jessiman, especially as I was absent from Ottawa on June 4, 1998, when a number of fine tributes were made to honour Senator Jessiman on the occasion of his retirement from this place.

I was first introduced to Duncan James Jessiman — or DJJ, as he was fondly known — in 1967 by my partner, the late Heward Stikeman, in our Montreal law office. Duncan was an old friend of Heward's, and he was in town looking for money and volunteers to support the campaign of Duff Roblin for leadership of the Progressive Conservative Party of Canada. Heward volunteered me, and thus began my career as a Tory fundraiser on a national scale.

Two things stand out in my memory of the Roblin campaign, other than the disappointment our team felt when Duff ultimately lost out in the final ballot to the Right Honourable Robert L. Stanfield. One was the passionate interest Manitobans had in national politics. Duff Roblin had all his cabinet ministers around him, and I particularly remember Sidney Spivak, whose spouse, Mira, is one of our colleagues in this chamber; Sterling Lyon, Walter Weir and then people like Bill Gardner, Nate Nurgitz, and the MacDonalds. This was a group of people so passionate about politics that, even if one had no interest at all, you could not leave a room at the Royal York without becoming hooked for life.

The other thing that stands out was the power and influence of Duncan James Jessiman in that era as both a federal and a provincial Progressive Conservative fundraiser in Manitoba. I had the great experience of traversing back and forth across our great country with him in 1967, Canada's centenary year, raising money and recruiting delegates for the Roblin campaign; a memorable experience, which was repeated eight years later when Duncan and I criss-crossed the nation one more time, this time on behalf of a young Brian Mulroney, who was making his first bid for the party leadership at a convention to be held on February 22, 1976 in this town.

My friend Duncan Jessiman was a man who passionately loved Canada. He loved Manitoba, and he loved the PC Party. Indeed, he loved life in all its aspects. He had a real zest for life, and was full of energy, enthusiasm and ambition. He gave his all in everything he did; he wanted to be the best, number one. He was a talented and successful corporate attorney, as well as a shrewd and canny businessman and investor.

He also had a humorous side, and he loved to party. He fancied himself the best, most light-footed ballroom dancer west of the Ottawa River, and he could cut a fine rug wherever and whenever the music was playing and a comely partner was available. I remember two occasions when Duncan visited Montreal during the Christmas season and made the rounds of the law firm

Christmas parties which were held in the downtown hotels. I would not say that he was crashing these parties; he was simply showing up, and he would trip the light fantastic with a bevy of young and not-so-young Québécoise avocates.

Duncan Jessiman was a dear, loyal friend and mentor who was a great influence in getting me interested in Canadian politics in a national way. I have a myriad of happy memories about the experiences I was privileged to share with him. I mourn his passing and will miss him. My sincere condolences to the Jessiman family. May he rest in peace.

NATIONAL HOSPICE PALLIATIVE CARE WEEK

Hon. Sharon Carstairs: Honourable senators, quality end-of-life care for the dying is an issue that touches Canadians from coast to coast. However, although there are more than 430 hospice palliative care programs and services listed by the Canadian Hospice Palliative Care Association on their website, most of those working in the field still estimate that no more than 15 per cent of Canadians have access to hospice palliative care. For children, that figure falls to 3.3 per cent, according to a recent Canadian Institute for Health Research project.

May 1 to 7 is National Hospice Palliative Care Week, an occasion for Canadians to reflect on the importance of living well until the end, and to showcase the work and achievements of palliative care programs and services across Canada. This year's theme, "My Living, My Dying. Informed, Involved and In-Charge ... Right to the End!" is focused on the needs of Canadians to discuss their end-of-life wishes with their friends, families and doctors.

Advance care planning, as we learned in two different Senate studies on this issue, is an essential part of the process of living well until the end, as often the most important aspect of advance care planning is the discussion held with loved ones about the needs and wishes of the dying individual.

• (1430)

To mark the end of National Hospice Palliative Care Week, on Sunday, May 7, 2006, thousands of people across Canada will lace up their sneakers and hiking boots to support the Fourth Annual Hike for Hospice Palliative Care. Although I have participated in this walk for the previous three years, I will not be able to this year as I will be in Nairobi with the Inter-Parliamentary Union. However, I wish all participants at the more than 100 sites of the hike across Canada all the best and assure them I am with them in spirit.

[Translation]

MR. HUGH MCFADYEN

CONGRATULATIONS ON BECOMING LEADER OF PROGRESSIVE CONSERVATIVE PARTY OF MANITOBA

Hon. Terry Stratton: Honourable senators, I rise today to offer my congratulations to Hugh McFadyen, who was the victor at the leadership convention of the Progressive Conservative Party of Manitoba on Saturday, April 29, 2006.

[English]

He was president of the youth of the Progressive Conservative Party of Manitoba when I ran the elections in Manitoba in the 1980s. He did a superb job in 1984 and 1988. He is also a world-class curler, winning the Canadian junior crown and qualifying for the Olympic trials.

Mr. McFadyen is married with two young children under the age of four. Professionally, he is a lawyer and served as a top adviser to both Winnipeg Mayor Sam Katz and former Premier Gary Filmon. He currently is a member of the Legislative Assembly of the Province of Manitoba in the constituency for Fort Whyte.

I have known Hugh since he was the president of the Progressive Conservative youth. Having known him for such a length of time, I have come to know his character and his integrity. I firmly believe that this individual will be the next premier of Manitoba.

THE LATE JOHN KENNETH GALBRAITH, O.C.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay tribute to the late and great John Kenneth Galbraith. John Kenneth Galbraith: an imposing name for an imposing figure and a most imposing and formidable mind.

In 1958, in my final year at law school, I read a book, *The Affluent Society*, written by John Kenneth Galbraith. That book had a major influence on my youthful and impressionable mind. Suddenly, economics, law, political science and sociology, which I all struggled with at Western, came together for me and demonstrated what was possible with a liberal political attitude and mind.

In 1961, I founded a journal called "The Journal of Liberal Thought" to generate liberal ideas. I wrote to John Kenneth Galbraith and he responded. He went further and articulated and assisted me in things that I should explore and people I should contact to assist, including Barbara Ward, who, at that time, wrote a stunning article for that journal.

Mr. Galbraith and I shared common roots, I discovered. We were both born in southwestern Ontario. Both his father and my father were Liberal Party workers. We considered ourselves true Grits and shared an early admiration for Mitch Hepburn when he was on the rise — not in his latter years.

Mr. Galbraith and I kept in touch. I read each and every one of his books. In 1974, when wage and price controls were issues in the land — and senators on the other side will recall that time — Mr. Trudeau could not make up his mind about what to do after the election, having fought the election against wage and price controls. The last person he saw who convinced him that wage and price controls were possible was John Kenneth Galbraith. Mr. Galbraith was influential in that regard because one of the most important pieces of work that he had done during the war was a study of wage and price controls.

John Kenneth Galbraith's career as a gadfly, writer, diplomat, political speech writer and an adviser was scintillating. He could write with great panache. He had wit and he could turn a phrase. He coined the phrase "conventional wisdom" and once told me that conventional wisdom is usually always wrong or always late. He was a contrarian.

In 1997, the Governor General saw fit to award Mr. Galbraith the highest honour we can bestow on a Canadian, the Order of Canada. I was privileged to be one of the few to be invited to that ceremony.

After his passing, Mr. Galbraith's son said that his father was not dead. His father was alive. He was alive in his words, in his thoughts, in his books. I believe, honourable senators, that the best way to judge John Kenneth Galbraith is to read once again each and every one of his books. He had much to say to my generation, and I think he has much to say to the present generation.

His ideas are alive. He will live on. He will be missed. We offer our condolences and our best wishes to his children and his grandchildren.

CATERING TO THE UNITED STATES

Hon. Pierrette Ringuette: Honourable senators, it seems that Canada has a new booming business in the international catering industry. Since its inception, it has generated billions of dollars to the U.S. economy.

Honourable senators, this new catering business is named "Harper's U.S.A. Catering," and was created by the Prime Minister at a first meeting in Mexico: catering to the U.S.A. in agreeing to the border ID card that will cost billions of dollars to the Canadian economy and cause a decrease in traffic for our tourism industry, in addition to our retail industry; catering to the U.S.A. in agreeing to forego the free trade agreement; catering to the U.S.A. in agreeing to funding from our Canadian forest industry of over \$1 billion to the U.S. forest industry to do research and development and to devise a market strategy so that the U.S. forest industry can more aggressively compete against us in the global market; and catering to the U.S. in agreeing to a renewed and expanded NORAD without consulting Canadians and parliamentarians.

Unfortunately, this Harper's U.S.A. catering business has reduced job creation and economic development in Canada. Billions of dollars of the Canadian economy have been sacrificed to create this new and fast-growing Harper U.S.A. catering business, and all of that with just one meeting.

God bless Canada. If there is one more meeting, as for me, I say, "Vive le Canada!"

SPIRIT OF ALBERTA

SMITHSONIAN FOLKLIFE FESTIVAL

Hon. Tommy Banks: Honourable senators, I wish to refer in a different way to the United States by way of information only and invitation. From June 26 until July 11 in the coming summer,

Washington, D.C. will be alive with a different kind of partying: the sounds, the sights, the tastes, the innovative ideas and the spirit of Alberta. The culture of Alberta — and I mean "culture" with a small "c" — will be seen, heard, tasted and felt on The Mall in the U.S. capital. It is a mall that is even bigger than the one we have in Edmonton.

The event is the Smithsonian Folklife Festival. The visit by hundreds of creative Albertans of every stripe is under the aegis of the Smithsonian Institution and is the first time in the festival's 40-year history that a Canadian province has been given and has taken the opportunity to make ourselves better known to our neighbours — and that is "neighbours" spelled carefully with a "u."

Denis Ducharme, Alberta's Minister of Community Development, says that the program represents the many faces of our province: our ethnic diversity, industry, urban sophistication, rural art, artistic expression and technological innovation.

If honourable senators or their friends are in the Washington area during that time, they can make a short side trip to Alberta-On-The-Mall in Washington, D.C.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

SPECIAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a special report by the Information Commissioner of Canada entitled *Response to the Government's Action Plan for Reform of the Access to Information Act* pursuant to section 39.1 of the Access to Information Act.

• (1440)

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 104 and on behalf of the chair, Senator Oliver, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the first session of the Thirty-eighth Parliament.

(For text or report, see today's Journals of the Senate, p. 81.)

[Senator Grafstein]

CANADA ELECTIONS ACT INCOME TAX ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, to amend an Act to amend the Canada Elections Act and the Income Tax Act.

Bill read first time.

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

On motion of Senator Comeau, with the leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[Translation]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

VISIT TO ISLAMIC REPUBLIC OF PAKISTAN, NOVEMBER 12-15, 2005—REPORT TABLED

Hon. Marie-P. Poulin: 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-Japan Inter-Parliamentary Group, respecting its parliamentary visit to the Islamic Republic of Pakistan, from November 12 to 15, 2005.

ASIA-PACIFIC PARLIAMENTARY FORUM

MEETING OF ASIA-PACIFIC PARLIAMENTARIANS, JANUARY 15-19, 2006—REPORT TABLED

Hon. Joseph Day: Honourable senators, pursuant to rule 23(6), I have the honour of tabling in the Senate, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association, respecting its participation at the 14th meeting of the Asia-Pacific Parliamentarians Forum, held in Jakarta, Indonesia, from January 15 to 19, 2006.

[English]

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

Hon. Gerry St. Germain: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q) of the Senate, be authorized to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada. In particular, the Committee shall be authorized to investigate elements that

enable Aboriginal communities and businesses to succeed and obstacles to their achievement in all areas of the economy, including but not limited to: large-scale industrial developments such as pipelines; non-renewable resource developments in oil, gas and mining; renewable resource development; tourism; business services; and other related matters;

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

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

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROCEDURE FOR REINTRODUCING BILLS FROM PREVIOUS PARLIAMENT

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study and make the necessary recommendations on the advisability of amending Senate practice so that bills tabled during a parliamentary session can be reintroduced at the same procedural stage in the following parliamentary session, with a view to including in the *Rules of the Senate* a procedure that already exists in the House of Commons and would increase the efficiency of our parliamentary process; and

That the committee report to the Senate no later than June 8, 2006.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RELOCATION OF DEPARTMENTAL HEAD OFFICES AND THE IMPACT ON THE OFFICIAL LANGUAGES ACT

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

That the Standing Senate Committee on Official Languages study and report its recommendations to the Senate on the following no later than June 14, 2007:

1. The relocation of federal department head offices from bilingual to unilingual regions and its effect on the employees' ability to work in the official language of their choice;

2. The measures that can be taken to prevent such relocations from adversely affecting the application of Part V of the *Official Languages Act* in these offices, and the relocated employees' ability to work in the official language of their choice.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

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

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

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

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

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

QUESTION PERIOD

THE SENATE

ABSENCE OF MINISTERS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I note that ministers are not present and, while we can put questions to committee chairs, I draw to the attention of the Leader of the Government in the Senate by way of notice that our Daily Routine of Business is a very important part of our work here each day. In the absence of ministers, we are unable to complete that part of our work.

On reliable information from my friend across the aisle, I am told that there are ministers present for Question Period in the other place.

Therefore, the questions I leave for the Leader of the Government in the Senate are, why are ministers not here today, and what steps will be taken to avoid this happening again? What is the extraordinary circumstance that keeps the ministers from attending today?

[Senator Tardif]

It is not unknown for ministers to be absent — but it is extraordinarily rare that they are absent from the Senate when they are present in the city or in the building.

• (1450)

Hon. Tommy Banks: Could the Deputy Leader of the Government in the Senate tell the house whether there will be Question Period at the House of Commons today?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we advised you before Question Period that the minister responsible would not be present today. Your questions will be noted and passed on to the minister.

[English]

Hon. Sharon Carstairs: Honourable senators, would the Deputy Leader of the Government in the Senate take as notice the question if the reason for the absence of the two ministers from this chamber is that there is a cabinet meeting, is this once again an interpretation of the view of the Harper government with respect to this chamber?

[Translation]

Senator Comeau: Honourable senators, the minister responsible will be sure to answer your question as soon as she is able to do so.

[English]

AGRICULTURE AND AGRI-FOOD

FARM INCOME CRISIS AND DISASTER RELIEF

Hon. Lorna Milne: Honourable senators, my question was to be for the Leader of the Government in the Senate.

Hon. Terry Stratton: Point of order.

Hon. Sharon Carstairs: No points of order during Question Period.

Senator Milne: The fact that the leader is not present for Question Period shows a great disrespect to this chamber, even though it is budget day.

My question is about agriculture because the time for spring seeding is almost here and the tractors that we saw on Parliament Hill last week will be out on the land, but only if their owners can afford to buy seed. Not only is buying seed a problem this year, but also the fertilizer companies have cut off credit to farmers. Farmers are now subsidizing farm prices that are below cost by taking off-farm jobs. I noted that the deputy leader has provided information on this matter in a delayed response to a question posed by the Honourable Senator Fairbairn, and I thank him for that. However, the program and funding measures mentioned in his response were implemented or planned by the previous government. Farmers are asking for emergency funding so they can at least have the chance to grow crops this year. Without that chance they will not have a basis for their next crop and their ability to continue farming will be seriously in doubt.

What is the so-called “commitment to do everything possible to speed up assistance to farmers” that the Leader of the Government in the Senate alluded to on April 6? I ask again: Could the minister indicate whether a special effort is being considered to bring that assistance to the farmers in this time of need following the four worst years on record for farm income?

Senator Comeau: The honourable senator asked a question of the minister. There is no minister here.

Senator Milne: Honourable senators, implementing the status quo and citing figures provided by programs implemented by the previous government is no way to respond to a building crisis. Make no mistake; this is a crisis in rural Canada. Responding to a crisis takes responsible government, responsible leadership and swift action to aid those in need.

This government has had more than one decade to formulate alternative policies and programs while in opposition that they could now implement in response to this crisis faced by Canadian farmers. Instead, they play “gotcha” politics with the previous government and now are unable to provide the responsible leadership necessary to assist Canadian farmers. My question is simple. I would like the Leader of the Government in the Senate to prove me wrong. Given her commitment to quickly assisting farmers in Canada, I want the Leader of the Government in the Senate to return to her Cabinet colleagues and implore them to provide the leadership necessary to address this crisis.

I hope she commits to having cabinet re-address this issue. Has the government chosen to turn its back on Canadian farmers at this most crucial time of the year?

PARLIAMENT

FLYING OF PEACE TOWER FLAG AT HALF MAST IN HONOUR OF SOLDIERS WHO DIE IN WAR

Hon. Jane Cordy: Honourable senators, today gives new meaning to the saying that it is Question Period and not “Answer Period.” That situation is most unfortunate. I will, nonetheless, pose my questions on what I think is a very important issue.

My question is for the Leader of the Government in the Senate, by way of notice. The Peace Tower belongs to the Canadian people. It is where we fly our nation’s flag. It is where we can show our respect for Canadians who deserve it. I believe that those who serve and those who have served in our military are very special individuals who deserve our support and our respect, but no one deserves our respect more than those who have given their lives for our country.

Would the Leader of the Government in the Senate tell this chamber why the government is not listening to Canadians? Why will this Conservative government not change its position and allow the flag to be flown at half-mast on the Peace Tower to honour those who have made the ultimate sacrifice?

When I see the Canadian flag flying at half-mast, I think not only of the soldier who has been killed, but also of all those who serve in the Canadian Forces. It reminds me once again of the job they continue to do for Canada around the world.

Why does the government believe that lowering the flag for individual soldiers who die would in any way diminish the respect that we show on Remembrance Day? As a nation, why can we not do both, as the Canadian people have indicated we should?

NATIONAL DEFENCE

RESIGNING OF NORTH AMERICAN AEROSPACE DEFENCE AGREEMENT

Hon. Joseph A. Day: Honourable senators, my question is directed to the Leader of the Government in the Senate through the Deputy Leader of the Government in the Senate.

Last Friday, we heard from the U.S. Ambassador to Canada that the NORAD agreement has been re-signed with the Minister of National Defence in Canada. On Saturday, the Prime Minister, in Moncton, New Brunswick, at a fund-raising dinner for the Progressive Conservative Party, advised that the agreement had not been signed.

A news release was received in my office from the Office of the Prime Minister on May 1. I quote from the second paragraph as follows:

“The Speech from the Throne committed this government to submitting significant international treaties for a vote in Parliament,” said the Prime Minister.

The news release goes on to state:

Prime Minister Stephen Harper today announced that there will be a debate and vote in the House of Commons in support of the renewal of the North American Aerospace Defence (NORAD) Agreement.

Has the Prime Minister overlooked the other house of Parliament? He indicated that there would be a vote and a debate in Parliament, but his most recent statement is that there will be a debate and a vote only in the House of Commons.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the question will be passed on to the minister.

[English]

Senator Day: Perhaps the Prime Minister could be made aware of the extensive work that the Standing Senate Committee on National Security and Defence has done with respect to NORAD and the recommendations that it has made in relation to North American defence.

NATURAL RESOURCES

RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY

Hon. Pierrette Ringuette: Honourable senators, this Question Period certainly flies in the face of what some people try to perpetuate publicly, that is, that this government is accountable and open.

[Translation]

My question is for the Leader of the Government in the Senate. You signed an agreement that is detrimental to Canada's forestry industry and to all Canadians. It is an insult to the concept of free trade and it circumvents NAFTA rules.

What do you intend to do to support the industry and to find other markets for Canadian products?

• (1500)

You gave more than a billion dollars to the American industry for research and development, and you agreed to the "permanent" loss of thousands of jobs in the rural areas of this country. What will you do to boost research and development for the Canadian forestry industry? What will you do to replace those jobs, which are mainly in our small, rural communities?

[English]

INFORMATION COMMISSIONER

PROPOSED FEDERAL ACCOUNTABILITY ACT

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. Empty chairs leave me with an empty feeling.

Honourable senators, yesterday the Information Commissioner of Canada's response to the government's action plan for reform of the Access to Information Act was tabled in the other place. According to the Information Commissioner, no previous government has put forward a more retrograde and dangerous set of proposals to change the Access to Information Act.

The commissioner went on to say that the Conservative government's access to information plan will not strengthen accountability but, in fact, will weaken it. My question is to the Leader of the Government in the Senate: What steps does the government plan to take to ensure that the proposed federal accountability act will not reduce the amount of information available to the public and increase the government's ability to cover up wrongdoing?

As a supplementary, honourable senators, the Information Commissioner has outlined the importance of the Access to Information Act to battle what he sees as a culture of secrecy in the federal bureaucracy. He feels that this important aspect of transparency will be weakened by the Conservative's proposed federal accountability act.

Access to information allows Canadians to oversee what parliamentarians are doing. To weaken this legislation while talking about increased government accountability seems odd. The government's proposals reduce the amount of information available to the public, weaken the oversight role of the Information Commissioner and increase the government's ability to cover up wrongdoing, shield itself from embarrassment and control the flow of information to Canadians.

Even the President of the Treasury Board has gone on the record to state that he would be willing to improve the access to information portion of Bill C-2, acknowledging that there is a serious flaw in the legislation. Could the Leader of the Government in the Senate explain to us what steps the government would take to improve the most important aspect of government accountability?

These answers are riveting; I have not felt this empty for a long, long time.

Honourable senators, since the pamphlet from the throne was read in this chamber, we have seen the government backtracking on a number of issues. First, the Conservative government scrapped the Canadian Unity Council, inadvertently and temporarily killing worthy programs such as Encounters with Canada and the Summer Work/Student Exchange program.

The government has tabled a flawed piece of legislation that is central to the government's proposed agenda and acknowledged publicly that they have made a mistake on accountability reform.

Honourable colleagues, Canadians should be thankful that we have a chamber of sober second thought to make up for those legislative missteps. Can the Leader of the Government in the Senate tell us if there are any elements of the proposed federal accountability act that they are planning to address before we are faced with the bill in the Senate?

Senator Mercer: Jim, the lights are on but nobody's home!

CORRECTIONAL SERVICE

NEW PRISONS

Hon. Sharon Carstairs: Honourable senators, my question is to the Minister of Public Works. Have he and his government completely lost confidence in Statistics Canada?

Had the honourable minister been here today, I am sure he would have said that of course he has confidence in Stats Canada, despite the fact that the Prime Minister refuses to admit that Stats Canada keeps reporting that the crime rate is declining in this country and has been declining for over a decade. Therefore, my supplementary question is: How many prisons are on the drawing board or have started construction in order to accommodate all the new prisoners the Prime Minister wants to house?

Honourable senators, all of Manitoba's federal institutions are either filled to capacity or are well over capacity. My final supplementary is: How many prisons are presently being built just to meet present needs?

JUSTICE

ACCESS TO INFORMATION— RIGHT OF PUBLIC TO BE INFORMED

Hon. Tommy Banks: It is sort of like the sound of one hand clapping.

My question is to Lamont Cranston.

Some Hon. Senators: Oh, oh!

Senator Banks: Honourable senators, my question is to the Leader of the Government, through the Deputy Leader of the Government.

Last October, a young man in British Columbia was killed while he was in police custody. He had been arrested for having an open can of beer at a hockey game.

RCMP Constable John Ward is involved in the inquiry into that death. I wish to quote from a report in *The Globe and Mail*, which, if true, is the basis of my question. In reference to Constable Ward, the article states:

...he refuses to discuss the RCMP's policies and procedures for handling prisoners, such as whether an officer should be armed when alone in an interview room with a suspect, or whether a video camera should be turned on before an interrogation begins.

Asked whether the public has a right to know about such policies, Constable Ward replied, "The public doesn't have a right to know anything."

Is that quote true? Is it attributable? If it is true, does the Government of Canada agree with it? I do not want an answer that talks about the means of redress to questions to the RCMP Public Complaints Commission, because we know that. My question is: Does the government agree with that position?

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

INDIAN RESIDENTIAL SCHOOLS RESOLUTION

Hon. Nick G. Sibbeston: Honourable senators, this is a good opportunity to practise asking questions. My question relates to the residential school issue.

In his final report on the Indian residential school settlement, Justice Iacobucci recommended to the government that advance payments be made to elderly claimants. Last week, in announcing that a final agreement had been reached, Minister Prentice

said: "The government will immediately consider the settlement agreement, and the interim payments and the timing of those payments."

Can the government leader confer with her colleague Mr. Prentice and determine when the government intends to make advance payments to the 8,000 or so eligible former residential school students?

There are reports that four of these elderly persons die each day. Obviously, time is of the essence. It is important that the government act quickly so there can be some measure of satisfaction, comfort and peace for the elderly people who during their earlier lives endured and suffered so much in residential schools.

I have a supplementary question. Although the proposed settlement is welcome and is generally very good for Aboriginal people, I know that there will be real problems implementing the payments when they come about.

I have already received several letters from former students who attended schools in the North during late 1940s and 1950s but have been told that there is no record of their attendance. I am sure these poor records will affect hundreds if not thousands of students who will eventually apply for these payments.

What kind of process does the government plan to put in place to ensure that people's legitimate claims are recognized? Will there be a simple process they can follow so that they will not be frustrated, insulted or revictimized simply because schools and the government of the time failed to keep proper records?

• (1510)

THE SENATE

ABSENCE OF MINISTERS

Hon. Jack Austin: Honourable senators, Senator Segal must be feeling that his desire to see a televised Question Period is floating off into the air. I think it would be good for the opposition today, but certainly not for the government.

Honourable senators, one of the most important parts of the British parliamentary system was the hard-won Question Period. The government is shown either to be willing to account for its responsibilities as government or not to account for them. Today, we are finding the government is not willing to account for itself, not even through the time honoured practice of the deputy leader to take notice on behalf of the Leader of the Government. I am curious to know whether the Leader of the Government told the Deputy Leader of the Government to sit silent or whether he is really following the mistaken advice of Senator Stratton, and it is a mistaken advice, honourable senators.

The only conclusion I can come to, I will put in the form of a question: Is this the first stage in the work of the present Conservative government to attempt to provoke the Liberal opposition in the Senate so as to show a Senate that needs reformation?

[Translation]

THE SENATE

NOTICE OF MOTION URGING SUPPORT FOR STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN

Leave having been given to revert to Notices of Motions:

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate expresses its support of Canada's diplomatic, defence and development contributions for the stabilization and reconstruction of Afghanistan; and

That the Senate commends Canadian Forces personnel, diplomats and humanitarian assistance officials for their contribution in re-building a stable and prosperous Afghanistan.

CANADA'S COMMITMENT TO DARFUR, SUDAN

NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

Hon. Roméo Antonius Dallaire: Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I shall call the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of that war-torn country.

This is the first formal occasion I have had to welcome those of you who have joined the Senate since I was appointed about a year ago. It will forever give me pleasure to know that I am more senior than Senator Segal in this chamber.

I address the Speech from the Throne. I wish to talk about two things: first, the role of the Senate; and, second, the versions of Canada that are being put before us in this particular session.

We are all destined to live in interesting times. As a result, it is worth reviewing and revisiting what our role is.

It has been said that politics is the competition for power. There is no question that the other place and the government as well is, generally speaking, taken up with that competition. However, the Senate was designed for another purpose; that is, the competition for ideas. Our role is to calmly think through the agenda that the government puts before Parliament and to report back, based on our wisdom, if any, and certainly our experience, which is considerable, and give Canadians the benefit of our thinking.

As Sir John A. Macdonald said, the Senate is an independent — or should be an independent — house,

...having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch...

That is a version of deliberative democracy. We are a body of deliberative democracy and therefore we are called upon to review the government's agenda and to vouchsafe our opinions thereon.

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-Ninth Parliament.—(5th day of resuming debate)

Hon. Elaine McCoy: Honourable senators, first, I wish to offer my congratulations to Senator Kinsella on taking the chair of this chamber and to wish him a long and happy tenure in that position. I also wish to offer my congratulations to the new officers of the Liberal and Conservative caucuses, including the leaders, deputy leaders and whips.

With respect to deliberative democracy, Dr. John Parkinson, a professor at the University of York, would say that elections give parties the right to set the legislative agenda and command the loyalty of the public service, but it does not give them carte blanche. To appreciate the force of this, consider cases of electoral success but democratic failure. He gives as an example Adolf Hitler, who won an election based on a clear policy program, but, of course, that did not legitimize all of the actions he subsequently put forward. That view is one that is of particular relevance today insofar as the election on January 23, 2006 did not give any one platform a majority. Indeed, there is no monopoly of ideas out there.

There are limits, of course, to our deliberative democracy. Sir John A. Macdonald said that the Senate must never "set itself in opposition against the deliberate and understood wishes of the people."

In 2006, we do not have a single expression of the will of the people; we have many expressions of the will of the people: roughly a third for the Liberals, a third for the Conservatives and a third for everyone else. That seems to advance the role of the Senate even further and to make it more important now than it has been in many previous sessions.

Honourable senators in this chamber are a microcosm of Canada, from all parts of this wonderful country. It will, therefore, be important to exercise our responsibility to have a true, deliberative democracy in this chamber and to examine the agenda and the items that come before us.

Our responsibility will be important because, in reading the Speech from the Throne, I think there are two versions of Canada that are being put forward. I was planning to say "visions," but in rereading the Throne Speech I thought I should more properly characterize it as a version of Canada.

• (1520)

The versions of Canada that I see could be summed up in one simple theme: Will we have a retrogressive Canada, or will we have a progressive Canada? Here are examples of the issues that I see honourable senators debating over the coming weeks and months: Will we as Canadians spend more on war and less on global warming? Is that the kind of future we want? Will we follow the recommendations of a retired colonel and former lobbyist on military acquisitions, or will we take the recommendations of a chief of staff who commands the loyalty of all his troops? Will we regress 60 years to a policy of a baby bonus, which was, without question, valid in 1944, or will we move forward into the 21st century and devise what we need in this country to be globally competitive, namely, the underpinnings and social infrastructure that support an early childhood learning system?

Some Hon. Senators: Hear, hear!

Senator McCoy: Honourable senators, I could go on, but the only other example I will mention in this context is tax policy. Again, there are regressive and progressive choices. It seems to me that all economists should know that the GST is the one choice that is in line with all the rich developed nations in the Western world. It is the one that is supported by organizations such as the Organisation for Economic Co-operation and Development, OECD. Is Canada going to regress, or will we go forward and put in a tax regime that supports and encourages investment, savings and innovation?

Those are the major questions, and we as senators are in a position of responsibility as well as privilege as we debate these important points.

I look forward to exchanging ideas in this chamber and to the competition that is amongst us, but I also look forward to what I have already enjoyed, and that is a collegiality, so that we are competing with ideas but not people.

As I say, I look forward to the debates of the coming weeks and months.

Hon. Anne C. Cools: Will the honourable senator take a question?

Senator McCoy: I will.

Senator Cools: In her remarks, the honourable senator talked about a progressive Canada and a regressive Canada. Can the honourable senator tell us what is a progressive Canadian and what is a regressive Canadian?

Senator McCoy: Honourable senators, I would like to reframe the honourable senator's question to talk about a progressive Canada. A progressive Canada would adopt policies that put us in a position to prosper in the coming decades. In 2006, many things have changed in the nature of the world both socially and economically that we cannot ignore, unless, of course, we wish to doom Canadians to a less-than-prosperous future.

Senator Cools: I think I understand. The honourable senator was not speaking about a progressive or regressive Canada or Canadians. She was speaking about progressive or regressive policies. There is a difference. One addresses a country and a people. The other addresses the issue of public-policy making.

Having ascertained that people are out of the way and that we are talking about policy, could the honourable senator tell me what is a progressive policy and what is a regressive policy in respect of early childhood experience?

Senator McCoy: I will be glad to expand on that question in more detail when it comes before us. This argument was put in front of me by a business person who supported early childhood learning based on research funded by major corporations in Canada and elsewhere. It is as follows: In a global, knowledge-based economy, if we are to be competitive and innovative, then we must ensure that our people have the intellectual agility to address and deal with issues as they come at us in the coming years. That agility will require particular attention to training at an early childhood stage. It has nothing to do with whether children are accessories. It has nothing to do with parents who wish to stay at home. It has to do with ensuring that there is a social infrastructure that addresses early childhood learning. As one economist, a Nobel Prize laureate, has calculated, if you spend one dollar in primary and secondary education, you will get something like a three-dollar return. Forgive me; I do not have the number exactly right but I will get it later. If you spend one dollar pre-school, that is, before they go into grade one, you can expect an eight-dollar return on investment. That is the kind of progressive policy I believe that we in Canada should foster.

Hon. George Baker: In the first section of her remarks, the honourable senator referenced the role of the Senate and the role of senators with the upcoming legislative program of the government. She then made reference to the legislative program of the government. Can the honourable senator comment on how she sees the role of the Senate and how much deference should be shown to the decisions taken by the other place as far as supporting the legislation or amending legislation? What is her vision of a standard of review for the Senate of Canada in the present circumstance?

Senator McCoy: Given the circumstances, we need to be a little cautious, and perhaps a little chary of the competition for power that is likely to play itself out in the other place. That is a normal, time-honoured and respectable endeavour; however, in a competition of ideas, we should be very much on our toes in this session and continue to remind the other place that there is not a clear expression of the will of the people. Had that been

expressed as a clear mandate, with a majority being given to the other place, then one could anticipate that party politics and partisan voting would give some indication of a reflection of the will of the people, and then one would take note of that in the Senate.

As it is, there is much more room for the competition of ideas and for us not to play partisan politics but to review and, through our collective experience and reflection of all parts of Canada, convey what we feel is positive and progressive for our future.

Hon. Hugh Segal: Might I ask a question of my Progressive Conservative colleague to amplify the point made by my colleague the Senator from Newfoundland and Labrador? As Senator McCoy was kind enough to reference, there is a lack of an operating majority in the other place. As a result, any legislation that emerges from that place to this place will have at least the benefit of the support of two political parties, perhaps even three. In her judgment, would that constitute a constraint on the standard of review as referenced by the senator from Newfoundland as it relates to us?

Senator McCoy: That will be a circumstance from time to time. Those of you who caucus with the major parties in the other place will have an insight into the question we need to ask ourselves and will be able to advise on it and that is whether the legislation is motivated by the well-being and prosperity of our future country, or whether it is dictated more by the timing of the next election.

• (1530)

The Hon. the Speaker: I regret to inform the honourable senator that her time has elapsed.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I rise today to address the Speech from the Throne. I wish to speak to you about an issue that is very important to me and that was not raised in the throne speech, namely, francophone Canadians, international francophones and the place of Canada in the international francophone community.

I have a passion for defending and promoting French, francophone culture and the linguistic duality of Canada. As an Acadian, I am a member of a people who are proud of their francophone heritage and I come from the only officially bilingual province in Canada, New Brunswick.

The Canadian francophone community is comprised in large part of Quebec, but francophone Canadians are found well outside the borders of Quebec. In fact, they are found throughout Canada, from British Columbia to Newfoundland, the far North to the Niagara Peninsula.

Each provincial francophone community has its own structures, its own organization to champion its cause and its own issues, and each community makes a contribution to its respective province, one that is invaluable and irreplaceable. Without its francophones, Canada would not be such a fascinating country.

[Senator McCoy]

[English]

Canadian francophones enrich both the national and regional cultures that make our country such a welcoming haven for many around the world. Canadian Francophones are the single largest group of French speakers in North America and the single largest audible minority in our country.

Francophones make Canada much more interesting, honourable colleagues, just as Spanish speakers make our southern neighbour a much more interesting culture.

Canadian francophones are an essential component of Canadian culture, economy and society. This applies not only to francophones in Quebec but also, and just as importantly, to francophones outside Quebec.

As a humorous aside, I wish to remind my honourable colleagues from Alberta that Fort McMurray — “Fort McMoney” as it is called at home — would not be prosperous today if it were not for the New Brunswick Acadians who work there. In other words, without us, Fort McMurray would be short-staffed.

[Translation]

Honourable senators, we all know many great francophones from minority communities who have left their mark or are still leaving their mark on Canada, people like chemist Raymond Urgel Lemieux from Alberta, who discovered sucrose; Yseult Friolet from British Columbia, who has been directing the francophone federation of that province for such a long time and who tends to the linguistic rights of the 65,000 francophones there; Professor Joseph-Henri Blanchard, a great defender of the Acadians; Angèle Arsenault, a singer-songwriter; and Marc Mongeau, an illustrator, all three from Prince Edward Island; and from Manitoba, architect Étienne Gaboury, singer-songwriter Daniel Lavoie, politician Louis Riel, writer Gabrielle Roy and our late Speaker of the Senate, Gildas Molgat.

From my home province of New Brunswick we have photographer Raymonde April, Supreme Court Justice Michel Bastarache, poet and current Lieutenant-Governor Herménégilde Chiasson, former Governor General Roméo LeBlanc, novelist Antonine Maillet, former provincial Premier Louis Robichaud, author Serge Patrice Thibodeau, singer Roch Voisine, and our former colleague, the great actress Viola Léger.

From Nova Scotia we have Father Léger Comeau, a great defender of the Acadians; from Ontario there is the playwright Jean-Marc Dalpé, businessman Paul Desmarais, mezzo-soprano Éva Gauthier, artist Claude St-Aubin and carillonneur and composer Émile Vendette.

From Saskatchewan, we have former Governor General Jeanne Sauvé and singer Carmen Campagne, who gets our children, our grandchildren and our grandmothers singing.

From Newfoundland and Labrador, there is storyteller and fiddler Léon Benoît and many others.

I did not include in my list most of the eminent francophones from outside Quebec who sat or are still sitting in the Senate. You know them, you know each other and you share my deep recognition for their current and past contributions. I hope the current government shares our respect and recognition for these francophones in minority communities.

The Fédération des communautés francophones et acadienne du Canada and the Fédération culturelle canadienne-française have expressed concern over the silence in the recent Speech from the Throne on culture and the official languages. The FCFA particularly regrets that diversity and linguistic duality were not mentioned as basic Canadian values, as they were specifically acknowledged in the Speech from the Throne of the Thirty-eighth Parliament.

Like my colleagues from these two federations, I would have liked the Speech from the Throne on April 4 to indicate specifically the current government's interest in francophones in minority communities.

[English]

I wish to read some snippets from the latest throne speech that are pertinent to my remarks. The government stated its wish to build a stronger Canada, a country it considers to be "...uniquely blessed in the strength and diversity of its people..." a country "...at the leading edge of science, business, the arts and sport."

The government also acknowledged that our country's federal regime is meant to "...accommodate our diversity and build upon the unique strengths of the different parts of our federation."

As well, we are told that the government seeks to strengthen Canada's place in the world by advancing "common values and interests."

Lastly, the government stated its commitment to support "Canada's core values of freedom, democracy, the rule of law and human rights around the world." All this would result in "a Canada that works for all of us."

[Translation]

Honourable senators, these excerpts allay my concerns somewhat. But after some consideration, it is clear that the government can respect the commitments and keep the promises I just quoted only if it gives Canada's Francophonie its rightful place in our federation and on the world stage. I hope that the government will honour the commitments and carry out the federal programs that promote linguistic duality and the rights of francophone minorities.

I am referring to the federal Action Plan for Official Languages, the Canada-community agreements, and subsidies for organizations such as the Canada Council for the Arts. In 2006, the international Francophonie celebrates the 100th birthday of Léopold Senghor, the great Senegalese head of state who was one of the three founding fathers of the Francophonie, in which our country is a key player. The international Francophonie brings together 175 million francophones from around the world. Seven million of them live in Canada — about six million in Quebec and slightly more than half a million outside of Quebec.

We have six of the 73 permanent members of the Assemblée parlementaire de la Francophonie: Ontario, Manitoba, New Brunswick, Nova Scotia, Quebec and Ontario. Furthermore, Alberta, British Columbia, Prince Edward Island and Saskatchewan are associate members.

We also have three of the 53 permanent members of the Organisation internationale de la Francophonie, headed by Mr. Diouf: Canada, New Brunswick and Quebec.

• (1540)

Our country also has seven of the 63 advisory bodies: the Association francophone internationale des directeurs d'établissements scolaires, based in Montreal; the Association internationale francophone des aînés, based in Quebec City; the Association internationale de la presse universitaire in Quebec City; the Secrétariat international des infirmières in Montreal; the FCFA in Ottawa, and the Société nationale de l'Acadie, based in Dieppe, New Brunswick.

Lastly, our country is home to one of two specialized institutes of the Organisation internationale de la Francophonie, the Institut de l'énergie et de l'environnement de la Francophonie, based in Quebec City.

Francophones living in minority communities make up a large part of Canada's francophone population.

Canada's seven million francophones are much more than a linguistic minority in our country; Canada's involvement in the international francophone community is far from negligible.

On that note, honourable senators, I repeat my hope that the Government of Canada will not forget this and will act accordingly, because Canada has a place in the international francophone community, and it must keep that place.

Hon. Roméo Antonius Dallaire: Honourable senators, today I want to speak about an issue that was not addressed in the Speech from the Throne: the issue of vulnerable children. Of course, one speech cannot possibly cover all the topics that are dear to our hearts, but I am sure you will agree that children are the most important and most precious part of our lives as individuals, as a society and as a nation.

Children are the present and the future. In a democracy like ours, we can neither allow ourselves nor be content to give them short shrift or ignore them altogether. Regardless of the government in power, our priority should always be to make sure all children have a healthy childhood.

The Convention on the Rights of the Child, the most ratified and most comprehensive international human rights treaty, recognizes in article 3 that the best interests of the child are a primary consideration and sets out children's right to protection against all forms of abuse, exploitation or violence in articles 19, 32, 33, 34, 35 and 36.

In spite of the convention and its provisions, millions of children around the world are not afforded the dignity that is their due. It is all the more shocking when children's human rights are seriously violated in a country that prides itself on its passionate defence of these rights. Children, that is persons under the age of 10 according to the convention, account in Canada for 24 per cent of the population, and the fastest growing population is that of young Native people.

Of these children, many — the exact number is not known; proof of the need for more information on the problem — are being exploited or will be exploited in the sex trade.

Commercial sexual exploitation of children is criminal. It is a form of violence against children and amounts to forced labour and to a modern form of slavery. In this business, children are treated like objects and are often the victims of blatant abuse. They are bought and sold like chattels without value.

Ethel Blondin-Andrew, the former Minister of State for Children and Young People, described the commercial sexual exploitation of children as an offence, a gross abuse of the rights of the child, and something we must not tolerate.

Why do our children end up in such a hostile and degrading industry? One abused young woman testified:

I grew up feeling I was worth nothing; I had no self worth because I was worthless. I did it for free for I don't know how many years. That was how I saw myself, as nothing.

Young people go into prostitution because they are victims of poverty and, very often, of abuse. While exact statistics are not available, we do know that this problem affects all of Canada's cultural communities. In Montreal, for example, the city of Montreal police squad dealing with the commercial sexual exploitation of children found in the cases they recorded that the victims came from a variety of backgrounds. They included Quebecers, Latin Americans, people from the Caribbean and Asians. In some communities in Canada, 90 per cent of the people working in this trade are Aboriginal.

This problem, whose effects last a lifetime, should not be minimized. We are not talking about isolated cases or a fringe activity. On the contrary, we are looking at a problem of considerable scope. If one child is involved the scope is considerable. While the factors and the reasons are manifold, the result remains the same: these children are victims and are among the most vulnerable of our society, our progressive society founded on a fundamental law of human rights.

It is our duty to protect them and to guarantee living conditions that promote their personal development, their serenity and opportunities for them in this country. Protecting the most vulnerable is not a choice, it is an obligation, a responsibility and a fundamental element of our social structure. It is essentially a question of rights.

As underscored by the United Nations Committee on the Rights of the Child:

Implementation of the human rights of children must not be seen as a charitable process, bestowing favours on children.

Children are not passive beneficiaries. They are fundamental elements in the continuity of humankind. Children and young people are human beings in their own right. They are citizens like you and me, and they have rights as prescribed by the international community, specifically through these conventions.

Under the heading *Canada—Strong, United, Independent and Free*, the current government highlighted its intention to develop a new approach that focuses on human rights. Closer cooperation with all human resources partners, generous funding, and a clearer perception of children and young people could, together, contribute to creating a Canada worthy of its children. Canada would no longer tolerate the abuse of any of its children, no matter what their social class.

Under Article 4 of the Convention on the Rights of the Child, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention."

Canada is a signatory to this convention and must respect its commitment by taking all the appropriate measures to translate intentions into concrete reality in our society.

To succeed, implementing the rights should be done with the participation of children. Furthermore, Article 12 of the Convention calls for, indeed requires, this in all decisions affecting children. It is absolutely incredible to realize that children who speak and work in their own community might have more progressive solutions than those adults from another generation. The participation of young people is a key factor for the federal committee against commercial sexual exploitation of children. The situation will be studied at the next committee meeting on May 15.

• (1550)

This committee, which Senator Pearson has entrusted to me, was set up after the first world congress in Stockholm in 1996 to contribute to the development of a national strategy in order to combat the commercial sexual exploitation of children.

As chair of this committee, and with the cooperation and dedication of its members who represent various governments and non-governmental organizations, I will do everything I can to carry out this mission that has been assigned to me by my dear colleague, Senator Pearson. It is my wish that the current government do its part to protect the most vulnerable children in Canada. For a country that is a leader in human rights — and proud of it — a Canada worthy of children should be a non-negotiable priority for a responsible government.

[English]

Hon. George Baker: Would Senator Dallaire take a question?

Senator Dallaire: Yes.

Senator Baker: The honourable senator outlined the law as it relates to the UN Convention on the Rights of the Child, and he gave an excellent account of its effectiveness in Canada. Canada has ratified the convention but has not incorporated it into domestic law. As the honourable senator knows, only one nation has done that — Norway. It has done so by placing one sentence in what is comparable to the Canadian Charter of Rights and Freedoms. The sentence states that the UN Convention on the Rights of the Child shall apply.

Has the honourable senator, as a member of the Standing Senate Committee on Human Rights currently studying this matter, given any thought as to how Canada should incorporate the convention into domestic law? In federal legislation, it is mentioned in the preamble to the Youth Criminal Justice Act and, in provincial legislation, it is recognized in the appendix to the law that governs access to children — the Children's Act in most provinces. Has the honourable senator given any thought as to whether the government should incorporate it into domestic law in each individual law or, perhaps, that Canada, having ratified it and not incorporated it into domestic law, should incorporate it into the Charter of Rights and Freedoms?

Senator Dallaire: I thank the honourable senator for his question that is at the heart of a portion of the personal debate I am having. The Standing Senate Committee on Human Rights has been working extensively in this area as well as examining, to my knowledge, the application of international law and rights into the Canadian legal system and whether the signed and ratified conventions are being applied in the most appropriate, useful and progressive fashion in order to protect and permit the respect of human rights throughout the country.

It is my contention that many of the applications and translations of these conventions into Canadian law have been hit and miss. Whether they should be part of a bill or appear as an amendment to the Charter, I have no legal background to be able to argue one way or another. However, it seems unusual that our foreign policy of going to other countries to defend human rights, good governance and the rule of law, right through to a variety of our local requirements and interpretation, including the provincial level, seems almost ad hoc. The process is hit and miss, no matter which department and which sponsors are responsible for the area of rights as applied in Canada. The Human Rights Committee has looked at the possibility of establishing a commissioner who could bring solutions or some kind of logic to how we apply or whether we apply or whether we are in contravention of some of these fundamental international conventions.

When I look to the other side of the chamber, I wonder whether it might be high time to put a political face to the application of rights. That would be far more responsible than putting a bureaucrat or a commission structure in place and leaving it to the government to fiddle with the details across all departments. If our belief in human rights is an essence of our nation, and if the aging Charter is a fundamental law of the nation, then it is

incredible that we do not take the political lead in ensuring that we apply it, keep it current and meet those conventions that take us beyond our borders to sell to and to assist other nations.

In the legal arena, I cannot come close to knowing precisely which buttons to push regarding these various structures. However, I do know one thing for sure: We cannot hold one person truly accountable for whether this nation is meeting the International Conventions on Human Rights. That absence is making us vulnerable when we attempt to go beyond our borders and sell our products to others.

On motion of Senator Comeau, debate adjourned.

[Translation]

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM ACT ADOPTED

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

That a Special Committee of the Senate be appointed to undertake a comprehensive review of the provisions and operation of the Anti-terrorism Act, (S.C. 2001, c.41) pursuant to Section 145 of the said Act;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Kinsella, Andreychuk, Nolin, Day, Fairbairn, P.C., Fraser, Jaffer, Smith, P.C., and Joyal, P.C., and that four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That the committee submit its final report no later than June 23, 2006, and that the committee retain all powers necessary to publicize its findings until September 29, 2006; and

That the committee be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that any report so deposited be deemed to have been tabled in the Chamber.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 30, I seek leave of the Senate to modify Motion No. 2 standing on the Order Paper in my name, by adding the following:

after the words “its hearings” in the fifth paragraph:

That the papers and evidence received and taken on the subject by the Special Senate Committee on the Anti-terrorism Act during the First Session of the Thirty-eighth Parliament be referred to the Committee;

That in the sixth paragraph, the words “June 23” be replaced with “October 5” and that “September 29” be replaced with “December 15”.

[English]

Hon. the Speaker: I draw the attention of honourable senators to rule 30 of the *Rules of the Senate*, which states:

— A Senator who has made a motion or presented an inquiry may withdraw or modify the same by leave of the Senate.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt Senator Comeau’s motion, as modified?

Motion agreed to, as modified.

• (1600)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Chaput, for the second reading of Bill S-211, to amend the Criminal Code (lottery schemes).—(*Honourable Senator Comeau*)

The Hon. the Speaker: Honourable senators, Senator Massicotte has made a declaration of private interest regarding Bill S-211, to amend the Criminal Code (lottery schemes) which is currently before the Senate. In accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

On motion of Senator Comeau, debate adjourned.

INCOME TAX ACT

BILL TO AMEND—SECOND READING—
POINT OF ORDER—SPEAKER’S RULING RESERVED

On the Order:

Second reading of Bill S-212, An Act to amend the Income Tax Act (tax relief).—(*Honourable Senator Austin*)

Hon. Jack Austin: Honourable senators —

POINT OF ORDER

Hon. Consiglio Di Nino: Honourable senators, I rise on a point of order.

Honourable senators, it is my view that Bill S-212, to amend the Income Tax Act (tax relief), is not properly before the Senate. Bill S-212 was introduced by Senator Austin last Wednesday. The provisions of this bill purport to reduce the lowest federal income tax rate from 16 to 15 per cent effective January 1, 2005; to increase the basic personal allowance by \$500 effective January 1, 2005, and to make consequential amendments to other personal amounts; to decrease the maximum refundable medical expense supplement for 2006 and subsequent taxation years; and to increase the child disability benefit supplement to the Canada Child Tax Benefit for 2006 and subsequent taxation years.

On the surface, this bill seeks to lower rates of taxation in a number of areas. It is largely drawn from Bill C-80 of the last Parliament, a money bill introduced in the other place by a minister of the Crown following the adoption of a ways and means motion. The fundamental point at issue is whether or not it is possible for a senator to introduce a bill that will alter the incidence of taxation, which will result in direct new expenditures by the Crown.

The issue is not the Senate’s ability to amend bills originating in the other place. The issue is the restriction found in section 53 of the Constitution Act, 1867. Bills that appropriate any part of the public revenue, or for imposing any tax or impost, must originate in the other place.

Bill S-212, on the surface, would reduce rates of taxation, but because of the complexity and the interconnection of the taxation system, those reductions will result in increased taxation for certain individuals and, further, will require new payments to be made from the Consolidated Revenue Fund. Neither the imposition of increased taxation nor the creation of new direct charges on the Consolidated Revenue Fund fall within the ambit of bills originating in the Senate.

Although it can be argued that a Royal Recommendation is not required for an amendment, the effect of which would be to reduce taxes otherwise payable, it is my view that the bill could increase the tax burden of a very small number of taxpayers and will require the expenditure of funds. Bill S-212 should have been preceded by a notice of ways and means motion, should have been accompanied by a Royal Recommendation, and should have originated in the other place for three reasons.

First, Bill S-212 provides for an increase to the child disability benefit supplement of the Canada Child Tax Benefit. This is done through an amendment to subsection 122.61 of the Income Tax

Act. These payments are expenditures, not a reduction of the tax otherwise payable. This is why the public accounts of Canada records Canada Child Tax Benefit payments as expenses. Therefore, any legislative proposal to increase a child disability supplement constitutes a further appropriation out of the Consolidated Revenue Fund.

This position is also shared by the Auditor General. In her observation on the financial statements of the Government of Canada for the fiscal year 2002-03, the Auditor General stated:

Certain amounts were presented in the public accounts of Canada on both a gross and net basis. The items include the Canada Child Tax Benefit, certain Crown corporation revenues and expenses, and a GST credit, which in my view are properly classified as program expenses rather than a deduction from revenues.

Given that the Auditor General, a parliamentary officer, and the public accounts of Canada recognize these payments as expenditures, the increase to these payments proposed in Bill S-212 is an appropriation which requires a Royal Recommendation. I would therefore argue that this bill requires the expenditure of funds and is inconsistent with Senate rule 81, which states:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

The second point is that clause 3 of Bill S-212 purports to increase the maximum refundable medical expense supplement for 2006 and subsequent taxation years. This is done through amendments to subsection 122.51(2) of the Income Tax Act. Under the Income Tax Act, there are two types of credits: Non-refundable and refundable tax credits. Non-refundable tax credits are not paid to a taxpayer if that taxpayer has less tax payable than the amount of the credit. Non-refundable tax credits simply reduce tax otherwise payable. For example, if an individual's tax payable is \$500 and the amount of the non-refundable tax credit to that individual is \$600, the individual will not be paid the amount of \$100; the individual's final tax liability will be reduced to zero. However, refundable tax credits are paid out of the Consolidated Revenue Fund if the individual has less tax payable than the amount of the credit.

• (1610)

As a further example, if the individual's tax payable is \$500 and the amount of the refundable tax credit that the individual can claim is \$600, the individual will be entitled to the amount of \$100.

In those situations, there is an appropriation out of the Consolidated Revenue Fund. It is not a simple reduction of the tax otherwise payable. It goes further than reducing the tax otherwise payable to zero. Therefore, any legislative proposal to increase a refundable tax credit, such as the proposed measures in Bill S-212, requires a Royal Recommendation and a bill containing such a proposal must originate in the other place.

The reduction of the lowest federal income tax rate from 16 per cent to 15 per cent, which is done through an amendment to paragraph 117(2)(a) of the Income Tax Act, also has an

impact on the tax credits found in sections 118 to 118 (7) of the Income Tax Act. These credits are determined by multiplying an amount by a particular percentage which corresponds to the lowest tax rate. Thus, if the percentage is lowered, the credits are also lowered. When a tax credit is lowered, a notice of ways and means motion is required. It is therefore possible that the tax burden of a very small number of taxpayers could be increased.

It is my submission that this bill should have originated in the other place and should have been preceded by a notice of ways and means motion also tabled in the other place.

Honourable senators, we are all aware, particularly at this time of the year, of the complexity of the tax system. While we share Senator Austin's desire to lower tax, I believe that the practices of Parliament and the Constitution restrict the ability of this chamber in the initiation of direct charges on the Consolidated Revenue Fund. It is strange that, because of linkages within taxation legislation, there are circumstances when a lower rate of taxation would result in increased taxation for some individuals.

As the Speaker's predecessor ruled on June 14, 2005, respecting Bill S-33, where there is a plausible cause that a bill may involve a new appropriation, second reading debate should not proceed.

I respectfully invite Your Honour to consider these issues.

Hon. Bill Rompkey: Senator Di Nino has referred to many acts and many sections of acts. I argue that there is no point of order and that the arguments that he has put forward are specious. This is not a bill to appropriate public revenue; this is a bill to reduce taxes. It is within our purview to do so both here and in the House of Commons. We cannot increase estimates, but we can reduce them. We can reduce a minister's salary, even to one dollar. In the case of some ministers, perhaps we should do that, especially if they do not show up for work. Maybe they are only worth one dollar.

Your honour, you have been around long enough and are knowledgeable enough to know the difference between what we can and cannot do. We have the perfect right to reduce taxes, but we do not have the right to increase them. This bill seeks to decrease taxes and I argue that it is perfectly in order.

Hon. George Baker: Honourable senators, I submit that tax expenditures, as the senator illustrated in some detail, are not expenditures within the meaning of the objection by the honourable senator across the way. If his argument were to prevail, the Senate would not be permitted to introduce international tax treaties in this place. They would all have to be introduced in the House of Commons, which, as the Speaker knows, is not the custom.

Hon. Jack Austin: Honourable senators, I listened with great care to Senator Di Nino. I, of course, anticipated that some of these arguments might be used in an effort to forestall debate on the substance of Bill S-212. There were many words setting up false circumstances and seeking to knock down the appropriateness of the introduction of this bill.

As my colleagues Senator Rompkey and Senator Baker have said, there is no ground for objection to the introduction of this bill in this chamber. In fact, there are many precedents and many rulings by our Speakers with respect to it.

Reference was made to section 53 of the Constitution Act. Section 53 reads:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

There is also a Senate rule on this issue, namely, rule 81, which provides:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

Honourable senators, this proposed legislation does not appropriate any money from the Consolidated Revenue Fund and it certainly does not impose any tax or impost. To the contrary, it lowers taxes, something which my colleagues opposite have sought to do on several occasions with private members' bills, and they have not been impeded by any jurisdictional issue.

For example, during the Second Session of the Thirty-fifth Parliament, Senator Di Nino introduced Bill S-11, An Act to amend the Excise Tax Act in the Senate. The purpose of this bill was to stop the GST from applying to reading material. This bill passed second reading and was referred to committee. It was reinstated in the next Parliament as Bill S-10, when it got as far as third reading debate. There were concerns expressed with respect to various aspects of that bill but, according to all the research I have done, no issue was raised with respect to the propriety of introducing such a bill in the Senate, and I am certain that Senator Di Nino would not have introduced such a bill if there were any bar to so doing.

Senator Tkachuk will recall that an issue was raised in 1997 about his Bill S-12, An Act providing for self-government by the First Nations of Canada, specifically whether it required a Royal Recommendation.

In that case, the Speaker said that he had:

...been unable to find any provision that clearly appropriates money from the Consolidated Revenue Fund.... Nor is there any language in the bill that effectively imposes any perceived appropriation. Yet these are the conditions to be satisfied when considering whether a royal recommendation should be attached to the bill.

The Speaker continued:

Also, with respect to the concern about forgone tax revenue, I can find no basis for ruling the bill out of order. Bill S-12 would extend to Indian corporations the tax exemption currently available to Indian individuals under the *Indian Act*. The objection raised is that this extension would eliminate potential tax revenue and therefore amount to an appropriation of public revenue. However, there is no

requirement for a royal recommendation in cases where a bill proposes to reduce a charge or extend an exemption for a tax.

That applies absolutely to the straw issues which Senator Di Nino raised here.

Honourable senators, I reiterate that this bill does not appropriate any funds, but it does lower tax brackets. However, this precedent, as I have mentioned, has been introduced.

• (1620)

During the last session of Parliament, Senator Di Nino sponsored Bill C-259, An Act to amend the Excise Tax Act (elimination of the excise tax on jewellery). This bill was introduced in the House of Commons and the Conservative Party of Canada backed it both there and in the Senate. This bill did not require a Royal Recommendation, and no question was raised regarding it during its time in the Senate.

Past Speaker's rulings on bills, where it was found that the bill did not require a Royal Recommendation even though it lowered tax revenues for the government, are available to all here.

Finally, in another Speaker's ruling in 1998, the Speaker said:

The fundamental purpose of the requirement for a Royal Recommendation is to limit the authority for appropriating money from the Consolidated Revenue Fund to the Government. In section 2 of the *Financial Administration Act*, "appropriation" is defined to mean "...any authority of Parliament to pay money out of the "Consolidated Revenue Fund"; Consolidated Revenue Fund is defined to mean "...the aggregate of all public moneys that are on deposit at the credit of the Receiver General."

I have not had the opportunity to present the details of this bill on second reading, but I look forward to doing so as soon as the Speaker has taken the matter under consideration.

Hon. Terry Stratton: Honourable senators, as far as the historical record is concerned, three or four Parliaments ago I first introduced my nominations bill, which I have introduced in every Parliament or session of Parliament since then.

When I first introduced it, it was challenged as being essentially a money bill, even though it had to do only with the appointments of senators and the Governor General of Canada and judges. It was examined as a potential Royal Recommendation. Therefore, because it may have dealt with money, it was challenged.

It was found by the Speaker of the day, I believe Senator Hays or Senator Molgat — it is hard to remember now because it has been so long — that it did not impact. At this stage, I think it still behooves us to look at this bill and examine it, as my bill was examined, with the potential of having an effect on an increase in the public purse.

Hon. Lowell Murray: Honourable senators, a few months ago, in the course of addressing a question to the then Leader of the Government in the Senate, Senator Austin, I expressed my complete incredulity at the prospect of the Liberal Party of Canada going into an election on the slogan, "Vote Liberal, save the GST — *Touche pas le TPS*."

My incredulity is complete today. What has happened is that the election has been held. The then government, I think properly, treated the election result as a defeat and rather than invoke their technical constitutional right to meet Parliament, they resigned to make way for Mr. Harper. Today, as we speak, the minister of another party and of another government is presenting a budget in the place where budgets are supposed to be presented, namely, the House of Commons.

This is not the time for me to discuss the relative merits of a reduction in income tax versus a reduction in consumption tax. I made the case for the GST 16 years ago, or tried to make it over the shouts and catcalls of honourable senators opposite, who were ready to throw themselves in front of the train to stop it.

A lot of people on both sides of the house seem to have changed their mind about the GST, but I have not changed mine. However, this is not the time to discuss the merits. Sympathetic though I may be to my honourable friend's policy, he is bringing the Goodale budget by the back door through the Senate back before Parliament.

Senator Austin: Is this the point of order or my bill?

Senator Murray: I will come to the point of order very directly.

This bill is essentially lifted from the Order Paper of the House of Commons, where it died at dissolution. It is a ways and means motion with a Royal Recommendation, which is essentially being lifted from there and brought in here, albeit by a Privy Councillor. However, we know that being a Privy Councillor by itself does not carry the Royal Recommendation for a bill; so my friend is bringing in the budget bill that died on the Order Paper, with a ways-and-means motion and a Royal Recommendation. He is bringing it into the Senate, which he cannot do, according to convention, the Constitution or our rules.

Senator Austin: You are wrong.

Senator Murray: My friend says I am wrong. I think I am right.

As far as this bill being solely a reduction in tax, I think I heard Senator Di Nino tell us in his point of order that if this bill were to pass, the result would be that cheques would go out, a charge on the public treasury, which is implicit in the bill. It is a budget bill and it is a very complex instrument, as my friend well knows. He cannot put a bill of this complexity in front of us and tell us its only effect would be to reduce taxes. That is not the case and we have been told it is not the case.

The Senate is under assault from various quarters, as we all know. I would defend our performance as a Senate anywhere, but I think that we would be pushing the envelope very far to proceed with a bill of this kind and, eventually, possibly send it to the House of Commons. It would be rejected there forthwith, as it would have to be rejected by that House, in accordance with the Constitution and with tradition. If we have a confrontation of any kind with the House of Commons, let us have a confrontation on a matter where we are on solid ground. We are not on solid ground on this matter.

Senator Austin: Honourable senators, I could not disagree more with the Honourable Senator Murray.

First, there is no measure here in my bill that deals with the GST. Senator Murray has used an opportunity to defend his record of 16 years ago, and I will be happy, once we enter the debate, to deal with that question.

However, the real issue here is that these measures are in force. These measures are not some theory being introduced to reduce taxes. As Senator Murray said, they were part of a Royal Recommendation. They were part of a ways and means motion. They took effect, and today these tax measures are in effect for 2005 and 2006.

If they are not continued, this government will have to double its taxes. As a report from the Department of Finance said recently, if they were to reinstate the old tax system prior to this legislation, they would have to recapture income taxes from the Canadian public. They would have to recapture exemptions.

Honourable senators, the purpose of this bill in terms of its four issues is to put into legislation the measures that by convention and practice took effect with the ways and means motion. Nothing new is being added. This bill is simply to confirm what today is part of the tax law practice, and that is that.

Senator Di Nino: Honourable senators, I want to make one other brief point. In his comments, the Honourable Senator Austin referred to Bill C-259. I want to remind everyone that it is Bill C-259, a bill that originated in the House of Commons, in the other place, supported by a majority of members of all parties, and was not introduced in this place.

Senator Austin: Without that Royal Recommendation.

Senator Di Nino: It was not an S bill; it was not introduced in this place.

• (1630)

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I am somewhat hesitant to make a contribution, but I will not go into detail. I should like to caution colleagues and highlight the importance of this matter in terms of our future work.

I have not had much time to review this matter — and I know honourable senators will be well served with advisers on the matter — but we must be very cautious to ensure that we do not use a description of the fiscal process in the general revenue account in terms of tax procedures on refunds and so on to cloud the water on what I read to be essentially a simple bill to preserve tax reductions that are already in place. Granted, it is a strategy to draw attention to the potential elimination of these tax reductions, which means taxes would go up, but this chamber is not purporting to do that. This chamber, through the passage of this legislation, as I understand it, is doing nothing more than preserving tax reductions already in place. We must be very careful to ensure that we do not allow the simple idea of our powers vis-à-vis the powers of the House be manipulated by a description of the way in which government handles its revenue account.

That is my submission, Your Honour. I think that I am making a plea for you to simplify this to the degree that you can. Without the benefit of the kind of advice that you will receive, I wish to draw your attention both to that important fact and to my view of it from listening to both sides at this time.

The Hon. the Speaker: I thank all honourable senators for their help in resolving this matter. I have always believed that the house belongs to honourable senators. This is why we address each other as honourable senators and not as Mr. Speaker, as in the other place. I place great value on the contribution to the point of order made by all honourable senators. I will take the matter under advisement and check the precedents and the procedural literature and try to render a decision as soon as I can.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. John G. Bryden moved second reading of Bill S-213, to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Bryden*).

He said: Honourable senators, Bill S-213 increases the maximum penalties which a court may impose for offences under sections 444 to 447, inclusive of the Criminal Code, dealing with animal cruelty. Otherwise, the code is unchanged.

Before I go further, I wish to point out one of the reasons this booklet that contains the bill is constructed in the manner that it is. The explanatory notes on page 1A and 1B at the back set out the Criminal Code as it is now with the penalties as they are now. This makes it easy to compare the changes proposed by this bill. Only the penalties will change in this bill. The sections that create the offences will remain exactly as they exist and have existed for some time.

This is an important point. These sections and the offences under them have evolved over many years, some of them from the common law before there was a code. Undisturbed, these sections have the great advantage of having been used and interpreted many times and have left a trail of legal precedents that are accepted by and instructive to present-day judges, enforcement officers, prosecutors, and all members of the public in regulating our treatment of animals.

I have introduced this bill because of the recent history of this issue. Over the past four years, Bills C-10, C-10B, C-22 and C-50, dealing with cruelty to animals, have been introduced into Parliament, and each one of them has been stalled either because time has run out or they were turned back by this chamber.

I wish to give those who have been more recently appointed to this chamber some context. Some of them are coming into this subject cold. As a former member of the Standing Senate Committee on Legal and Constitutional Affairs, I have been dealing with what, in the last Parliament, became Bill C-50, for the past five years or so. In each of its previous incarnations, Bill C-17, C-15B, C-10, C-10B, C-22 and, finally last year, Bill C-50, the position by the Department of Justice has always been that these amendments

were primarily to increase the penalties available to the courts upon conviction of a person found to be criminally responsible for cruelty to animals and secondarily to modernize and tidy up some of the language in the existing Criminal Code provisions dealing with cruelty to animals.

The Department of Justice made repeated assurances that there were no substantive changes in the law, that no new offences were being created and that “what is lawful today under the Criminal Code dealing with animals will be lawful tomorrow,” or after the passage of those pieces of legislation.

With all due respect, these assertions were simply false. However, once the first version of the bill passed the House of Commons a number of years ago, it appeared that the members of the House of Commons were persuaded that no further examination was needed when virtually the same bill was reintroduced over and over again.

Since the purpose of this proposed legislation was to increase the penalties for cruelty to animals and no one was against that, organizations, businesses and individuals who depend on animals for their livelihood, science or recreation, reluctantly succumbed to the “what is legal today will be legal tomorrow” mantra and acquiesced.

The matter fell to the Senate and its Legal and Constitutional Affairs Committee to examine the bill in detail by hearing from many witnesses concerned with the impact of certain amendments on their dealing with animals and from many lawyers, academics and other experts on questioned the sweeping implications of certain amendments on individuals, industries and recreational activities.

I will indicate some of the problems that were discovered, in point form.

First, the present Criminal Code includes cruelty to animals offences in the crimes against property part of the Criminal Code. Bill C-50 and its predecessors created a whole new part of the Criminal Code for its offences against animals. No one ever was able to explain to our satisfaction the legal implications of that move.

• (1640)

Second, the present code applies basically to domestic animals and animals in the control of persons. Bill C-50 defined “animal” as a vertebrate other than a human being. This expanded the application of its offences to all vertebrates, all wild animals, including fish. It increased the universe to which the Criminal Code sections would apply by hundreds of thousands or millions of animals.

Third, section 182.2(1)(c), just to give an example, stated,

Everyone commits an offence who wilfully kills an animal without lawful excuse.

In the existing Criminal Code, it is not an offence to kill an animal; it is an offence to kill them cruelly, to cause unnecessary pain. What was being brought in was to make it an offence to kill an animal without lawful excuse. We found out during our

hearings that a valid provincial hunting, fishing, trapping licence does not constitute a lawful excuse. The Department of Justice would not tell us what does constitute a lawful excuse when recreational hunting or fishing.

Section 182.1(a) provided that everyone commits an offence who wilfully causes unnecessary pain, suffering or injury to an animal. That is the existing code as well. However, the existing code does not apply to all wild animals, including fish. What does that expanded definition of "animal" do to recreational angling, particularly catch and release fishing, since fish have been included in the definition of "animal" under the bill that was being proposed but not the existing law? These issues and others have huge implications for our multi-billion dollar sports fishing and outfitting industries, to say nothing of the impact on individual citizens who hunt and fish recreationally. To the best of my knowledge, none of these issues had been seriously addressed by the Department of Justice. Perhaps they were waiting for the courts to deal with them by default.

I believe Bill C-50 had huge implications for many law-abiding Canadians, particularly rural Canadians. I was concerned that, armed with this legislation, certain militant groups would have the ammunition to harass industries and individuals whose activities are not criminal under our present law. For that reason, I introduced S-24 in the last Parliament, and for that reason we now have the new bill introduced at second reading today.

I will not be very long, but I do want to make a comparison, just so everyone really understands what is happening here. In the existing Criminal Code, subsection 446 (1) says:

Everyone commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

Then I go down to the penalty clause:

(2) Every one who commits an offence under subsection 1 is guilty of an offence punishable by summary conviction.

On summary conviction, the normal fines have been in the \$200 to \$600 range, with a maximum of six months of incarceration.

In the bill before you, proposed section 445.1 reads:

Everyone commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird.

The change is that everyone who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or an offence punishable on summary conviction and liable to a fine not exceeding \$10,000 or to imprisonment for a term of not more than 18 months, or both.

I have made this comparison to indicate that the issue that has always been driving the legislation relating to amending the Cruelty to Animals Act is the fact that the penalties do not fit the crimes. However, in all of the investigations that I and others have done, we did not find any situations where the existing Criminal Code offences would not permit a charge to be laid in a proper case. The problem ended up that it was not taken very seriously. If someone had a puppy mill, they were charged, paid the \$200 fine and were right back in business. Therefore, the prosecutors give up, the enforcement officers give up, and even the judges give up. That is the reason it is not working.

I take the position that we have a working law that has evolved over the years and everyone understands how to apply that law. It is effective and it does the job it is intended to do for everyone. To release the pressure of people screaming about how cruel we are to puppies, and whatever, all we need do is increase the penalties.

Honourable senators, I sat through many hours of hearings on this issue. I did not hear any examples of acts of cruelty to animals that would not be caught by the current provisions of the Criminal Code. We simply do not need to amend the substantive provisions in order to prosecute the terrible acts that horrify all of us.

In my amended bill, we go from almost all the penalties being by summary conviction under the system in place now, with a maximum of six months, to an indictable situation with up to five years in prison and summary convictions with up to a \$10,000 fine and/or six months. We absolutely need stronger penalties. That is what Canadians want and expect.

The bill I am putting forward today will leave the substantive provisions of the code intact, ensuring that what is lawful today will continue to be lawful, but we would increase the available penalties to the level proposed in every bill that has been introduced by government over the last five or six years. It is short and to the point. I hope to facilitate an end to the situation in which we find ourselves by proposing a solution that cuts to the heart of our real objective in a way that I hope we can all support in order that Canadians' real objective, that of making the punishment better fit these crimes, can be achieved as quickly as possible.

I hope all honourable senators will join me in supporting this bill.

• (1650)

The Hon. the Speaker *pro tempore*: Senator Bryden, will you accept a question?

Senator Bryden: Yes.

Hon. George Baker: Senator Bryden, this is certainly a change from the legislation that the Senate was asked to deal with some time ago. As Senator Bryden and other senators would know, the Senate was faced with a situation where the Canadian Jewish Congress, the Canadian Arab League and various organizations from across Canada came to us with representations. Having spent 29 years in the House of Commons, I must admit that members the other place are not lobbied in as active a manner as are senators. Perhaps that is because it is recognized that members

of Parliament really do not have the time to deal with legislation. They are too busy getting re-elected. They do not really deal with the law and changes in the law, and, thereby, I enjoyed it for 29 years.

Let me ask the honourable senator a question. He is correct in the case law. All of us read the cases from QuickLaw, Westlaw and Carswell on a daily basis. Instead of reading novels, we read case law. It appears as if, under sections 444 to 447 of the Criminal Code, the judgments have been consistent in each province in that they have referenced, in a similar manner, assault charges brought under the common assault provisions of the Criminal Code. In other words, one arrives at a point at which one should stop — *R. v. Jorgensen*.

The change being made here will make the offence hybrid. A hybrid offence, summary or indictable, automatically comes under the Identification of Criminals Act. As a result, when a person is charged with a hybrid offence, it is assumed by the court that the offence is indictable until the Crown elects which way it chooses to proceed. Someone is then fingerprinted, photographed, and so on.

In those circumstances, is the honourable senator making this a hybrid offence to highlight the fact that people regard cruelty to animals at a much higher level than they do assaulting human beings as defined under the Criminal Code?

Senator Bryden: Thank you for that question — I think.

There is no question that we must have hybrid offences, to use your term, because in order for the penalties to fit the seriousness of the crimes, we must have the opportunity to treat most of the severe penalties as indictable offences and still leave open the opportunity to treat them as summary conviction offences.

We have done very well in our criminal law system by giving as much discretion as we possibly can to judges and, indeed, prosecutors in properly laying charges.

My honourable friend mentioned the number of people who appeared and who were very concerned. One of the groups of people who were most concerned about the bill that came out of the justice mill was the Aboriginals. Under our Constitution, the Aboriginals should have been consulted. There should have been a lengthy consultation because their livelihoods and way of life depend so much on animals and fish. Nonetheless, no consultation occurred, which was very troublesome.

Ask Senator Adams or Senator Watt. It was a major issue with the industries in this country, particularly the fields of health care, pharmaceuticals and in the laboratories. Those industries are closely regulated and monitored, but they are often the subject of harassment by militants who support the animal rights movements.

The fact is that it is very difficult to put something as tough as was going into Bill C-50 into the Criminal Code to say that someone commits an offence if they kill an animal without lawful excuse. No one will define what constitutes a lawful excuse. If you were being attacked by a grizzly bear and you defended yourself, that would probably count, but just to have a licence, or, for

example, to adhere to all of the slaughter regulations within a province would not constitute a lawful excuse.

In other countries, the really militant animal rights people are treating the fact that something, on the face of it, is criminal as a justification for them — whether there is any foundation for it or not — to harass.

Let us take, for example, an Aboriginal hunter who does something that he has been doing all of his life, to say nothing about the seal hunt, for example. I do not want to get into that issue. However, if he does something that he has been doing all his life and, all of a sudden, somewhere in Ottawa, this change is adopted, just killing an animal without lawful excuse becomes a crime. The Criminal Code trumps everyone else. The animal rights people, and indeed some enforcement officers, will say, “You are committing a criminal act. Where is your lawful excuse?” The person’s lawful excuse may be to say, “This is my traditional way of life.” The enforcement officers would say, “No, it is not, so I have to charge you.” The answer that was always given was, “Well, that is fine; let the courts decide.”

I can tell honourable senators that there are very few Aboriginal hunters or just ordinary folk out on the farm who are able to go with a group like PETA — the People for the Ethical Treatment of Animals, which is funded out of the U.S. — all the way through litigation. What happens is the person just gives up, and he has lost that right.

Honourable senators, we have to be able to take care of those people who read in the press that some ignorant bully is running a puppy mill where animals are improperly fed, where they are dying of thirst, and so on, and nothing can be done about that except to give the guy a \$500 or \$600 fine. Then the whole world blows up in the newspapers saying that we have to change the law. Yes, we have to change the law, but we have to change the law to increase the penalties to the people who are breaking the law. We do not have to create more laws to give people an opportunity to take advantage of them.

The Hon. the Speaker *pro tempore*: Honourable Senator Adams, do you have a question?

• (1700)

Hon. Willie Adams: I know Senator Bryden, with whom we worked for close to five years on different issues. I wish to ensure that the honourable senator’s bill is better than the other three that were put forward and which were on the Order Paper in the last five years.

The honourable senator talks about hunting. Mostly the honourable senator talked about fishing and deer hunting and other forms of hunting. We are concerned that our original way of life will not be disturbed. We do hunting of seals and whales and we fish. There was a bill concerning the feeling of mammals. If this bill passes through the Senate it will have to go to the House of Commons. I hope that it gets there and I hope that clause, which is in other bills, will not be in the bill the honourable senator has now. If it is, I am still worried about the bill going from here to the House of Commons. Some people over there may have liked Bill C-50. I want to make sure that that will not happen.

The honourable senator mentioned the penalties and the jail sentences. There was a five-year sentence, with a maximum up to a \$5,000 fine. Do I understand that Bill S-213 now says the penalty is 18 months and a fine of up to \$10,000?

Senator Bryden: The penalties depend on the seriousness of the offence, honourable senators. Once again, we are dealing with the offence with which the Honourable Senator Adams is very familiar. It is the one that he has lived and worked with all his life. Nothing has changed in this bill.

Some of the offences in the Criminal Code now do not carry as heavy a penalty as some others.

For example, the first offence is an archaic one with the heaviest fine of \$5,000 if an offender kills cattle. I believe that goes back to the old rustling days. If one looks at the wording of the existing bill — and by “existing” I mean the wording that is in the Criminal Code now — one reads it and some of the terminology is somewhat archaic. I am a lawyer and I can remember being told that law does not have to be poetry; it has to be clear. People must understand what you mean. While some of the terms in the Criminal Code may have been current terms 50 or 100 years ago, they have come forward and they have been interpreted in a manner that every judge or prosecutor who deals with these matters knows exactly what is meant, and so do the people who work with the animals that are there.

The honourable senator has a legitimate concern, as do I, and that is we may be able to manage this bill while it is in our jurisdiction, while it is within this chamber, our committee and comes back and receives third reading. This bill can hopefully be sent to the other place and, perhaps, it will be treated in a manner that will reflect at least as much if not more concern for the people who interact with the animals than it seemed to be the last time, when the drafters, and so on, got into this. To be charitable, the animal rights people had a very strong lobby that produced the series of bills. We sent them back to be fixed and they kept returning in basically the same form.

I am hopeful with starting out with a bill that says, “We know that the cruelty to animals provisions that are in the existing code work.” What does not work is once you have made the arrest, once you have had the trial and it comes time to mete out a sentence. We cannot leave our justice system in a situation where the maximum penalty they can impose is \$600 or a maximum detention would be six months. That would not discourage the professionals who are causing some of the problems.

The fines are tailored to fit the particular offences and they vary. The maximum on an indictable offence goes up to \$5,000 or 18 months. On summary conviction, the penalty is \$5,000 and up to six months in jail. I do not want to get into the situation of saying that we want minimums. We do not want that. We need to give the opportunity and range to the prosecutors and the courts to be able to make the punishment that is available fit the particular incidents with which they are dealing. They do not have those tools now. That is the only thing in my opinion that needs to be changed to give us a very good protection act for animals in our care.

Hon. Anne C. Cools: Honourable senators, it is a long time since we looked at Bill C-10B in committee. I believe that bill was originally divided from Bill C-10. If honourable senators have the interest, wish or desire, they should some day look at the proceedings of that committee and even the proceedings on the bill here in this house to examine the lucid and clear interventions that Senator Bryden made on that matter.

My question to the honourable senator is this: At that time there was concern within the committee about the sustenance and maintenance of the old common law defences. I have yet to look at the bill in this session. Will this bill address the concerns we raised then? At the time, committee members, the honourable senator included, as well as the Honourable Senator Baker, were not satisfied with the responses that the department had been making to our concerns about the common law defences. Would the honourable senator comment, please?

Senator Bryden: Honourable senators, there has never been a question whether or not the old common law defences apply to the offences under sections 444 to 447 of the Criminal Code; they do. They will not change. Those protections are there and will continue. The same is true with respect to the types of protection available and that have been worked with for years in relation to the religious rites and if you have a regulated animal industry or business, such as the stampede. We heard from lawyers, when the bill was before us the last time, who would not give us an opinion whether the stampede in Calgary would go ahead if that bill passed. That is not part of what I am talking about. We will continue to do what we have been doing. We will give the courts, the prosecutors and the enforcement people a little more muscle to be able to say: This is the second time before the court for this offence; this time it is indictable; and this time the person will go to jail.

• (1710)

Hon. Tommy Banks: The proponents of the bill presented on three previous occasions argued that the provisions of the common law are such that, notwithstanding the removal of the colour of right reference, if that bill had become an act of Parliament, nothing that is illegal today would be illegal tomorrow. Many of us disagreed with that because we recognized at least one new offence in the proposed legislation, so those two things do not work. Is there anything in the current bill before the Senate that is legal today that would be illegal should the bill pass and become law?

Senator Bryden: Absolutely not. Bill S-213 does not change the law except to change the penalties. Thus, if it is legal today under the Criminal Code, it would be legal still when the bill passes and becomes law because the fundamental offences have not been changed. They are identical. I had the law clerks review the bill with a fine-toothed comb to ensure that the offence sections mirror precisely what we have now in law and have been living with all our lives. The only thing that has changed are the penalties for violation of the sections.

Hon. Terry Stratton: If I may, I would like to congratulate Senator Bryden. During the last Parliament, we saw that this was a good bill. For him to reintroduce it now, I wish him well.

Senator Bryden: Honourable senators, I know I should not comment, but the pride of authorship that I would take in this bill would be to see Bill S-213, with or without my name on it, become law. If the senators opposite were to take it over as a government bill, they would face no objection from me.

On motion of Senator Stratton, debate adjourned.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mira Spivak moved second reading of Bill S-209, concerning personal watercraft in navigable waters.
—(Honourable Senator Spivak)

She said: Honourable senators, the Senate has passed this bill three times: October 2003, May 2004 and November 2005. We have spent some 30 sitting days on a bill that is little more than a housekeeping bill to close a regulatory gap. As well, it was introduced for first reading in the House of Commons twice but died on the Order Paper at prorogation and dissolution of Parliament.

Tens of thousands of Canadians support Bill S-209 in every province. Municipalities, cottage associations and provincial governments support it because a long time has been spent in pursuing this issue.

Of the 30 days spent on Bill S-16, Bill S-10, Bill S-8 and Bill S-12, 13 days have been spent by Senate committees, often in lengthy sessions with witnesses, but not at my request. Thirteen days of hearings and deliberations is more time than Senate committees devote to many major government bills. The Standing Senate Committee on Energy, the Environment and Natural Resources has spent more time on this bill than it devoted to bills on the long-term management of nuclear waste or on the protection of species at risk, and there is a reason for that. The bill's chief opponent, the Executive Director of the Canadian Marine Manufacturers Association, had the ear of committee members in June 2001, June 2003, February 2004 and June 2005. His requests to appear again and again were granted on the grounds that he had something new to say. Then, committee members heard the same old story. For four years the graciousness of committee chairs and their desire to demonstrate utter fairness in our proceedings has been leaned upon.

The bill was twice introduced in the House of Commons, where it gained the support of individual members of three of the four parties. On the first occasion in 2004, it was sponsored by Mr. Clifford Lincoln, the highly respected former Member of Parliament for Lachine—Lac-Saint-Louis, who, not incidentally, was a former Quebec environment minister and a Liberal. The Conservative Party also endorsed it strongly. James Moore, Conservative transport critic, said on May 10, 2004:

Just so the House understands, the official opposition, the Conservative Party of Canada, strongly supports Bill S-8. We see it as a precedent for the new kind of new government Canada needs in respecting local authorities,

giving power, money, control and influence back to Canadians, back to municipalities so that we can all have the kind of government we want, not the kind of government that is mandated by Ottawa and the bureaucrats here.

Mr. Lincoln did not seek re-election and it was Mr. Moore who last introduced the bill in the other place. On November 28, 2005, in the dying days of the Thirty-eighth Parliament, he said:

It is a bill that essentially speaks to Conservative principles, which is giving more power, money, control and authority to municipalities and cottage —

— communities —

— when it comes to regulating personal watercraft for noise and pollution purposes.

For the benefit of the very few senators who are still unfamiliar with this bill, let me briefly explain how astute those words are. Mr. Moore is correct. The bill essentially allows municipalities or cottage associations to do something about their problems with personal watercraft, if they so choose. It does not force them to do anything. It would change nothing overnight, and it certainly would not ban personal watercraft everywhere, or perhaps not anywhere, although they are banned in one place in British Columbia but strictly through municipal regulations. The bill would enable local authorities with the benefit of knowledge of the local waters to determine where personal watercraft are fine to use and where they are too great a threat to the environment and peaceful enjoyment of our lakes and rivers.

I would add one thing: The bill also allows local authorities to act in the interests of safety. It also allows them to determine what areas should be off-limits to protect swimmers, canoeists, kayakers, people in paddle boats, water skiers and others in or on the water. There is ample evidence that for safety reasons alone these thrill craft, with their engines that top 200 horsepower, need some new regulation. We have Canadian data that shows the tragic death toll and the disproportionate injury rate compared to other power boats. In Australia, the U.S. and elsewhere, safety trumps thrills, especially when it is a matter of our safety and your thrills.

Last spring our committee heard from an American senior official of Bombardier Recreational Products Inc., who is the relatively new owner of the manufacturing firm. Privately, he was surprised to learn that his Canadian colleagues opposed any new regulation of any stripe, including the model bill that he and other industry leaders in the U.S. developed and urged states to adopt.

• (1720)

In Canada, these same lobbyists persuaded the previous government not to interfere with the deadly free-for-all on our lakes and rivers. In 1994, the government briefly proposed a regulation similar to this bill. Manufacturers lobbied hard against it and the government turned tail.

I have every reason to believe that the current government will not succumb to the lobbyists' pressures. I will reiterate that I would be delighted with any other initiative that finally makes this bill redundant, such as putting a schedule in the regulations.

Meanwhile, however, we have the practical problem of having the bill in this place and getting it to the House of Commons to allow elected officials to cast their votes at last.

In the last Parliament, a stalling was orchestrated by Mr. Patrick Gagnon, registered lobbyist on this bill for BRP Inc. When the bill was before committee last spring, he said frankly that he would ensure that it was stalled long enough to die before an election was called — and he did.

There were many adjournments. Delay on third reading spanned five months and perhaps would have been longer if an election had not been in the offing. We have generous rules in the Senate, rules that respect that many senators are busy outside this chamber travelling with committees and engaged in other public business. However, let us call a spade a spade. A stretching of the rules orchestrated by lobbyists should not be tolerated, because when we tolerate it we lose credibility in the eyes of Canadians.

When the bill died one time before and was again forced into hearings, I received two pointed comments. The first was from Quebec. It said:

Let's face it, and correct me if I am wrong; we have to pass through three readings at the Senate and after that three readings in the Commons in the same parliamentary session. It's virtually impossible...Bill S-12 will die another time.

I say very sincerely that if any senator believes he or she needs more factual information about this bill, I would be delighted to furnish it. If any senator wants to know what witnesses have told the committees, he or she can turn to a good summary that has been prepared by the research staff of the Standing Senate Committee on Energy, Environment and Natural Resources. I urge the one or two senators who have not had an opportunity to look at this bill to consider it carefully. I urge the many who have considered it again and again to carefully consider the fact that perhaps we should not allow this to drag on forever.

As the Energy Committee is so fond of saying, let's get on with it.

On motion of Senator Stratton, debate adjourned.

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Mira Spivak moved second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Spivak*)

She said: Honourable senators, just minutes from where we sit, across the Ottawa River and four kilometres west, there is the only large federal park that remains beyond the direct reach of Parliament. Gatineau Park is a federal park, not a national park like Banff or Riding Mountain National Park. If Gatineau Park were a national park, an act of Parliament would define its

borders. To change them, officials would need to tell us why they want the park to grow or to shrink. If Gatineau Park were a national park, nothing could alter its size or shape without the consent of Parliament.

As a federal park, the borders of Gatineau Park are mutable. They have changed a great deal in recent years. Bill S-210 would give Gatineau Park the same kind of statutory protection and parliamentary oversight that we have granted all other significant parks in this country — parks not within sight of the Peace Tower.

The bill first requires cabinet, by Order-in-Council, to set out the boundaries of Gatineau Park as they stand today. The order must be made within 60 days after this bill receives Royal Assent and must be tabled in each House.

That requirement may seem onerous. In fact, it would be reasonable to expect that there already is an Order-in-Council or some other document setting out what is currently parkland and what is not.

That reasonable assumption would be wrong. The National Capital Commission, the park's legal guardian for almost 50 years, has no description, no "metes and bounds" of Gatineau Park as it now exists. The commission says it can identify lands within the park "by using a compilation of surveys prepared of all lands acquired for park purposes since the creation of the park."

These survey maps line some 15 feet of shelf space. It was not always the case. In 1960, an Order-in-Council set out a boundary. It was drawn on a very large map attached to the order and appeared as a wide shaded line "thereon indicating the Gatineau Park boundary."

Until the mid-1990s, the NCC viewed the 1960 Order-in-Council as the legal instrument that defined the park boundary. Internal documents signed by NCC senior officials make repeated references to the fact. The view was shared up through the ranks of the NCC executive committee that in September 1995 approved a new rationalization of the boundaries and "the object to amend the Order-in-Council of 1960 that legally defines the boundaries of the park."

For whatever reason, it has never been done and the NCC's current interpretation of history has it that the 1960 Order-in-Council did not set the boundary. Rather, it gave authority to the NCC to acquire land within that wide shaded line. There was a "metes and bounds" description prepared in the 1960s at the NCC's request. It can be found in a Quebec Order-in-Council of 1974 that established the territory of Gatineau Park as a provincial game reserve. The surveys were completed in 1965 and the surveyor attested to the description in Hull the following year.

The NCC has sold off so much parkland since then, declared so much more parkland surplus and added one such sizeable tract of land that those 1966 metes and bounds no longer describe the park. If they did, we would have a park with a new housing development, a new hospital, a new strip mall, new four-lane highways and land cleared by logging trucks.

In November of 1997, the NCC approved a rationalized park boundary that retroactively excluded lands already sold. It is the boundary that very likely stands today, but stands without a description.

• (1730)

There are very practical consequences to the vagueness of the boundary — a boundary that has only a few areas of fencing and fewer signs. Hunters have very little way of knowing when they are in the park or outside its borders — the same for local residents who harvest firewood.

Then there are those who grow and harvest their own specialty crop — marijuana. In the last five years alone, Gatineau Park conservation officers have filed 30 reports of marijuana grow operations with the area police.

That criminal laws can be so openly flouted on federal parkland so close to Parliament Hill is frankly stunning, as is the lack of on-the-ground, practical attention paid to the park by its current legal guardian. I do not mean to be harsh, but these are the facts. Therefore, the first order of business in this bill is the description of the park, something that should have been done long ago and I hope will be started soon, even before this bill may or may not pass.

The second order of business is to set down a mechanism for the government and for future governments to expand the park should they wish to do so. Any proposed expansion of the park would require an agreement between the federal government and the Province of Quebec, public consultations and the concurrence of Parliament. Committees of each House would have 30 sitting days to examine the proposal, and it would proceed only if both Houses consent.

Park advocates may wonder why parliamentary oversight is needed when a government wishes to do the right thing, to preserve still more land in its natural state and for the benefit of all Canadians. They need only look to the NCC's expansion of Gatineau Park through Meech Creek Valley, and the environmental damage that resulted.

The NCC has, in fact, enlarged Gatineau Park since the 1996 survey by some 436 hectares. In 1994, the NCC added 564 acres of farmland in Meech Creek Valley on the northeastern side of the park. This was farmland that the Quebec government had expropriated decades earlier for a zoo that never materialized. The valley's rolling hills are picturesque and very different from the other park's landscapes, but the expansion was tantamount to adding a cattle ranch to Banff National Park.

Stranger still, the NCC was not certain what it wanted to do with its new acquisition. It had outlined a business plan for a resort, hotel, conference centre, camping, golf course and equestrian park. When local residents were consulted a few years earlier, there was little enthusiasm for those plans.

For eight years, a land use concept document for the valley sat on the shelf. It included plans to develop visitor services and tourism projects on a request-for-proposal basis. Yet, as the NCC says, no action has yet been taken in this regard.

While pondering what to do with the land, the NCC rented a large share of the valley to the son of former NCC chairman Bud Drury. Mr. Gibb Drury raised cattle but did not fence them in, and the cattle fouled the creek that flows into the Gatineau River.

The local municipality received its first complaint about pollution in October 1995. The NCC studied it and studied it again, but nothing was done until Environment Quebec and Environment Canada intervened. Ten years later, the NCC was still extending deadlines for the completion of fences, and finally turned for legal advice to end the lease, a lease that is due to expire in August 2007.

The land in the Meech Creek Valley was acquired in a complex exchange that saw other NCC properties near the park, valued at \$1.8 million, first transferred to the regional CEO and then to the City of Hull, the Université du Québec in Hull and Canadian Pacific. Park buffer zones vanished, as did land that might have linked the park to the Ottawa River.

With this bill, committees in the House of Commons and the Senate would be able to examine any similar future proposal for expanding the park, and clearly determine its value before agreements are signed and sealed.

Third, this bill would prevent the removal of any portion of Gatineau Park by Order-in-Council to sell off land that has been declared in the national interest to be held in perpetuity for all Canadians. The NCC would have to return to Parliament and gain our consent to amend this bill. This is no different from the protection we give our national parks.

In the absence of that protection, the NCC has already removed from the park 48 properties, totalling 610 hectares. The early to mid-1990s saw the sale of 112 hectares near Wakefield and 10 properties in the Lac des Fees area of the park's southern region. Much of the land was declared surplus as a result of highway construction that sliced off chunks of the park.

No doubt good arguments can be made for highways and arterial roads to serve an expanding population in the Outaouais. When these or other developments radically alter the land use of property acquired by past governments for the benefit of all Canadians, however, they are arguments that should be made to Parliament. That consent should be a precondition to the sale of parkland to individuals, to housing developers or to numbered corporations.

Fourth, this bill would recognize that a good deal of Gatineau Park remains in private or provincial hands. Some 855 hectares, or 2 per cent of the park, is private land. Another 17 per cent is owned by the Province of Quebec. In the 1960s, the NCC expropriated 20 properties in Gatineau Park. Between 1976 and 1990, Public Works and Government Services expropriated another 28 properties on the NCC's behalf.

For a time, it was NCC policy to buy up properties as they came on the market, but now that plan seems to have ground to a halt. At least 32 new homes have been built on private land inside the park since 1992.

Perhaps a more striking example of the NCC's lack of interest in acquiring the remaining 2 per cent of private land is the 17-hectare property known as the Radmore Farm. It sits inside the park boundaries south of the environmentally sensitive Pink Lake, and is zoned for 1.5-hectare residential lots. It went on the market last summer at \$1.5 million. The NCC apparently offered one-third the asking price and the property is still up for sale. The listing agent predicts that, unless the NCC purchases or expropriates this land, it will be sold to a developer and there will be a subdivision inside the park.

This bill would not and cannot require the NCC to purchase land. It would encourage that process, though, through the words and the preamble and through the clauses that require that vendors give the NCC the right of first refusal. It is a modest step, but one that sends an important signal from Parliament to the commission that, over time, it should complete the job.

This begs the most important question the bill does not address: Why not make Gatineau Park a national park? However, from the outset, that was the intent of many of the park's early supporters.

In 1912 to 1913, Sir Clifford Sifton, minister of the Interior, trumpeted the motion. A few decades later, the *Ottawa Journal* published an editorial supporting Prime Minister Bennett's decision to take up the cause that had been raised by then opposition leader Mackenzie King. As Prime Minister, King was less keen to quickly transform the park into a national park, although he willed his sizeable estate to the country and it remains a main attraction of Gatineau Park.

There are some very recent examples of advocates for a national park. Last December, a *Montreal Gazette* editorial strongly favoured that route; and last month a poll commissioned by the *Ottawa Citizen* found that 80 per cent of the respondents in Ottawa favoured giving the park that status.

• (1740)

The idea never seems to die, but it never seems to take complete hold. As Parks Canada officials say repeatedly: For a park to achieve standing as a national park, the federal Crown must own all the land, obtain subsurface rights from the province, and if private land use is permitted, as it is in Banff or Riding Mountain National Park, Parks Canada must control them.

When Alan Latourelle, Chief Executive Officer of Parks Canada, appeared before the House of Commons Environment Committee in 2004, he got the perennial question and replied that, "In this specific case, if it were to be considered for a national park, we would require the Government of Quebec's support, and clearly historically we have not received that level of support anywhere in Quebec to create national parks. So it's not an option we're looking at."

In fact, that is wrong. There are three national parks in Quebec — all created through agreements between the two governments. La Mauricie Park, for example, involved a land swap, just as the two governments made an exchange in the early 1990s for Gatineau Park. There was one significant difference in the Gatineau Park agreement, however: Quebec contributed only

the management rights over 4,000 hectares of forests and lakes in exchange for the management rights over urban land owned by the Government of Canada and chosen as the site of a provincial college.

Another Parks Canada official, Mr. Kevin McNamee, Director of Park Establishment, more recently told a reporter that, "Being aware of Quebec's policy, Parks Canada has never contacted Quebec over the Gatineau Park."

But in fact, in 1913, parks commissioner James Harkin sent Quebec Minister of Forests Charles Devlin a letter proposing the Gatineau as Quebec's first national park. At least one more overture was made by Quebec premier Adélard Godbout in the 1930s. Whatever the reason for Parks Canada's current policy, Quebec government officials have another take on the reality. In a December 14, 2005 interview with *Le Droit*, Benoît Pelletier, Quebec's Intergovernmental Affairs Commissioner said the Quebec government had never opposed the conversion to a national park because it had never been asked. He went on to say that, "It is an idea they have never proposed."

This bill, while unable to advocate spending for a new national park, can again draw attention to that possibility. If governments are so interested, the bill could prompt them to move beyond what it is that an individual parliamentarian could do. If the government does not wish to do that, this bill will preserve the land in its natural state for the time when the park can become a national park.

Honourable senators, this precious piece of Canada almost right on our doorstep does need protection from still more highways and still more development. I would urge honourable senators to consider the bill.

On motion of Senator Cools, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Grafstein*)

He said: Honourable senators, I wish to provide a brief history of this bill. Approximately five years ago, Canadians awoke one morning to discover a series of tragic events cascading across Canada, first in Walkerton, Ontario, my province; then in North Battleford, Saskatchewan; then in Charlottetown, Prince Edward Island. Clean drinking water had suddenly become a national "hot button" issue. Suddenly, the national media began to report local water advisories sprouting up in every region of the country: Quebec, Newfoundland, Manitoba, Alberta, British Columbia, the Aboriginal communities across the North and across Canada. Every region of Canada was affected. How could this be? We were taught in our schools that Canada had the greatest supply of clear, fresh drinking water. We discovered that Canada's capacious fresh water was not only in danger, but also that pollution was deteriorating our fresh water supply.

Honourable senators, I also have a bill on the Order Paper that I will address at a future time about that issue: What to do when faced with a national public health crisis in every region of the country based on our most precious commodity, our natural resource, water.

Where was the national media? It became clear on a careful review that this problem of clean drinking water had escaped concerted national attention as bad water problems were reported locally. Drinking water was a local problem. The national media would rarely accumulate the numerous local drinking problems across the country. Unhealthy drinking water, as a national crisis, lurked, hidden below the national media screen. Even though clean drinking water is the daily staple of each Canadian, and we are admonished by experts to drink at least eight glasses a day, the crisis was undetected and uncovered. National statistics were hard to find. The federal and provincial authorities and agencies did not coagulate the scope of drinking water problems or correlate the cost to our public health budgets, municipally, provincially or federally. Was anyone keeping track? What were the facts before policy?

At the urging of our Aboriginal colleagues in the Senate, I set about, as a senator from the region of Ontario, to study the problem. I could only get anecdotal information, but it was compelling. In the result, I introduced Bill S-18, which is identical to S-42, which was introduced in the last Parliament and died on the Order Paper. I now reintroduce the same bill under the new number, Bill S-28, which is identical to the two preceding bills, each of which died on the Order Paper.

First reading of Bill S-18 took place in February 2001. Second reading was approved and referred to the Standing Senate Committee on Energy, the Environment and Natural Resources on April 24, 2001. The committee reported the bill without amendment on May 10, 2001. At third reading, it was referred to the Legal and Constitutional Affairs Committee, on June 13, 2002, and died on the Order Paper of that Parliament. Bill S-205 is identical to S-18, which I introduced five years ago; and S-42, which was introduced over a year ago and died on the Order Paper of the last Parliament.

This bill is very simple. It is a remedial measure in scope and is clinical and simple to understand. To amend the Food and Drugs Act by adding clean drinking water as an objective so that the federal agency already mandated to regulate drinking water in bottles, ice cubes and soft drinks would regulate community drinking systems as well. Bill S-18 encountered delays at third reading from supporters of the government, who were against the bill. A foremost advocate was our former colleague, the learned Dr. Morin from Quebec, who argued at third reading that, in his medical opinion, since water did not contain nutrients, it could not be considered a food under the Food and Drugs Act. I immediately attended upon Senator Keon, who agreed with me, based on the other scientific advice that I received, that that was not the case. Dr. Morin argued that community drinking water was beyond the scope of the FDA. Shortly after he left the Senate, to be fair to the honourable senator, he came to me and he told me that he would now have supported the bill if it were to be reintroduced. It was too late for him, but it is not too late for us.

It was clear to me that drinking water did contain nutrients, and so I was advised by doctors and scientists outside this chamber as well. Thus, the learned doctor's objection was not based on a scientific fact. Meanwhile, the damage to the health of thousands of Canadians in every region of the country continues and continued unabated.

The previous government raised objections, legal and constitutional, and thus referred the bill to the Standing Senate Committee on Legal and Constitutional Affairs. That government appeared concerned that the bill would be considered an incursion in provincial jurisdiction.

• (1750)

Not to be deterred, I reintroduced the bill as S-42 and spoke on second reading on October 25, 2005. In a flurry in the last Parliament, debate was adjourned and the bill died on the Order Paper.

What has changed? Nothing. The situation is the same now as it was in 2005, when the bill was first introduced. While measures have been introduced in Ontario, Saskatchewan, and the Aboriginal communities in the last budget, the situation with clean drinking water remains bleak. It is clear that the federal government already has regulatory oversight on water, in bottled water, drinking water, in parks, planes, trains, and of course in Aboriginal communities.

In fact, the food and drugs authorities, with the cooperation of the provinces, issued a voluntary drinking water guideline, a voluntary guideline. Regrettably it is voluntary and years behind in its science because of bureaucratic delays and, regrettably, the Auditor General reported that it is woefully out of date.

Mr. Justice O'Connor of Ontario, in his landmark report respecting drinking water arising out of the Walkerton tragedy, clearly outlined the scope of the federal jurisdiction. No one challenged Mr. Justice O'Connor's constitutional view that the federal government has clear jurisdiction on this matter. The federal government, as well, has an overriding responsibility under the Constitution to ensure that matters of public health affecting the nation as a whole must be addressed. This is the essence of Health Canada.

Previous governments have objected to this bill because it might trigger additional federal costs to infrastructure associated with water treatment. If you say it is a problem, if the federal government says it is a problem, it takes money and monetary responsibility. However, recent federal government budgets — and I do not know, perhaps the budget that was introduced in the other House today — designated substantial allocations toward drinking water infrastructure to the provinces, but no one is keeping track. How much? Where is it going? To what effect? There is no accountability for the results — clean drinking water. We simply do not know. Money is being thrown at the problem and thrown at the Aboriginal communities, but we still do not know in any measurable, discernible way whether drinking water has been improved.

There is a long list of areas where the federal government makes frequent infrastructure investments to matters traditionally considered within the provincial scope of activities when it affects the health or the economy of the nation as a whole. That the federal government would save billions in preventive health costs, if community drinking water was no longer a threat to the public health of thousands and thousands of Canadian men, women and children, is now, in my view, beyond question.

Honourable senators, this Senate and the previous governments could not agree with this measure at the time it was introduced, or since. Let me state more carefully the objections.

The Canadian Food Inspection Agency, CFIA, responsible for regulatory enforcement of the Food and Drugs Act, would become responsible for inspecting community water systems. This would not displace the provincial governments. This would be an oversight function, as mandated and as implicit in the Constitution, to overview the provinces when the provinces fail to do the job they are supposed to do.

The previous governments believed this would be an incursion into areas where the provinces and territories are presently exercising jurisdiction and that this might be criticized by them. The adoption of this bill by Parliament, those governments argued, would jeopardize long-standing federal-provincial-territorial collaborative relationships in the area of drinking water.

The federal government already has a drinking water strategy for the First Nations. Additional regulations, investment, compliance programs would be necessary, so said the previous governments. Of course, I agree. We now have independent evidence that current drinking water strategy for the First Nations is being implemented, but it is still not working. What happened since Walkerton, Ontario, in 2002 and in North Battleford?

Let me sum up the current situation. While some provinces have indeed started to improve on improving community drinking water, not one province, not one community, has fully implemented Mr. Justice O'Connor's 93 recommendations, especially water standards testing with the daily right of the public to know about clean drinking water in each of our communities in Canada. That was one of his recommendations. We should be able to push a button and say, "Can I drink the water today in Toronto or in Moncton or in Quebec City or in the North or in Vancouver?"

I will come to Vancouver in a moment because we have in this chamber, not today, a former mayor.

Provinces, stretched for resources, have left discretion too long absent public pressure for public health and, because of the lack of current statistics, there is little or no accountability or public pressure to galvanize provincial action.

Statistics Canada indicated in the years 1999-2000, over 2,150 of 100,000 children reported cases of giardiasis — a drinking water disease. It appears that these numbers were underestimated.

In Alberta, one quarter of drinking water contained traces of pesticide. In British Columbia, the Sierra legal group issued a report entitled *Watering Down*, concerning 28 water-borne disease outbreaks in 2003 and estimated that 10 per cent of B.C.'s water systems were under or should have been under a boil water advisory.

In 2002, Manitoba passed a Drinking Water Act. Since then, it was discovered in Winnipeg that concentrations of disinfectant by-products considered carcinogenic could be located in Winnipeg drinking water. In layman's language, "carcinogenic" means cancerous, the cause of cancer.

In Portage la Prairie, lead concentrates exceeded Canada's guidelines.

New Brunswick, Quebec — particularly rural Quebec — and Newfoundland continue to lag behind in maintaining even the minimum federal guideline in a large number of communities. Many of these small communities to this day have to boil their water for everyday use — in Canada, in the 21st century. There are housewives in Newfoundland, in the North, in every region of the country who are boiling their water because they cannot get clean drinking water in their homes.

Regretfully, honourable senators, little has changed in terms of demonstrative improvement since my bill was introduced over five years ago. It may have improved, but it has not improved enough. We still have an invisible health crisis. Canadians continue to drink unhealthy drinking water in many communities and in every region across Canada.

The Americans, at least, passed the Clean Water Bill in 1972 to allow federal regulatory oversight. One positive outcome of the U.S. act is that U.S. citizens, by tapping into the U.S. federal Web site, can obtain the last water advisory in each community and each region of America. We are ahead of the United States in terms of connectivity, and we cannot get this issue on the screen.

An ounce of prevention, my late mother always taught me, was worth a pound of cure. The cost to our public health system is far outstripping the cost of prevention. Let us, as senators from each region, support this rather clinical, septic solution to one of Canada's greatest health hazards, bad drinking water.

Finally, honourable senators, let me turn to the recent evidence of Johanne Gélinas, Commissioner for the Environment and Sustainable Development, before the Standing Senate Committee on Energy, the Environment and Natural Resources on her report to the House of Commons. She is part of the Auditor General's agency and thus an officer of this Parliament. She also gave evidence, not only on the other side, but to Senator Banks' committee. Let me quote from her most recent statement:

One of the essentials of daily life is access to clean drinking water. In a country like ours, we all assume that the water we drink is of high quality.

But the truth is, in some areas where the federal government has responsibilities, not all Canadians can be sure their drinking water is safe. This includes nearly half a million Canadians living in First Nations communities.

The government has known for years that an overwhelming majority of water systems in First Nations communities pose health risks. Between 1995 and 2003, almost \$2 billion was spent to build and operate drinking water and sewer systems on First Nations. Between 2003 and 2008, a further \$1.8 billion will be devoted to these projects.

Unless strong action is taken, it is unlikely that this money, including \$600 million invested in the First Nations Water Management Strategy, will result in safer drinking water in the future.

The major problems include the lack of laws and regulations on drinking water in First Nations communities and inadequate support given to First Nations for operations and maintenance.

• (1800)

The federal government is also responsible for making sure that drinking water is safe at federal sites, including military bases, national parks and federal facilities.

Guidelines produced by the federal government, in partnership with provinces and territories, set the mandatory standards for drinking water at these sites.

It is mandatory within the federal jurisdiction but voluntary elsewhere. Ms G  linas went on to say:

Provinces also use these guidelines in different ways, ranging from general guidance to legally required standards.

Although a sound process is in place to develop guidelines for allowable contaminants in drinking water, it takes too long to develop and update these guidelines.

A process that should take two to three years often takes four to eight.

A backlog of guidelines on water contaminants may take 10 years to work through. This is not helped by a 20 per cent budget cut between 2002 and 2005 affecting the Health Canada unit tasked with developing the guidelines.

Federal responsibility also includes passenger trains, aircraft, and cruise ships that travel between provinces or internationally.

Health Canada inspects water on cruise ships and passenger trains, but not on aircraft. This means that Canadian travellers do not know for sure that the water used for drinking and food preparation on aircraft is safe.

In my five years as Commissioner of the Environment and Sustainable Development, I have seen uneven performance by the federal government in creating and implementing a sustainable development approach.

In response to her statement, Chief Phil Fontaine concurred and stated that at least 100 reservations have had bad drinking water and were under regular boil water advisories. In October 2004, another outbreak of E. coli hit the Kashechewan reservation in Northern Ontario. The government rushed to remedy the situation, shipping 26,000 litres of bottled water. We all saw that on nightly television. The chief said this water was not enough to reopen schools or even bathe the ill.

The *Globe and Mail* of the time, quoted Dr. Trussler, Chief of Staff of the regional hospital in Moose Factory:

“Because of the problems of E. coli, the level of chlorine in the water, which is routinely extremely high, had to be jacked up to shock levels.

“This has aggravated skin diseases, which are endemic at Kashechewan and dries the skin further, so there is more itching and scratching, which just spreads things like scabies and impetigo.”

He had examined children who, for more than a year, have had impetigo, a bacterial skin disease that can cause the formation of pustules and a thick yellow crust of skin, commonly on the face.

He had seen cases of gastroenteritis, probably due to E. coli, but this cannot be confirmed until testing is completed.

“We ran across a lady who reportedly had hepatitis A. This is a virus. We don’t normally screen for that. When we do a water sample, we look at E. Coli and coliform counts, but we don’t look for viruses,” Dr. Trussler said.

No one challenged those statements. The article goes on to state:

He said that when he asked about protecting people from hepatitis A, Ontario offered to provide 100,000 doses of a vaccine against it, but the federal government turned it down, saying there was no hepatitis A problem in Northern Canada.

“This is absolute rubbish. There are 100 native communities in Canada currently under a boil-water advisory. Any time you are under a boil-water advisory, there’s a probability you are going to run into hepatitis A sooner or later,” Dr. Trussler said.

The Hon. the Speaker: Honourable senators, it is six o’clock. Pursuant to rule 13, I must leave the chair and come back at eight.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Your Honour, I believe there is agreement on both sides that we not see the clock.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud’homme: For how long? Is this to the end of the agenda, or just to finish listening to the Honourable Senator Grafstein?

Senator Grafstein: I have another two or three minutes.

Hon. Bill Rompkey: Your Honour, if I could, I understand Senator Callbeck wishes to speak, and then I understand there are also some pro forma motions from committees that should not take up a great deal of time. With any luck, we can be out of here by 6:30 or so.

Hon. Eymard G. Corbin: That being the case, could I ask the leadership if they would give consent to allow committees that have been scheduled to sit at 5 p.m. to sit now?

Senator Prud'homme: No.

Senator Corbin: Thank you very much, Senator Prud'homme.

Hon. Terry Stratton: This has nothing to do with committees sitting. It has everything to do with, if you look at this side, the people in the chamber. Does the honourable senator wish to take more of us out of the chamber? I am sorry, but I cannot agree with the honourable senator's request.

Senator Corbin: What a way to run a country!

The Hon. the Speaker: I take it that leave is granted that we not see the clock, so therefore we will continue until adjournment.

Senator Grafstein: I thank honourable senators for their patience. I will try to be brief and wind up.

Honourable senators, I urge you to support this amendment at second reading to allow a Senate committee to examine in detail the costs and benefits of this remedial measure as soon as possible. The health of tens of thousands of Canadian men, women and children depend on it.

Honourable senators, while we can transport clean drinking water systems to stricken areas of the world, we still have not solved the problem of bad drinking water across the regions of Canada, particularly in our First Nation reserves.

The last government made a slow start. It was not enough then, and it is not enough now.

What do we know? Water is part of our daily existence. We are admonished to drink eight glasses of water every day to be healthy. What do we really know about the water we drink?

Statistics Canada was mandated to collect health data under the Great Lakes Health Effects Program. This study was terminated in 2000, when funding was withdrawn.

Since that time, we have not had comprehensive health data on the costs of bad drinking water to the health of Canadians. Further, appropriate federal and provincial departments of health have been reluctant to undertake critical research to determine the precise relationship of water-borne carcinogens and other compounds that could increase the risk of cancer and other diseases to Canadians.

We do know that cancer is on the increase to the Canadian population at large. However, we have not been able to research precisely the connection. Water is certainly a place to start.

What do we really know about water treatment? The health impact of water soluble, including solvents such as benzene, xylene and toluene, in drinking water plants is not fully researched. These are solvents in our existing water plants. Nor has the developmental impact on foetus of endocrine disruptors found the sources of drinking water that fall below safe health levels which, in turn, can result in increase risk of cancer and health risks and developmental risks to foetus.

Meanwhile, billions are being spent in our health system to alleviate the scourges of cancer and to determine cures. What about the cost to the health system and the families of developmentally challenged children who may have been damaged by their parents just from drinking bad water? We do not analyze how the prevention could save billions before our bodies are ravaged. We have the science. Let us put it to work.

I am indebted, honourable senators, to Sierra Legal Defence Fund and the Program on Water Issues at The Munk Centre for International Studies, Trinity College, for their previous assistance in clarifying some of the issues on this matter for me, and to many other experts who have passionately encouraged me to proceed.

Let us get on with the job, senators. Can we not agree to refer this matter to the Standing Senate Committee on Energy, Environment and Natural Resources without delay? They have done valuable work on this subject. They are prepared and they are ready. Please, let us move quickly to get this bill back to committee and then back to this chamber. I thank honourable senators for their attention.

On motion of Senator Comeau, debate adjourned.

• (1810)

HEALTH

MOTION URGING GOVERNMENT TO PROVIDE LONG-TERM END-OF-LIFE CARE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C.:

That

Whereas the federal government has a leadership and coordination role, and a direct service delivery role for certain populations, with regards to palliative and end-of-life care in Canada;

And Whereas only 15 per cent of Canadians have access to integrated, palliative and end-of-life care;

Be It Resolved That the Senate of Canada urge the Government to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and meets the needs of Canadians; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Comeau*)

Hon. Catherine S. Callbeck: Honourable senators, this motion stands in the name of Senator Comeau; however, he has agreed that I speak to it now and the adjournment will be in his name.

I am pleased to support the motion during this week, National Hospice and Palliative Care Week. I compliment Senator Carstairs for her ongoing commitment to improving palliative and end-of-life care for Canadians. The Senate has a history of producing high quality reports that have concrete effects on government policy. Palliative and end-of-life care is yet another example of an issue where the work of the Senate has had a large impact on public policy. Two Senate of Canada committee reports, the first in 1995 and the second in 2000, have served to emphasise the need for federal government action on palliative care. These reports focused national attention on the need for end-of-life care because they raised public awareness of the issue.

Senator Carstairs chaired the committee that authored the 2000 report and last June she tabled a third report entitled, *Still Not There*. The report recognizes the progress made on palliative and end-of-life care in Canada during the past 10 years and sets out 10 recommendations for the future. As noted in her report, Canadians are becoming increasingly aware of palliative care as an end-of-life care model for all ages, including children, and Canadians are demanding it. Polls show that in 1997, only 30 per cent of Canadians were familiar with palliative care. An Ipsos-Reid poll in December 2003 showed that 75 per cent of Canadians were familiar with palliative care, and 25 per cent of those surveyed reported that they or someone in their family had used hospice palliative care services.

Hospice palliative and end-of-life care has become more mainstream in my province. In fact, 2005 marked the twentieth anniversary of hospice palliative care in Prince Edward Island. In 1985, the Hospice Palliative Care Association, or Island Hospice Association as it was known then, was founded. Prince Edward Island designated eight beds for hospice palliative care at the Dr. Eric M. Fould Health Centre and contracted a physician to provide hospice palliative care. In recent years, Prince Edward Island has made great strides toward improving the care of palliative patients and their families. Palliative care is currently provided at a number of levels through home care, acute care, long-term care, the Provincial Palliative Care Unit, the cancer treatment centre and through volunteer support offered by the Hospice Palliative Care Association and other community-based organizations.

Integrated palliative care programs have been developed by the province and implemented across the province with very good results. The program model is based on the standards adapted

from the Canadian Hospice Palliative Care Association Standards document. This program model is also the recipient of a Health Council of Canada's Best Practices Award. The Health Council of Canada has identified the Prince Edward Island Integrated Palliative Care Program as one of six "best practices" from across Canada. The coordinated point of referral to the program through the Regional Home Care Program and the shared assessment tool intended to limit overlap and duplication for the patient and their family were instrumental in making this provincial program a best practice for all of Canada.

Currently, there are approximately 250 trained hospice volunteers operating out of four chapters across Prince Edward Island, who provide thousands of hours of care and support each year to between 150 and 200 Island families. These volunteers support the tireless work of health care professionals to offer quality end-of-life care to Islanders.

Another initiative that has led to improved palliative care services for Prince Edward Island is the ongoing hospice palliative care education through the Support Worker Train the Trainer Program. This program was developed by the Hospice Palliative Care Association in conjunction with the Canadian Hospice Palliative Care Association. This hospice support worker training program has been integrated into the Holland College curriculum as a permanent part of the Resident Care Worker course and the Licensed Practical Nursing course.

In addition, the Hospice Palliative Care Association Bereavement Support program provides service to family members of hospice patients identified as having difficulty coping with their loss. The Hospice Palliative Care Association of P.E.I. offers volunteer training and instruction designed to help the volunteer support the grieving family member and/or friend on a one-to-one basis or in group sessions. A directory of bereavement resources has been created for those who need to access specialized grief counselling.

Although there are more than 430 hospice palliative care programs listed by the Canadian Hospice Palliative Care Association on its website, most of those working in the field still estimate that no more than 15 per cent of Canadians have access to hospice palliative care. For children, that figure falls to 3.3 per cent, according to a recent Canadian Institutes of Health Research project. These figures rise dramatically in Prince Edward Island, where it is estimated that 50 per cent of patients who need hospice palliative care services are able to access these services. Figures show that in 90 per cent of these palliative care cases, the patients are suffering from cancer.

Although we have made significant advances in the past 20 years in providing palliative care in Prince Edward Island, there is a need for more growth. There is a need for us to use our resources wisely as a province and as a nation to ensure that Canadians who are dying have the quality of service they deserve.

Senator Carstairs' report, *Still Not There*, makes 10 new recommendations for improving palliative and end-of-life care, which can be grouped into five main themes: the need for a national strategy and for governments to make palliative and

end-of-life care programs a top priority in the restructuring of the health care system; the need for patient and caregiver support; the need for training and education for formal and informal health care providers; the need for public education and information; and the need for research.

These needs exist in P.E.I., just as they exist across Canada. As governments struggle to bring soaring health care costs under control, we must look to new and innovative solutions for the restructuring of our health care system. In Prince Edward Island, the coverage for medications, supplies, equipment and oxygen remains the responsibility of individuals if they are receiving their care at home. Research shows that patients prefer to remain at home and that the cost of providing care at home is less than in an acute care setting. However, due to the high cost of medications and equipment, patients are staying in the hospital to ensure that their medications and equipment are covered.

As family caregivers continue to assume a greater portion of the responsibility for health care and as more care is delivered in the home and in the community, programs such as the Compassionate Care Leave Benefit are essential. This benefit provides up to six weeks of paid leave under the Employment Insurance Program for a person to care for a terminally ill parent, spouse or child. There are still some issues surrounding access to that benefit so the federal government is evaluating it and, hopefully, will soon have an announcement.

Projects such as the Educating Future Physicians in Palliative and End-of-Life Care will educate new physicians, but in an integrated care team model such as we have in P.E.I., we also need to ensure that other members of the care team, such as nurses, social workers and pharmacists are educated in palliative and end-of-life care. As well, continuing education opportunities to train those who are already in practice are essential.

• (1820)

One of the biggest barriers to accessing palliative and end-of-life care services is a lack of public education and information on what services are available and how to access them. A national public information campaign that includes information on local services, advance-care directives and a compassionate care benefit would assist in increasing Canadians' access to services.

As palliative and end-of-life care have become more mainstream, the need for research into best practices, pain and symptom management, and socio-economic issues such as the physical, mental and economic impact on informal caregivers has also increased. In order to develop and disseminate best practices, ongoing research and the development of indicators for quality end-of-life care are required.

Honourable senators, because of the demographic pressure of the aging population, the demand by Canadians for integrated palliative and end-of-life care services is expected only to increase. According to Statistics Canada, in 2001, one in 8 Canadians was aged 65 years or older. By 2026, one in five Canadians will be 65 years of age or older, accounting for 8 million Canadians. As baby boomers age, the senior citizen population is expected to reach 9.2 million in 2041 and constitute 23 per cent of the

population. Our annual number of deaths is approximately 220,000. As seniors account for 75 per cent of deaths each year, this number is expected to rise significantly over the next 40 years until the demographic wave of the baby boom has disappeared.

It is estimated that by 2020 there will be 40 per cent more deaths than in 2003. This will increase demand for more capacity and improved access to quality end-of-life care in every province and territory.

It has been said that palliative and end-of-life care is not about dying; it is about living well until the very end. As policy makers, we need to be ready to address the growing need for quality palliative and end-of-life care so that Canadians can live well until the end, free from pain, with sufficient supports.

In closing, I wish to say that I admire and respect the people who work in and are involved in palliative and end-of-life care. That is one of the most important jobs in the world because one of our most sacred goals as a society must be to ensure that people who are nearing the end of their lives can do so in comfort and dignity.

The Hon. the Speaker: Is it agreed, honourable senators, that the adjournment of the debate remain in the name of Senator Comeau?

Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Gerry St. Germain, pursuant to notice of April 25, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Gerry St. Germain, pursuant to notice of April 25, 2006, moved:

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

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

[English]

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Consiglio Di Nino, pursuant to notice of April 25, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Consiglio Di Nino, pursuant to notice of April 25, 2006, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lise Bacon, pursuant to notice of April 27, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon, pursuant to notice of April 27, 2006, moved:

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

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the Committee submit its final report no later than December 31, 2007.

Hon. Bill Rompkey: Senator Grafstein might want to give us a brief explanation of his motion.

Senator Grafstein: This motion is the normal form. It allows the Senate committee to hear evidence from time to time. For example, tomorrow we have asked the Governor of the Bank of Canada to attend upon us, which he will in his normal practice, and we welcome that. The motion allows the committee flexibility to deal with general questions as opposed to specific questions. We have done this in the past.

Hon. Terry Stratton: I hope that the committee will not travel the world on the basis of this motion.

Senator Grafstein: No, that is not the intent.

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

Hon. Senators: Agreed.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

That the Standing Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED
TO CONTINUE STUDY ON CONSUMER ISSUES
ARISING IN FINANCIAL SERVICES SECTOR

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on consumer issues arising in the financial services sector. In particular, the Committee shall be authorized to examine:

- the impact of federal legislation and initiatives designed to protect consumers within the financial services sector;
- the role, corporate governance structure and effectiveness of agencies (including supervisory/regulatory and self-regulating), ombudspersons and others who play a role with respect to consumer protection and the supervision of the financial services sector;
- consumer credit rates and reporting agencies; and
- other related issues;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2006, and that the Committee retain until July 31, 2006 all powers necessary to publicize its findings.

Hon. Gerry St. Germain: Honourable senators, I have a question of Senator Grafstein. This reference appears similar to a private Senate bill that was presented by Senator Plamondon.

Will the committee be investigating usurious interest rates in its study?

• (1830)

Senator Grafstein: We have already completed our studies. Senator Plamondon was on the committee. We have a draft report. We require the committee to review the draft report and the evidence, to submit it.

Senator Plamondon's bill was separate and distinct from this report. Some of the general policy issues may be in this report, but that is subject to the committee reviewing that. Essentially, this report is really a completion of a study that we had already completed. The draft report is available. It has to be vetted by the committee and hopefully approved in some amended form.

The Hon. the Speaker: Is there any further debate? Senator Comeau?

Hon. Gerald J. Comeau (Deputy Leader of the Government): My question is related to this order of reference, but I note that there are two other orders of reference requested by the committee. I wanted to find out whether any consideration had been given, once these orders of reference make it to the Internal Economy Committee, as to whether there will be a whole bunch of budgets that Internal Economy will have to look at. There are a number of orders of reference here, and we want to find out whether there will be all kinds of budgets being requested.

Senator Grafstein: I do not believe so. If you take a look, honourable senators, at the budgets of the committee since I have been the chair, you will understand that our committee has been the most frugal of any of the committees, based on the impact we have made in terms of our reports. We are not spenders. We have respect for the taxpayers' dollars.

We will not expend the Senate's money excessively and there is nothing hidden here. This is the normal course and is nothing for any senator to be concerned with. If senators are concerned, they can address that when we present our budget.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I want to express my regret, as Senator Plamondon will be leaving us on September 21. She is a great defender of Quebec's consumers and she was not asked to sit on the Banking, Trade and Commerce Committee. The selection committee, in its wisdom, thought it best to ignore her clearly expressed desire to sit on that committee to try to have at least one last chance.

[English]

At this time, I would like to make an appeal to either side, if perhaps something could be done to allow her to at least have a last chance to talk about the things that are so important for her.

I would like to bring to your attention the following: She intends to be extremely active when she retires. I can tell you, knowing her, as you all do, that it is something that she will remember, the fact that she could not sit on the committee at least until September 21.

I want to be on record.

[Translation]

Pardon me, madam, but if we need to sit in the evening, then I am absolutely prepared to do so. I have no objection. I can sit night and day, all week long. If that bothers anyone here, then they need only step down.

[English]

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.

COMMITTEE AUTHORIZED TO CONTINUE STUDY
ON ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades; the implications of that change for Canada's economy, labour market and retirement income system; and federal actions that could be taken to ensure that any implications of future demographic change are, to the extent possible, properly addressed;

That the papers and evidence received and taken on the subject during the Thirty-eighth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than June 30, 2006.

Motion agreed to.

COMMITTEE AUTHORIZED
TO CONTINUE STUDY ON ISSUES DEALING
WITH INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein, pursuant to notice of April 27, 2006, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade, in particular:

- the interprovincial trade barriers that exist;

- the extent to which interprovincial trade barriers are limiting the growth and profitability of the affected sectors as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and

- measures that could be taken by the federal and provincials governments to facilitate the elimination of such interprovincial trade barriers in order to enhance trade and develop a national economy; and

That the Committee submit its final report no later than October 31, 2006.

Motion agreed to.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Bill Rompkey, pursuant to notice of April 27, 2006, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Bill Rompkey, pursuant to notice of April 27, 2006, moved:

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

Motion agreed to.

The Senate adjourned until Wednesday, May 3, 2006, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(May 2, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Michael D. Chong	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 2, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuuujuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(May 2, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	Conservative
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(May 2, 2006)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Madeleine Plamondon	The Laurentides	Shawinigan
18 Roméo Antonius Dallaire	Gulf	Sainte-Foy
19 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
20 Dennis Dawson	Lauzon	Ste-Foy
21 Yoine Goldstein	Rigaud	Montreal
22 Francis Fox, P.C.	Victoria	Montreal
23 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
5 Wilfred P. Moore	Stanhope St./Bluenose	Chester
6 Jane Cordy	Nova Scotia	Dartmouth
7 Gerard A. Phalen	Nova Scotia	Glace Bay
8 Terry M. Mercer	Northend Halifax	Caribou River
9 James S. Cowan	Nova Scotia	Halifax
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon.	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of May 2, 2006)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	Gill,	* LeBreton,	Sibbeston,
Dyck,	Gustafson,	(or Comeau)	St. Germain,
* Hays,	Hubley,	Lovelace Nicholas,	Watt,
(or Fraser)		Peterson,	Zimmer.
		Segal,	

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton, (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Callbeck,	* Hays,	* LeBreton,	Oliver,
Christensen,	(or Fraser)	(or Comeau)	Pépin,
Fairbairn,	Gustafson	Mahovlich	Peterson,
		Mercer,	Segal,
		Mitchell,	Tkachuk.

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton, (or Comeau), Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	* Hays,	Harb,	Massicotte,
Banks,	(or Fraser)	Hervieux-Payette,	Meighen,
Biron,	Goldstein,	* LeBreton,	Moore,
Eyton,	Grafstein,	(or Comeau)	Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton, (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Angus,	Fox,	Kenny,	Milne,
Banks,	* Hays,	Lavigne,	Sibbeston,
Carney,	(or Fraser)	* LeBreton,	Spivak,
Cochrane,	Hervieux-Payette,	(or Comeau)	Tardif.

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne, *LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.*

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Adams,	Cowan,	* Gill,	* LeBreton,
Baker,	Forrestall,	Hubley,	(or Comeau)
Campbell,	* Hays,	Johnson,	Meighen,
Comeau,	(or Fraser)		Rompkey,
			Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson, *LeBreton, (or Comeau), Meighen, Rompkey, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator

Deputy Chair: Honourable Senator

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton,	Segal,
Corbin,	* Hays,	(or Comeau)	St. Germain,
Dawson,	(or Fraser)	Mahovlich,	Smith,
De Bané,		Mercer,	Stollery.
		Merchant,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser), *LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Nancy Ruth,
Carstairs,	(or Fraser)	(or Comeau)	Pépin,
Dallaire,	Kinsella,	Lovelace Nicholas,	Poy.
		Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Chaput,	Furey,	Kenny,	Nolin,
Comeau,	* Hays,	Keon,	Poulin,
Cook,	(or Fraser)	* LeBreton,	Smith,
Day,	Goldstein,	(or Comeau)	Stratton.
Di Nino,	Jaffer,	Massicotte,	

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C (or Fraser), Jaffer, Kenny, Keon,
LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk	Furey,	Joyal,	Nolin,
Baker,	* Hays,	* LeBreton,	Oliver,
Bryden,	(or Fraser)	(or Comeau)	Ringuette,
Cools,	Jaffer,	Milne,	Rivest.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

*Original Members agreed to by Motion of the Senate
Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.*

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Cools

Honourable Senators:

Biron,	Forrestall,	* LeBreton,	Nancy Ruth,
Cools,	Fox,	(or Comeau)	Ringuette,
Cowan,	* Hays,	Mitchell,	Rompkey.
Day,	(or Fraser)	Murray,	
Eggleton,			

*Original Members as nominated by the Committee of Selection
Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Atkins,	Day,	Kenny,	Meighen,
Banks,	Forrestall,	* LeBreton,	Moore,
Campbell,	* Hays,	(or Comeau)	Poulin.
	(or Fraser)		

*Original Members as nominated by the Committee of Selection
Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton, (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS**(Subcommittee of National Security and Defence)****Chair: Honourable Senator****Deputy Chair: Honourable Senator****Honourable Senators:**

Atkins,	* Hays,	* LeBreton,	Meighen.
Day,	(or Fraser)	(or Comeau)	
Forrestall,	Kenny,		

OFFICIAL LANGUAGES**Chair: Honourable Senator Chaput****Deputy Chair: Honourable Senator Champagne****Honourable Senators:**

Champagne,	* Hays,	* LeBreton,	Plamondon,
Chaput,	(or Fraser)	(or Comeau)	Robichaud,
Comeau,	Jaffer,	Losier-Cool,	Tardif,
			Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT**Chair: Honourable Senator Di Nino****Deputy Chair: Honourable Senator Smith****Honourable Senators:**

Andreychuk,	Cordy,	* LeBreton,	Robichaud,
Bryden,	Di Nino,	(or Comeau)	Smith,
Carstairs,	* Hays,	Losier-Cool,	Stratton,
Cools,	(or Fraser)	McCoy,	Tardif.
Corbin,	Joyal,	Mitchell,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton, (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable

Vice-Chair:

Honourable Senators:

Biron,	De Bané,	Harb,	Nolin.
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate
Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Austin,	Cook,	* LeBreton,	Stratton,
Bacon,	Fairbairn,	(or Comeau)	Tkachuk.
Carstairs,	* Hays,	Oliver,	
Champagne,	(or Fraser)		

Original Members agreed to by Motion of the Senate
Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
**Hays (or Fraser), *LeBreton, (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck,	Cordy,	* Hays,	* LeBreton,
Champagne,	Eggleton,	(or Fraser)	(or Comeau)
Cochrane,	Fairbairn,	Keon,	Pépin,
Cook,	Forrestall,	Kirby,	Trenholme Counsell.

Original Members as nominated by the Committee of Selection
Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
**Hays (or Fraser), Keon, Kirby, *LeBreton, (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS**Chair: Honourable Senator Bacon****Deputy Chair: Honourable Senator Tkachuk****Honourable Senators:**

Adams,	Eyton,	* LeBreton,	Munson,
Bacon,	* Hays,	(or Comeau)	Phalen,
Carney,	(or Fraser)	Mercer,	Tkachuk,
Dawson,	Johnson,	Merchant,	Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton, (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator****Deputy Chair: Honourable Senator****Honourable Senators:**

Andreychuk,	* Hays,	Joyal,	Nolin,
Day,	(or Fraser)	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton,	
Fraser,		(or Comeau)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton, (or Comeau), Nolin, Smith,*

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